THE PRESIDENT (Hon Kate Doust) took the chair at 1.00 pm, read prayers and acknowledged country.

FERAL ANIMAL MANAGEMENT

Statement by Minister for Agriculture and Food

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [1.02 pm]:

Ongoing dry conditions right across the pastoral lands have led to an invasion of camels seeking water and food. Pastoralists are telling us that they are struggling to manage the impacts of these camels on their properties. These animals are in alarmingly poor condition. In high numbers, camels can damage fences and watering points and they compete with cattle for feed, which can cause animal welfare issues, particularly due to feed shortages in dry seasons. They also pose a threat to native flora and fauna.

Our government is today responding by committing an additional $250 000 to support the state’s pastoralists to address feral animal management. Dry season response grants of up to $50 000 will be available to the five recognised biosecurity groups in the pastoral region for the management and control of large feral herbivores, which include the declared pests of camels, horses and donkeys. The grants are in addition to the existing funding the state government provides to the recognised biosecurity groups to manage all priority declared pests in the regions. The pastoral RBGs represent pastoralists across the Kimberley, Pilbara, Carnarvon, Meekatharra and goldfields regions. The Department of Primary Industries and Regional Development will be working directly with each of the groups to administer the grants. Landholders are required to control declared pests on their properties, but we recognise that these are exceptional circumstances so we are stepping in to assist. Feral animal culling is always an emotional issue, but this step needs to be taken for ecological, economic and animal welfare reasons.

In the longer term, DPIRD is developing a statewide strategic plan for the effective management of large feral herbivores in Western Australia. DPIRD has finalised targeted consultation with the key Western Australian stakeholders, including the recognised biosecurity groups that contributed their knowledge and expertise to the development of the framework and solutions. A preliminary draft of the strategy is being prepared by DPIRD officers. It is anticipated that the draft will be completed midyear.

DRUG AWARE PROGRAM

Statement by Parliamentary Secretary

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [1.04 pm]: I would like to provide an update to members about the Drug Aware public education program. The Drug Aware program forms part of the McGowan government’s statewide framework of educational strategies designed to prevent, delay and reduce illicit drug use in Western Australia. It is delivered by the Mental Health Commission, in partnership with Curtin University. Drug Aware aims to help young people make informed decisions about drug use and related behaviour by providing them with credible and evidence-based information.

This year, three Drug Aware public education campaigns are scheduled. The Medix harm reduction campaign aligns with the music festival season and has been running since November 2018. This campaign seeks to reduce drug-related harm at higher risk music events by arming event patrons with information at festivals and encouraging patrons to enjoy the music and have fun without illicit drugs. The campaign will conclude on 11 May 2019.

The final burst of the successful Meth Can Take Control campaign concluded on 16 March 2019. Targeting 17 to 25-year-olds who are at risk of methamphetamine use or trying it, Meth Can Take Control seeks to prevent and reduce methamphetamine use by increasing awareness and knowledge of its potential health, social and legal consequences. Encouragingly, since the campaign started, more people experiencing problems with their own use or someone else’s use have sought support for their problem.

Thirdly, the Real Facts campaign promotes the Drug Aware website as a source for young people seeking accurate information about drugs and links them with information on the potential health, social and legal consequences of drug use. The media activity will run from mid-May until the end of June 2019.

These Drug Aware campaigns are another example of the McGowan government’s commitment to reducing alcohol and other drug-related harm in our community.

PAPER TABLED

A paper was tabled and ordered to lie upon the table of the house.

ELECTORAL AMENDMENT (TICKET VOTING AND ASSOCIATED REFORMS) BILL 2019

Notice of Motion to Introduce

Notice of motion given by Hon Alison Xamon.
TOBACCO PRODUCTS CONTROL AMENDMENT REGULATIONS 2019 — DISALLOWANCE

Notice of Motion

Notice of motion given by Hon Aaron Stonehouse.

PALLIATIVE CARE

Notice of Motion

Hon Jim Chown gave notice that at the next sitting of the house he would move —

That this house —

(a) notes that access to inpatient specialist palliative care is limited and that this state has the lowest number of publicly funded inpatient palliative care beds per head of population;

(b) acknowledges that access to hands-on inpatient and community-based specialist palliative care is limited for metropolitan and non-metropolitan patients;

(c) considers that access to specialist palliative care in the early stages of a diagnosis might improve remaining quality of life, mood, resilience and symptom management, and allow for death in the patient’s preferred location;

(d) observes that more can be done to promote understanding of palliative care in the community to ensure that all patients who could benefit from palliative care are receiving it, and that community palliative care is easily accessible for all patients at end of life who wish to die at home; and

(e) calls on the government to ensure that palliative care is funded to meet demand.

CASHLESS DEBIT CARD TRIAL

Motion

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [1.09 pm]: I move —

That this house —

(a) notes the operation of the cashless debit card—CDC—in the East Kimberley and goldfields regions of Western Australia;

(b) recognises the positive social, health and financial impacts of the trial;

(c) notes the strong community support for continuation of the trial; and

(d) supports further expansion of the trial in Western Australia and calls on the current and future federal governments to maintain support for the cashless debit card.

I am pleased to rise today to move this motion and I look forward to the debate in the chamber and hearing the views of members, and certainly the government, on a cashless debit card. The role of a cashless debit card is to quarantine 80 per cent of welfare recipients’ income so that it cannot be spent on alcohol or gambling, or be withdrawn as cash. The other 20 per cent is deposited into a bank account to allow the recipient to make cash withdrawals. It is acknowledged that the cashless debit card is not a silver bullet, and I am certainly not suggesting that today. However, it is a powerful tool that should be adopted to empower people to lead healthy and prosperous lives. That is the aim and the desired outcome of a cashless debit card.

This is an exceptionally important topic for the chamber to debate. For many years in this chamber we have debated and discussed the disparity of lifestyle of the lower socioeconomic and Aboriginal people in our community. I do not doubt that we are all here because we want to be part of the solution to make a positive change in that area. This issue transcends political parties and their differences. It is a community and social issue.

When I talk about the cashless debit card, I am not talking about the system; I am talking about the people who use the cashless debit card and helping them maintain a healthy and prosperous lifestyle. I am talking about mothers, fathers, children, aunts and uncles. They are important and loved members of our community, and they are wanted and needed. We have all seen the media reports of the conditions in which people live in some of our remote communities and in our communities generally, including some of our regional towns and cities. We have all seen reports on the substandard housing conditions, the lack of fresh food and, in quite a few cases, the lack of fresh water, and the terrible amount of addiction and violence that occurs as a result. I would like members to take a moment to think about how we would feel if it were our family member caught in that spiralling situation. We would expect members of Parliament and this government to step in and be part of the solution. People who feel ignored by government would be feeling heartbroken, angry and resentful. People out there are feeling those things. The cashless debit card is a way that the government has decided to step in and assist those families. Those families want things to change and improve, and I think we all do too.
The Mining and Pastoral Region, which I represent, is a very large electorate. Unfortunately, in my travels around the electorate I see the many ways addiction impacts the communities I represent. I was very pleased to see the rollout of the cashless debit card system in the East Kimberley on 26 April 2016 and in the goldfields region almost exactly a year ago, on 26 March 2018. I was pleased to see that phased implementation in the goldfields region in my electorate. The goldfields community wanted the cashless debit card system to be introduced. The community in the Pilbara electorate was also pleading with the federal government to include the Pilbara in the trial. That community missed out but the trial was awarded to the goldfields.

Currently, 1,347 participants are in the East Kimberley trial and 2,995 are in the goldfields trial. Both regions were chosen based on a number of factors, but to my mind the most important was that there was community support to embrace the trial. It is vital with any program that the government funds and implements that there is on-the-ground, grassroots community support. When I say community support, I mean that there are leaders in the community who support it. It takes a small but mighty few to spark change in these communities, and that is what we have seen. That small and mighty few, the leaders in those communities, have a much better chance of creating change than government bureaucrats, because they are recognised and respected in their communities.

I think it is fantastic that this program in particular is community-led and has community support. It is one of the reasons that the program has been successful to date. We need to recognise the attempts made to support the community prior to the introduction of the cashless debit card and which are ongoing. We need to recognise the strategies that have worked and the strategies that still need some work done to ensure that they are achieving positive outcomes. The collection of qualitative baseline data we have seen has provided us with some guidance in this area on the goldfields and East Kimberley trials.

I quote a section of the report “Cashless Debit Card Baseline Data Collection in the Goldfields Region: Qualitative Findings” released in February this year, which details the social harm observed in the goldfields prior to the introduction of the cashless debit card. The report states —

There were two main ways in which the social harm evident in the Goldfields region was being tackled prior to the CDC. This was via support services and other interventions, such as the alcohol accord and increased policing. However, the majority of respondents indicated that there were a number of factors that impinge on the effective delivery of services within the Goldfields and considerable service gaps were reported to be present. Many respondents also questioned the effectiveness of the other current interventions that aimed to address social harm which were operating within the region.

As a consequence, a need for additional measures to curb the social, welfare and economic issues evident within the Goldfields region was reported by respondents. The CDC was seen by many stakeholders as being a potentially appropriate and positive option to address these issues. However, concerns were also expressed that in isolation the CDC policy was insufficient to address the entrenched issues present within the Goldfields. Some respondents reported that, in order to be fully effective, the CDC needed to be part of a suite of policies and programs such as enhanced health and community services, improved housing, greater policing and alcohol management.

Respondents also identified certain groups of people for whom the CDC was working well …

The CDC was perceived to be working better for those with previous experience of income management systems, and people who were technologically literate. We need to see the cashless debit card as the financial counselling tool that it was intended to be. We also need to acknowledge the wraparound services, such as the shopfront locations put in place to assist in the initial rollout and administration of the card in the goldfields. This has been very helpful to those who have limited literacy and technological skills and also limited involvement in income management systems. We all recognise that adapting and adjusting to any system is difficult and people are averse to change. Providing those systems to assist people while they go onto the cashless debit card is a good thing and should continue to happen. It is a different way of managing one’s lifestyle. The growing evidence cannot be denied. The cashless debit card is an enabling tool. It enables children and families to regain hope. It encourages people to aspire to live a healthy and meaningful life. Enabling families to feed their children, see them attend school and enjoy functional relationships is meaningful change, and something that I support.

I would like to take a moment to be clear about the purpose of the cashless debit card, as outlined by the federal Department of Social Services in its 2017 report titled “Cashless Debit Card Trial Evaluation: Final Evaluation Report”. It states —

The Cashless Debit Card Trial … aims to reduce the levels of harm underpinned by alcohol consumption, illicit drug use and gambling by limiting Trial participants’ access to cash and by preventing the purchase of alcohol or gambling products …

That is what the cashless debit card will assist families to do. It is not intended as a punishment tool; it is intended to reduce harm. We need to keep that in mind as we look into the research that has been done to evaluate the trials.
It is important to note that the data collected in the initial and interim evaluation periods conducted in the East Kimberley and Ceduna in February 2017 had a much higher proportion of negative responses than those given in the final report, which was released in August 2017. I do not think that is surprising. Many people reported in that first evaluation report that they felt worse off under the cashless debit card. They were still upset at its implementation. However, given time to get used to this system and its implementation, and to personally feel the effects that that change made in their lives and in the lives of their families, the second evaluation report was much more positive. As I said, children are fed and clothed, and attending school, and people are paying their rent and even saving money. The cashless debit card is doing exactly what it was designed to do.

I also make the point that it is very early in the trial phase. We are talking about multigenerational change in families that have been living with addiction, violence and gambling issues. The trial needs time to roll out to continue to support generational change. I make that point because it would be exceptionally disappointing in my view for any federal government to make the decision to cease those trials prior to doing any full and valuable evaluation, and seeing that generational change. That would be an exceptionally poor outcome. It would be letting down those families that have already started to see positive change.

The East Kimberley has been evaluated twice since the rollout. The first evaluation report was in February 2017 and the second one was not too long after that, in August 2017. For my purposes today I will focus on the August 2017 evaluation report because it gives a more fulsome report as people had time to adapt to the changes. The information that I will talk about now comes directly from the August 2017 evaluation report. Forty-three per cent of respondents reported drinking less alcohol than they did before the trial. In Kununurra and Wyndham, lower levels of alcohol-related harm were indicated by decreases in alcohol-related pick-ups by community patrol services; fewer people were observed intoxicated in public; more people were seeking medical treatment for health conditions; the number of presentations at medical facilities for alcohol-related injuries decreased; and there were fewer sales of alcohol noted in the community. Since being on the trial, 61 per cent of participants reported gambling less; 53 per cent of participants reported spending less on illegal drugs; 45 per cent of participants reported that they had been able to save more money than before; and 40 per cent of respondents reported that they had been better able to care for their children. I repeat: 40 per cent of respondents were better able to care for their children.

An interesting outcome is that Indigenous participants were more likely to indicate that their lives were better under the trial—26 per cent of Indigenous participants reported that, compared with just 15 per cent of non-Indigenous participants. Members often lose sight of the fact that people believe the cashless debit card is for Aboriginal people and Aboriginal communities—it is not. It is for welfare recipients in communities in which the trial is being conducted.

I am going to run out of time today. This is an exceptionally important issue. It is important to note that in the communities that have taken part in these trials there has been strong support from community leaders to have a trial in their region. Of the areas that have been evaluated to date, initial data collection was the most negative. There is evidence to suggest that people found the initial implementation of the card tricky to negotiate but, over time, have adjusted to that. Now we are seeing more positive sentiments.

There has been a lot of recent media commentary on the cashless debit card, particularly in the goldfields region. I think that concern has come from the fact that Bill Shorten, the Leader of the Australian Labor Party, has suggested that he would end the trial in the goldfields region. The Mayor of the City of Kalgoorlie-Boulder has publicly written to Bill Shorten to say, “Please come and visit us because we want you to understand specifically how important the cashless debit card has been to the people of the goldfields region.” I have been told by people in the goldfields region that they want the card expanded into other areas of the goldfields. The reason is that people from outlying areas of the goldfields region who are not involved in the trial come into Kalgoorlie and actually get stuck there and cannot return home; and then we are seeing some negative results with more cash coming into the community. We are seeing a potential return to that addiction and violence and alcohol-related harm. Because the people of Kalgoorlie, Laverton and Leonora have been involved in the trial and have seen the positive impacts it has had on the people who live there, they do not want to return to that negative environment.

Yesterday, Mia Davies asked the Premier a question about cashless debit cards. I want to note some of the Premier’s responses. He said that cashless debit cards are obviously a federal issue and a matter for the federal government. I do not agree with that—this is a community issue. It is for the people of Western Australia to engage with the federal government to help it understand why these trials are important in our communities. The Premier has a role to play in that and I ask him to do that. He also said that the initiative should have the support of communities. I would say to the Premier that if he had visited any of these communities, he would understand that already exists. The federal government has been exceptionally careful in ensuring that it has community support and engagement from the trial sites in Western Australia. The Premier also said that a full evaluation needed to happen. I believe that is true. I would not like to see the federal government cease those trials before a full evaluation is done and we can see that generational change that Aboriginal people in lower socioeconomic groups have been asking the government to do for many, many years.

We need to allow the trial to continue. That was one of the reasons I wanted to bring this motion to the house today. We cannot ignore the voices of the people of those communities when they say to us as members of Parliament and to the federal government, “Please continue that trial.”
HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [1.30 pm]: It is my pleasure to rise this afternoon on behalf of the government, as the lead speaker on this issue, to provide the government’s response to the motion. I say from the outset that I, too, share the electorate of Mining and Pastoral with Hon Jacqui Boydell, and I, too, get around to communities in that electorate and talk to people throughout the community. I agree with Hon Jacqui Boydell’s comment earlier that she wants to see change, action and improvement in our communities, but I am not convinced this is necessarily the way forward. The motion states, in part —

That this house —

... (b) recognises the positive social, health and financial impacts of the trial;

I am not convinced that we have evidence to actually back that up. The motion states also —

(c) notes the strong community support for the continuation of the trial; and

Again, I am not convinced that is the case. The motion continues —

(d) supports further expansion of the trial in Western Australia and calls on the current and future federal governments to maintain support for the cashless debit card.

I think that issue is worth investigating further.

As the Premier pointed out yesterday, and, indeed, as Hon Jacqui Boydell pointed out today, this is a federal government initiative. The cashless welfare program is the federal government’s policy. It is not our policy in Western Australia, although we have watched with interest and we have made commentary along the road.

The federal Department of Social Services has suggested in its documentation that the implementation progressed well and that, from its perspective, initial anecdotal reports received indicate early success, including comments from local shop owners noting increases in sales of grocery items. Anecdotal reports from shop owners does not equate to strong community support for a continuation of the trial and does not equate to the fact that there is strong community support for the trial in the first place.

I note that in the middle of last year, the Australian National Audit Office released a report on its performance audit on the implementation and performance of the cashless debit card trial. That audit found that the DSS approach to monitoring and evaluation was inadequate, and, as a result, the ANAO was unable to conclude whether there had been a reduction in social harm. We have to remember that the idea behind this card was to reduce social harm, yet the federal agency with responsibility for auditing government programs and policies has said that it could find no evidence to suggest that that was happening, due to the monitoring and evaluation of the program being inadequate.

Hon Peter Collier: Who said that?

Hon STEPHEN DAWSON: This was the ANAO, on 17 July last year.

At the moment in Western Australia, the Department of Communities operates a number of income management schemes. There is the voluntary income management scheme and the child protection income management scheme. The state government prefers those two income management schemes to the cashless debit card because they are voluntary referrals under the VIM and trigger-based referrals under the CPIM and that gives government workers additional tools to assist at-risk families and to support behaviour change. That capacity is actually lost under the universal capture of payment recipients by the cashless debit card, noting, of course, that both the VIM and the CPIM are suspended in areas in which the cashless debit card is operational.

What is the child protection income management policy? It is a compulsory form of income management that aims to assist a parent with parental responsibility to meet their child’s basic needs. It is currently available in metropolitan districts, and the Peel, East Kimberley and West Kimberley districts, except in Kununurra and Wyndham during the trial of the cashless debit card. Child protection workers from the Department of Communities can refer individuals to that child protection income management scheme for a period of up to 12 months. If a person is on the CPIM scheme, 70 per cent of their fortnightly payments, and any advances and lump sum payments, are placed on a basics card that can be used at shops and for services in the trial regions. Income management funds cannot be spent on alcohol and home brew kits, tobacco, pornography, and gambling products and services. There is no restriction on how the remaining 30 per cent may be spent. Not everyone in the region has fallen foul and has to participate in the scheme. The voluntary income management program is targeted at people who want to be part of it. The child protection income management scheme is targeted at families who professionals have decided in their estimation warrant being part of the scheme. It is not a blanket scheme; it does not affect everybody. That is the difference between those two schemes and the cashless debit card.

The state government does not believe we have been properly consulted about the cashless debit card sites and the potential expansion of those sites. The commonwealth government is engaging primarily with local government and is limiting consultation with the state government on potential CDC sites. Given the impact on state
government policies and services, earlier and more fulsome discussions should have taken place, and, indeed, are required to take place, if the commonwealth were to look at broadening what is captured by this scheme. Conversations need to occur with the Department of the Premier and Cabinet, and at a minimum need to involve the commonwealth government providing the details of the proposed consultations ahead of time, and the outcomes of the consultations once they have occurred. Consultation does not mean just talking to a shop owner in Kalgoorlie–Boulder or anywhere else; it means talking to those people who are affected, traditional owners, organisations and not-for-profit organisations that provide services to communities and individuals, having those conversations to know what the implications are.

We do not believe the cashless debit card is a solution in itself. It will require massive complementary supports. The cashless debit card on its own will not solve entrenched social problems. I think Hon Jacqui Boydell in her comments has agreed with that. This is not a silver bullet. The CDC will not alone solve problems such addiction, child neglect and family violence. It perhaps would have a positive impact on families, but only in conjunction with appropriate support services such as financial and drug and alcohol counselling services. Our view is certainly that people need to be engaged and spoken to. Absolutely if communities in Western Australia and people who are affected indicate that they would like models or schemes like this to be put into operation, perhaps it is worth consideration, but we should not force policies like this upon people.

I am told that the commonwealth government funded about $1.6 million towards wraparound or support services for communities in the East Kimberley trial. I understand that in relation to the proposal to include the goldfields in this scheme, this money would not be put on the table. In fact, the commonwealth has argued that the cashless debit card had little impact on service demand in both Ceduna and the East Kimberley and that it will monitor demand and fund more services if the need arises in the goldfields. I think this extra support is vital from the outset. Without that support, and without having people on side, I am not a supporter of the cashless debit card. It is also not clear how the process of getting extra funding would occur and whether there is any budget allocation for an expansion of the scheme in the goldfields. Any additional funding should align with existing support services so as not to further exacerbate the fragmentation and duplication of services funded in regional areas.

We need to make sure that the cashless debit card is robustly and independently evaluated, and that has not happened so far. DSS has looked at it. However, the ANAO has indicated that it is not confident that it has been properly and robustly evaluated. Official evaluations to date have relied heavily on qualitative surveys, despite the availability of quantitative data, and have overstated observed positive effects and understated observed negative effects. The impact of the cashless debit card must be monitored throughout the implementation process, with a comprehensive evaluation at the end. That has not occurred in the places captured by the policy at this stage. I do not think we should be broadening this scheme into other areas without a proper evaluation. It is one thing to do the trial, but we must evaluate it first. Let us learn from it and then decide whether it warrants broadening, and also talk to the people who are affected by it—get them on side. We should not force everybody to join the scheme or to be tarred with the same brush. That is what the scheme has the potential to do. The commonwealth is responsible for managing unintended consequences and interactions with the CDC, but it has to monitor it. If issues arise with the cashless debit card, it has to manage any unintended consequences including any interaction or effect it has on not only the community development program, but also the yet-to-be-implemented automatic rent deduction scheme.

Although Hon Jacqui Boydell’s motion is well intentioned, we are not convinced that it is actually the right motion for the house to support. There are varying claims on the success of the trial. The broad claim made by the motion about community support for the trial is not grounded in firm evidence. I do not think it is responsible for government to base a decision on future trials without any firm evidence about the effectiveness of the existing trial. The motion also ignores a couple of other things about other effective measures that could be put out there such as better coordinated government services around vulnerable people and evidence-based early intervention. Two examples of this are the schemes already run by the Department of Communities in Western Australia—the voluntary income management scheme and the child protection income management scheme.

Hon Jacqui Boydell’s motion assumes broad community support, but I do not think we can have confidence in that because the consultation has been inadequate. I honestly believe that, Hon Jacqui Boydell. I have lodged some interaction with her and I know that she is well intentioned on this issue, but I do not believe there has been adequate consultation. It is my intention to move an amendment to this motion. I do not think that the motion as it stands recognises the varied experiences of welfare recipients, welfare services or the broader community in the trial locations. Although some people have reported positive experiences, others have said that the trial has been disempowering and punitive to people not misusing their welfare payments. That is certainly something that I have had feedback on multiple times from people who are captured by the scheme. In order to ensure the effectiveness of the cashless debit card, the broader community has to be consulted and the trial must be independently evaluated not by the people who are running it but by an external organisation in which we have confidence. We know from the Australian National Audit Office that the initial evaluations by the Department of Social Services were lacking in methodology and largely based on anecdotal evidence. When a policy has the potential to affect the lives of people so strongly, we want to have confidence in it. I certainly do not believe we have confidence in it at this stage because the proper evaluations have not taken place.
Amendment to Motion

HON STEPHEN DAWSON: I move —

To delete paragraphs (b), (c) and (d) and substitute —

(b) notes there are varying claims on the success of the trial and that evaluation on the social, health and financial impacts of the trial is continuing; and

(c) supports further expansion of the trial only where the community wants it and there is proper consultation and informed community consent.

Our amendments will ensure more community buy-in of any trial of the cashless debit card. Consultation will ensure that everyone in the community has the opportunity to have their voices heard, not just those with the strongest voices. It will also allow those whose incomes will be managed through the trial to have their voice heard. I commend the amendment to the house.

