

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

Ninth Report — “Annual Report 2014–15” — Tabling

MS M.M. QUIRK (Girrawheen) [10.40 am]: It is my pleasure to table the Community Development and Justice Standing Committee’s ninth report, “Annual Report 2014–15”, in the thirty-ninth Parliament.

[See paper 3413.]

Ms M.M. QUIRK: The committee has had a very productive year, despite functioning at 60 per cent of capacity for half the reporting period. The financial year began with investigative travel to the UK and the US for the purposes of gathering evidence for two inquiries: the inquiry into policy implications of an ageing community, instigated in the previous financial year; and the inquiry into methods of evaluating WA Police performance.

The committee was introduced to examples of age-friendly communities in Manchester and New York that were truly inspiring, demonstrating that with some thoughtful planning and understanding, the lives of seniors can be significantly enhanced. With the ageing population set to expand rapidly in the next 20 years, the time for the state to act is now. The committee’s report, “Age-friendly WA? A challenge for government”, found that although there are some positive examples of individual local governments working to make the community more age-friendly, state government departments do not have a coordinated approach to ageing policy, planning and implementation.

Since the end of November last year the committee has been inquiring into how WA Police evaluates its performance. State government expenditure on WA Police is substantial, and it is not unreasonable to inquire whether it has objective measures that indicate that it is delivering on that expenditure to achieve efficient and optimal outcomes. In the absence of such measures, we need to resort to such imprecise indicators as the number of road fatalities and serious injuries, or movements in crime statistics. Although WA Police resist these indicators as imprecise and misleading, better alternatives are not readily forthcoming.

The police inquiry has many dimensions that are best tackled by focusing on particular facets of policing. The first focus, on the performance measures used by WA Police to determine the effectiveness of traffic law enforcement and road safety initiatives, was decided upon in the wake of a disastrous state road toll. The committee’s report, “Are we there yet? How WA Police determines whether traffic law enforcement is effective”, found that the single key performance indicator employed by WA Police provides only a limited measure of the effectiveness of road policing. It is difficult to comprehend how Police can tell whether it is on the right track with its traffic strategies when measurements and evaluations are largely absent.

For example, driver attitude surveys, which provided a snapshot of WA drivers’ perceptions of police presence and effectiveness, were discontinued in 2011 and need to be reinstated. The committee also found that a lack of published data related to road safety makes it difficult for stakeholders and the public to make an informed assessment of police performance. In the interests of transparency, more information should be available on the WA Police website and/or in its annual report. The government response to this report was tabled earlier this week. It was disappointing that no time frames were given as to when supported recommendations would be taken up and implemented. Most were to be referred to the Road Safety Commission to consider at some indeterminate time in the future.

In particular, the committee expressed concerns about the inadequate response to drug-driving. In recent months we have talked much in this place about the prevalence of methamphetamines, and it is self-evident that the use of those illicit drugs would translate into aggressive and unsafe driving. Recommendation 6 of “Are we there yet? How WA Police determines whether traffic law enforcement is effective” reads —

That WA Police performs at least 90,000 roadside drug tests per year, as per the expert advice provided in 2012.

The government response, provided this week, reads —

The 90,000 Roadside Oral Fluid Tests (ROFT) is a theoretical target proposed by Professor Max Cameron to the Road Safety Council in an unpublished research paper in 2012.

It was also suggested to the committee in oral evidence. The response continues —

The target was based on a Benefit Cost Ratio to determine the optimum rate of return when comparing increased ROFT to potential decreases in ‘drug related’ fatal crashes.

The practical implications for the adoption of this target are still being evaluated in detail by operational organisations.

No jurisdiction in Australia is currently conducting 90,000 ROFT per annum.

Extract from Hansard

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Western Australia is currently comparable with all States, except South Australia, for the number of ROFT conducted per licensed driver.

In 2014/15 financial year, WA Police significantly expanded the number of ROFT to reach over 19,000 and are currently striving to expand on this number in the 2015/16 financial year.

Members need to be mindful that more than a million tests are performed each year to determine blood alcohol levels, but this response indicates a lack of political will to exert the same rigour when enforcing drug-driving laws. This failure to embrace and prosecute the committee's recommendation with any modicum of expediency is a source of considerable and ongoing frustration and disappointment.

Members will recall the death in police custody of Ms Dhu in South Hedland in July 2014. This is subject to a coronial inquest. By way of an update, I make the observation that in November 2013, the committee recommended in recommendation 5 of its report, "In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups" —

That Western Australia Police develops a consistent policy regarding access to family members and/or other third party supports by detainees in lock-ups. Such a policy should be consistent with maximising access.

