

LEGISLATIVE COUNCIL

Wednesday 30 May 2007

STATUTES AMENDMENT (GANGS) BILL

The Hon. A.M. BRESSINGTON obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988; the Summary Offences Act 1953; the Summary Procedure Act 1921; the Young Offenders Act 1993; and the Youth Court Act 1993. Read a first time.

The Hon. A.M. BRESSINGTON: I move:

That this bill be now read a second time.

I have had this piece of legislation drawn up to try to address the problem that we are experiencing with gangs. There has been enough in the media to verify the fact that there are youth gangs roaming the streets—

The Hon. Nick Xenophon interjecting:

The Hon. A.M. BRESSINGTON: I would prefer to use the word `gang' rather than `group', because at least the public then knows what we are dealing with. These gangs are not playful, and they are certainly not just out to have a good time. We have seen in the newspaper in recent days that they are targeting the average citizen, the reasonable citizen, who is minding their own business; they are being dragged out of cars and assaulted. Property damage has been one of the targets of these little urban terrorists, and I think it is about time that parliament looked to take this problem in hand legislatively and support the police to do their job.

This bill will give the police the ability to seek curfew orders against known gang members and restrict the hours that they can be out on the streets. I suppose that would require a level of local community police knowledge of these people who are connected to these local gangs. I know that out at Elizabeth it is the RTS gang, and they still have not been curbed. I raised this some eight months ago in parliament and their behaviour still has not been curbed. There are people out there who actually live in fear. I know of at least 30 to 35 elderly people who have had bars put on their homes and, at 4 o'clock in the afternoon, they go inside, they close the windows, they lock the bars and they do not leave that house after 4.30 in the afternoon. They just will not go out.

The freedoms that we all have worked and fought for so hard over the years are gradually being taken away from us by people I refer to as urban terrorists. We can sit and lament about the fact that they have had a really bad childhood or, as Mr Francis said on TV last night, they had Weet-Bix for breakfast instead of Corn Flakes, or whatever the problem is. However, personal responsibility has to come into this at some stage. If they do not get the sort of supervision and whatever that they need at home to help them develop strong community values, then it is up to the parliament and to the police to remove these people when need be and let them experience some consequences for their actions.

I have included in this measure a definition of what is a criminal gang. Basically, I have taken this definition and had it modified just a little to line up

with the federal government's definition of a terrorist. Obviously, they are not firing rocket-launchers or driving tanks down the main street—yet—but we can all look forward to that in time. The word `terrorist' means to terrorise and that is exactly what these groups in all areas are doing. We now seem to have select gangs for select areas, and it is becoming racial. When this was brought to my attention, I was asked by the media whether this was an interracial thing, and it was not, but it is now.

We have groups called Middle Eastern Boys. I will not name some of the others because they are not fit to go over the airwaves, but we have an Aboriginal gang, the Gang of 49. We have ethnic gangs, Vietnamese gangs, Asian gangs, and it is fast becoming a gangland situation. We have also had from the police an admission that these gangs are supervised, if you like, or recruited by illegal motorcycle gang members. I know of three members of the RTS gang who have just graduated to get their colours with the Hells Angels. They started out in Elizabeth at the age of 13 and 14 in this RTS gang, and now they are members of an illegal motorcycle gang.

I have also moved to give police special powers in relation to criminal gangs, and police officers can stop, search and seize. They can detain these gang members if they are loitering in a public place and causing a nuisance. I know that there is concern that some youth groups may be caught up in this net, but I stress that, unless it is obvious that these members are troublesome, that they are causing concern to members of the general public, the police do not have the right to detain but they do have the right to search and seize.

I know that this is going to get the civil libs upset because it concerns minors—and God forbid we should search minors—but let us remember, as I saw for myself, these kids are armed and they are sanctioned to carry hand guns. Not only do they carry hand guns, they carry machetes, screwdrivers and knives. So, giving police the power to search and seize under these circumstances, to remove these people from the streets and perhaps even charge them for illegal possession of weapons, cannot do the community at large any harm whatsoever.

Also included in this legislation are antisocial behaviour orders, which will be served on people who have not actually progressed to crime but who are destructive and mischievous within the community. These antisocial behaviour orders are quite specific in how they work, but I will not go through that now because that will be for debate further on. However, I did note that Assistant Commissioner Tony Harrison said that research in Great Britain has shown that gang members start to use the antisocial behaviour orders as a badge of honour—once they have an order against them they progress up through the ranks of the gang—so I have made the recommendation that anyone who has an antisocial behaviour order placed against them be given menial tasks. These could be things such as, perhaps, cleaning public toilets with a tooth brush or picking up doggie do from the park—nothing that gives any sort of glory—to basically bring into perspective the value to our community of these people behaving the way they were and to make it clear that the community demands a change. There are orders in here for community service that could actually be determined by the local council for anything that needed to be dealt with in the

area in which the person lives, and that would also make it easier for them to access where they are supposed to be doing their community service.

There are also parental responsibility orders in here. This covers parents' responsibility to rein in their children when they are not offering anything useful to the community and, at the end of the day, it makes parents responsible for the behaviour of their children. However, it is a sad but true fact that there are parents out there who just cannot be responsible; on the other hand there also parents out there who want to be responsible but who are not being supported to do so. This legislation will serve to address both sides of the parental scale. If parents actually want to assume responsibility for their children and their children's behaviour the curfews will be put in place, the antisocial behaviour orders made, and gang members defined—and parents are included in those antisocial behaviour orders in the process of monitoring their children's behaviour. As I said, sadly, there are also some parents (and I do believe they are the minority) who do not want to take responsibility for their children's behaviour socially or publicly. They themselves would be put on a parental order and would be required to attend parenting classes or perhaps even be investigated for substance abuse, child abuse or neglect.

So, this is a pretty broad piece of legislation, which I am sure will promote rigorous debate in the council. However, I also note that the Hon. Isobel Redmond from the other place mentioned on the radio this morning that about three years ago the Liberal Party put up a bill for an amendment to the Bail Act, I believe. That particular piece of legislation contained antisocial behaviour orders, and the Hon. Ms Redmond was discussing that on the radio when she was talking about the gang of 49. I do not think this bill is too far off the mark in terms of what people in this place—government or opposition—would aspire to in order to rein in what really is a plague we are suffering out there at the moment. It will send a very clear message that enough is enough. I commend the bill to the council and look forward to its progression and the debate.

The Hon. D.G.E. HOOD secured the adjournment of the debate.