HON ALISON XAMON (North Metropolitan) [1.44 pm]: I am yet to give my broader contribution on the motion. Although I will be tentatively supporting the amendment as proposed, it is not because I think the amendment is particularly good. As a whole, I do not agree with the amendment either, but I acknowledge that it at least mitigates what I think is a pretty awful substantive motion in front of us. Assumptions are made within the primary motion that I fundamentally dispute. At least what is being proposed by the minister is not quite so problematic. Having said that, I do want my support for this particular amendment misconstrued as meaning that I support the motion as a whole should the amendment get up. I will reserve further comments for my contribution on the motion.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [1.45 pm]: I will not be supporting the amendment for a couple of reasons. I outlined in my contribution that I believe there has been some evaluations to date on the trials, and that they are increasing in their positive results. Although I acknowledge the comments made by Hon Stephen Dawson that there is still a way to go on finding out the true impacts of the cashless debit card, the feedback that I get on the ground and from looking at the evaluation reports is that the evidence is clear to date. I will not be supporting the amendment.

Division

Amendment put and a division taken with the following result —

Ayes (16)

Hon Robin Chapple
Hon Sue Ellery
Hon Kyle McGinn
Hon Dr Sally Talbot
Hon Tim Clifford
Hon Diane Evers
Hon Martin Pritchard
Hon Darren West
Hon Alanna Clohesy
Hon Adele Farina
Hon Samantha Rowe
Hon Alison Xamon
Hon Stephen Dawson
Hon Alannah MacTiernan
Hon Matthew Swinbourn
Hon Pierre Yang (Teller)

Noes (17)

Hon Jacqui Boydell
Hon Nick Goiran
Hon Robin Scott
Hon Colin Tincknell
Hon Jim Chown
Hon Colin Holt
Hon Tjorn Sibma
Hon Ken Baston (Teller)
Hon Peter Collier
Hon Rick Mazza
Hon Charles Smith
Hon Colin de Grussa
Hon Michael Mischin
Hon Aaron Stonehouse
Hon Donna Faragher
Hon Simon O’Brien
Hon Dr Steve Thomas

Pair

Hon Laurie Graham
Hon Martin Aldridge

Amendment thus negatived.

Motion Resumed

HON ALISON XAMON (North Metropolitan) [1.50 pm]: I rise on behalf of the Greens to indicate our strong opposition to this motion. I will give all the reasons that is the case.

As we know, the cashless debit card is a federal government initiative. Under the scheme, 80 per cent of a welfare recipient’s income is quarantined, with the other 20 per cent deposited into the participant’s bank account and able to be withdrawn as cash. So far, we have already seen it rolled out to four areas. It commenced in the Ceduna region in March 2016, in Kununurra and Wyndham in the East Kimberley region in April 2016, and a progressive rollout has commenced in the goldfields region since March 2018, as well as in Bundaberg and the Hervey Bay region in January 2019.

The Greens, led by my federal colleague, Senator Rachel Siewert, have been staunchly opposed to this card since its inception. I want to say from the outset that paragraphs (b) and (c) of this motion contain assumptions that the Greens neither support nor believe are factual. There has been no evidence to suggest that this initiative has had
positive impacts. Evaluation of the card trial was undertaken by ORIMA Research. The ORIMA reports have been thoroughly discredited by academics and researchers, as well as by the Australian National Audit Office, and have been described in federal Parliament as extremely misleading. The commonwealth Auditor-General’s recent report into the implementation of the cashless welfare card found that the evaluations had been unable to show whether the card has reduced social harm. To be very clear, there is no evidence to support the introduction, let alone the extension, of the cashless debit card; however, the ORIMA evaluations are still being referred to by the federal government to justify the extension of the trial. I assume that the Nationals WA are urging the card’s extension as a result of this discredited evidence.

An evaluation of the implementation of the card in Kalgoorlie undertaken by the University of Adelaide was released last month. This was a qualitative study only. Although it was supposed to establish a baseline, it presents data that was collected after the card had been rolled out. As such, it is not able to provide a proper before and after comparison. Furthermore, the data was collected during Operation Fortitude, when an increased police presence was provided in the goldfields, separate from the rollout of the cashless debit card. How do we know that any changes identified in those evaluation interviews would have occurred without the increased police presence?

I note concerns that have been raised in the federal Parliament by Senator Siewert about this report. The report is based on interviews with only 64 of the 2,995 people using the card in the goldfields, and those people were invited through stakeholder organisations, so it is a biased sample. There were 66 stakeholders also interviewed, so we ended up with more stakeholders than card users being interviewed. As a result, unsurprisingly, the report findings have been completely skewed. We cannot claim to have seen an improvement if we have nothing to measure against. Again, no baseline data has been collected at any of the trial sites. It is not credible to say that there have been improvements when the evidence simply is not there.

I am going to quote Dr Elise Klein, an academic from the University of Melbourne, who has undertaken 13 months of research in the East Kimberley on the cashless debit card. She said —

- … the current Cashless Card trials have not produced credible evidence to support claims of effectiveness, efficiency nor suitability.

- Conversely, there is consistent evidence showing that income management and the Cashless Debit card makes life more difficult for subjected people.

The card has been shown to have a range of adverse consequences, including stigma and shame felt by those participants, some of whom had been spending their money appropriately and felt unfairly penalised and discriminated against. It has created an inability to buy second-hand items, particularly things like clothes or furniture; an inability to send money to children who are away at boarding school; and an inability to pay for things at places where there are no EFTPOS facilities, such as school stalls, canteens or swimming pools. We have had participants missing out on participating in community life because many of the public associations such as sports clubs do not take EFTPOS, and parents on income support cannot pay for their children’s sports fees, for example. There have been difficulties using the card online, and also keeping track of payments, particularly automatic payments from the card. It needs to be noted that many of the participants do not have an email account or access to the internet and may not have a phone, all of which are essential for activating the card and other processes. People are indicating that they are embarrassed when the card is declined or simply is not working.

Not only is it cruel to make people who are already struggling to make ends meet live on small amounts of cash, but also the question has to be asked: how will this card get people into jobs, or address any issues of addiction? What if a participant’s fridge breaks down? They do not have cash to buy a second-hand fridge; they have to go and buy a new fridge, which means that there is no money left over to buy food to put into that fridge. Why is there an assumption that every single person on income support is a drug or gambling addict? Not only is this obviously not true, but also the majority of the people interviewed in the Kalgoorlie evaluation did not have drug or substance abuse issues before being put on the card.

Control of one’s personal finances is very important for their dignity and sense of control over their own life. If this control is taken away by the imposition of compulsory income management, it has very serious implications. The cashless debit card is stigmatising, it is demeaning people, and it is infringing on basic human rights. Some people on the cashless debit card were reported as having said, “That card, you might as well give us a big sticker that says ‘welfare’—it’s horrible.” Another quote was, “People’s perceptions when you present this card, their whole body language changes and you can tell that they’re making assumptions about you when you’ve done nothing wrong.”

This card—this program—is a complete waste of money. According to Hansard from federal Parliament, the cashless debit card trials have cost $34.191 million to the end of the last financial year. There have been only 6,917 participants as at 1 March 2019, so we are talking about a really expensive program. I want members to think about what sort of community investment there could be for Aboriginal-led organisations and culturally appropriate services that these regions have been screaming out for forever with the $34 million plus that has been spent so far on the rollout of this card, including almost $15 million that has gone to the private company Indue,
the debit card provider. Why would we support spending money on what is just an ideological policy that has been tried and evaluated before and shown not to work? Why on earth would we be supportive of that? That money instead needs to go to wraparound services and towards support and programs for people who are struggling with drug, alcohol and gambling addictions, and tackling the underlying causes of their disadvantage. It is clear that the issues in these communities—members should know this—are complex, and that there is a serious lack of services to address them. We already know that there is a serious lack of mental health, alcohol and drug services in the regions, so if the federal government were serious—I do not think it is—about addressing problems with alcohol, drugs and gambling, it should commit to funding services in the long term in the communities that need them the most. People working in drug and alcohol services in the communities have plenty of ideas about how that money could be better spent, and we need to have a genuine conversation about how we can drive down disadvantage.

We need preventive measures that go to the root of social issues, we need job programs that actually move people into meaningful employment and we need to encourage community engagement so that people do not feel so isolated. There is also real concern about the impact of the card on people on disability support and their carers, as well as those who are living with mental health issues. The issue of the negative impact of the card on these people was raised in the Kalgoorlie evaluation interviews. Adding to these people’s challenges is not okay. It is cruel and unfair. I remind members that we are talking about an evaluation that was already biased and skewed, and even then this is what is starting to come out of it.

I am also concerned that, with the introduction of the cashless debit card, social security recipients are having their fundamental right of self-determination taken away. This form of compulsory income management is a breach of basic human rights and we know that it unfairly targets Aboriginal communities. It is clear that the cashless debit card is a blanket approach, and the way in which the scheme will affect people in their day-to-day lives has not been truly considered—either that, or people just do not care. It is not simply about access to alcohol; it is also about freedom to go about everyday life without stress and without having to live with stigmatisation.

We have heard that in trial sites people have had trouble paying their Telstra bills using the card at post offices, and also when trying to pay bills and pay for services online. People are very worried about falling behind on their rent and bill payments because their card will not work. How is that possibly helpful to anybody? The most horrifying thing is that this card is a back-to-the-ration-days approach, and for these people that evokes historical trauma within a contemporary setting.

We have not seen a genuine partnership between government and communities, particularly those people who are affected by the card. There is absolutely no question that we need to do more to address poverty, drug and alcohol issues, health and mental health issues, and unemployment. I am one of the people in this place who speaks about this the most, but these are complex issues and they cannot be resolved by simplistic solutions. The Western Australian Council of Social Service has noted that restricting access to cash does not address the underlying issues that contribute to social problems.

People’s lives are too important to subject them to what appears to be an ideological social experiment that is being justified on perceptions rather than on any sort of robust evidence of outcomes. This is not the first time that income management has been trialled, and it is not the first time that it has failed. We already know that compulsory income management is expensive and does not work. In 2014 a government-commissioned evaluation of income management in the Northern Territory provided conclusive evidence that the compulsory income management regime did not make a significant positive difference. It fell well short of meeting the trial’s objectives, and that was despite expenditure of $410.5 million. Income management in the Northern Territory did not reduce disadvantage or address drug and alcohol issues, and there is no reason at all to expect that it is going to work this time.

It is absolutely unfair to impose a paternalistic card that restricts cash to a community and claim that it is about addressing addiction, but then not fund adequate addiction services. Restricting someone’s cash is not an effective way of helping people with addictions to alcohol, drugs or gambling. If the federal government were serious about addressing drug, alcohol and gambling addictions, it would be working with the communities and properly funding wraparound services and turning its attention to the underlying causes of alcohol and drug abuse. Instead, people who are already vulnerable are expected to have this punitive, paternalistic, terrible approach imposed on them. It is not working, it is not going to work, and it will create more harm. The Greens absolutely oppose this motion.

HON KEN BASTON (Mining and Pastoral) [2.05 pm]: I thank Hon Jacqui Boydell for bringing on this motion and for the discussion we are having. I also appreciate the Minister for Environment’s amendment. Interestingly enough, the three of us all come from the Mining and Pastoral Region.

As previous speakers have pointed out, the cashless debit card is currently being trialled in Ceduna in South Australia, in Kununurra and Wyndham in the East Kimberley and, recently, in the goldfields. I believe it has also been trialled in Bundaberg and Hervey Bay in Queensland; that trial is a little different from this trial. The scheme is that 20 per cent of income support payments are going into personal bank accounts, and 80 per cent of income support payments are going into the cashless debit card. I note Hon Alison Xamon said that they could not be used to buy anything. The money is actually in the 80 per cent; people would be using the 80 per cent to buy things, not the 20 per cent. Everyone tends to get mixed up with what that is about.
There are also some credible figures on the millions of dollars; I do not have any way of actually checking those. It can be used, of course, in any store in Australia that has EFTPOS, so that is just like a normal debit card; I am sure we all have one in our pocket. Somebody said they cannot be used for online shopping. They can be used for paying bills, recurring payments and everything else, just like we do business at a bank now. I support this motion for continuing the trial and for the expansion of the cashless debit card for welfare recipients, but it is a trial and I am always open to changes after the trial. No system would be perfect without the loopholes. However, I believe it is a system that can empower people who want to make good choices for themselves and their families, and restrict people from being able to pressure others to hand over cash.

The cashless debit card final evaluation report compares data gathered throughout the evaluation period, from April 2016 to July 2017. It found that it had had a considerable positive impact. Some of the findings included reduced or less frequent alcohol consumption, gambling and illicit drug use. I can assure members that drugs and alcohol are still absolutely rampant up there. I will be back up there again on Friday. The feedback that the evaluation referred to found widespread benefits. Forty per cent of trial participants surveyed said that they were better able to look after their children, and 45 per cent said that they were better able to save money. The cost of implementing this system—the figure I was able to get hold of was approximately $18 million—has been criticised. All government-funded programs should be scrutinised; that is what government funding is there for. However, if there are improvements in the rates of alcohol use and better outcomes for families, especially children, then that $18 million is well spent, as far as I am concerned.

I note that there has been criticism of the trial, and the evaluation report should be considered carefully, along with the reported positive outcomes. They need to be balanced. Of course, there are negatives and positives. Eventually, we need to balance that so that we can work out whether it is working. The St Vincent de Paul Society’s response to the trial outlines a number of concerns. I encourage members to read online the St Vincent de Paul Society’s report. One of the concerns is the observation that people have found ways around the restrictions. I find it difficult. One of the big problems with alcohol there, of course, is that people can order it online and it will arrive at their door by post. Even if we put restrictions on hotels and taverns, we still have a problem. Of course, it has to be paid for by that card, unless they can save enough cash to pay for it.

The pressure on relatives and friends is real. Halls Creek had a trial going back a number of years now, but people wanted to get onto that system so they could take that pressure off themselves. Whatever we do in the future, we need to make sure that the card can protect personal savings.

I have personal experience because many years ago I had a pastoral property at Carnarvon and I always used Indigenous stockmen. After shearing, during which they were flat-out for a couple of months, they would all prepare to go to town. They would come to me and ask for their pay to be written out in two cheques. They would cash the smaller cheque and have a party and enjoy themselves. The other cheque would be snuck away and put into the bank account. The peer pressure on them was so great that they felt that was a better way of protecting their money. We are not doing anything different from that right now.

It is imperative that all levels of government encourage investment in regional and remote areas and provide infrastructure to help establish stronger economies that can provide better opportunities for people. The reason for the despair and complete dysfunction in some communities is complex. Individuals, families and communities need a lot of resources to overcome these problems. There are, however, some incredible success stories. An excellent program in our state also deserves more support and recognition. In May last year, I was lucky enough to attend an open day in an isolated community near Fitzroy Crossing—the Yiramalay/Wesley Studio School. Students from Wesley College in Victoria come to Western Australia and Leopold Downs station, which is an Aboriginal-controlled station run by the Bunuba people. They swap students. The school has about 50 to 60 students in total in years 10 to 12. Those Aboriginal students go on exchange to Victoria and vice versa. The kids who come from Victoria—who have probably never had a bit of dirt on their hands, being from the asphalt jungle of Melbourne—learn how to ride a horse. They learn things as simple as how to make a campfire and build infrastructure on the station. Vice versa, the kids from Fitzroy Valley go across to Melbourne. I think that is an excellent system. The school partnership is between Wesley College in Melbourne and the Fitzroy Valley community. Teachers from the school in Melbourne come to Western Australia and teachers from here go to Melbourne to teach the kids there. It has just grown. It is certainly an excellent facility and, in my opinion, it deserves whatever state or federal funding that is required to have a secure future. The school is a great example of out-of-the-box thinking and is making a true effort to improve outcomes for students in an isolated part of Australia and is helping to build better understanding of the Aboriginal culture among students.

The figures in the Wesley school annual reports are a little dated, but I can confirm that the school has been going from strength to strength in its outcomes for students and its wider community. I will quote directly from The Yiramalay school brochure, which documents the following outcomes—

... near perfect school attendance and a high retention level ...

It also states—

Retention of Yiramalay students … is significantly higher than the national average for Aboriginal students.
It also states —

Nearly 75% of our students go on to employment or continue their education after completing years 10, 11 or 12 at Yiramalay.

Seventy per cent of the students at Yiramalay have completed year 12; the national average is 19 per cent. Eighty per cent of the students at Yiramalay have completed year 11; the national average is 10 per cent. The brochure also states —

... measurable improvements in student health —

Including increased mental health wellbeing and —

... improved sleep and physical fitness.

Students demonstrate a readiness to learn and engage in two-way learning. Aboriginal students act as leaders in learning on country. Since Yiramalay’s inception in 2010, nearly 75 per cent of graduates have been employed or are continuing their education with further study. They demonstrate a readiness to teach non-Aboriginal students Indigenous culture. There are many examples with the three major community projects that the school is doing. That is a positive program that needs to continue.

For the community engagement of Aboriginal families in the program at Yiramalay in Melbourne, a Yiramalay parent committee was established. The Kimberley–Melbourne families are being fully engaged. They have attended many Yiramalay/Wesley Studio School–based events. The studio employs local people as residential monitors, community mentors, teachers and aides and general staff.

The cashless debit card is a solution to some social problems. It is not a total solution and it is certainly not a silver bullet, but at least it can ensure that children have food on the table. I was in Kununurra the other day—a few weeks ago—talking to some of the police officers there. One of the biggest things—this happens in Broome as well—is that the kids are breaking into houses because they are hungry. They are short of food. We can argue that the 20–80 ratio is not exactly correct; it might be 30–70 if it is proven that way. We could say more money is needed. This is a myth that the 80–20 ratio would reduce people’s money. It is the same amount; it just putting it in two different baskets and one basket protects it, taking the pressure off others.

**HON KYLE McGINN (Mining and Pastoral) [2.17 pm]**: I thank the honourable member for moving this motion. I also want to thank Hon Stephen Dawson for his comments. I thought they were very measured and good listening. I also thank Hon Alison Xamon. I have quite a few issues with the motion that has been moved. Firstly, I do not think it should be called the cashless debit card. I think it should be called what it is, which is the cashless welfare card. It is people on welfare who have the card. That is the reality. It is not just a debit card like my Visa debit card; this card is for people who are on welfare.

**Hon Jacqui Boydell**: That is what it is called.

**Hon KYLE McGINN**: I understand, but I am going to call it a welfare card for the purposes of this debate. I have an office at Kalgoorlie. Before the card came in, I was preparing myself right from the get-go. I am not sure whether the Nationals WA have an office in Kalgoorlie and have received complaints about the card from people coming through or heard any stories on the ground, but the stories I am about to tell members now are horrifying. The first one I will talk about is probably one of the toughest I have had to deal with. It involves a four-year-old girl with terminal cancer. She and her mother came into my office absolutely distraught because the mother had found out she was on the cashless welfare card. The four-year-old daughter did not have an alcohol problem—surprisingly!—did not have a drug problem and did not have a gambling problem. We called the departments to try to discuss how we go about making these people’s social life a little easier, considering that we are talking about a young girl who is not in a very good place right now. She should be able to have an easy social life and we should not be putting obstacles in front of her that cause shame in public for the mother. We tried very hard to put a case across to the department about the fact that they want to go on a holiday. They have been saving up and want to go on an overseas holiday.

The issue was that they were heading to Singapore. The question was: will the cashless welfare card work in Singapore? Do members think there was an answer to that? “We don’t know; we can’t ensure that every single ATM will work.” Let us be honest, when the card was first rolled out, if there were six ATMs at Woolworths, for example, the card would work in only three of them. Each one had to be open at each port. There was no way of knowing whether that would happen. The response shocked me. The response was: “She’s not on the welfare card; the carer is on the welfare card.” Even though the funds were to care for the child, it was not about that. The mother did not drink, gamble or do drugs, but she could not get off the card. As Hon Jacqui Boydell said, the purpose of this card is to reduce the level of alcohol and drug use and gambling. Why does this lady’s mother, who does not drink, gamble or do drugs, have to live under the same banner as alcoholics and drug addicts? That is totally unfair and totally wrong.

In another situation, a man who has a son with autism came in to see me. He does not drink, smoke or gamble and his father does not drink, smoke or gamble. He was a very proud young man who had been working with his
especially for someone to withdraw cash to buy a second-hand car. What are they forced to do? Are they forced in the paper; it is still floating around. Someone else who works at the mine site and is cashed up could go straight for Centrelink to pick up! Members can imagine how long that takes. Meanwhile, this car is still being advertised out as quickly as it could. The problem is that when the government does that, vulnerable people suffer—and what it is like to call federal departments in particular. I do not know anyone who has ever waited on the phone together. If they want to purchase that car, they have to call the department and wait on the line, and we all know 20 per cent of their welfare is about 200 bucks, so it would take them potentially three months to get that cash they did. The husband was not allowed to buy medical supplies online because it was not approved by the department. He could get the medical supplies cheaper online than he could get them at the shop down the road. He was living on their bottom dollar. They do not have much money. People used to buy things on Gumtree or eBay. Do members know what people on this card have to do to buy a second-hand car? If they see in the paper it, and I have an office there. The people there have told me that they did not want it to start with. I held a community forum. Even the Greens had a community forum, because I think they wanted to hear what the community had to say, unlike other parties. Let me put it this way: it was well attended. When I advertised this forum, I did not say, “Everyone who is against the card, come on down and have a whinge and let’s go.” I advertised it as a forum to find out what the community wants: “You tell me. Leaders of the community and community members, come on down and let’s have the debate.” I was happy to stand at the front and they could throw as much junk at me as they wanted. Well over 50 people attended. It was well publicised in the Kalgoorlie Miner. I can tell members that everybody in that room was against the card—and they were on the card.

There are many things wrong with the current system and there were a lot of problems with the rollout. The people who are saying that the card is working and it is great are the people who supported it heavily before it was introduced. It is like buying a horse for $34 million and finding out it is a donkey but still betting on it. That is what we are seeing in the goldfields at the moment. The people who were consulted and supported the card, such as the councils that lobbied Canberra for it, were not the people I talked to who were against it. The people I talked to were not heard. When the people who cannot work because they have an injury rolled up to Centrelink, they found that they were put on the card, but there was no information on how to use the card. They were not even aware that they were going to be put on the card. It was a massive issue. A couple of lovely seniors sat out the front of the Centrelink office with a sign saying, “Get ready; you’re about to get your card.” Droves of people went into Centrelink and said, “I didn’t know I was going to be on it. I wasn’t aware of this coming out now. What am I going to do? How does it work?”

I have another story about a goldfields constituent—one of the honourable member’s constituents. She has strong anxiety and depression and cannot leave the house. She does not drink, smoke or gamble. Her husband has medical issues and buys medical supplies online, and he has been doing that for years. They were put on the card and tried to do the shopping online with Woolworths. Online shopping at Woolworths did not work when the card was first rolled out, but the federal government did not prepare people. It did not consult people who have medical issues and cannot go out in public and can only shop online. Instead, it just rolled it out and said, “We’ll see what happens.” That family did not eat for three days. They do not go out in public and could not get Woolworths online shopping to work. They called the department and could not work out anything. It is an absolute disgrace that the federal government has rolled this out twice; this is not the first trial site. It has not fixed the issues; it has just rolled it out—smack, bang. I am pretty sure that it knows what is coming with the election, so it wanted to get this out as quickly as it could. The problem is that when the government does that, vulnerable people suffer—and suffering did. The husband was not allowed to buy medical supplies online because it was not approved by the department. He could get the medical supplies cheaper online than he could get them at the shop down the road. They were living on their bottom dollar. They do not have much money. People used to buy things on Gumtree or eBay. Do members know what people on this card have to do to buy a second-hand car? If they see in the paper a nice registered car for 1 000 bucks that they want to buy, they will not have that cash, because, let us be honest, 20 per cent of their welfare is about 200 bucks, so it would take them potentially three months to get that cash together. If they want to purchase that car, they have to call the department and wait on the line, and we all know what it is like to call federal departments in particular. I do not know anyone who has ever waited on the phone for Centrelink to pick up! Members can imagine how long that takes. Meanwhile, this car is still being advertised in the paper; it is still floating around. Someone else who works at the mine site and is cashed up could go straight down and pick up the car. With the cashless welfare card system, it takes days to get a cash payment organised especially for someone to withdraw cash to buy a second-hand car. What are they forced to do? Are they forced to buy a more expensive car? They cannot afford to do that because they are on welfare.

I definitely do not see the community support in the way that the honourable member who moved the motion sees it, and I have an office there. The people there have told me that they did not want it to start with. I held a community forum. Even the Greens had a community forum, because I think they wanted to hear what the community had to say, unlike other parties. Let me put it this way: it was well attended. When I advertised this forum, I did not say, “Everyone who is against the card, come on down and have a whinge and let’s go.” I advertised it as a forum to find out what the community wants: “You tell me. Leaders of the community and community members, come on down and let’s have the debate.” I was happy to stand at the front and they could throw as much junk at me as they wanted. Well over 50 people attended. It was well publicised in the Kalgoorlie Miner. I can tell members that everybody in that room was against the card—and they were on the card.

