

Hansard

Debate on Criminal Code Amendment Bill 2008

Covering mandatory sentencing for people who assault public officers

17 March 2009

DR M.D. NAHAN (Riverton) [7.49 pm]: It is my pleasure to stand in defence of the police, to represent my community, and to defend and support this bill. The issue we deal with in this bill is a fundamental one to the rule of law. It is a very basic principle: that the people we send out to enforce the law—the police and others—must be protected from physical abuse.

That is the bottom line of the issue we are trying to deal with. If we do not, criminals will use abuse to bias the law. Large sections of the community will be quarantined from the rule of law; they will be left out, and there will be no-go zones. We will also lose the capacity to have people enforce the law for us, whether policeman, judges, prison guards or others.

This was a long-recognised principle for many years, but in recent times we have lost sight of this principle. We have heard stories from all members; unfortunately there are many in the community who, as a result of an excess of relativism, think the police are no better than the criminals.

The crux of this issue is that the judiciary has also lost sight of this principle, and when we lose sight of this principle, we lose a very important value and institution in society. The basic issue that we are trying to deal with—the decline of morals in society—cannot be dealt with by this bill alone; there are a range of issues we have to deal with.

However, the issue of mandatory sentencing is the issue that we are confronting with this bill, and we should deal with it today and not waffle and procrastinate. Let us deal with it; there are many other issues that we in this house will have to deal with.

The fundamental issue is: should we remove the discretion of the judiciary in terms of sentencing people who have physically abused police? The member for Mindarie raised two issues that are very important. We must approach this with caution; removing the discretion of the judiciary will remove a fundamental precept of our judiciary and the rule of law.

We have to be very careful about that. As the member for Mindarie said, and as we all know, reality is often stranger than fiction. We all see evidence of this in our electorates. The member for Mindarie also asked to be shown the data and the evidence. I will very quickly and briefly present four pieces of evidence.

Firstly, there are the case studies. The overall evidence shows that on average, four cops are bashed every day; that is hard data. Secondly, in his second reading speech the Attorney General presented four case studies, which quite clearly revealed that people who bashed cops had received inadequate sentences.

The member for Jandakot presented other evidence. In common with other members, I meet with the police in my electorate all the time. They are an essential part of the glue that holds our society together, they are well informed and they are at the front line. In my long history of examining issues, one talks to the people on the front line, because they know.

They are on the front line to enforce the rule of law, and they are the ones who are being abused. They are absolutely adamant that this is the bottom line: protect us, so that we can help protect you.

Finally, I listen to my electorate, just like the member for Mandurah. I will not read them out, but I received some emails. In fact, I received more than I thought I would. They were expressions of frustration, expressions of the desire to do something, and expressions of anger at a case that we cannot really directly address with this bill. Nonetheless, the emails were clear-cut: people want us to protect the police by removing the discretion of the judiciary. I urge members opposite to remember the member for Mindarie's warning: do not widen this too far.

The McLeod case is another issue, which I will not deal with at length, but all of us are frustrated about it, as is the community. One of the central principles of the bill before us is to send a signal to people who might find themselves in a confrontation with the police: do not touch them; do not harm them, or the full weight of the law will fall upon you and you will be put in prison. Sometimes people might get off, but this bill will make the signal stronger, so it will help.

I also want to discuss how wide this legislation should be. Again, I think the member for Mindarie made a good point when he said that we should not widen it too far. Concern in the community for the police is overwhelming; logically, it should also apply to other people who enforce the law in difficult positions, such as prison guards, transit police, and perhaps ambulance drivers. I have struggled with the last one, but I have been convinced that ambulance drivers have to be involved in melees in tandem with the police.

In common with other members, I speak at schools. As the member for Mandurah said, we all share this issue; it is not a political issue. Teachers have repeatedly told me that teaching is one of the few professions where people are abused at the workplace. However, it is a different situation; most schools are hopefully not like the scenes that police attend—the ones in my community are not—the abuse is usually verbal abuse, and there are remedies for it, other than legislative remedies.

We should not widen the legislation. Nurses are often confronted by mad drug people in emergency rooms, but those people are usually accompanied by police, and the police are the guardians, rather than the nurses.

There are wider issues in the community of the decline of morals and physical abuse, but the problems we must concentrate on are those that confront the police and the people who are directly required by us to stand on the front line, defend us, and impose the rule of law. I urge members to support this bill.