What happens when these types of things happen? The media takes it and the leaders in the town talk it down and say that it is only a handful of people. All the stories I heard were powerful and were about vulnerable, desperate people, who have now been tarnished by a system that they should not be on. If we are serious about targeting alcoholism, gambling and drug use, let us target the problem, not the poor vulnerable person on welfare. It is a disgrace.
A lot of the evidence in this debate has been anecdotal. I have told stories that people will say are anecdotal. My office, which is on the main street of Kalgoorlie, was broken into a week after it opened. A window was kicked in for a donation tin for the Royal Flying Doctor Service. It was behind my security screen and they tried to pull it out. There was no money in it; no-one had donated at that point, which was a good thing. The state government increased the number of police on the street in Kalgoorlie. I can tell members now that that is the reason that crime has gone down on the main street, but that is only anecdotal evidence. We also know that the council has put rangers on the street to patrol, but probably not to its full ability. We have extra police and we have rangers, yet it is the welfare card that has caused everything to go well!

Hon Jacqui Boydell: I didn’t say that.

Hon KYLE McGINN: No. This is what people in the goldfields are saying. The people who are pro-card run the argument that the welfare card is making a huge impact. The report of the audit office has been mentioned in this place. Hon Ken Baston read out the statistics from 2016–17, after Hon Alison Xamon and Hon Stephen Dawson mentioned that the audit office had rubbished those statistics. The data collection for this trial has been disgusting. There is no evidence that the card is working, yet it was just rolled out in the goldfields. Again, we did not see the right consultation.

We talk about leaders in the community. I know that Hon Jacqui Boydell was pretty vocal about community support and leaders in the community driving this cashless debit card. The number of Aboriginal people in the goldfields who have this card is high, and the member would agree with that. One would think that people would listen to the Goldfields Land and Sea Council, which is a big body for Aboriginal people and native title. It is pretty well respected by the Aboriginal community in the goldfields for what it has to say about the welfare card. Trevor Donaldson, a Kalgoorlie elder, was quoted in an article by ABC Goldfields–Esperance, which stated —

… the Goldfields Land and Sea Council told the hearing he does not support the policy.

…

“Our mob out there are still facing the same issues out there and may be some people who see some subtle changes, but overall I would say no.”

“This [policy] … takes away the independence, basic human rights of managing their own affairs and it’s driven from the top by basically all non-Aboriginal people.

That was strongly said by an Aboriginal elder in the town. Yet we do not listen to that; we just listen to the council. We should understand that people are not happy. They believe they were not consulted and that the card was not rolled out appropriately. Let us listen to another Aboriginal elder, Pat Dodson, a senator. He said —

I recognise that there are some Australian communities who may choose to trial the cashless card but this must be on the basis of their free, prior, informed consent.

Have we not come anywhere in Australia, particularly when we are now dealing with these tough, hard issues? I understand. I am a member for the Mining and Pastoral Region, just like the members who have spoken, minus Hon Alison Xamon. I understand the issues across my electorate. I am not standing here saying that we should get rid of the card and not have another option. I have been advocating for another option—the banned drinkers register. This is something that focuses on alcoholism. It does not segregate just the poor people on welfare; every single person is affected by the banned drinkers register. It works by rocking up at a bottle shop and showing identification. We are supposed to do that anyway. The ID is scanned and if a red light comes on, that person does not get served and if a green light comes on, they do get served. Then there are wraparound services that support people when they are banned. Why are we not focusing on the real problem—alcoholism? Why are we not targeting that—just the people who are drinking? But no, we target the carers and the elderly. It is just wrong.

I have heard some scary stuff in the media, including all the rhetoric. Hon Rick Wilson will carry on until the cows come home about how great the scheme is. He is on another planet sometimes. The federal government said that there would be wraparound services, money and support. How much support has come to the goldfields? So far, we have seen $125 000 for a financial counsellor for a scheme to “help cashless welfare card participants better manage their finances”; now that we have restricted 80 per cent of their wage into the Indue system!

Where is the funding for the sober-up shelter? If the purpose of this card is, as Hon Jacqui Boydell said, to reduce alcohol, drugs and gambling, show me the figures proving that the number of sober-up shelters in town has increased. Show me all the support services that are assisting the droves of people who are now off the piss. Where are all the people who are now off the drugs?

Hon Alison Xamon interjected.

Hon KYLE McGINN: Yes, that was a little cheeky. I apologise for that. I should have said “off the drink”.

Hon Alison Xamon: Off the grog.

Hon KYLE McGINN: Yes, off the grog. That is the regional boy coming out a little.
We need to be shown the flooding droves of people who are coming into these systems now they are “cured” off this welfare card and are not drinking and gambling. What a load of rubbish! I do not see that out there at all. I see people struggling. I see this system that has been implemented for people who want to turn around and say, “I’ve done something to try to fix the problem.” At the end of the day, we are trying. It is not a silver bullet. The banned drinkers register will not be a silver bullet. It is another attempt to try to fix the problem. Do members know what we really need to see? I have said it in this chamber before. We need to see the Uluru Statement From the Heart acknowledged by this country so that Aboriginal people have constitutional recognition in this country and make decisions on what their people want to do rather than the white man coming in and thrusting these systems upon them. Without even living in the area, they are just jamming these schemes down the throats of those who are. Bill Shorten came out to Kalgoorlie and met with community members, unlike the Prime Minister at the time.

Hon Darren West: Which Prime Minister was it?

Hon Kyle McGinn: It was Malcolm Turnbull. He flew in at night, had these secret meetings and said, “We’re going to do the card. See you later”, and then jumped on a plane and got out of there. “Catch you later.” I am not even sure if the member voted for the current Prime Minister. I am not sure whether he supported Scott Morrison.

Hon Darren West: He voted for Dutton.

Hon Kyle McGinn: Did he? There we go.

This is the way it works. They just went out to Kalgoorlie and went bang! We are talking about elders such as Trevor Donaldson, who is respected in the community, not getting an opportunity, in my view, to be properly consulted. These organisations have a voice for Aboriginal people. I could also mention the Australian National Audit Office. This banned drinkers register that we have been working on will be trialled in the Pilbara first. If it gets off the ground and works the way it should, we could see it in the goldfields, 100 per cent.

We are talking about getting the University of Western Australia involved—an independent body to monitor the data, see how it works, report back and review, and make sure it is doing its job. When we get told by the audit office that our data is rubbish and it is not working, people should stop standing up and telling me that it is working, that it is great, that the data is awesome and that we need to continue the trial. How was that changed? What was done differently? What is being done to ensure that we can stand up at the end of that trial and say, “We’re making people’s lives better”? It is disgusting. I really believe that the people in the goldfields were not consulted properly. If they had been, we would have seen more safety nets in place. We would have seen people like that mother whose terminally ill daughter was not on the welfare card. We would have seen the father whose son has autism not having to deal with the question of letting his son look after his own money or being restricted on a welfare card. So what if he wanted to have one beer!

I am about to run out of time because I tend to waffle on a bit. One of the big issues that occurred with the system is that it went down. The power went out and no-one could access the card. The system was out so people could not access their card to buy dinner or anything else. What was the response? We cannot tell people to use cash because they do not have any. When the system is down, they cannot use the card. What is the safety net for families who buy dinner from day to day? There are no safety nets. I look forward to everyone else speaking to the motion.

Hon Colin Tincknell (South West) [2.37 pm]: I thank Hon Jacqui Boydell for bringing this motion to the house. She prepared herself very well. She talked about lots of facts and figures and how the card has been run. I would like to yield some of that information to a fellow member of mine who will talk about that. I would like to remind the house about where this all came from. The welfare card, as the honourable member wanted to call it, came from a review that was carried out. Twelve prominent Aboriginal people headed up that review. The review was conducted all over Australia in 2012–13 and a report came out with 27 recommendations. At this stage only about four or five of those recommendations have been acted on. We spent a lot of money on this review. The review was certainly aimed at First Australians, Aboriginal people, because of the disparity and the bad situation they find themselves in. When people talk about this as something new or something that has not been fully looked into, that was a two-year review and this was one of the recommendations. It is disappointing that out of about 27 recommendations, the cashless debit card seems to be the one that the media and most people focus on. I agree with most people that this is not the be-all and end-all. This is not the answer to all the problems. It is one measure out of 27. If they were all rolled out, it would work very well.

Early childhood intervention was one recommendation, as well as improving educational outcomes and stopping distractions to education. Living in remote Aboriginal communities is not a matter of just rolling up and going to school in the morning like mum and dad did, because mum and dad did not. When students get to 12 or 13 years of age, they do not just go to high school like most other people do at that age—that is when their elders come to see them to go through Aboriginal lore. Once they have been through Aboriginal lore, they do not go to school. Enormous change was needed to be able to give Aboriginal people an opportunity in life.

The cashless debit card is just one of 27 recommendations. It is a part of a bigger picture. I am glad that it is rolled out to all welfare recipients in the areas in which it is rolled out. That was the right thing to do. I am not sure whether it can be rolled out all over Australia. In highlighting areas that have certain issues and problems—they
have been fairly clear for everyone to see—it is a good idea for us to trial this card. Over time, the findings from the trial will be a lot clearer for all to see. It has been out for only two years. Hon Kyle McGinn was right when he said that there were a lot of problems when this card was implemented, and we acknowledge that. Some of those problems have been fixed, but not all of them—just like everything else in life. My fellow honourable member will talk about that a little later.

Problems with drugs and alcohol—whatever the problem in society is—cannot be sorted out unless we can sort out housing and job opportunities. It is pretty hard for a person to get a job when they do not have a driver’s licence and when they may need to travel 100 kilometres to get to a job. Many people will never have a job or a driver’s licence in their life. Many things were brought up in the recommendations. A cashless debit card was one part of it. Damien McLean from Warburton said that it is a bandaid part of the recommendations because we have not rolled them all out. However, it is just one part that needs to be trialled and we will look at the results of that trial.

If we are not going to trial things and we are not agreeing in a bipartisan sense, we will not be able help all people on the dole—not just Indigenous people. We really need to find a way for both sides of Parliament to come together. I say that because we split Parliament down the middle—the left side and the right side—but until we come together and find ways of working together, it will not be a great program. We have to find bipartisan support. A cashless debit card does not have bipartisan support, which is a shame. Many of those other 27 recommendations obviously did not find bipartisan support and have not been rolled out. That is why the federal government did not roll them out. It does not mean that money was wasted on the review—some of it may have been—but there is no denying that all these aspects that could improve people’s lives were studied. This recommendation was one of 27. It was done for obvious reasons, and those things have been discussed. The findings and the ultimate result will come in time. If it does not measure up, it will be moved on, like most other things that do not measure up. I believe this trial should go on. I commend Hon Jacqui Boydell for bringing this motion to the house.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [2.44 pm]: I stand to support the motion moved by Hon Jacqui Boydell. I think it is a good motion and is something that we should be debating. One of the great privileges of my life is that I was Minister for Aboriginal Affairs for six years and loved every second of it. I remember quite vividly and profoundly that when I told people who spoke to me that I was Aboriginal affairs minister, they would cringe as though I somehow had this poisoned chalice. I did not— I regarded it as a great badge of honour. I was desperate to have that portfolio. I specifically asked the Premier of the day if I could be Aboriginal affairs minister. I was born and bred in Kalgoorlie. I am a Kalgoorlie boy. I grew up with the Wongatha people; I grew up with the Wongais. I have a deep personal regard for Aboriginal people. In my early days, our family had a shop on Boulder Road. The Wongais would come in from the lands every second or third week. In those days we used to get bread in whole loaves, not cut bread—not this new soft stuff! My dad would keep all the stale bread; he would keep everything for them. I would go out and sit with them. They used to camp in my backyard, so I understand Aboriginal people. I grew up with the Wongais. When I got the mantle of Aboriginal affairs minister, I was absolutely delighted. The thing that really, really bugged me was that the quality of life for original Australians is appalling in many areas. I am talking in a generic sense. In a lot of instances it is not the case, but in too many areas it is the case. Education standards and housing facilities are appalling. Child protection is a real issue, particularly in some of the remote communities. People were saying that the great white hope has come in and he will do something about it. The biggest challenge I had was that each government department did what it liked and, as Aboriginal affairs minister, I could do nothing, quite frankly; it was just a title.

I digress for one second. I established the Aboriginal Affairs Cabinet Sub-Committee to ensure that all departments worked together. That is why we now have the Regional Services Reform Unit. That ensured that changes that were made for regional communities in the north in particular were done in complete and absolute consultation with those communities. It ensured that any changes made in education, health and housing were done in full consultation with those communities. I was also mindful of the fact that alcoholism is endemic in a lot of those communities—not in just those communities but also in metropolitan communities. I am aware that the cashless debit card is not exclusive to Aboriginal people. Of course, one does not need a PhD to work out that a significant number of people who will be impacted by that card will be Aboriginal people. It is not a silver bullet. It is one other facet to what is happening.

The Western Australian Regional Services Reform Unit is doing really good work. I thank Hon Peter Tinley for keeping me engaged and informed about the process of that unit. Across the board, governments of all persuasions have always committed financially to Aboriginal welfare. In Western Australia, we spend over $6 billion a year on Aboriginal people. If that is the case, why do some of our original Australians still have such an appalling quality of life? As I said, there are a plethora of different programs. Multinationals—the Rios and BHPs—have a raft of different programs for training in their communities et cetera. Local councils in the metropolitan area have a raft of different programs in their communities. The federal government will come along and try different things in consultation with the state government, but very frequently it mirrors or contradicts what happens at the state level and that does not work. One of the biggest issues we have in trying to establish the way forward for Aboriginal people is getting both levels of government working together.
The cashless debit card was established under Tony Abbott when he got Andrew Forrest involved. The work of the review involved trying to improve education and training outcomes for Aboriginal people. It was altruistic and honourable in its merit. I applaud that. One recommendation from that review was, of course, the cashless debit card. I support that.

I take on board the comments that were made by Hon Kyle McGinn and his passion for this area. However, it is not a silver bullet. I acknowledge what he said, and it is so true: it must be a multifaceted approach. I appreciate that in a lot of instances, the cashless debit card could potentially have negative impacts. However, at the same time, if we look at the endemic issues of alcoholism, in particular, and gambling and dysfunction within family units, I really can see some merit in it.

Communities across Australia, particularly those that are affected in Ceduna, East Kimberley and the goldfields, and now Bundaberg and Hervey Bay, had the opportunity to contribute to the Senate Standing Committee on Community Affairs on the establishment of the cashless debit card, and they made a contribution. It was not the case that there was a tsunami of opposition to the cashless debit card; there was enormous support for it.

I want to draw from some of the submissions to the committee. I will table these letters afterwards for members’ benefit. They are readily available, but I will table them anyway.

The letter from the Ceduna Aboriginal Corporation states in part —

On behalf of Ceduna Aboriginal Corporation … I submit our submission which includes the attachments in support of the introduction of a Cashless Debit Card Trial across the far west region of South Australia.

The letter goes on to say —

As a region, Ceduna and surrounding communities have been plagued by excessive alcohol consumption or substance misuse leading to domestic violence, assaults and other type of antisocial behaviour.

…

Many children are going without food and essential clothing and as a result failing to attend school or are subject to all night parties, potential adult violence (assaults), including domestic violence as a direct result of individuals having disposable cash and not meeting their daily or weekly living commitments

The CAC Board and Community Leaders see that the introduction of a Cashless Debit Card would eliminate a lot of the hardship many families are currently facing by limiting the availability of cash to spend on alcohol, drugs and gambling.

The letter from Wunan Foundation to the secretary of the Senate Standing Committee on Community Affairs states, in part —

Wunan Foundation is a well-established and respected Aboriginal development organisation in the East Kimberley. Our goal is to improve the lives of Aboriginal people in the region by driving socioeconomic change, including welfare reform.

Wunan strongly supports the proposed trial of a Restricted Debit Card for all working-age welfare recipients in the East Kimberley. Indigenous people in the East Kimberley are among the most disadvantaged in Australia.

It goes on to list the issues that exist. It then states —

We believe that a Restricted Debit Card, which will severely limit people’s ability to purchase alcohol and drugs, is likely to significantly reduce social dysfunction, including family violence, child abuse and neglect, and crime. In Kununurra, takeaway alcohol is not available on Sundays and local police report that this results in a massive reduction in incidents.

The letter concludes —

Wunan strongly believes that the proposed Restricted Debit Card trial could be the catalyst we need to break the devastating cycle of poverty and despair in the East Kimberley. We urge all Members of the Federal Parliament to support this measure.

The letter from Yalata states, in part —

The Yalata Community Council has considered the cashless debit card at Council meetings and the card introduction has been subject to formal community consultation, including a meeting with the Parliamentary Secretary Alan Tudge in Yalata. There is overall Yalata community support for the trial of the cashless debit card within the Ceduna region.

The impact of alcohol and other drugs has had a devastating effect on Yalata and community members in Ceduna for a very long time. The cashless debit card is seen as a positive step towards reducing the harm of alcohol and supporting families live better lives.

Each of those three contributions is quite extensive, so I will table those letters at the end of my contribution for the benefit of members.
My whole point in bringing that up is that it was not the white man imposing his will on the Aboriginal community. As Minister for Aboriginal Affairs, I was intent on not doing that—I am not an Aboriginal man, and I never, ever wanted to impose my will on Aboriginal communities. However, in this instance, there was consultation and there were opportunities for the communities to be directly involved, and they were; they had their say.

I acknowledge what Hon Kyle McGinn said. I respect him, and I have no reason to disbelieve him. I am also, as I said, from Kalgoorlie, and I also hear a lot of anecdotal evidence. I am sure the member is very familiar with my sister in Kalgoorlie. She is a very well-known local identity, so I hear a lot about what goes on. I still go back to Kalgoorlie very regularly, and I hear an enormous amount about the problems that exist in Kalgoorlie. So, yes, there is the anecdotal concept. If we want pure science to establish a threshold level to say whether the cashless debit card is succeeding or otherwise, that will not happen. It certainly will not happen after a year or two. After 200 years of trying this, this and this, we still cannot get it right. Therefore, to assume that a program like this will be the silver bullet or panacea for success is naive in the extreme.

However, I have to say there has been some success. The Australian government Department of Social Services “Cashless Debit Card Trial Progress Report” of October 2016 identifies some significant improvements. I know that in pure science, we cannot suggest that this is entirely accurate. However, at the same time, we cannot just throw it out and say it is irrelevant. We cannot pick and choose on this issue. The report states about the Ceduna review —

- Poker machine revenue in the Ceduna region between April 2016 and August 2016 was 15.1 per cent lower than for the equivalent period in 2015.
- Monthly apprehensions under the Public Intoxication Act 1984 (SA) were 54 per cent lower between March 2016 and June 2016 compared to the same period in 2015.
- Compared to February 2016, the proportion of people discharged from the Ceduna Sobering-Up Unit while still at risk fell from 14 per cent at trial commencement to 2 per cent in June 2016 (most recent data available).
- There has been a strong uptake of financial counselling and capability services in the Ceduna region. Since the start of the trial, approximately 300+ people have sought financial counselling services in Ceduna.

The report states about the Kununurra–Wyndham review —

- Admissions to the Wyndham Sobering-Up Unit in September 2016 were 69 per cent lower than before the trial began in April 2016.
- The number of domestic violence incidence reports received in July 2016 was 13 per cent lower compared to April 2016 (latest data available).
- There has been a 28 per cent decrease in call-outs to St John Ambulance in Kununurra in September 2016 compared to September 2015.
- There has been a strong uptake of financial counselling and capability services in the East Kimberley region. As at the end August 2016, there were 616 occasions where East Kimberly trial participants have been seen.

As I have said, it is all good and well to dismiss that and say it is irrelevant and we cannot consider it. I will not do that. We cannot just pick and choose in this instance and say these particular figures suit me, so I will use these. I am saying that if we genuinely want to make a difference, we cannot dismiss an argument based on our, dare I say it, ideological bent in this area. We cannot do that. To suggest for one second that the cashless debit card should have resulted in 100 per cent approval or support, and 100 per cent success overnight, in 12 months or two years, is naive in the extreme. For 200 years, successive governments have been trying things, and they have not worked. The simple fact remains that too many Aboriginal kids are out of school. Too many Aboriginal adults do not give a damn. Too many Aboriginal adults are prone to alcoholism, and too many Aboriginal adults are prone to substance abuse. Therefore, we should, in any way, shape or form, give it a go and see whether it has a positive impact. Ultimately, of course, this is for the benefit of the original Australians. We can do a whole raft of things with early intervention and education et cetera, and that is imperative. However, I can tell members that one of the greatest issues in that area is that if a parent is so disengaged from their child’s education that they really do not give a damn, that child has no hope at all. I promise members that I have been to dozens upon dozens of those remote communities, and that is why we now have the regional reform unit.

The cashless debit card is definitely a cultural shift. With all due respect, a lot of people who have been used to getting their money will no longer have the motivation to go to the bottle shop as soon as they get their money. They will have much more motivation to be a bit learned about what they do with their assets and their money, and ultimately, of course, that will benefit Aboriginal people.

The cashless debit card is a genuine attempt on the behalf of the government to try to improve the quality of life of Aboriginal people throughout our community. This trial is trying to achieve that. As I said, without a doubt the
results are mixed, but certainly there is enough evidence from the initial contributions that there is enough support behind it. There is enough evidence to show that it is working, to a degree—I am not saying that it is the panacea. If we couple that with everything else, I would like to think that we can collectively get to the point at which the quality of the lives of Aboriginal people improves. That is why I strongly support the motion and I strongly support the cashless debit card.

The ACTING PRESIDENT: The member indicated that he would seek leave to table various documents. Is the member seeking leave?

Hon PETER COLLIER: I seek leave to table the documents.

Leave granted. [See paper 2500.]

The ACTING PRESIDENT (Hon Adele Farina): I note that there are nine minutes remaining and I might also remind members of the temporary standing order 61, which requires me to interrupt debate to allow the mover an opportunity to reply for five minutes. I will give the call to Hon Darren West but he only has four minutes.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [3.00 pm]: I do not support this motion either. It is very interesting that it has come on today. I am not surprised that there is a race for the right on the other side in political posturing before a federal election. I know that the National Party is feeling a little left behind with the Liberals and One Nation getting along so well. What I am most surprised at is when Minister Dawson moved a very sound, sensible amendment that actually empowered local communities to have a say in this matter and represent the region in question, and when he put forward a very eloquent and well-crafted case for why we should perhaps change our tack a little on this and involve those who are actually being affected, the complete right—this is how far the conservative side of politics has gone—rejected that and said emphatically, “We will decide who goes on this card and we will decide from Perth. We will not engage with any local welfare recipients who are subjected to this scheme”, and “subjected” is the word. As we have heard, this is not a good deal for those who are forced to use the card. Services are in place for people who need income management, which was established by Minister Dawson during his contribution, but that was not acceptable to the conservative side of politics. The federal government has spent $34 million on this experiment—I have questions about where that money goes in due course—and the connections to the former Leader of the National Party need further probing. However, that comes to $4 943 per recipient who has been subjected to the card, which is nearly $5 000. We could have done better with that $5 000 for people who have an addiction or who need support and wraparound services. Remember, the federal government has cut enormous amounts from remote community funding and former Premier Barnett of a Liberal–National government suggested that it would be a good idea to close down some of these communities. We know how the conservative side of politics views remote communities and Aboriginal people, and it is disgusting! The conservative side of politics is in a race to the bottom and it is disappointing—it really is.

The cashless debit card disempowers people, it is demeaning, it is degrading and it is very expensive. Many problems with the card have been highlighted, but here is the main one: it does not work! It has not been proven to work. It has been a very expensive social experiment and I think we can find better ways to deal with the many issues faced in our regional communities. These issues are not just confined to people who are on welfare for whatever reason. They are broader issues that are spread throughout the community to people who go to work each day, people who own businesses and people who work as fly in, fly out employees on mines and the like. These issues are not the domain of people on welfare, and that is where the member has this completely wrong. If the member thinks a piece of plastic will solve these social issues, she is dreaming. I have said that to councils in the goldfields region. The member has talked to the wrong people about this. She needs to be more inclusive in her discussions. I have talked to all the local government people and I do not know why they would want it. The CEO of City of Kalgoorlie—Boulder was concerned that his disinfectant bill has risen as a result of Aboriginal people coming into Kalgoorlie. That is what we have to deal with. This is a bad motion and it should be voted down.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [3.04 pm] — in reply: I thank members for their contribution to the debate today. It is an emotive issue, but what I and other members of this house—apart from Hon Darren West—understand, is that we do not accept the status quo, and neither do Aboriginal people or people living in remote and rural communities. They do not accept the status quo of what is happening to our next generation of young people due to serious neglect and addiction, and issues with gambling and dysfunctional families. Different support services can be used to help people to live a healthy and prosperous life. I believe that the cashless debit card, as other members have pointed out, is just one of the ways in which we can help people to better support their family to get children to school, to have them fed and to have a harmonious relationship with not only their family, but also their community. We cannot just say, “That person is an alcoholic and that person is an addict.” That is more of a stigma than actually rolling out a full trial of any type of social service, as this state government has done with the Pilbara liquor restrictions. That is a blanket approach. Governments have to take a blanket approach. For those children and young people whose parents have a welfare card, at least their parents have sought welfare because a lot of parents do not do that and their families live on the street. The greater stigma for those children is to turn up at school with no food, no appropriate clothing and no housing to support them into the future when they look for a job. I think Hon Colin Tincknell said in his
contribution that without the appropriate housing and support services, they cannot get a job. This is a way of trying to draw a line in the sand, to re-evaluate the situation and to allow people some space to work with their counsellors, their community members and their family to find a way to live a better life. I appreciate the contributions from all members in this debate, but no-one has suggested that the status quo is okay. I think that is worthy to note.

Let us not forget that this is a trial. It is not being rolled out forever and a day, never to be re-evaluated. Governments do not do that. They re-evaluate programs, as they should. We can take the learnings from these trials and, as a result, put in place a better system. The great thing about that is that at the end of the day, it will be the families and their children who will benefit from that. I fully endorse the motion today.

In closing, I just want to say that I brought this motion to the house today because there is a roster, Hon Darren West. That is why this motion was brought on for debate today. There was no deceptive reason. When I was in the goldfields recently, I met with not just the council, as Hon Kyle McGinn suggested, but a number of stakeholders and affected people right across the gamut from the council, small business owners and people who are on the card to people who work with people on the card.

When I have mental health workers, health workers, support workers, financial planners and psychiatrists telling me that this is working, that they want it to stay and that they want the opportunity to continue to work with people who need their support, it is a worthy debate for this house to have to ensure that the federal government takes heed of the results of the trial, listens to the people in the community and continues the support that people in the community are asking it to deliver for them. I thank members for their contributions. It has been an exceptionally worthwhile debate.

Division

Question put and a division taken, the Acting President (Hon Adele Farina) casting her vote with the noes, with the following result —

Ayes (15)

Hon Jacqui Boydell  
Hon Jim Chown  
Hon Peter Collier  
Hon Colin de Grussa  
Hon Robin Chapple  
Hon Sue Ellery  
Hon Alanna Clohesy  
Hon Stephen Dawson  
Hon Michael Mischin  
Hon Nick Goiran  
Hon Colin Holt  
Hon Rick Mazza  
Hon Donna Faragher  
Hon Simon O’Brien  
Hon Colin Holt  
Hon Tjorn Sibma

Noes (15)

Hon Robin Chapple  
Hon Tim Clifford  
Hon Alanna Clohesy  
Hon Stephen Dawson  
Hon Kyle McGinn  
Hon Martin Pritchard  
Hon Alannah MacTiernan  
Hon Dr Sally Talbot  
Hon Charles Smith  
Hon Nick Goiran  
Hon Robin Scott  
Hon Tjorn Sibma  
Hon Colin Tincknell  
Hon Ken Baston (Teller)  
Hon Adele Farina  
Hon Martin Aldridge  
Hon Dr Steve Thomas  
Hon Samantha Rowe  
Hon Pierre Yang

Pairs

Hon Dr Steve Thomas  
Hon Samantha Rowe  
Hon Pierre Yang

Question thus negatived.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Chair of Committees (Hon Simon O’Brien) in the chair.

Joint Standing Committee on the Corruption and Crime Commission — Seventh Report — "Unfinished business: The Corruption and Crime Commission’s response to the Committee’s report on Dr Cunningham and Ms Atoms" — Motion

Resumed from 13 March on the following motion moved by Hon Alison Xamon —

That the report be noted.

Hon ALISON XAMON: I am keen to speak on one of the reports that follows on from this report today, so I am hoping that the house will be happy to agree to postpone debate on this report to a future sitting.

Consideration Postponed

Hon ALISON XAMON: I move —

That consideration of the seventh report of the Joint Standing Committee on the Corruption and Crime Commission be postponed until the next sitting of the Council.

Question put and passed.
I rise because I wish to make some comments about this report. I began discussing this matter the last time we considered committee reports, but I did not get a chance to conclude my comments. I just want to confirm how much time there is remaining for debate on this report and that there is potentially another 56 minutes.

The CHAIR: Yes, we have that amount of time available to us today on this report.

Hon ALISON XAMON: Thank you, Mr Chair. I suspect I will not require all that time, but thank you for that guidance.

The CHAIR: In the first instance, you have the balance of eight minutes, which is a bit over seven.

Hon ALISON XAMON: Thank you, Mr Chair. I rise because I want to specifically discuss the minister’s response to this report. The quick overview is that the Corruption and Crime Commission originally conducted an investigation into the circumstances surrounding the charging of Mr Gene Gibson with the murder of Mr Josh Warneke. Mr Gibson was subsequently exonerated of the charges because it was found that there had been a gross miscarriage of justice. Indeed, grave concerns were raised about the way that the police conducted the original investigation. Tragically, as a result, Mr Gene Gibson ended up serving years in prison that he never should have served. Equally heartbreaking, the killer of Mr Josh Warneke is still unknown, so there is still no closure for Mr Josh Warneke’s family, if there can ever be said to be closure on the death of a child.

Subsequent to the initial investigation, the CCC followed up on the initial recommendations that arose from that investigation. It found that there had been some movement in addressing the original recommendations but that, unfortunately, there was still quite a bit that needed to occur. This was of great interest to the Joint Standing Committee on the Corruption and Crime Commission, which oversees the CCC. The committee conducted a hearing with the CCC on the follow-up of the original investigation. It has been said, and I concur, that this is one of the most important inquiries that the CCC committee has ever undertaken. As a result, the committee came up with a number of findings and recommendations in its eighth report, “The More Things Change...: Matters arising from the Corruption and Crime Commission’s Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke”, which has been tabled in this Parliament. Recommendation 1 was —

The Western Australia Police Force should routinely work with local groups and Aboriginal elders when inducting regionally and remotely stationed officers.

Recommendation 2 was —

Cognitive impairment and foetal alcohol spectrum disorder are areas of emerging challenges and there is growing expertise around these issues. Given this, the Western Australia Police Force need to prioritise internal policies and increase training of frontline officers in order to keep in step with ongoing developments.

Recommendation 3 was —

That the Western Australia Police Force commit the time and resources necessary to the ongoing education and training of police officers in cultural awareness.

Twelve findings arose from the committee’s investigations.

We have finally received the ministerial response to this report, and it was tabled last year. As I recall, Parliament had already risen, so we had not had the opportunity to explore fully the government’s response to this. However, I have gone through the government’s response, all three pages of it. “Underwhelmed” is probably the word that comes to mind when I look at the minister’s response to these recommendations. I remind members that this is a problem on so many fronts. It is a problem because of what happened to Mr Gene Gibson. As I said, it is a problem in terms of the lack of justice for Mr Josh Warneke and his family. The inquiry exposed very serious systemic concerns about the way in which the police conduct these investigations and interact with, in particular, Aboriginal Western Australians who live in remote areas and come from the lands, sometimes have cognitive impairments and often have a limited grasp of English due to English being their second or even their third language. Personally, I am impressed when anyone can speak more than one language. We need to recognise that if English is not someone’s first language, it creates particular challenges. We also need to remember that this is their country and that the languages spoken by Aboriginal people in the regions are the languages of those regions. The committee acknowledged that policing needed to change the way that it addressed basic issues of justice and undertook interrogation techniques.
The chair of the committee is Ms Margaret Quirk, MLA, the member for Girrawheen, and she has done a very good job as chair. In her foreword, she pointed out that there are —

… ongoing concerns around systemic issues identified with police and Aboriginal interaction.

At page 5 of the report, the committee found —

The findings of the Commission highlighted failings of the Western Australian justice system more widely in relation to Aboriginal people, particularly for those who may have a form of cognitive impairment.

The report highlights the need to improve criminal justice for the most vulnerable people.

The CHAIR: Hon Alison Xamon.

Hon ALISON XAMON: Finding 6 says specifically —

… more needs to be done in the area of dealing with vulnerable people.

The report found that the current cultural diversity training is neither appropriate nor sufficient. There is a problem in the way that police interviews are conducted; the necessary training and adherence to requirements is, unfortunately, sporadic. A big thing that came out is that police need to learn to ensure that a suspect is aware of the nature of the caution given to them. The committee also noted that identifying cognitive impairment is, of course, particularly difficult. Members would be aware of this. Even when we strongly suspect someone has a cognitive impairment or has FASD, it takes quite a lot of diagnosis to get to the point of confirming that.

I imagine that if a police officer with absolutely no clinical training whatsoever is dealing with someone who may speak English as a third language, that can be particularly difficult. Nevertheless, it was found that this is a necessary skill or requirement as we move forward.

Of course, although police are not expected to make a diagnosis—to suggest that they would be able to is absurd—they should be able to form a view about understanding around interview processes and the right to silence. This, of course, requires training. We need to equip our police officers with these skills. These fundamental flaws are not new but they still have not been acted upon, and everyone should be particularly concerned about that. The committee questioned whether WA police were taking these issues as seriously as they should be, especially considering the damning findings that came out of the initial report and indeed the damning findings of the court that ultimately released Mr Gene Gibson.

The ministerial response was tabled, as I mentioned, late last year. In this response, the Minister for Police has assured Parliament that WAPOL takes the report seriously and provides some examples of programs that are in place that apparently address the committee’s recommendations. When I say that they address the recommendations, I am talking about almost two pages of dot points that are broken down into regions. The Aboriginal Police Advisory Forum — APAF—has apparently been established and comprises police executives plus eight Aboriginal leaders. However, there is no more detail about this forum. It would be interesting to know how often the group meets, how many members of the police executive turn up to the meetings, and what, if any, initiatives have arisen from the work. There is no detail about this in the minister’s response. I would have thought that if APAF was an initiative that was starting to make some inroads and have some success, at the very least we would have had an update on what will be produced out of this forum. I would be very concerned if I discovered that it is just another committee that has been established that will not produce anything or go anywhere, and especially if it is simply going to be presented to Parliament as evidence that something is happening if that has not been the case. Having said that, I could be completely wrong. This could be an innovative, amazing and extraordinary forum that is on the cusp of achieving great things—in which case, I would have expected more detail to be provided about exactly what it is doing. I am always of the view that if there is an opportunity to showcase our great successes, as Parliament has effectively presented, that surely would have been an opportunity that would have been taken advantage of, particularly considering the significant time that existed between when this report was tabled and when we finally got the minister’s response. I am talking about a period of over two months. There was certainly ample opportunity to elaborate on that. Nevertheless, we did not get that.

The response also provided examples of programs that are currently in place in order to respond to the report’s recommendations. I am specifically talking about recommendation 1, which is that the Western Australia Police Force should routinely work with local groups and Aboriginal elders when inducting regionally and remotely stationed officers. The response is broken up into regions and I want to talk about a few of them.

In relation to the Kimberley programs, in Broome, a full-day induction is facilitated by elders; in Fitzroy Crossing, new staff spend two days with a local female leader; and in Wyndham, a range of work is occurring with local Aboriginal groups. That is what has been put forward as the work that has been done in those areas to deal with the recommendations. But, according to the WAPOL website, there are 12 police stations or police facilities across the Kimberley. The question I have is: what, if anything, is happening in the eight other police posts? On my reading of it, without having the advantage of the minister giving me a more fulsome response, I am concerned that two-thirds of the posts in the Kimberley are still not getting the sort of training that the Corruption and Crime Commission identified was necessary to avoid a miscarriage of justice. It has raised more questions than it has answered.
Moving on to the Pilbara programs, the minister’s response refers to initiatives at Newman, where Aboriginal rangers provide cultural training. I say at the outset that I am a huge fan of the work that Aboriginal rangers are doing; I think it is extraordinary. In Roebourne, the tour company provides cultural inductions and in South Hedland, officers join industry in a local induction. On the face of it, they are not particularly overwhelming initiatives. Similar to my concerns about the problems in the Kimberley, there are 15 police posts in the Pilbara, yet the programs that have been described cover only three. What, if anything, is happening in the 12 other posts in the Pilbara? Again, that raises very big concerns.

In the goldfields and Esperance region, officers in Kalgoorlie, Esperance, Laverton, Leonora, Wiluna and Warakurna are in discussions with organisations and local groups to provide cultural inductions. So, they are just having discussions! All this time later, apparently, we have not got beyond talking about doing stuff! Wiluna police have an informal induction conducted by community elders.

Members, this does not fill me with any confidence. If, in response to the two CCC reports and a joint standing committee report, and following some damning court proceedings, the best we can do in Kalgoorlie, Esperance, Laverton, Leonora, Wiluna and Warakurna is to be in discussions, this does not strike me as being at the forefront of ensuring that we have actual action. What is happening? Why has it not moved beyond that? Why is this not being dealt with?

The CHAIR: Members, the question is that the report be noted.

Hon ALISON XAMON: Why is this not being dealt with with the screaming urgency that I think it deserves? Is there a suggestion that perhaps they do not need to do anything? Is this just not considered to be a problem, because the CCC would say otherwise?

I move to the midwest and Gascoyne. In Mullewa, new officers are involved in a personal introduction to local elders and are taught the importance of culturally significant periods such as lore and sorry time and the local importance of NAIDOC Week. Again, the minister has provided information about one out of 19 police stations in the midwest and Gascoyne, so we have heard absolutely nothing from 18 stations. Nothing has been presented to Parliament as evidence that anything is happening to initiate reform in this space. Wonderful things may be happening, but, if so, why has this not been presented to Parliament as part of the minister’s response to this report?

Moving on to the wheatbelt, the district office is recruiting an Aboriginal senior constable who will assist in developing formal induction processes in collaboration with local Aboriginal groups. The wheatbelt is one of the areas that I tend to go to a fair bit; I am able to mainly because of its proximity to Perth. Members are aware that that is a huge district and has a significant Aboriginal population, particularly in Northam. I want to know what else, if anything, is happening in that area. The police are talking about fairly minimal activity. They are recruiting an Aboriginal senior constable, and that is meant to deal with the whole of Northam. This does not strike me as treating it with the urgency that is absolutely required.

The great southern district office is currently working with local Aboriginal people to develop local reference groups specific to the area. That is it! Again, conversations are occurring to establish something, but nothing has been established yet. So there are just discussions occurring about all this incredibly important work that we should be seeing on the ground.

Finally, the south west district office is currently in discussions to determine what services can be utilised to provide culturally appropriate inductions across the district. That is it! Discussions with whom? What sorts of discussions? Out of these incredibly important reports that deal with serious issues about the way that the police administer justice for Aboriginal people in this state, apparently the most we have for the entire south west region is that they are “currently in discussions”. Are they in discussions amongst themselves? Are they talking to non-government organisations? With whom are they in discussions? I would have thought that the minister, at the very least in an answer to Parliament, would have been keen to emphasise with whom they were in discussions and what was coming out of that. All I can take from such a woolly answer is that perhaps nothing much is happening at all, in which case I am gravely concerned.

Although some of these programs of course sound positive, and I am glad that something can be reported, the response in its entirety is not particularly compelling reading. According to the ministerial response, detective training courses now include the Anunga guidelines. I repeat: detective training courses now include the Anunga guidelines, which is great, but given that the guidelines were developed in the 1970s, I am not quite sure why, in 2018, we are finally celebrating their inclusion. Why is this training only for detectives?

Overall, the ministerial response lacks detail. There is no indication at all that any of the initiatives referred to in the report are being evaluated in any way to see whether they are successful. How are we determining how those initiatives are operating? Are the initiatives evidence-based or has someone in an office somewhere developed an idea and said, “Let’s go and get so-and-so to talk to the Aboriginal people, and whatever. Let’s see what comes out of it. Then we can say that we have signed off on it”? I do not know whether that has happened, because there
is no detail in this response. Maybe the initiatives have been comprehensively developed—I would not have a clue. Again, if I were the minister and I was doing lots of wonderful work in this space, I would be proud to put that detail into the response and present a massive document to this Parliament to assure people that this issue is being taken as seriously as it should be. We do not know how often police training is updated because that detail is completely missing from this very short response. We know that some broadbrush training occurs initially. We have been told that some people are now getting a bit of a refresher on elements of that training. But other than that, overall, what do we know about updated training? If we can find out about that, what does that training consist of? What is included in that training? How much has the content of this training now been altered as a direct result of having a far more comprehensive understanding of the challenges of working with suspects who are cognitively impaired or do not speak English as a first language? How much time is spent on each training module; for example, on training modules that aim to improve the way in which police identify and work with people with cognitive impairment? Who is delivering the training? Is it someone who is qualified to do this or is it some sort of training package that has been cobbled together? I do not know. The minister has given us no additional information about what is happening in this space.

I am one of the first people in this place to recognise how complex this issue of people with cognitive impairment is and the challenges associated with addressing foetal alcohol spectrum disorder. Of course, FASD has significant implications for criminal justice. I also recognise that individuals with FASD might present very differently from those who experience a range of other cognitive impairments. For example, when the Telethon Kids Institute undertook research on children in Banksia Hill Juvenile Detention Centre, it found that those children tended to have significant street smarts but had difficulty understanding right from wrong. It was a different type of intelligence—a survival type of intelligence, if you like—that had emerged in those kids born with FASD. Those complexities are precisely why we need to ensure that we are investing more in getting this right. It is the case that far too often it is our police who are at the forefront of dealing and working with people who have FASD and other types of cognitive impairment. I note finding 4 in the report states that not enough time is dedicated to cultural diversity during the WA Police Academy’s training of recruits. That finding led to recommendation 3.

The CHAIR: Hon Alison Xamon.

Hon ALISON XAMON: Thank you, Mr Chair.

Recommendation 3 states —

That the Western Australia Police Force commit the time and resources necessary to the ongoing education and training of police officers in cultural awareness.

In the three thin pages of the minister’s response supplied to Parliament, the minister indicated that a new training module was being trialled, but more questions emerge as a result of the slight nature of that answer. Does this mean that more time will be spent on this topic? I do not know because we did not get that information from the minister. What outcomes are being measured in the evaluation of the trial? I do not know because that information did not come back in the minister’s answer. Assuming the trial has now finished, what were the results? I would really love to know what those results were. Given that recommendation 2 refers to the need for internal policies about cognitive impairment and FASD, I think it is particularly disappointing that the minister’s response did not address this issue. Again, recommendation 2 points out —

Cognitive impairment and foetal alcohol spectrum disorder are areas of emerging challenges …

In the future, this needs to be a priority moving forward.

Finding 9 states —

The Western Australia Police Force are progressing the implementation of pre-recorded cautions in 20 Aboriginal languages in spite of delays and difficulties inherent in identifying the right dialects and obtaining adequate services to progress this initiative. No time frame for completion of this work have been given.

This was referred to in the report. There was an opportunity for the minister to give an update on this initiative, but we did not get that. The question I have is: how many cautions in Aboriginal languages have been recorded?

Finding 10 of the Joint Standing Committee on the Corruption and Crime Commission’s report states —

The administration of a caution for a person unfamiliar with their right to silence when English is not that person’s first language, and the ability of the interviewee to properly understand that caution, remains an ongoing concern for the Corruption and Crime Commission and the Western Australia Police Force.

Unfortunately, the minister’s response has not alleviated that concern either. Those are just a few words that I wanted to say in response to the minister’s response to the joint standing committee’s response to the Corruption and Crime Commission’s response to the CCC’s original inquiry. These matters have arisen as a result
of the court case. I am very disappointed that this far down the track we have seen very little progress. I am very disappointed that this issue does not seem to have been given the priority that it deserves. I think our police officers deserve better. I know that I am not the only person in this chamber who cares a lot about the wellbeing of our police officers who have been left on the forefront on this issue. We want to ensure that they get the best possible support and training so that they can do their jobs. Far too often, we are sending police officers out into our regions ill-equipped. The sorts of issues identified in the CCC report are the very serious challenges police officers are left to deal with on a day-to-day basis. The least we should be doing is ensuring that they are getting the best possible support and training to be able to do their job. We are also doing this so that we can ensure that when Aboriginal people come up against the police, and when they front the justice system, they are given every opportunity to have justice afforded to them as well. Judging by the minister’s response to the report, I have no confidence that this issue has been given the priority that it deserves. I am very concerned. I do not want to see another case like that of Mr Gene Gibson, but I wonder whether it will simply be a matter of time until another gross miscarriage of justice is uncovered, because we have not taken this issue as seriously as we should. This is something that every person in this place should be very concerned about. I will be asking the minister more questions about this matter. I certainly urge parliamentary members, particularly government members, to encourage the minister, the Premier and the cabinet to make this a priority area for reform.

Question put and passed.

Select Committee into Elder Abuse — Final Report — “I never thought it would happen to me: When trust is broken” — Motion

Resumed from 20 February on the following motion moved by Hon Nick Goiran —

That the report be noted.

Hon NICK GOIRAN: I rise to speak to the ongoing consideration of this important report, the one and only report produced by the Select Committee into Elder Abuse. The report was tabled in September last year and the chamber has had a few opportunities to consider it. At the outset this afternoon, I thank Hon Alison Xamon, who was the deputy chair of that committee, for drawing to my attention yesterday evening the passing of Karen Merrin who I understood had a long battle with cancer. I was unaware of Karen’s passing until the honourable member made her member’s statement yesterday, and I thank her for doing so. I will indicate to the chamber that I did not have a long history with Karen, but certainly during the course of the 12-month inquiry by the Select Committee into Elder Abuse we had a number of interactions, all of which, I must say, were immensely positive. Of the little I knew of Karen Merrin, she struck me as an authentic individual who was incredibly pleasant to deal with in every interaction that I had with her. Karen and her organisation, the Northern Suburbs Community Legal Centre, were very important witnesses to our committee inquiry, not the least of which because they continued to be on the forefront assisting people who had been subjected to elder abuse. In those few moments that I have had, I want to join and associate myself with the remarks that Hon Alison Xamon made last night and pass on my condolences to Karen’s family and friends on what was the surprising and sad news that I heard yesterday evening.

I must now move on to further consider the report before the chamber titled “I never thought it would happen to me: When trust is broken”. It is indeed timely that we should be considering this report today, on 20 March 2019, because today is the day after the federal government announced its national plan into elder abuse. This announcement was made yesterday. For the benefit of members, it includes this document here titled “National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019–2023”. This 32-page document announced and released yesterday has been endorsed by the Council of Attorneys-General. If members have had the opportunity to read this document, which was released yesterday, it is clear that all governments in our Federation agree that we must act now to do more to reduce the prevalence of elder abuse. The time for talk has long passed and it is the time now for action. This plan is the genesis of that call to action.

Although the federal government announcement of the national plan to respond to elder abuse was being made yesterday—which has been endorsed by governments of all persuasions across the nation—in a gesture of the greatest irony, our government yesterday decided to choose the same day to release a discussion paper on assisted suicide. It was released and announced yesterday, on the very same day that we had a national response to elder abuse. That discussion paper comprising 53 pages, including appendices and a few blank pages for notes, does not once mention elder abuse. It is rather ironic that yesterday, on 19 March 2019, the federal government released the “National Plan to Respond to the Abuse of Older Australians (Elder Abuse)” and simultaneously the WA government released the “Ministerial Expert Panel on Voluntary Assisted Dying: Discussion Paper”. That discussion paper does not once mention the term “elder abuse”. Whichever side of the debate one falls, it is beyond me how the government could produce a document on this topic that does not once mention elder abuse. It shows the grossest incompetence to produce a document like this without once mentioning elder abuse. This is one of numerous concerns that I have about this discussion paper—a discussion paper that will no doubt lead to much discussion in this chamber later this year, as is the wish of the government. I simply make this point at this stage: it is a gesture of gross irony that the government would choose the very same day as the federal government released its national plan to respond to elder abuse, a plan in which WA had a lead role in participating.
If members get the opportunity to look at this national plan on elder abuse, they will see that the federal government has understandably utilised the World Health Organization’s definition of “elder abuse”. This definition has also been incorporated and supported by the Select Committee into Elder Abuse in one of its findings pursuant to its terms of reference. The World Health Organization has defined “elder abuse” as —

“a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person”.

Members may be aware that in 2017, the Australian Law Reform Commission produced a report titled “Elder Abuse—A National Legal Response”. It recommended that all governments work together to develop a national plan to combat abuse of older people. It is interesting that the federal government and the Council of Attorneys-General used the phrase “older Australians” or “older people” rather than “elder abuse”. I will tell members why the federal government has done that. I draw members’ attention to page 2 of the national plan, which states —

The National Plan refers to ‘abuse of older Australians’ instead of ‘elder abuse’. This is because in Aboriginal and Torres Strait Islander culture the term ‘Elder’ refers to appointed community representatives with cultural and other responsibilities. An Aboriginal and Torres Strait Elder is not necessarily an older person. The National Plan is concerned to respond to the abuse of older people, as defined by age. Some service providers may still use the term elder abuse as referring to violence towards, or abuse or neglect of, an older person.

Members may also be aware that the Royal Commission into Aged Care Quality and Safety was established in 2018. The national plan makes the point that it will take time for that royal commission to investigate and report on that matter, and that reinforces the need to develop a set of responses.

The CHAIR: Hon Nick Goiran.

Hon NICK GOIRAN: The national plan that was released yesterday outlines the five priority areas that have been proposed and endorsed by all the governments in Australia. Priority area 1 is entitled “Enhancing our Understanding”.

The first initiative under that priority is to conduct a national prevalence study on the abuse of older people. It has been estimated that every year in Australia, 185 000 older people experience some form of abuse or neglect. If that estimate is correct, and the Western Australian population is, let us say, 10 per cent of the nation’s population, that indicates that approximately 20 000 older people in Western Australia are experiencing some form of abuse or neglect, or are subject to elder abuse. As we have discussed previously when considering this report, elder abuse may include emotional and psychological abuse. I have mentioned to members that the elephant in the room is the fact that people are scared, through duress or undue influence, into making decisions they would otherwise not make. It is for exactly that reason that I am appalled that the ministerial expert panel, in its discussion paper on the national plan, did not include one single sentence about psychological and emotional elder abuse. That is notwithstanding the fact that the Western Australian government is one of the governments that has endorsed the national plan to respond to elder abuse, which indicates that approximately 20 000 Western Australians are subject to this form of abuse and neglect. It is open for members of this place, and for the public, to hold a particular view on this issue. However, it will be necessary for this expert panel to address that issue if it genuinely wants to prepare a safe system. I am not convinced that a safe system can be drafted, and, indeed, the lived experience from the 15 other jurisdictions tells us that. In order to be familiar with that, we cannot simply look at the legislation. We also need to look at the cases and the lived experience. I have previously commented on the fact that the Joint Select Committee on End of Life Choices did not do that, hence the minority report. It is abundantly clear that the expert panel has not yet done that work and does not intend to do that work. If the expert panel does not deal with the issue of elder abuse, at least 20 000 older Western Australians, according to these estimates, will be subject to some form of abuse or neglect.

It is true to say that the Australian government does not have a detailed picture of the extent of elder abuse. That is precisely why research is needed to build an evidence base. Evidence suggests that financial abuse is the most prevalent form of elder abuse, and that is often said when people talk about elder abuse. However, I hasten to draw to members’ attention that the evidence given to the Select Committee into Elder Abuse indicated that financial abuse, and psychological and emotional abuse—another form of abuse—are competing for the unwanted top prize, if you like, as the most prevalent form of elder abuse. It is clear from the national plan provided by the federal government yesterday that its aspiration is that data on personal experiences and general community surveys will help to shape the design and delivery of the services that are required to address this scourge in our community.

Priority area 2 is entitled “Improving Community Awareness and Access to Information”. In essence, the national plan proposes three ways in which to do that. The first is to improve community awareness. I note that every time we have a discussion about elder abuse, either in this place or, more particularly in the media, there is a spike in calls to the elder abuse helpline. In my view, that is evidence of the benefit of raising community awareness about the support that does exist. The second area is education. The third area is the need to change attitudes and minds; in other words, to help shape public opinion and build momentum for positive change.
Five priority areas are outlined in the national plan that was released yesterday. Priority area 3 is entitled “Strengthening Service Responses”. As I understand it, the Australian government has committed $18.3 million to deliver trials of specialist units to provide dedicated services across the country to support older Australians experiencing abuse. It proposes to do that in a number of ways. The first is the establishment of a national helpline, with the toll-free number 1800 ELDER HELP. The second is the establishment of specialist elder abuse units that will combine the work of lawyers with social workers and other specialist and support staff. The third, which will please Hon Alison Xamon, is the establishment of health–justice partnerships. This will involve the training of healthcare and social workers to identify vulnerable or at-risk individuals in the health system and refer them for support. The fourth is to resource case management and mediation services.

Priority area 4 is entitled “Planning for Future Decision-Making”. The federal government indicates in its national plan that it wants to consider options for harmonising enduring powers of attorney. If I could be frank, I wish that was a little more than just considering options. This has been talked about for an extended period. Nevertheless, it is good to see that it is on the plan. Secondly, it wants to look at the feasibility of establishing a national online register for enduring powers of attorney. This is interesting, because the tripartisan Select Committee into Elder Abuse recommended to the Western Australian government that it go it alone and have its own register. Unfortunately, that was the one recommendation that the government did not support. It wants to wait for a national register. My fear, and I think I speak for all my committee members on this, is that by doing so, we might be waiting forever. It would be far more desirable if Western Australia went it alone and established its own register because the abuse that takes place with powers of attorney is incredible. The fact that one can have multiple powers of attorney documents in existence concurrently is truly staggering. The fifth priority area is the strengthening of safeguards for vulnerable older adults. Those matters can further be seen in the national plan that was released yesterday.

Hon STEPHEN DAWSON: I apologise to Hon Nick Goiran. I was trying to catch his eye during his contribution because I want to rise briefly to make a contribution on the final report of the Select Committee into Elder Abuse, “‘I never thought it would happen to me’: When trust is broken”. In doing so, I want to acknowledge the good work of the committee members who put together this report: Hon Nick Goiran, Hon Alison Xamon, Hon Matthew Swinbourn and Hon Tjorn Sibma. Over the years, I have worked for ministers for seniors’ interests and I have taken a great deal of interest in this area. While I have the floor, I, too, want to acknowledge the passing of Karen Merrin, the former—I was going to say CEO, but what was her role?

Hon Alison Xamon: Executive director or manager.

Hon STEPHEN DAWSON: Karen Merrin was executive director of the Northern Suburbs Community Legal Centre. One of my first political jobs was working for a federal senator in Mirrabooka in the late 1990s. I had a great deal of interaction with Karen, particularly on constituent issues to do with Centrelink and all sorts of other things. Karen was a trailblazer in the community services sector. She was a tireless advocate. She was the champion of those who are vulnerable. I also know about the good work that the Northern Suburbs Community Legal Centre did in the elder abuse space. Over the years, it has been funded by the Department of Communities to run a range of programs, including providing wraparound services to people over 60 years of age or Aboriginal people over 55 years of age who are vulnerable to elder abuse. The centre also ran a volunteer program. I understand that a number of senior Western Australians used iPads to go out and educate the community about the risks of elder abuse and what it is. I want to give my regards to Karen’s boys and her family. She most definitely has a lot to be proud of, as do they. As I said, she was a tireless advocate but she was also a great educator and sharer. Over the years, many people would have benefited from her wisdom and knowledge. I understand that the Northern Suburbs Community Legal Centre has grown to about 20 staff now. Over that time, they have educated university students on all sorts of issues, including elder abuse.

She has left an indelible legacy. She was acknowledged in 2017 with a consumer protection award for her work in that space, but I do not think one could ever give her too many accolades. We could never thank her often enough for the work that she has done on behalf of vulnerable Western Australians, including those in the elder abuse space, and for ensuring that we have a vibrant community legal centre in this state. I was the second chair of the board of the Employment Law Centre of WA, which Karen also had a hand in establishing. Her mark is left for all of us to see. She will be remembered. I think it is very important that the Parliament acknowledge her fine work whether it is in domestic violence, health, justice or seniors’ rights. She has done some tremendous work and I certainly will remember her and I thank her for how she shared her knowledge with me and with others to make sure that we are all aware of the issues faced by vulnerable people in this state and that we can all do our bit, whether it is in the elder abuse space or to do with other issues in the social services sector. We can all keep in mind those who are more vulnerable than we are and who need and warrant protection. We always need to remember to fund those advocacy agencies to continue Karen’s good work into the future.

Consideration of report adjourned, pursuant to standing orders.

Progress reported and leave granted to sit again, pursuant to standing orders.

Sitting suspended from 4.15 to 4.30 pm
QUESTIONS WITHOUT NOTICE
ENVIRONMENTAL PROTECTION AUTHORITY — GREENHOUSE GAS EMISSIONS — COMMUNICATION

212. Hon PETER COLLIER to the Minister for Environment:
I refer to the minister’s response to a motion moved in the Council on 14 March about the Environmental Protection Authority’s decision on the greenhouse gas guidelines, in which he states, in part —

… on 21 February, the EPA chairperson briefed … the Premier and me about the EPA’s decision on the greenhouse gas emissions guideline.

Can the minister confirm that at that meeting the EPA chair explained the EPA’s intention to recommend offsets for proposals with direct emissions above 100 000 tonnes of carbon dioxide equivalent per annum?

Hon STEPHEN DAWSON replied:
I thank the Leader of the Opposition for the question.

I would have to go back and check my notes in relation to the meeting, but certainly we did get a high-level briefing on 21 February in terms of the detail; I will check my notes.

PILBARA PORTS AUTHORITY — CHAIRMAN — RESIGNATION

213. Hon PETER COLLIER to the Minister for Ports:
I refer to question without notice 128 asked on Tuesday, 12 March 2019, regarding the chairman of the Pilbara Ports Authority.

(1) Will the minister name the senior public servant who advised her that the chairman of the Pilbara Ports Authority had been inquiring about his future and the date the minister was provided with advice; and, if not, why not?

(2) Had the chairman of the Pilbara Ports Authority raised any concerns with the minister or any staff member in the minister’s office regarding the Spoilbank marina project?

(3) If yes to (2), what concerns did the chairman raise and on what dates were the concerns raised?

(4) What significant commercial proposals under consideration in the Pilbara led the minister to want to bolster the commercial and operational experience on the board?

(5) What are the other options her chief of staff discussed with the chairman of the Pilbara Ports Authority?

(6) Did the chairman discuss his resignation with other members of the board; and, if so, when?

Hon ALANNAH MacTIERNAN replied:
I thank the member for some notice of the question.

(1) No, I do not think it is appropriate or necessary to name the person.

(2) No.

(3) Not applicable.

(4) Commercial proposals include the development of general cargo facilities at Lumsden Point, progressing the concept of direct freight shipping into the Pilbara and facilitating port access for significant proposed development projects on the Burrup and, more generally, across the Pilbara.

(5) The chairman had inquired about opportunities on other government boards.

(6) The question will need to be directed to the chairman. We received advice from the chairman on 11 March 2019.

DANGEROUS SEXUAL OFFENDERS — CHEMICAL CASTRATION

214. Hon MICHAEL MISCHIN to the Leader of the House representing the Attorney General:
I refer to the Attorney General’s claims reported in PerthNow on 18 August 2012, while he was shadow Attorney General, that it should be mandatory for dangerous repeat sex offenders to undergo chemical castration before being released, and specifically his remark —

“Without this, the danger to our children far outweighs any consideration or concerns of the offenders,” …

(1) Does he maintain the view that all dangerous repeat sex offenders should undergo chemical castration before release, or was that just another of his comments made to pretend to the public that he was tough on criminals?

(2) If he meant what he said, what steps has he taken to ensure that all dangerous repeat sex offenders undergo chemical castration before release?

(3) How many dangerous repeat sex offenders have been released during his term of office without having been chemically castrated?

(4) If he does not maintain that view, why not?
Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

(1)–(4) The government has introduced a range of amendments to the Dangerous Sexual Offenders Act 2006 and will continue to regularly consider this legislation to ensure that it provides a high level of protection to the community. Chemical castration can include libido-limiting medication, which is required on a case-by-case basis. Some offenders are required to take libido-limiting medication as a condition of their supervision order as determined by the court. However, not all DSOs are able to be administered some form of medication due to underlying medical issues or because the nature of their offending is such that reducing their libido is not considered relevant to reducing their risk of sexual recidivism.

Between 13 March 2017 and 13 March 2019—bearing in mind that this question was lodged on 12 March 2019—as accurately as can be determined on short notice, 10 DSOs were released into the community on supervision orders, with five of those DSOs being released into the community with no condition mandating their use of anti-libidinal medication. Further, one of the 10 DSOs released to community supervision is now deceased. Four DSOs had their supervision orders amended following contravention proceedings, with two of those DSOs being released into the community with no condition mandating their use of anti-libidinal medication. One of those two DSOs is now deceased. No DSOs released in this period have been charged with committing any sex offences since their release on supervision orders.

COMMUNITY KINDERGARTENS — ENROLMENTS

215. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to community kindergartens currently operating in Western Australia. Will the minister provide a breakdown of —

(a) funding allocated to each community kindergarten in 2019; and

(b) the current enrolment for each community kindergarten for the 2019 school year?

Hon SUE ELLERY replied:

I thank the member for some notice of the question.

The answer is in tabular form, so I seek leave to have it incorporated in Hansard.

Leave granted.

The following material was incorporated —

<table>
<thead>
<tr>
<th>Community Kindergarten</th>
<th>(a) TOTAL ($)</th>
<th>(b) 2019 Enrolments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany Community Kindergarten</td>
<td>243 288</td>
<td>29</td>
</tr>
<tr>
<td>Bullsbrook Community Kindergarten</td>
<td>137 265</td>
<td>20</td>
</tr>
<tr>
<td>Byford Community Kindergarten</td>
<td>137 157</td>
<td>19</td>
</tr>
<tr>
<td>Glen Forrest Community Kindergarten</td>
<td>136 057</td>
<td>9</td>
</tr>
<tr>
<td>Hazel Orme Community Kindergarten</td>
<td>244 166</td>
<td>37</td>
</tr>
<tr>
<td>Hillarys Community Kindergarten</td>
<td>137 265</td>
<td>20</td>
</tr>
<tr>
<td>Kindaimanna Community Kindergarten</td>
<td>135 617</td>
<td>5</td>
</tr>
<tr>
<td>Lockyer Community Kindergarten</td>
<td>469 928</td>
<td>80</td>
</tr>
<tr>
<td>Lower King Community Kindergarten</td>
<td>137 047</td>
<td>18</td>
</tr>
<tr>
<td>McDougall Park Community Kindergarten</td>
<td>243 836</td>
<td>34</td>
</tr>
<tr>
<td>Mount Helena Community Kindergarten</td>
<td>135 727</td>
<td>6</td>
</tr>
<tr>
<td>Mullaloo Community Kindergarten</td>
<td>243 726</td>
<td>33</td>
</tr>
<tr>
<td>Padbury Community Kindergarten</td>
<td>136 937</td>
<td>17</td>
</tr>
<tr>
<td>Pineview Community Kindergarten</td>
<td>136 937</td>
<td>17</td>
</tr>
<tr>
<td>Rossmoyne-Riverton Community Kindergarten</td>
<td>244 494</td>
<td>40</td>
</tr>
<tr>
<td>Seaview Community Kindergarten</td>
<td>244 166</td>
<td>37</td>
</tr>
<tr>
<td>Spring Road Community Kindergarten</td>
<td>137 047</td>
<td>18</td>
</tr>
<tr>
<td>Tuart Hill Community Kindergarten</td>
<td>136 937</td>
<td>17</td>
</tr>
</tbody>
</table>

The enrolment for each community kindergarten is from the 2019 February census. Enrolments in community kindergartens fluctuate across the year. Funding for community kindergartens is reviewed in accordance with the August census, and their annual funding amount is adjusted accordingly.
JUVENILE OFFENDERS — MONITORING

216. Hon NICK GOIRAN to the minister representing the Minister for Police:
I refer to the article on 26 February 2019 in the Bunbury Herald entitled “We’re monitoring offenders: top cop”, in which Commissioner of Police Dawson is quoted as saying —

“One of the roles our sex offender management squad routinely and very well perform is regularly monitoring the movement and activities of reportable sex offenders,” …

How many reportable offenders under the age of 18 are currently being monitored?

Hon STEPHEN DAWSON replied:
I thank the honourable member for some notice of the question. The following information has been provided to me by the Minister for Police.
The Western Australia Police Force advises that 60 offenders under the age of 18 are being monitored in Western Australia.

RENOAL HOSTEL — KALGOORLIE

217. Hon JACQUI BOYDELL to the parliamentary secretary representing the Minister for Health:
I refer to the planned 19-bed renal hostel on Porter Street in Kalgoorlie.

(1) Given that the facility was due to be completed in May this year, are reports that the tender for the contract to construct the facility is yet to be awarded correct?

(2) If the tender has not been awarded, will the minister outline what the delay is and table any related documents?

(3) Will the minister give an updated time line for completion of this facility?

Hon ALANNA CLOHESY replied:
I thank the honourable member for some notice of the question. I am advised of the following.

(1) Yes; that is correct.

(2) The delay is related to the need to obtain additional site approvals prior to award of tender. Approvals were received this week and the project is expected to commence construction in early May 2019.

(3) The updated program for completion of the facility is May 2020.

LOTTERYWEST — REVENUE

218. Hon COLIN HOLT to the Leader of the House representing the Premier:

(1) What percentage of Lotterywest revenue came via the Lotterywest website or the Lotterywest app for the financial years 2014–15, 2015–16, 2016–17, 2017–18 and 2018–19 to date?

(2) Does Lotterywest have a digital growth strategy or plan; and, if yes, will the Leader of the House table the plan?

(3) How much was spent by Western Australians purchasing lotto tickets online or playing lotto games online through interstate-based providers in the financial years 2014–15, 2015–16, 2016–17, 2017–18 and 2018–19 to date?

(4) How much do interstate lottery providers contribute to Lotterywest community grants?

Hon SUE ELLERY replied:
I thank the honourable member for some notice of the question.

(1) The answer to this part of the question is in tabular form, so I seek leave to have it incorporated into Hansard.

Leave granted.
The following material was incorporated —

<table>
<thead>
<tr>
<th></th>
<th>14/15</th>
<th>15/16</th>
<th>16/17</th>
<th>17/18</th>
<th>18/19 (YTD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>percentage of (Sales) revenue</td>
<td>5.06%</td>
<td>6.95%</td>
<td>8.02%</td>
<td>9.49%</td>
<td>11.89%</td>
</tr>
</tbody>
</table>

(2) No. Lotterywest has recently completed a comprehensive review of how it distributes products to players, considering retail and digital channels. This is the basis for future plans to manage growth across both channels.

(3) Lotterywest does not have access to accurate information on the amount that Western Australian players spend on lotto tickets or lotto games through interstate-based providers.

(4) Nil.
SHARKS — HAZARD MITIGATION — ALARMS

219. Hon RICK MAZZA to the minister representing the Minister for Fisheries:

I refer to the article in The West Australian of 19 March titled “Shark alert confusion”, which said that a tagged shark triggered alarms at North Point and South Point off Gracetown last Tuesday, but the alarm at Huzzas surf break, between the points in Cowaramup Bay, failed to go off.

(1) Is the government aware of the failed shark detection at Huzzas surf break; and, if so, what was the cause of the failed detection?

(2) Is the government aware of any other shark alarm detection failings along the Margaret River coast; and, if so, can it provide the dates of these incidents?

(3) How regularly are the shark alarms checked to ensure that they are working as intended?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Fisheries has provided the following information.

(1) The Spectur alarm located at Huzzas surf break is operated by the Shire of Augusta–Margaret River. The government is advised by the shire that there was no equipment failure.

(2) No.

(3) The nine Spectur alarm systems installed by the state government were all tested upon installation. Since that time the relevant alarms have been used regularly to inform swimmers and surfers of shark detections, sightings and Shark-Management-Alert-in-Real-Time drum line activations.

SWAN VALLEY RURAL ZONE — LOCAL PLANNING SCHEME AMENDMENT — PREMIER’S COMMENTS

220. Hon AARON STONEHOUSE to the Leader of the House representing the Premier:

As we celebrate our cultural diversity during Harmony Week, the catchphrase of which is that everyone belongs, I refer the Premier to his comments, as published in The West Australian of 8 March 2019, in support of the City of Swan’s attempt to ban the building of places of worship in the Swan Valley.

(1) Does the Premier stand by his comment that it is “not unusual” for councils to introduce this sort of ban?

(2) Does he consider the “uniqueness” and “tourism attraction” of a particular area outweighs the religious freedom of its residents to build places of worship as needed, or does he believe that our citizens, regardless of their religion, have a right to worship together in buildings dedicated to that purpose?

(3) What correspondence, if any, has the Premier, or his staff, had with the City of Swan, its councillors or residents on this important cultural issue?

The PRESIDENT: Leader of the House, before you respond to that, I think the first three parts of the question are seeking an opinion, and are therefore in breach of standing order 105, which you are very aware of. The last part is an actual question that you might be able to respond to.

Hon SUE ELLERY replied:

Thank you, Madam President. I thank the honourable member for some notice of the question. I note that, on the answer I have been given, none of the preamble appears, but the rest of the question is the same, and I can provide this response.

(1)–(3) The Premier was asked two questions around the City of Swan’s decision to limit development of particular establishments, including places of worship, taverns and roadhouses, within a defined tourist area. The Premier accurately noted that limiting types of development through local planning policies is common practice for local governments. The Premier also noted that the Swan Valley is a special place and one of Western Australia’s premier tourist attractions. The Premier has had no correspondence from the City of Swan regarding this issue.

JOBS — LOCAL WORKERS

221. Hon CHARLES SMITH to the minister representing the Minister for State Development, Jobs and Trade:

I refer to the recent deal in New South Wales between the New South Wales state government and Wipro with the contract stating that 30 per cent of the workforce will come from India, and I also refer to the Australian Population Research Institute warning in its 2016 report entitled, “Immigration Overflow: Why it Matters”, which examined the widespread rorting of Australia’s visa system.

Does the McGowan Labor government have any assurances for Western Australian workers that they will not be replaced by cheap foreign labour or interstate workers on future public and private large-scale contracts and projects?
Hon ALANNAH MacTIERNAN replied:
I thank the member for the question. The Premier has provided the following answer.

The Western Australian state government does not concern itself with the actions and activities of the New South Wales Liberal government. However, maximising local jobs is in the DNA of the Labor Party. This is evident through the fact that the McGowan government has already replaced the WA skilled migration occupation list, reducing the number of occupations on the list from 178 in 2016 to just 18 currently.

In addition, the Western Australian Jobs Bill 2017 was passed on 7 December 2017. This is the first piece of legislation that applies to all state departments, agencies, statutory authorities and government trading enterprises and all forms of procurement. Work has also commenced on a local jobs bill to ensure that benefits from major projects within the mining, oil and gas and construction industry sectors will flow through to local businesses. This will create more local jobs for Western Australians. With the introduction of this bill, the government aims to maximise local content across private sector infrastructure and resources projects within the state.

ENVIRONMENTAL PROTECTION AUTHORITY — GREENHOUSE GAS EMISSIONS — CONSULTATION

222. Hon TIM CLIFFORD to the Minister for Environment:

After pressure from the government and media, the Environmental Protection Authority withdrew its greenhouse gas guidelines last week. Tom Hatton, chairman of the EPA, has stated that additional consultations will be conducted to clarify the interpretation of the guidelines with industry. I would like to understand what commitment the government has toward climate change and toward supporting the EPA to reinstate these regulations.

(1) Will the government provide additional resources to the EPA services to ensure that the consultations can be fast-tracked; and, if yes, please describe these extra resources; and, if not, why not?
(2) How many staff work exclusively for EPA services and which of these staff will be made available to work on amending and finalising the greenhouse gas guidelines?

Hon STEPHEN DAWSON replied:
I thank the honourable member for some notice of the question. I strongly disagree with his premise that the government pressured the EPA. The EPA is an independent statutory authority that makes recommendations to government.

(1) The Department of Water and Environmental Regulation provides resources to support the Environmental Protection Authority. The department will reprioritise resourcing to assist the Environmental Protection Authority with the consultation of the greenhouse gas guidance as appropriate.

(2) Currently, 43 Department of Water and Environmental Regulation staff provide dedicated services to the Environmental Protection Authority, of which three will be working closely with the Environmental Protection Authority to finalise the greenhouse gas guidelines. Other staff within the department will be providing technical and policy assistance, as required.

DEPARTMENT OF HEALTH — INFORMATION SECURITY POLICY

223. Hon ALISON XAMON to the parliamentary secretary representing the Minister for Health:

I refer to the Auditor General’s information systems audit report of August 2018, specifically recommendation 3 of the patient medical system audit.

(1) Has the department reviewed its information security policies to apply appropriate controls to protect sensitive information and embed the policy across the Western Australian Department of Health?
(2) If not, could the minister please provide an update on the progress of this project?

Hon ALANNA CLOHESY replied:
I thank the honourable member for some notice of the question.

(1) Yes. The Department of Health has an information security policy that is mandatory across the WA health system. This policy is regularly reviewed in conjunction with health support services.

(2) Not applicable.

HUMAN REPRODUCTIVE TECHNOLOGY AND SURROGACY LEGISLATION AMENDMENT BILL 2018

224. Hon TJORN SIBMA to the parliamentary secretary representing the Minister for Health:

I refer to the minister’s invocation of legal professional privilege in response to my question without notice 202 asked yesterday about the nature of legal advice he received from the State Solicitor’s Office and the Solicitor-General regarding the state government’s Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018.
(1) Since the minister refuses to table that advice, can he at least confirm whether that legal advice fully accords with the minister’s line of argument in his second reading speech that the status quo of relevant legislation in Western Australia is subject to “unacceptable risk of litigation and the prospect of the provisions of the relevant state legislation—the HRT act—being held by a court to be invalid”?

(2) Is the minister aware of any litigation of the kind he foreshadowed in his second reading speech?

Hon ALANNA CLOHESY replied:
I thank the honourable member for some notice of the question. I am advised the following.

(1) The legal advice is subject to legal professional privilege and the minister cannot confirm whether the legal advice conforms with his line of argument without waiving privilege.

(2) The minister is aware of potential claims but it is his understanding that no legal proceedings have yet been issued.

INDIGENOUS RANGER PROGRAM

225. Hon SIMON O’BRIEN to the Minister for Environment:
I refer to this afternoon’s media release, which is headed “State Government welcomes indigenous ranger pledge”, the key points of which are —

• A Shorten Labor government will expand the indigenous ranger program and indigenous protected areas in WA

• Commitment means more than 1,550 FTE ranger jobs across Australia

That is not across Western Australia, but across Australia.

(1) Did the minister approve this media release and its contents?

(2) Does the minister and his jetsetting, holiday-tripping, slumber-partying colleagues from the Premier down actually believe that the resources of government—in this case the government media office—are there for him to misuse as he sees fit; and are we going to see more of this?

Hon Sue Ellery: You’ve just broken the standing orders because you’ve just asked him for an opinion.

Several members interjected.

The PRESIDENT: All right. Minister, thank you for your assistance there. The Minister for Environment has the call.

Hon STEPHEN DAWSON replied:
I thank Hon Simon O’Brien for the question. I am very pleased to show my support for the Shorten government’s commitment today to expand the Indigenous ranger program across the country. This is a fantastic program and will work in very closely with our state-run Aboriginal ranger program.

Several members interjected.

The PRESIDENT: Order! Member, you have asked a question, and if you want to hear the response, I encourage you to listen quietly and actively and you might get a response. It does not help Hansard when people are yelling across the chamber.

Hon STEPHEN DAWSON: I am very happy to show my support for the Shorten Labor opposition’s announcement today that it will expand the Indigenous ranger program across the country. This will be of great benefit to Western Australia. Members in this place would know that we went to the last election with a commitment to expand or create an Aboriginal ranger program in Western Australia. In round one of that program we created about 85 jobs and 80 training positions. The second round of that fund closed last Friday. We received $40 million worth of applications and we are working through them at the moment.

In relation to the specific questions asked by Hon Simon O’Brien —

(1) Yes.

(2) It is preposterous.

Hon Simon O’Brien interjected.

The PRESIDENT: Are we done? One of your colleagues might like to ask a question.

FORRESTFIELD–AIRPORT LINK — SOIL CONTAMINATION

226. Hon Dr STEVE THOMAS to the minister representing the Minister for Transport:
I refer to question without notice 178, which I asked last Thursday, 14 March 2019, and to yesterday’s question without notice 205 on PFAS-contaminated soil excavated from the Forrestfield–Airport Link.

(1) On what dates did the Minister for Transport’s parliamentary secretary and policy advisers meet with Ms Corina Johnson in the last year?
On what dates did the minister’s policy advisers meet with Ms Corina Johnson in the last year?

Has the Minister for Transport had any contact with Ms Johnson or attended any meetings or functions at which Ms Corina Johnson was present in the last 12 months?

If yes to (3), on what dates and at what venues?

Did the issues raised by Ms Johnson, which were identified in the minister’s answer to part (4) yesterday as including landfill issues, include at any point the PFAS-contaminated soil from the Forrestfield–Airport Link project or Lot 3 Buller Road, Waroona?

Hon STEPHEN DAWSON replied:

I thank Hon Dr Steve Thomas for some notice of the question. The following information has been provided by the Minister for Transport.

It was on 24 May 2018.

It was on 6 April 2018.

The minister attends many functions and events. It is not possible to determine whether a specific individual may have been in attendance at the same event or function as the minister.

Not applicable.

Issues raised under the topic of landfill planning included earth from Metronet projects and the waste levy.

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT — REVIEW

I refer to the Department of Primary Industries and Regional Development annual report 2018, which states that the Biosecurity and Agriculture Management Act 2007 review will be progressed during 2018–19.

What is the status of this review and when is the expected completion date?

How many departmental staff are working on this review?

What consultation with the agricultural sector is being undertaken in relation to this review?

Hon ALANNAH MacTIERNAN replied:

The review of the Biosecurity and Agriculture Management Act 2007 has been reprioritised to commence in early 2020 in order to focus on other legislative priorities in 2019. It is anticipated that the review will take approximately 12 months to complete.

At present, one officer is developing a plan for the review of the act.

No consultation is presently being undertaken in relation to this review. The agricultural sector will be consulted and engaged early in the review process.

MRI MACHINE — KALGOORLIE

In respect of the magnetic resonance imaging machine that is being contemplated for the Kalgoorlie health precinct, will the minister table all correspondence with suppliers of MRIs?

In respect of the building required for an MRI machine in the Kalgoorlie health precinct, will the minister table all correspondence with prospective tenderers?

If there has been no correspondence with prospective suppliers and prospective tenderers for the building, what is the explanation?

Hon ALANNA CLOHESY replied:

No. There has been no correspondence with suppliers of MRIs.

No. There has been no correspondence with prospective tenderers.

It is not standard practice to correspond with suppliers or prospective tenderers during the early planning phases of a capital project because the release of such information could influence future procurement by providing market advantage.
LAKE MULLOCULLUP — RECREATIONAL USE

229.  Hon DIANE EVERS to the minister representing the Minister for Transport:

I refer to the proposed gazettal of Lake Mullocullup, which is also referred to as Warrirup Swamp, for recreational use.

(1) Has the Department of Transport made a determination on whether the lake can safely accommodate waterskiing; and —
   (a) if yes, what was determined and when will any required amendment be gazetted; and
   (b) if no, when will that determination be made?

(2) Has the review by the Aboriginal Cultural Material Committee, which is required to inform the department’s determination, been carried out regarding the recreational usage, signage and infrastructure on the land; and —
   (a) if yes, what was the result; and
   (b) if no, when will this be finalised?

(3) If the proposed amendment under (1) is gazetted, can this item be disallowed through the Legislative Council’s processes?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I have just noticed a significant error in the answer that has been provided so I will provide an answer tomorrow.

PEARLING LEASE FEES

230.  Hon KEN BASTON to the minister representing the Minister for Fisheries:

I refer to the large increases in annual fees for pearl farm leases announced by the Labor government in December 2018.

(1) Will the minister outline the reason for the increase in fees together with the method used to determine the new fees?

(2) Does the minister concede that under the new fees, the government is recovering more revenue than costs; and, if so, what is the government using the new revenue for?

(3) Is the minister intending to reconsider the large fee increases that he plans to impose on one of WA’s oldest and most iconic industries?

(4) Did the minister consult with the industry prior to increasing the fees; and, if so, with whom did he consult, on what dates and how did the consultation take place?

Hon ALANNAH MACTIERNAN replied:

I thank the member for the question. The following information has been provided by the Minister for Fisheries.

(1) Prior to 2019, the fees paid by the pearling industry did not cover the government’s cost of managing the fishery, effectively delivering a taxpayer subsidy. A review undertaken by the previous government recommended a significant increase in pearling lease fees. The 2019 lease is less than the figure recommended by this review.

(2) No. The expected revenue that will be raised from pearling access and lease fees in 2019 is in line with the government’s expected cost for managing the fishery. It is longstanding government policy, including during the period of the Barnett government, that fisheries should return a dividend to the community for accessing a community resource.

(3) No.

(4) Pearl farm lease fees have been the subject of significant previous review. The Pearl Producers Association was also consulted on the 2019 fee in November and December 2018.

HOSPITALS — EMERGENCY DEPARTMENTS — CONSULTANT PSYCHIATRISTS

231.  Hon JIM CHOWN to the parliamentary secretary representing the Minister for Health:

For each day of February, how many hours was a consultant psychiatrist required in the emergency department at Armadale–Kelmscott Memorial Hospital, Fiona Stanley Hospital, Joondalup Health Campus, King Edward Memorial Hospital for Women, Peel Health Campus, Perth Children’s Hospital, Rockingham General Hospital, Royal Perth Hospital, Sir Charles Gairdner Hospital and St John of God Midland Public Hospital?
Hon ALANNA CLOHESY replied:
I thank the honourable member for some notice of the question.
I have been advised by WA Health that further time is required to answer this question. The information will be provided to the member as soon as it is available.

CANE TOAD — CLASSIFICATION

232. Hon ROBIN CHAPPLE to the Minister for Agriculture and Food:
I refer to the review of the declared pests of Western Australia commenced by the Department of Primary Industries and Regional Development and completed in May 2016 and the answer to question without notice 108 provided by the minister.

(1) Has the review of the status of the cane toad, *Rhinella marina*, been concluded in response to further feedback and discussions with the Department of Biodiversity, Conservation and Attractions?
(2) If yes to (1), when?
(3) If yes to (1), what was the outcome and will the cane toad be reinstated as a declared pest?
(4) If yes to (3), has this occurred or when will it occur?
(5) If no to (3), why not?

Hon ALANNAH MacTIERNAN replied:
I thank the member for the question.

(1) Yes.
(2) Further review of the declaration status of the cane toad, following further feedback and consultation with the Department of Biodiversity, Conservation and Attractions, was completed in August 2018.
(3) Prior to this most recent review, the cane toad was not declared for the area north of the twentieth parallel. Following consultation with DBCA, further assessment was done to strengthen the regulation of cane toads in the north of the state. As a result of this consultation, it was recommended that the cane toad become classified as a declared pest under section 22 of the Biosecurity and Agriculture Management Act for all areas south of the twentieth parallel, which is just above Port Hedland. It is a prohibited organism under section 12 of the BAM act for the entire state and all offshore islands. Within this section 12 whole-of-state declaration, two areas have different control areas. The large part of the state that does not have cane toads present, including the mainland south of the twentieth parallel and all offshore islands, has been assigned a control category of “C1—Exclusion”. This is designed to enable strong controls to prevent cane toads from entering the area. For the northern area of the WA mainland where some populations of cane toads are present, the control category is unassigned. This acknowledges that cane toads are already present in some locations and that cane toads cannot be effectively excluded from this region. Because cane toads are now declared for this northern area, research and control activities can be undertaken and funding can be sought by agencies and community groups to help control cane toads there.
(4) Yes, the changes to the declaration status of the cane toad were gazetted on 14 September 2018.
(5) Not applicable.

METRONET TASKFORCE — MINUTES

233. Hon PETER COLLIER to the minister representing the Minister for Transport:
I refer to question without notice 167 asked in the Legislative Council on Thursday, 14 March 2019, and the minister’s continued refusal to provide minutes of the Metronet Taskforce meeting in February.

(1) When was the advice requested?
(2) Who requested the advice?
(3) Has the minister now received any advice?
(4) If yes to (3), when was the advice received and which agency or department provided the advice?
(5) Will the minister now table the advice; and, if not, why not?

Hon STEPHEN DAWSON replied:
I thank the honourable member for some notice of the question.

(1)–(5) As the minister stated on 14 March 2019, advice has been sought from the Department of Transport, the Public Transport Authority and the State Solicitor’s Office. Further advice is being sought and a response will be provided in due course.
MEEKATHARRA–WILUNA ROAD — SEALING

234. Hon ROBIN SCOTT to the minister representing the Minister for Transport:
Will the sealing of the Meekatharra–Wiluna road be part of the next budget; and, if not, why not?

Hon STEPHEN DAWSON replied:
I thank the honourable member for some notice of the question. The following information has been provided by the Minister for Transport.

This project, as with all projects, is subject to ongoing state budget processes.

TRANSPORT (ROAD PASSENGER SERVICES) REGULATIONS 2019

Question without Notice 200 — Supplementary Information

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.05 pm]: Yesterday during question time, Hon Simon O’Brien asked me a question about regulatory impact statements relating to the Transport (Road Passenger Services) Regulations 2019. I undertook to provide a copy of both the regulatory impact statement document and the supplementary regulatory impact statement document.

[See paper 2501.]

QUESTIONS ON NOTICE 1826, 1836, 1845, 1846, 1847, 1848, 1849, 1850, 1857 AND 1859

Answer Advice

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.05 pm]: Pursuant to standing order 108(2), I inform the house that answers to questions on notice 1845, 1846, 1847, 1848, 1849 and 1850, asked by Hon Colin de Grussa on 12 February 2019, and question on notice 1836, asked by Hon Robin Scott on 12 February 2019, of me representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science will be provided on 11 April 2019.

Pursuant to standing order 108(2), I also inform the house that the answer to question on notice 1857, asked by Hon Martin Aldridge on 12 February 2019, of me representing the Minister for Mines and Petroleum; Energy; Industrial Relations will be provided on 2 April 2019.

Pursuant to standing order 108(2), I inform the house that the answer to question on notice 1826, asked by Hon Jim Chown on 12 February 2019, of me representing the Minister for Tourism will be provided on 2 April 2019.

Pursuant to standing order 108(2), I also inform the house that the answer to question on notice 1859, asked by Hon Martin Aldridge on 12 February 2019, of me representing the Minister for Tourism will be provided on 2 April 2019.

QUESTIONS ON NOTICE 1865 AND 1876

Papers Tabled

Papers relating to answers to questions on notice were tabled by Hon Alannah MacTiernan (Minister for Regional Development).

DERBARL YERRIGAN HEALTH SERVICE — RENAL DIALYSIS ACCOMMODATION

Question without Notice 1954 — Answer Advice

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [5.08 pm]: I would like to provide an answer to Hon Jacqui Boydell’s question without notice 194, asked yesterday, which I seek leave to have incorporated into Hansard.

Leave granted.

The following material was incorporated —

I thank the Honourable Member for some notice of the question.

(1) Aboriginal accommodation services in Perth include Allawah Grove and Derbarl Bidjar Lodge. These Hostels are frequently used by regional Aboriginal clients and supported through the Patient Assisted Travel Scheme (PATS).

Additional accommodation providers for patients (both Aboriginal and non-Aboriginal) visiting Perth are the Crawford Lodge, Milroy Lodge, and the Kangaroo Inn.

WA Country Health Service (WACHS) has built and manages renal hostels in Derby, Fitzroy, Kununurra and Carnarvon with a further two to be built in Broome and Kalgoorlie.

(2)–(3) The Elizabeth Hansen Autumn Centre (EHAC) remains open and accepting patients from country WA. WACHS will assume responsibility for the EHAC, subject to acceptance of the offer and transition planning from Aboriginal Health Council of Western Australia, from 1 July 2019 ensuring continuity of culturally appropriate accommodation services for Aboriginal patients attending medical appointments in Perth.
BAIL AMENDMENT (PERSONS LINKED TO TERRORISM) BILL 2018

Committee

Resumed from 19 March. The Chair of Committees (Hon Simon O’Brien) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 11: Section 66C inserted —

Progress was reported after the clause had been partly considered.

The CHAIR: The last time we were dealing with this bill, we were considering the question that clause 11, “Section 66C inserted”, do stand as printed. We dealt with the first amendment standing in the name of Hon Alison Xamon on a previous sitting day. I now offer the call to Hon Alison Xamon if she wishes to move her next amendment.

Hon ALISON XAMON: Thank you, Mr Chair. I do wish to move the second amendment that is standing in my name. Would you like me to read that out?

Hon Sue Ellery interjected.

The CHAIR: One moment. If Hon Alison Xamon wishes the call in respect of her amendment, I will give it to her. If she indicates that she does not wish to proceed with it, that is fine, too.

Hon ALISON XAMON: Thank you, Mr Chair. I indicate that there were two amendments, with one being dependent on the other. Amendment 1/11 has been defeated. Amendment 2/11 obviously flows from that. Clearly, I am not pursuing that particular amendment.

The CHAIR: With respect, member, it is not clear. It is on the supplementary notice paper. It is up to you to move it if you wish. If passed, the amendment can coexist with what is already there, even though others might have the view that it would not fit very well. There is no law that says that anything that comes out of this place has to make sense, although that is our preferred option. I take it that Hon Alison Xamon is telling me that, no, she is not going to move amendment 2/11.

Hon ALISON XAMON: Thank you, Mr Chair, for seeking clarification on that. You are absolutely correct; I am not seeking to move the amendment listed on the supplementary notice paper as amendment 2/11, but I am seeking to move the next amendment, which is amendment 3/11. I am happy to read that out if that is required. I move —

Page 8, after line 6 — To insert —

66D. Annual report to include information about application of s. 66C

(1) The accountable authority, as defined in the Financial Management Act 2006, of the department of the Public Service principally assisting in the administration of this Act must, in each annual report submitted under the Financial Management Act 2006 Part 5, include information relating to action taken under section 66C(1) in proceedings on a case for bail in the financial year to which the annual report relates.

(2) The information referred to in subsection (1) must, without disclosing terrorist intelligence information, specify —

(a) the number of proceedings in which action was taken under section 66C(1); and

(b) in each of those proceedings whether the accused had access to the terrorist intelligence information received by the judicial officer and whether, and to what extent —

(i) evidence by or on behalf of the accused was received; and

(ii) argument by or on behalf of the accused was heard.

I have moved this amendment because it is part of the suite of concerns I have about ensuring that the effect of this bill, which is of course to deny the rule of law to a particular class of suspect, can at least have some minimal degree of oversight or accountability in terms of how it is applied. Under this amendment, information about the use of the secret evidence provisions, but not the content of the terrorist intelligence information, is made available to Parliament and, therefore, public. The term used is whether the accused was given access to the information. I queried this with the drafter as I think it is unlikely that the accused would ever get the full information, but sometimes the defence lawyer would get some. My understanding of the reply that I received is that this was considered during drafting, and the term “accused” is necessary because that is the term used in the bill. As the amendment is drafted, it would also cover information going to the accused’s lawyer but being withheld from the accused, if the lawyer was willing to give such an undertaking to the court. This proposed amendment does not change the policy intent of the bill; all it does is to ensure that Parliament can monitor how the competition between national security and ensuring that people receive a fair trial is being resolved on a case-by-case basis. It is not uncommon for Parliament to be able to receive these sorts of broad bits of information in terms of how particular provisions are being exercised. I think it is an important provision to be considered. I do not accept that the sort of
information being proffered would compromise national security, which is of course the concern that people would legitimately have, but I think it would ensure some degree of transparency, albeit minimal, around how these provisions are operating in practice.

Hon SUE ELLERY: The government will not be supporting this amendment. I understand the honourable member’s motivation in the last comment that she made about seeking to put in place some transparency. That is at odds with the nature of what we are dealing with. The reasons that the government will not be supporting this amendment are not dissimilar to the reasons we did not support the previous amendment. They go to protecting information and ensuring that those agencies that share information are confident about how we will manage the risk.

The proposed amendment would require the Department of Justice to report on bail proceedings when section 66C is engaged. It would require the department, without disclosing terrorist intelligence information, to specify the number of proceedings in which the non-disclosure protections were applied under section 66C(1) and, for each of those proceedings, information about whether the accused had access to the terrorist intelligence information, and whether and to what extent evidence by or on behalf of the accused was received and argument by or on behalf of the accused was heard. The only way such material can be collected means this amendment must assume that the department’s staff have access to the court transcripts of such proceedings for the purposes of making these reports. Permitting this access is not appropriate as it would require the staff to review confidential information related to covert investigations and national security. Increasing the number of people who have access to the information would risk exposing the information to other sources. This disclosure could compromise the integrity of ongoing investigations, the safety of personnel involved in these investigations, and national security.

The proposal to report on the number of bail proceedings that engage section 66C is also not supported by the government. By the very nature of this legislation, there will be very few bail proceedings in which section 66 is raised. The public reporting of any information, including aggregate data, may risk inadvertently compromising the secrecy of covert terrorist investigations in particular cases by alerting individuals who are the subject of those bail proceedings to their potential surveillance. If this information becomes publicly available, it will become easier for individuals and the public, including the media, to find ways of discerning who those people are. If that were to occur, it may compromise covert investigations and national security. Due to these significant risks, this amendment may have the undesirable result that the terrorist intelligence information is not presented to the court in bail proceedings. For those reasons, the government will not be supporting this amendment.

Hon MICHAEL MISCHIN: I indicated during the course of my second reading contribution that we had some sympathy for the amendment moved by Hon Alison Xamon for a variety of reasons, but, essentially because of the particular nature of what is proposed and its unusual nature. We support the idea that sensitive information that may have an impact on national security ought to be kept confidential. Because of the nature of the proceedings and the extraordinary requirement that certain information will be privy to only the judicial officer who will decide whether it has some national security impact, and, if it does, may consider it without the accused person—bearing in mind the presumption of innocence and the threshold that that person has to overcome in order to seek bail—and may use it in a way that is prejudicial to the accused’s interests, it is the case that at the moment, the way the legislation stands, no monitoring can take place. The only people who would know that this sort of an exercise had taken place would be the prosecutor, who would be the police officer who is named on the prosecution notice in the case of a summary matter, or the state of Western Australia if the state is prosecuting on an indictment. If I am getting this wrong, I urge the minister to interject and correct me, but it is my understanding that this is the case.

That means that at least the prosecutor in court at the time, whether it is a Director of Public Prosecutions officer or someone briefed by the DPP, would know. A particular judicial officer would know. The accused would have some inkling because they find that they have applied for bail but the court has gone into closed session and made a decision without them knowing what has gone on. The accused’s lawyer would have an idea because they, too, would have been told to leave the room. It is not going to be a secret that this has happened. All that the amendment proposes, it seems to me, is that the department reveal that it has happened on X number of occasions in the last 12 months. To me, that does not appear to be unreasonable.

It is not known for there to be reporting of confidential proceedings. I confess I do not have the material to hand under the legislation, but the Gender Reassignment Board reports on the number of applications that it has received and considered and in ways that do not reveal information that allows people to know who the individuals may be, in order to protect their confidentiality. This does not seem to go even as far as requiring any details of the sorts of cases involved. Under the homosexual convictions expungement legislation, as I recall, we had a requirement that there be a report on how many applications are made and the like. I would not have thought that that would reveal any information that would allow identification of individuals. In fact, it is prohibited under the legislation that there be any identification of the individuals concerned, as I recall, to protect their sensitivity. It seems to me not unreasonable that there be at least a figure disclosed, particularly if, as expected and as we all hope, there will be no occasions on which this legislation or this particular set of provisions will need to be used in the course of a year.

I have some sympathy towards what Hon Alison Xamon proposes. We received some advice in written form from the government regarding these proposed amendments, but I confess I do not recall quite when it came to us. It outlined the argument that the minister has presented. It boils down to a couple of objections, as I understand it.
One is that for the purposes of reporting in this fashion, it would require departmental staff to view confidential information related to covert investigations and national security. The question that springs to mind is: why? I would have thought that all that was necessary, if appropriate protocols were established with the prosecuting authorities and the department, would be for the Director of Public Prosecutions, at the time that the director was compiling his or her report for the annual report, to send some information to the Department of Justice for the Department of Justice’s report saying, “We have had one application this year in which section 66C was invoked and information was withheld on the basis that it was ‘terrorist intelligence information’” or “There has been one application this year when it was invoked and the judicial officer considered the information was not terrorist intelligence information and it was withdrawn”—end of story.

We do not have to identify who or when or the charge—although that might be helpful for the purposes of assessing the effectiveness of the legislation—or whether it was reasonable or unreasonable, or whether the person was granted bail. Certainly, there will be enough information out there of some form or another, unless there is a complete clampdown on any information regarding bail applications that can be published, because it will be in the public arena. I would have thought also that if members of the media who are assigned court duty happen to come across a case and are told, “Sorry, you can’t go into this court because a hearing is being held in camera and it’s a criminal matter”, that would be newsworthy. If someone has been charged, it would not be a secret; it would be on the court arena. I would have thought also that if members of the media who are assigned court duty happen to come across a case and are told, “Sorry, you can’t go into this court because a hearing is being held in camera and it’s a criminal matter”, that would be newsworthy. If someone has been charged, it would not be a secret; it would be on the court arena. The fact that a person has an application for bail would be known. The only part that seems to be confidential about any of this is whether terrorist intelligence information is being used by the court, not the identity of an accused; not the charge the accused is facing; and not the fact that that accused has fallen within the operation of section 66C because they have in the past been convicted of a terrorist-linked activity or been subject at some stage to a control order. The secret part is the use of the information, receiving evidence and hearing the argument.

The CHAIR: The question is that the words proposed to be inserted be inserted.

Hon MICHAEL MISCHIN: I would appreciate further explanation from the minister for why it is necessary that staff of the department view information relating to covert investigations and national security as confidential. I would have thought, apart from anything else, for the court record, a judicial officer would note something, bearing in mind these records are now part of the court’s management system, which is increasingly coming online. But even without that, there would be a notation on the court record to the effect that “Hearing heard in camera”, “Terrorist intelligence information proffered”, “Closed court decided yes or no”, or “Bail refused or allowed”, and sufficient reasons for why. I do not see why it necessarily follows that someone outside that process needs to look at confidential information relating to covert investigations and national security.

The second objection is that there will be very few of them. That may be right, but we will never know unless there is some reporting on how many arise. Flagged further on, a review provision is foreshadowed. However, we are told that reporting publicly of any information, including aggregate data, may risk inadvertently compromising the secrecy of covert terrorist investigations in a particular case by alerting individuals who are the subject of those bail proceedings to their potential surveillance.

If I might use you as an example, Mr Chairman; if you were the subject of a charge having been picked up on possession of cannabis, you know that in the past you have had a conviction for terrorist-linked activity or you have been discharged sometime in the past under a control order and you come to court seeking bail, but the prosecution says, “Whoa! Don’t release the chairman on bail because he falls within the operation of the Bail Act and you, judicial officer, have to be satisfied on the basis of exceptional reasons, plus all the other considerations”—the onus being on you, Mr Chairman, to persuade the judicial officer that you are worthy of bail and can establish exceptional reasons. You say, “Fair enough, I’ll take that on”, and all of a sudden you and your lawyer are excluded from the court. I would have thought you would probably get an inkling that you are suspected. You may not know the status of the investigation or that you are under surveillance at the time, and that may never be revealed and it is not being asked to be revealed by this disclosure provision. But you would get a pretty fair idea that you are a person of interest to the authorities if you had not already worked that out. None of that is sought to be disclosed; it is just the fact of it. If you find yourself remanded in custody at the end of all that, because you have not managed to establish exceptional reasons for a relatively trivial charge, in the scheme of things, you could probably fairly quickly work out that it is because some terrorist intelligence information has been used without you knowing about it. As I understand it, there is nothing stopping you going to the media and complaining about that if you think it is in your interest or newsworthy.

Leaving all those considerations aside, all that is being asked for in the annual report is a disclosure saying there has been one such case in the last 12 months. I need to be persuaded that there is something of national security import in what is being proposed that, firstly, requires departmental staff to view confidential information related to covert investigations and national security rather than just a court record and a notation on that, which will be known to the prosecution and the accused, apart from anyone else; and that, somehow, that data will risk inadvertently compromising the secrecy of covert terrorist investigations in a particular case by alerting the offender or someone else who is the subject of those bail proceedings to their potential surveillance. I do not see it; it is simply a notation on a court record. Perhaps there is some further information that can persuade me otherwise, but I am inclined at the moment to support the amendment proposed by Hon Alison Xamon.
Hon SUE ELLERY: I stand by the reasons I have already given, but I am happy to add some further information. Regarding the difference between this kind of statistical report and other statistical reports provided to Parliament, certain statutory provisions require summary statistical reports to be tabled in both houses of Parliament; for example, section 43 of the Surveillance Devices Act requires annual statistical reporting on the use of warrants, extensions to warrants and emergency authorisations for covert surveillance activities. The contemplated cohort that that reporting relates to is very large—for example, suspected criminal activity in Western Australia—so the risk of alerting individuals to the surveillance is low. Section 54 of the Terrorism (Preventative Detention) Act requires quarterly reporting on preventive detention orders. Individuals are aware that they are subject to the provisions of that act, so there is no risk of alerting those individuals to intelligence and surveillance activities that would compromise national security. The critical difference in this sense is that the protections under section 66C relate to a very small number of bail proceedings, which, if reported, may risk compromising national security.

In addition, the point that Hon Michael Mischin made may well be accepted by members if proposed subsection (2) ended at paragraph (a), but it does not. It goes on to paragraph (b). The honourable member made the point that if all that is required is the number, why should we have a problem with that? That is not all the amendment moved by Hon Alison Xamon requires. It goes on to require that the information must specify—

(b) in each of those proceedings whether the accused had access to the terrorist intelligence information received by the judicial officer and whether, and to what extent—

(i) evidence by or on behalf of the accused was received; and

(ii) argument by or on behalf of the accused was heard.

It is not just a number. Someone would have to determine to what extent evidence was received and heard. To discern that, more people would be required to go through the information to determine whether and to what extent evidence received by or on behalf of the accused was received, and argument by or on behalf of the accused was heard. What was evidence and what was argument would need to be separated, as would to what extent it was received and to what extent it was heard. The government still relies on the initial reasons that I gave. We cannot support the amendment because it poses a risk.

Hon ALISON XAMON: I want to respond to a couple of the comments that were made. I want to confirm with the minister that if proposed subsection (2)(b) were to be removed from the amendment, I am still assuming that the government would not be prepared to support the amendment. Can I confirm that, please?

Hon SUE ELLERY: Yes. I said at the outset of my comments in response to Hon Michael Mischin that I still rely on the first arguments that I gave. We will not be supporting this amendment. We believe it poses a risk. In pointing out proposed subsection (2)(b), I was trying to draw Hon Michael Mischin’s attention to the fact that the amendment went further than he was suggesting.

Hon ALISON XAMON: I wanted to confirm that because I wanted to make it very clear that the government is not prepared to contemplate any part of this amendment. I also look at the Terrorism (Preventative Detention) Act 2006 quarterly reports that are tabled in this place. I take a keen interest in them. The sort of detail that would be required in these reports is a little bit more than simple shear numbers. We already have that. They include the number of preventive detention orders made, but go on to detail the number of persons taken into custody, the number of persons kept in custody, how long each person was in detention and other information. This information is already provided to Parliament, as is appropriate. If part of the argument is that we are talking about large numbers, I have been monitoring this since I came back into this place and have been receiving the quarterly reports. I can advise members that in every instance it has been zero. We are clearly not talking about huge numbers of people pertaining to this. Because that act concerns extraordinary measures to deal with terrorist activity, Parliament at the time saw fit—I think, appropriately—to require some level of accountability coming back to Parliament about how it was being used.

I want to pick up on at least a couple of points made in the minister’s initial response to my amendment. By collating this information and increasing the number of persons who have access to the information, the minister expressed a concern that that would risk exposing the information to other sources and that disclosure could compromise the integrity of ongoing investigations. We are used to having a number of people who are security cleared and authorised to receive a lot of deeply sensitive high-level information. I do not think it would be beyond the wit of the Department of Justice to ensure that whoever is responsible for compiling that information has the appropriate security clearances. If they did not do that, I think it would be negligent on their part. I am not convinced that that is a particularly compelling argument. I am sure that we are not talking about sending an inexperienced intern across to access such sensitive information. I would think that anyone dealing in this realm would have the appropriate security clearances. I remind members that we are talking about the most minimal amount of information being made available to Parliament so we can at least be aware of what is going on. It is true that we are contemplating potentially having a review clause included. But should such an amendment be passed, after the review has been completed, there will be no capacity for Parliament to receive any sort of ongoing data. That is assuming that the review clause will be passed.
I believe that this is a minimum and important safeguard. As I indicated in an earlier debate, I would also have liked our senior law officer, the Attorney General, to receive minimal information. That has not been the will of the chamber. At the very least, I would consider that this amendment could and should be contemplated. Having said that, I am also prepared, subject to discussion, to look at dropping proposed subsection (2)(b) if that would make the amendment more palatable to other members in this place. I believe that if proposed section 66D(1) and 66D(2)(a) were passed, they would at least provide some degree of information. It would not be the full extent of information that I think Parliament is entitled to and should seek, but it would provide some comfort that at least the base level of information is being made available.

Hon MICHAEL MISCHIN: I fail to be persuaded that there is a problem with the disclosure of at least a minimum amount of information that is provided for in other legislation. I take it that the concern is with respect to proposed subsection (2)(b). I will pick that apart a little. It states —

The information referred to in subsection (1) —

That is, the information that has been disclosed —

must, without disclosing terrorist intelligence information, specify —

(a) the number of proceedings in which action was taken under section 66C(1);

Can the minister tell me why there is a security concern and a security risk just from that?

Hon SUE ELLERY: I set out the reasons when I first stood to oppose the amendment. We are talking about a narrow cohort. The proposition in Hon Alison Xamon’s amendment would widen the cohort of people that would be needed to provide the information required in the report. Although the honourable member referred to not disclosing the information, that means not disclosing the information in the report. In order to meet the requirements of the proposed amendment and gather the information, a wider group of people would be required to engage in the process, which would increase the risk. This bill deals with a smaller cohort of people than the provisions of the other two acts I referred to. This would increase the risk because it applies to a narrower cohort. Operationalising this amendment would require a broader number of people to be exposed to the information in order to provide the information to be put into the report.

Hon MICHAEL MISCHIN: Again, I do not understand why that is the case. Let us say I am attending one of these things on behalf of the state of Western Australia as a prosecutor and am alerted by the appropriate authorities that so-and-so has a control order against them or has been convicted of an offence that falls within the scope of section 66C and the presumption against being released on bail applies—which is the sort of thing that the magistrate in Mr Monis’s case was not of aware of. I would then duly say, “Yes, Your Honour, this is a case that falls within the scope of section 66C. I have some information here; I simply rely on that, the fact that it is, but I am also being urged by the authorities to provide you with some terrorist intelligence information in order to assist you with being able to balance that against the exceptional reasons that might be put up, and the other considerations. Because although this is a very low level charge, we are talking about a pretty dangerous egg here that needs to be dealt with and kept in custody on remand.” The judge will say, “Yes, fair enough”, take it and have a look at it, and whatever the outcome of the proceedings, I will have to report them, come back to the office and say to the Director of Public Prosecutions, “In accordance with my brief, I dealt with it and I appeared before magistrate so-and-so, and I was provided with terrorist information. I don’t want to tell you what it is, director, unless you insist, but I raised the objection to bail and I presented the magistrate with the information. The magistrate accepted that, considered it in camera, and after doing so and hearing submissions from me, rejected the application for bail and remanded this accused in custody.” End of story. It will appear on the court record; it is available to anyone doing research at the director writing to the department once a year saying, “We had one such application”, or the Commissioner of a risk. I find that difficult to accept. I would appreciate an explanation of how finding out the number and how the provisions of other two acts I referred to.

Hon SUE ELLERY: But I am.

Hon SUE ELLERY: I am.

Hon MICHAEL MISCHIN: No; that is not what we are interested in.
Hon SUE ELLERY: Honourable member, I am giving the answer.

Hon Michael Mischin: You are, but you’re missing the question.

The CHAIR: Order! Let us listen to the honourable member, please.

Hon SUE ELLERY: I am giving the answer. I sit and listen to the honourable member quietly when he takes 10 minutes to say something that others might say in three, so he can listen to me give the answer.

For the reasons that we have outlined already, this is a narrower cohort of people, and the collation of the information required in the amendment before us now—even if we took out proposed subparagraph (b), which makes it far more extensive—creates an increase in risk. We are not talking about just revealing information that a person may already know about because they are in the court; we are talking about information that might be brought to the attention of the judicial officer, without the person who is there for the bail application even knowing what that information is about.

I go back to the points that I originally made. We are talking about people who have already had either an interim or a control order made against them, or have been subject to one of these orders in the last 10 years. I withdraw that bit, but the original argument that I put remains the case. The proposition that is before us is unashamedly about shining a light—there is no question about that—and greater transparency. The government’s position is that when it comes to these matters of terrorist-related intelligence and the narrow cohort of people we are dealing with, the greater the information that is required to be prepared and reported on, the higher the risk that it may be compromised at some point. That is the point that we are making.

Hon ALISON XAMON: I hear the government’s grave concerns about the compilation of this particular data. I need to refer to a foreshadowed amendment in order to make my point. I had originally put on the supplementary notice paper a review period after five years for this bill, and the government came back with a suggested review clause after three years. I have subsequently withdrawn my amendment because I am quite comfortable to go with the government’s proposed amendment instead. It begs the question though: would this not be the exact data that would need to be compiled in order to conduct that review? If not, what on earth would the review have the opportunity to look at? It would appear that should that amendment for a review be supported—if the government chooses to withdraw it, I will put mine straight back on the supplementary notice paper—that data will have to be compiled. My amendment basically says that that data needs to be made available to Parliament in the same way that we do with the Terrorism (Preventative Detention) Act 2006 provisions pertaining to section 54(2). I suppose that is my question. If the government is not going to compile it for any proposed review, what on earth would be in the review?

Hon MICHAEL MISCHIN: I am sorry that I am boring the minister and that I take 10 minutes to explain something that could be explained in three minutes, but I am trying to tease out an understanding of the problem, and the minister is not telling me. She keeps going back to “risk” and “small cohorts”. Please explain for me how a bail application would be dealt with. Assume that I am the accused. I have been arrested. I have been brought to a magistrate and I am applying for bail. I have had a control order in the past that has been discharged within the last 10 years, and the minister is the prosecutor. How will it be dealt with? I am in the courtroom. A whole raft of other people are standing there waiting for their turn, minister, so where is it? How will it be dealt with? I am in the court. A whole raft of other people are standing there waiting for their turn, minister, so where is it? How will it be done? Then we might be able to understand which bits are secret and require national security—we would have to kill everyone in the courtroom, or lock them up—and which bits can be made public.

Hon SUE ELLERY: Three elements, I think, were raised in the most recent exchanges. I will start with Hon Alison Xamon. She is jumping ahead to the review provisions, but I think she is trying to make the point that surely this information would be included in the review, and, therefore why, would we not agree to this amendment if we were happy to support a review? The point is that the numbers and the other information sought in the amendment may not be published in the review, and the advice that I have been given is that, in the environment we are in now, they would not be included in the review. I do not think it can be assumed that support for a review is somehow contradictory to opposition to releasing the numbers.

The second point I want to make goes to a point that Hon Michael Mischin made a while ago. He was working on the premise of why would we try to not report this information when, essentially, we were not really adding something that could be explained in three minutes, but I am trying to tease out an understanding of the problem, and the minister is not telling me. She keeps going back to “risk” and “small cohorts”. Please explain for me how a bail application would be dealt with. Assume that I am the accused. I have been arrested. I have been brought to a magistrate and I am applying for bail. I have had a control order in the past that has been discharged within the last 10 years, and the minister is the prosecutor. How will it be dealt with? I am in the court. A whole raft of other people are standing there waiting for their turn, minister, so where is it? How will it be done? Then we might be able to understand which bits are secret and require national security—we would have to kill everyone in the courtroom, or lock them up—and which bits can be made public.

Hon SUE ELLERY: Honourable member, I am giving the answer.

Hon Michael Mischin: You are, but you’re missing the question.

The CHAIR: Order! Let us listen to the honourable member, please.

Hon SUE ELLERY: I am giving the answer. I sit and listen to the honourable member quietly when he takes 10 minutes to say something that others might say in three, so he can listen to me give the answer.

For the reasons that we have outlined already, this is a narrower cohort of people, and the collation of the information required in the amendment before us now—even if we took out proposed subparagraph (b), which makes it far more extensive—creates an increase in risk. We are not talking about just revealing information that a person may already know about because they are in the court; we are talking about information that might be brought to the attention of the judicial officer, without the person who is there for the bail application even knowing what that information is about.

I go back to the points that I originally made. We are talking about people who have already had either an interim or a control order made against them, or have been subject to one of these orders in the last 10 years. I withdraw that bit, but the original argument that I put remains the case. The proposition that is before us is unashamedly about shining a light—there is no question about that—and greater transparency. The government’s position is that when it comes to these matters of terrorist-related intelligence and the narrow cohort of people we are dealing with, the greater the information that is required to be prepared and reported on, the higher the risk that it may be compromised at some point. That is the point that we are making.

Hon ALISON XAMON: I hear the government’s grave concerns about the compilation of this particular data. I need to refer to a foreshadowed amendment in order to make my point. I had originally put on the supplementary notice paper a review period after five years for this bill, and the government came back with a suggested review clause after three years. I have subsequently withdrawn my amendment because I am quite comfortable to go with the government’s proposed amendment instead. It begs the question though: would this not be the exact data that would need to be compiled in order to conduct that review? If not, what on earth would the review have the opportunity to look at? It would appear that should that amendment for a review be supported—if the government chooses to withdraw it, I will put mine straight back on the supplementary notice paper—that data will have to be compiled. My amendment basically says that that data needs to be made available to Parliament in the same way that we do with the Terrorism (Preventative Detention) Act 2006 provisions pertaining to section 54(2). I suppose that is my question. If the government is not going to compile it for any proposed review, what on earth would be in the review?

Hon MICHAEL MISCHIN: I am sorry that I am boring the minister and that I take 10 minutes to explain something that could be explained in three minutes, but I am trying to tease out an understanding of the problem, and the minister is not telling me. She keeps going back to “risk” and “small cohorts”. Please explain for me how a bail application would be dealt with. Assume that I am the accused. I have been arrested. I have been brought to a magistrate and I am applying for bail. I have had a control order in the past that has been discharged within the last 10 years, and the minister is the prosecutor. How will it be dealt with? I am in the court. A whole raft of other people are standing there waiting for their turn, minister, so where is it? How will it be done? Then we might be able to understand which bits are secret and require national security—we would have to kill everyone in the courtroom, or lock them up—and which bits can be made public.

Hon SUE ELLERY: Three elements, I think, were raised in the most recent exchanges. I will start with Hon Alison Xamon. She is jumping ahead to the review provisions, but I think she is trying to make the point that surely this information would be included in the review, and, therefore why, would we not agree to this amendment if we were happy to support a review? The point is that the numbers and the other information sought in the amendment may not be published in the review, and the advice that I have been given is that, in the environment we are in now, they would not be included in the review. I do not think it can be assumed that support for a review is somehow contradictory to opposition to releasing the numbers.

The second point I want to make goes to a point that Hon Michael Mischin made a while ago. He was working on the premise of why would we try to not report this information when, essentially, we were not really adding something that could be explained in three minutes, but I am trying to tease out an understanding of the problem, and the minister is not telling me. She keeps going back to “risk” and “small cohorts”. Please explain for me how a bail application would be dealt with. Assume that I am the accused. I have been arrested. I have been brought to a magistrate and I am applying for bail. I have had a control order in the past that has been discharged within the last 10 years, and the minister is the prosecutor. How will it be dealt with? I am in the court. A whole raft of other people are standing there waiting for their turn, minister, so where is it? How will it be done? Then we might be able to understand which bits are secret and require national security—we would have to kill everyone in the courtroom, or lock them up—and which bits can be made public.
terrorism, we say, quite unashamedly, that this information should not be published and should not be reported. Members have a choice to make, and it is that stark. If members accept that they want to put in place provisions that make this kind of information transparent, they will support Hon Alison Xamon’s amendment. The government takes the view that this information should not be revealed, because of the very nature of terrorism. Unashamedly, it should not be transparent, and if that is the position members support, they will not support the amendment.

Hon MICHAEL MISCHELIN: It may be because we do not understand how these proceedings will be conducted. There is nothing in the bill before us that prescribes a particular means by which these bail proceedings are to be dealt with that is different from any other bail application and any other accused coming before the court, or who is in custody and is eligible for bail. The only provision that seems to govern how these proceedings are to be conducted is proposed section 66C. Perhaps there is a misunderstanding on my part of how these proceedings will work. Perhaps the minister can explain, when someone falling within proposed section 66C comes to court on a non–terrorism related charge, how the proceedings will be conducted. How will the judicial officer know that there is terrorist intelligence information? Talk us through, step-by-step, how this bail proceedings will go.

Hon SUE ELLERY: I am not able to do that. In answer to a question about commencement asked by the member earlier in the proceedings, I said that the reason we needed the time was that the courts needed to establish those proceedings. I am not able to tell the member the process that the courts will take. However, I am reminded of a question that the member asked me yesterday, on which I had asked for further information. I have now got it, and this might help members as well. Hon Michael Mischin asked me to provide further information about other jurisdictions that have passed similar legislation to this, to protect sensitive terrorist intelligence information in bail proceedings. He specifically asked whether there was a requirement for them to share that information with the executive. We dealt with that issue in the first amendment that came before the house. I have been provided with that information today, and it includes information on whether the three jurisdictions we were talking about that had similar provisions to ours were required to report on this. I can say that, with respect to all three, the answer is no. In South Australia, there is no provision to require a court to report on or disclose information. None of the three that have similar provisions protecting information—South Australia, Victoria or Tasmania—are required to report in the terms that would be imposed in Western Australia, if we were to accept this amendment.

Hon MICHAEL MISCHELIN: The minister is now saying that regulations will be published dealing with those sorts of accused in a special way. Is that right?

Hon SUE ELLERY: I am advised that the courts may or may not prepare regulations to assist them. They want the time to work out how they can incorporate these provisions into their existing operational methods and processes. They may or may not be able to incorporate these into their existing processes and, if not, they will then develop their own alternative or additional processes to ensure that they can deal with these in an efficient way.

Hon MICHAEL MISCHELIN: The minister has told us that there was consultation with the heads of jurisdiction in the course of the development of the bill. What did they indicate may be necessary to ensure the confidentiality of terrorist intelligence information that would depart from the usual way in which bail applications and hearings are conducted?

Hon SUE ELLERY: I am advised that in the course of the consultation, the courts did not raise any issues about whether they would be able come up with processes to deal with this. I will check whether they were asked or whether they offered. I am advised that during the course of the consultation, the courts indicated that they would develop a process if necessary to accommodate this. They did not indicate that they thought they definitely need a new process. There may be a new process and there may be an additional process or they may use the existing processes.

Hon MICHAEL MISCHELIN: I will get back to scenario I posed earlier to try to understand how the process will work and how a bail hearing or application will be dealt with differently within the true intent of section 66C while, at the same time, accommodating the current structure of the Bail Act—it has to—subject to some particular rules of the courts being developed. I am the prosecutor. I have someone before me in court who has been arrested by the police and who in the past had a control order against them. They are there for a trivial charge in the scheme of things, one that ordinarily would not even involve a sentence of imprisonment and for which the prosecution would concede bail ought to be permitted. The charge currently before the court is unrelated to a terrorist offence. A security agent comes to me and says, “As you’ve seen, so-and-so has an expired control order on their record. You need to tell the magistrate that the presumption against bail applies and that he has to be satisfied, apart from every other consideration of suitability for bail, that there are exceptional reasons.” As the prosecutor, I have to tell him that. The accused is in the dock. His defence lawyer is there. I have this information and I say to the magistrate, “Your Honour, there is an issue here. You have to be satisfied to the requisite standard that there are exceptional reasons.” The magistrate may ask why and I as the prosecutor tell him that it is because of the control order. The magistrate says that it is a past control order. I would not shake your head, minister; this is what the legislation requires.

Hon Sue Ellery: Sorry; I was sent a text message and that is why I was shaking my head.
**Hon MICHAEL MISCHIN:** This is what the legislation requires. The security officer tells me that I have to tell the magistrate that he needs to consider some secret stuff. How do I go about that without revealing the terrorist intelligence that is in my possession and without going into detail about what it is? I have been told by the security officer that the magistrate needs to know about this terrorist intelligence information. How do I do that and what happens in the court? How do I convey that to the magistrate? Do I tell him in court? Do I send him a letter or a brown package secretly and anonymously? How will it occur? How will the magistrate find out about it and why is it that the magistrate cannot note the fact that it has happened?

**Hon SUE ELLERY:** Chair, I have done my very best to answer the honourable member’s questions. He started his most recent question by asking how things would be done differently in the court. I am not in a position to speculate on the processes that the courts will put in place to deal with this. I have answered the honourable member’s question to the best of my ability. The courts will develop a process to put these measures in place. An alternative process has not been contemplated and one is not ready to go. The advice available to me is that the courts will wait for the legislation to pass before determining whether they need an alternative process or whether they can manage within the existing process. I am not able to add anything further than that.

**Hon MICHAEL MISCHIN:** Let me put it another way. Is there anything in the bill that requires me as the prosecutor to alert the court before the hearing takes place?

**Hon SUE ELLERY:** No.

**Hon MICHAEL MISCHIN:** Is there anything in the bill that says that on learning that this person falls within proposed clause 3E of schedule 1, the magistrate needs to immediately close the court or make any confidentiality orders?

**Hon SUE ELLERY:** No. I am interested to know where we are going with this. The honourable member can work backwards from the existing provision to draw some conclusion to help his argument but the point is that it is up to the courts to determine what process they will use. They may well use the existing provisions or they may decide that they need to tweak them and do something different. I am sure they will do that within the confines of the legislation. I am not sure that coming at it backwards and trying to unpick things from where the procedures sit now will take us any further in considering the amendment before us.

The CHAIR: I indicate that I will be interrupting debate very soon.

**Hon MICHAEL MISCHIN:** Before we resume the debate, I would appreciate a little bit more information about how this will work. As I see it, there is nothing in the bill that requires confidentiality about the fact that a particular accused falls within proposed clause 3E of the schedule. There is nothing in the bill that requires a closed court in that regard. There is nothing in the bill that requires that the terrorist intelligence information that is going to be used by the magistrate remain a secret. There is nothing in the bill that requires that the accused or his or her lawyer be denied knowledge that terrorist intelligence information is going to be proffered, only that they may not know what is in it. If all that information is going to be available to not just the magistrate, but also the prosecutor, the defence counsel and the accused, I see nothing that creates a greater risk in having the annual report refer to there being one such case in the last 12 months. I ask the government to also consider whether proposed section 66D(2)(b) can work if the words “and to what extent” were removed from the end of the introductory part of that paragraph. It seems to me that, without disclosing terrorist intelligence information, specifying whether an accused had access to the information received by the judicial officer and whether evidence was received from or argument was presented by the accused is hardly confidential. They would know about that, and so would the prosecutors, the court and anyone sitting there, and so would the court record.

Progress reported and leave granted to sit again, pursuant to standing orders.

**“LANDFILL WASTE CLASSIFICATION AND WASTE DEFINITIONS 1996”**

Statement

HON DR STEVE THOMAS (South West) [6.21 pm]: On 13 September last year, there was a disallowance motion on the notice paper in relation to some classification in the “Landfill Waste Classification and Waste Definitions 1996”. The Minister for Environment and I spent a fairly torrid week trying to come to some agreement about the outcome. At that time, the minister wrote to me officially to convince me to withdraw the disallowance motion and he gave a couple of commitments, including —

I commit to a review of Table 6, —

That is table 6 in the “Landfill Waste Classification and Waste Definitions 1996” —

and have requested the Department to work closely with industry to review the maximum concentrations in Table 6 …

… In addition, I have requested that there be independent technical oversight of the review by national experts …
That was on 13 September. On 8 November, I wrote to the Minister for Environment and recommended to him the names of eight people I thought would add significantly to the deliberations of the committee and were important to be included. I will not go through those eight names, but they were highly recommended by me. On 30 November, the minister responded to me and reinforced his commitment to review the contamination thresholds. He had looked at the names and he said —

I understand four of the people you nominated have separately contacted the Department to express their interest in participating in the group, and their inclusion is confirmed.

One person was an environmental officer at Main Roads WA and it was deemed that he was not appropriate. The minister went on to say —

The Department has contacted the remaining three people you nominated to confirm their interest and availability to participate. The Department will also include your nominees in future consultation on … topics.

I thought I had a fairly good working agreement with the Minister for Environment. In fact, I said some very nice things about the Minister for Environment when I withdrew the disallowance motion and I had some fairly critical things to say about the Department of Water and Environmental Regulation. On 13 September, I said —

In my view, the performance of the department in providing the minister those answers —

They were the answers to a series of questions asked by me —

to this house has been disgraceful. The department is at best utterly incompetent in this process, and I will not use a word to describe what it might be at its worst. I think the department has effectively made up a set of numbers. When questioned in this Parliament, the department has given the minister a completely dodgy set of information to use.

I stand by those comments. At a later stage, the minister had to stand up and correct the information given to this house, not because it was the fault of the minister but because he was given, in my view, a set of completely dodgy information to use. In the process of withdrawing the disallowance motion, I thanked the minister and said —

I obviously will be following this up, because until this point, the problem has been the department, which the minister oversees. But from this point on, in my view, it becomes the minister. This gets a little more personal, because next time around, if the department shows the same contempt for the community and industry, it will be the minister I chase and not the department. Its performance has been an abomination.

A committee is reviewing the uncontaminated fill thresholds, which relates to table 6 in the “Landfill Waste Classification and Waste Definitions 1996”. In my view, the committee is being shown the exact same contempt by the Department of Water and Environmental Regulation that I was shown in seeking answers to questions. I am not sure how much the department has kept the minister in the loop on this, but it appears that the minister is being blamed for that contempt in suggestions by the department that pressure from the minister to adopt what has been put forward, which changed nothing, is responsible for the department pushing through and ignoring what has been put forward. I do not believe that for a second. I suspect the minister is not aware of what is going on in this particular process. I will ask one of the assistants to take to him directly—I will not seek to table this at this point —one of the submissions given by one of the people I recommended to the committee as part of the review. This person is well known to and respected by the minister. I will quote a couple of short things in this process. This particular individual, whom I have enormous respect for, says —

In my opinion, what DWER —

That is, the Department of Water and Environmental Regulation —

appears to be doing is proceeding with what it wants to do anyway, and effectively minimising and/or sidelining inputs from the stakeholder group members nominated for the Ministerial Committee.

Also, my biggest concern is that what DWER clearly intends to do here is scientifically invalid … and statistically invalid …

To be honest, I am not particularly surprised. I have grave concerns about the capacity of the Department of Water and Environmental Regulation to be scientifically and statistically valid. It has made up a set of numbers that it is determined to justify, no matter what the science of the process might deliver. I do not think this is a new process. I think this happens not infrequently. As I said on 13 September, I intend to hold this department to account. But, of course, I am the shadow minister, not the minister. As I said on 13 September, this is where it starts to get personal and the rubber hits the road. I do not believe that the minister is responsible for the contempt with which the advisory committee is being treated. I suspect that he is not aware of it. Unfortunately for the minister, he has to take a good hard look at this process and at whether the Department of Water and Environmental Regulation is doing due diligence and has been open, honest and transparent in the process. I suspect that we might find that it is wanting.
I could have come back in three months after the same set of tired old numbers had been put forward by the department in ignorance of all those who advised it to try to make it better, but I am trying to deliver a better outcome for waste management in Western Australia. It appears to me that the unfortunate thing is that DWER is getting in the way not for, as far as I can see, any particular reason but this almighty arrogance that suggests that it can never be challenged. In this case, it needs to be challenged. In this case, the minister and the government need to hold this department to account and say that it has to justify the things that it is doing. It concerns me grievously that the department seems to be happy to let the minister wear the flak for this again. My view is—I have said this publicly—that departments that do not perform need to be held to account. On occasions, that might mean removing people doing the job. The reality is that this Parliament cannot allow this process to go unchecked, when very intelligent experts in their trade are being ignored because the government department involved does not want to give an inch, does not want to acknowledge that it has made a mistake or simply cannot justify what it has done.

This is a particularly important issue to me, partly because I want to see waste management done in the most efficient manner possible, but partly because I intend to hold government departments to account as much as I intend to hold ministers to account. I would love to stand up and blame the minister for everything and score a few cheap political points; I suspect it would look good on my résumé. But the reality is that there is a job for this minister to take hold of his department by the scruff of the neck and deliver some better outcomes. He needs to do that quickly, because this committee is supposed to report next month. The minister gave some very specific commitments in his original letter. He said on 13 September—

… I have requested that there be independent technical oversight of the review by national experts who will report directly to me.

The minister needs to make sure that that occurs independently of the Department of Water and Environmental Regulation. Because I am keen to get the right outcome, in the lead-up to this process and the disallowance motion, we co-hosted a meeting of industry stakeholders, including the department. I suggest that the minister needs to meet with the committee independently of DWER. If he is not able to meet with this committee independently of DWER, I am happy for he and I to co-host a meeting that includes DWER representatives, because I have no fear of the Department of Water and Environmental Regulation and I expect to be able to hold it to account for many, many months to come. I hope the minister does the same thing.

**Statement**

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [6.30 pm]: I feel the need to respond to the contribution made by Hon Dr Steve Thomas this evening. He had indicated to me behind the Chair that he was going to make a statement tonight, but he had not indicated what that statement would be. As he reasonably pointed out, when this issue came before the house last year, I gave an undertaking that we would establish a committee to look into this issue. That committee has been established. I also gave an undertaking that that committee would report or come back to us by April. We are still on track to do that. I also gave an undertaking that there would be independent oversight of the work of that committee, and the work that has been independently oversighted will come back to me. I have not been briefed on the issues that Hon Dr Steve Thomas raised this evening. I am grateful that he provided a copy of the document to me from one of the members of the working group. I will ensure that the *Hansard* from tonight is raised with my office and, indeed, the department tomorrow.

Certainly it is my desire and wish—and I will certainly ensure—that the undertakings I gave to this house on this issue, including to Hon Dr Steve Thomas, are in fact met. I have no issue with tackling my department on a variety of issues. What I did not do last time was direct the department, but it understands that this issue needs to be treated appropriately and with importance, and that there are people watching. I will ensure that the issues are addressed. I will certainly make sure that the commitments I gave to this house last year are kept. Saying all that, I do not have the level of detail that the honourable member raised tonight, but I will follow up those issues later. I certainly operate in this place in a bipartisan way. If I give commitments to the house or, indeed, members, I always follow those up. I do not propose to change my modus operandi.

**CASHLESS DEBIT CARD TRIAL — GOLDFIELDS**

**Statement**

HON ROBIN SCOTT (Mining and Pastoral) [6.32 pm]: I would like to talk about the goldfields and the Indue card. The first time I visited Kalgoorlie was in 1973. I had just started my third year of my electrical apprenticeship and I had managed to save up $300, so I was going to make this wonderful trip driving to Adelaide and Melbourne and blow the lot. When I got home, I still had $20 in my pocket. When I got to Kalgoorlie, I was amazed by it; it was an absolutely fascinating town. I do not remember alcohol or drugs being a problem, although I was there for only a couple of days. The thing I remember most of all was the width of the street. It was later on that I found out it was that wide because of the camel and horse wagons. For the last 35 years, I have spent a lot of time working in and around Kalgoorlie, and I have seen the worst and the best of Kalgoorlie.
When the Indue card started on 26 March 2018, I had people visiting my office from Kambalda, Coolgardie, Kalgoorlie, Menzies, Leonora and Laverton, and they all seemed to have the same problem. Unfortunately, at the time I did not have the benefit of an academic from Melbourne working out what the problems were or even a report from the University of Adelaide. My information is based on what I have seen and heard over the last 12 months. The first six months of the Indue card was an absolute nightmare for me and my office. There were only two of us in there, so we had to share the load. The problems people were presenting to me were that they could not pay for their rent, Telstra bills or anything at the post office on the Indue card. Their mortgages could not be paid, they could not go to the chemist and buy any of their medication and they certainly could not go to a restaurant for a meal, because nobody would accept this card. I had so many visits to Centrelink that I ended up being on first-name terms with the ladies who were running the office in Egan Street. Fortunately, these trips were eventually alleviated when a community hub was set up right across from my office in Burt Street. This community hub really knew what it was doing; it solved the problems almost immediately. It did an excellent job.

People are now getting used to this card. It is a real benefit at the moment. It is not widely known, but I can guarantee that many of the Indigenous leaders are supporting this card as it develops and improves. There is now a group participating in a mixed-merchants selling group. It is actually a mixture of companies and businesses that are selling restricted and unrestricted items. They have all signed up to accept the Indue card. For example, someone can now go into the Albion Shamrock Hotel in Burt Street and have a meal. It has two tills—one that people can use to pay with their Indue card, provided it is just for meals, and another till for meals and alcohol. This does not mean that an Indue cardholder cannot have a drink; they can still use their Indue card to buy their meal, and if they want to have a beer or a wine with it, they can pay with cash or another form of payment.

Laverton is getting a great benefit from this card at the moment. The rate of domestic violence has dropped dramatically. The number of medevacs by the Royal Flying Doctor Service has also dropped dramatically, saving everybody a lot of money. That is all thanks to the restriction on alcohol. The benefit for Boulder and Kalgoorlie is the reduction in the number of intoxicated people in the street shouting abuse and wanting to fight with everybody. The last three months have been very pleasant compared with the previous months. Most of our local street problems at the moment are being created by visitors coming into Kalgoorlie–Boulder. They are cashed up. Because of the culture of the Aboriginal people, they will throw their money around. They are getting local people back onto alcohol, when this could have been stopped if the Indue card was taken out into the communities. I really hope that will eventually happen, because that will get rid of at least 50 per cent of our problems overnight.

I no longer have to go into my office at six o’clock in the morning and remove a body from the office door. I also see Aboriginal mothers walking down the street with their children, and they are actually shopping. That is a really big thing, because before they never had money. Now that they have an Indue card, they can go into the shops and buy food. When they had money before, it was usually taken from them and used for other purposes. Everybody is feeling calm and safe while they are on the streets. This is partly due to the police force as well. Even though they are about six cops short, the sergeant in charge, Peter Healy, and his liaison officer, Mr Tully, are doing an absolutely fantastic job. We still have a drug and alcohol problem, but not the way it was 12 months ago. This card is now working. It will work better as it is slowly improved. To cancel this card now would be an absolute disaster. The main thing about the Indue card is that a person will not go hungry, they will not be evicted from their home, and their children may be safe at home because of the lack of alcohol. I say to all the young able-bodied people who are on this card that if they do not like it, they should go and get a job. The motion moved by Hon Jacqui Boydell was perfectly timed. People are really starting to enjoy this card.

ABORIGINAL YOUTH SUICIDE

Statement

HON ALISON XAMON (North Metropolitan) [6.39 pm]: I rise to make some more comments about the State Coroner’s report “Inquest into the deaths of: Thirteen Children and Young Persons in the Kimberley Region, Western Australia”. Tonight I will specifically focus on the coroner’s findings on the provision of mental health services. As I have highlighted previously, many of the young people who died had grown up in circumstances in which they were constantly exposed to domestic violence, had insecure living arrangements and had siblings or relatives who had died by suicide. Almost all had grown up in homes where there were high levels of alcohol use, and a number had themselves, despite being only children, used alcohol and other drugs from a young age. Many of these young people had expressed suicidal ideation, and despite having several contacts with health agencies for preventable health conditions, only one had had contact with a mental health service. It is an absolute tragedy that despite the presence of many risk factors and warning signs, and contact with health agencies, for a number of reasons our existing mental health services were not used to support these young people and their families.

The coroner states that the majority of these children and young people had not been given a mental health assessment so it is not known whether they had mental health conditions that may have responded to treatment, using either conventional medical treatment or traditional cultural methods, or potentially a combination or both. However, it is clear from the fact alone that eight of the coroner’s recommendations relate specifically to improving
how existing mental health services are delivered and accessed, as well as the need for more services, that inadequate mental health service provision is, of course, considered an important factor in these young people’s untimely deaths.

Difficulty in arranging an urgent mental health assessment was a factor in at least one of the deaths. There simply are not enough mental health services to cover the region. I recognise that service delivery in the Kimberley is particularly challenging, not least because of the large geographic distances. However, having said that, there is only one child and adolescent mental health psychiatrist in the Kimberley region and it is completely unrealistic to expect one person to be able to service the population’s needs, even without travel considerations. It is already too large a population. Accordingly, the coroner recommended the need for both a mental health facility in the East Kimberley and a mental health clinician to be based in Halls Creek. Long delays in being able to respond to a person who is already in acute distress will clearly compromise their care.

In addition to the need for more services in situ, the coroner has recommended that immediate consideration be given to setting up 24-hour access to a consultant psychiatrist via video conferencing to remote areas. Although the facilities are already there, any access to them, if at all, is currently only during office hours. As we all know, and as I am sure many members have heard from their constituents, crises do not occur only between the hours of 9.00 am and 5.00 pm. The expansion of services to reflect that reality needs to be absolutely supported. Further, if we are going to make any headway in disrupting the cycle of intergenerational trauma and its effects, we must also look at investing in services that intervene very early in a baby or child’s life, such as perinatal and infant health services. There are currently no specific infant mental health services in Western Australia, and there is no perinatal or specific mental health services or indeed any specific mental health services for children under the age of 14 years in the Kimberley region. We need to think seriously about how we might address this.

Importantly, the coroner also made recommendations about the way services should be delivered. Because large numbers of Aboriginal people in the Kimberley have experienced the direct and indirect effects of trauma, it is clearly imperative that service providers take into account the need for trauma-informed models of care. The coroner has recommended that all service providers undertake training in trauma-informed care. Quite frankly, in 2019, I am in disbelief that that still has not occurred. Her recommendations also highlight the need to recognise the importance of traditional cultural healing and for incorporating traditional healing practices into mental health treatment plans. In order to achieve this the coroner recommends that the government should fund more cultural healing projects in the Kimberley region. Other reports into Aboriginal suicide have made similar recommendations in the past but it is an area in which we have been slow to act. It is also necessitates meaningfully partnering with Aboriginal communities. Aboriginal-led solutions must be at the heart of what we do.

In talking about mental health services in the Kimberley I would also like to take a moment to acknowledge some of the programs that are working well, because just as it is important to identify the gaps, we have to make sure we preserve the services that need to be retained. Although the Statewide Specialist Aboriginal Mental Health Service is, as its name suggests, a statewide service, I have been reliably informed by clinicians from the Kimberley who work with Aboriginal clients and their families that it is a critically important part of the way they deliver their services. One of the important things that SSAMHS does is build up the workforce in mental health service provision. It is a very important resource and I was pleased to see in the last budget that the government committed funding to it until at least 2020–21. I will be looking for further funding commitments in the forward estimates when the next budget is handed down. We need to be building the capacity of these services so that more people can benefit from them. Overall, however, it is clear that access to mental health services in the Kimberley is woefully inadequate. Investing in culturally appropriate, accessible and timely service provision is urgently needed if the government is serious about stemming the tide of suicide in the Kimberley.

*House adjourned at 6.46 pm*
QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

WESTERN ROCK LOBSTER FISHERY — DEPARTMENT OF FISHERIES STAFF

1851. Hon Colin de Grussa to the minister representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:

Please provide details for Department of Fisheries staff involved in the Western Rock Lobster Industry meetings including:

(a) what experience they have with the Western Rock Lobster industry;
(b) how long they have worked in the Department of Fisheries;
(c) what was their previous employment;
(d) the number of staff involved in meetings and negotiations with Western Rock Lobster Council; and
(e) the positions each of these staff members holds within the Department of Fisheries?

Hon Alannah MacTiernan replied:

(a)–(e) The Director General and Deputy Director General Sustainability and Biosecurity of the Department of Primary Industries and Regional Development were involved in discussions with the Western Rock Lobster Council. The Director General was the former Director General of the Department of Regional Development and the Deputy Director General was the former Director General of the Department of Fisheries. Both are senior officers with considerable experience and knowledge across a range of sectors including rock lobster.

MINISTER FOR REGIONAL DEVELOPMENT — AGRICULTURAL REGION VISIT

1865. Hon Martin Aldridge to the Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade:

I refer to the Minister’s visit to the Agricultural Region on Wednesday, 23 January 2019, and I ask:

(a) please provide an unredacted copy of the Ministers itinerary and travel arrangements for Wednesday, 23 January 2019;
(b) please provide all briefing notes and advice provided to the Minister in relation to meetings, functions and other commitments undertaken by her on Wednesday, 23 January 2019;
(c) who accompanied the Minister during the visit and at each meeting, function or other commitments undertaken by her on Wednesday, 23 January 2019; and
(d) on what date, at what time and by what means were the following local members of Parliament notified of the Minister’s visit:

(i) Mr Shane Love MLA;
(ii) Hon Martin Aldridge MLC;
(iii) Hon Colin de Grussa MLC;
(iv) Hon Laurie Graham MLC;
(v) Hon Jim Chown MLC;
(vi) Hon Rick Mazza MLC; and
(vii) Hon Darren West MLC?

Hon Alannah MacTiernan replied:

(a)–(c) [See tabled paper no 2502.]

(d) All Members in (d) were informed of the Minister’s visit through the invitation sent by the Wheatbelt Development Commission to attend the launch of the Northern Growth Alliance on 21 December 2018, and invitations to the Friends of the Wheatbelt Forum sent on 10 January 2019. Hon Mia Davies and Peter Rundle were also included in the invitations to the Friends of the Wheatbelt event.

GERALDTON PORT — CRUISE SHIPS

1866. Hon Martin Aldridge to the Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade:

I refer to the article ‘Labor want to improve the Geraldton Port so it can accommodate cruise ships’ published on November 30, 2016 by Everything Geraldton, and I ask:

(a) what is the status of the commitment to provide a roll-in roll-out passenger terminal;
(b) when will the project be complete;
(c) what is the cost of the project;
(d) what funding has been allocated in the State budget for the project;
(e) has a business case been prepared for the project;
(f) if yes to (e), please provide a copy of the business case;
(g) if no to (e) when will a business case be prepared;
(h) what was the date that the shore tensioning units were installed at the Geraldton Port for cruise ships; and;
(i) what was the cost of the units for this purpose?

Hon Alannah MacTiernan replied:
(a)–(c) The Mid West Ports Authority (MWPA) is undertaking a master planning exercise that will be completed in 2019. This process will identify the best solution for cruise ships and other cargo vessels and will include cost estimates for any infrastructure requirements.
In the interim, the MWPA has a project in place to provide a fit for purpose passenger ship gangway designed to allow safe and efficient means of vessel egress and access for large numbers of passengers, including for wheelchairs and elderly passengers.
(d) Nil.
(e) A business case will be developed following the master planning process.
(f) Not applicable.
(g) See part (e).
(h) The four permanent shore tensioning units were installed in June 2017.
(i) $1.754 million.

METEOROLOGY — COASTAL WEATHER RADAR

1876. Hon Martin Aldridge to the Minister for Agriculture and Food:
I refer to your media statement of 25 January 2019 titled ‘Coastal radar upgrade to make WA’s weather service nation’s best’, and I ask:
(a) please table the agreement between the State and Federal Government relating to the $4.6 million investment in radar capability at Geraldton and Albany;
(b) please table the State Government’s business case relating to the project;
(c) when will the project commence and complete; and
(d) what local content will be procured from the Mid West and Great Southern regions?

Hon Alannah MacTiernan replied:
(a) [See tabled paper no 2503.]
(b) I am advised that the business case was considered and approved by Cabinet in December 2016 and is therefore considered Cabinet-in-Confidence to the previous Government. As such, I have written to the Director General of the Department of Premier and Cabinet requesting the approval of the Leader of the Opposition to release this document. I urge the Member to support this request.
(c) I am advised that project planning commenced following Cabinet approval in December 2016, and is planned for completion by 15/01/2020.
(d) Local content includes Sime Building Company from the Goldfields–Esperance region that has been contracted to undertake the site works for all radars, approximately 25% of the project budget. Sime Building Company has ensured all works within its scope including steel fabrication, earth works, concreting, freight, cranage, plant hire are sourced from the local townships i.e. Albany & Geraldton. The electrical works within Sime Building Company’s scope at both sites are being done by an electrician from Albany.