The government response, in April 2014, was —

A detainee in a police lockup has the right to contact a legal representative and a family member, or friend, on their admission to the lockup. The OIC of any police lockup has the discretion to allow a person in custody to have a visitor if they determine the circumstances warrant such a visit, and in consideration of lockup security and police operational commitments,

Because of the diversity of facilities, staffing and local police demand across the State, it is not practicable to apply the same practices across all sites. WA Police is currently undertaking a comprehensive review of the Police Manual Lockup Procedures. Following this review, standard operating procedures will be developed for each lock-up. These procedures will include local arrangements for the provision of detainee visitors.

In light of the pending coronial inquest, I will leave members to draw their own conclusions on that.

The final concerns I need to raise are ones that have impeded the work of the committee over the last year. These matters could be construed either as conscious obstruction, passive resistance, or mere incompetence. I make no judgement as to which it is, other than to observe that the committee's time frames and efforts have been adversely impacted.

The committee has experienced frustration in trying to organise hearing dates with WA Police. Seldom does it make witnesses available on the date initially requested, resulting in a long series of emails to try to find a suitable date, which can sometimes take weeks. The Commissioner of Police has not made himself available to give evidence in the past year. On one occasion, the committee rearranged its usual sitting time, inconveniencing regional committee members, and scheduled a hearing to commence at 8.00 am to suit the commissioner's availability, but he did not attend. Last month, the committee began making arrangements to visit Geraldton Police Station in the course of its inquiry into how WA Police evaluates its response to family and domestic violence. Ordinarily, research staff would make the necessary arrangements for such a visit in consultation with the relevant staff of the agency. In this case, committee staff were initially directed to speak with an officer with responsibility for regional policing. However, staff were then informed by WA Police executive services that it was WA Police policy that all members of Parliament seeking to visit a Western Australian police facility must make their request via the office of the Minister for Police. The committee has visited police facilities previously, such as station lockup facilities in regional areas and Northbridge, and no such permission was required. Despite staff explaining that the purpose of the Geraldton briefing was to get the perspectives of regional officers working on the front line with domestic violence, WA Police sent two senior officers from Perth, an acting assistant commissioner and the acting regional commander, to Geraldton to oversee the visit. Whilst it is the prerogative of an agency to send whom they deem appropriate, WA Police has the habit of sending the most senior officers to hearings when it is often the less senior officers that the committee wishes to hear from. This is not without some irony, as the committee has previously received unfounded criticism for not speaking to frontline officers. It has also come to the committee's attention that WA Police sends responses to questions on notice that have arisen during the hearings to the office of the Minister for Police for vetting before sending them on to the committee. In my experience, such close oversight by a minister is unheard of. Potentially, it could amount to a contempt of Parliament. This, too, has caused considerable delay. On one recent occasion, it was only after I made a call to the minister's chief of staff that an already overdue response was sent to the committee. These delays impact on the ability of the committee to complete tasks in a timely manner.

As mentioned, the committee was given no choice but to continue its work with only three members after the members for Morley and Balcatta resigned from the committee on 19 August last year. On 26 February, pleasingly the member for Balcatta returned to the committee, and we welcomed the member for Vasse. I would like to thank my fellow committee members, the members for Armadale, Collie–Preston, Vasse and Balcatta, for their important contributions to our inquiries. I am also grateful for the support and diligence of the committee’s principal research officer, Dr Sarah Palmer, and research officer, Niamh Corbett, who has since moved on to another role. I also take this opportunity to welcome new research officer, Franchesca Walker.

DR A.D. BUTI (Armadale) [10.52 am]: I take note that I have an original Dockers scarf with me, which means I am not a Johnny-come-lately like some people who have the more modern scarf—not that I am accusing the member for Girrawheen of being a Johnny-come-lately! I notice that the member for South Perth has one of the more recent articles of attire from the Dockers.

I will not be using my whole 10 minutes because the Chair of the Community Development and Justice Standing Committee put together very well many of our concerns and also many of our achievements. What I would like to do is to commence by thanking the staff. Everyone involved in a committee realises that the staff are incredibly important. I would like to put on the record my appreciation of the efforts, skills and talents of our senior research officer, Dr Sarah Palmer, and our previous research officer, Ms Niamh Corbett, who has now moved on to other inquiries. We also welcome on board Franchesca Walker.

The member for Girrawheen has been, I would have to say, an outstanding chair. She has been subjected to unwarranted and unfair attacks, which I consider amount to bullying. Unfortunately, the government picked on the wrong person if it thought that bullying the member for Girrawheen would lead to her demise! This leads to the issue of what committees are about. I think committees are an incredibly important part of the Westminster parliamentary process. All members, but particularly newer members of Parliament, really gain a lot by being a member of a committee. We have to move away from seeing committees as an opportunity for opposition members on a committee purely to rubbish the government and for government members on a committee to just defend the government. We should be there as parliamentarians trying to obtain information that cannot normally be obtained from the floor of this chamber. We do a disservice to our duties as members of Parliament and to the public of Western Australia if we see committees purely as a contest between government and non-government members; we should all be working together. If we find something that is complimentary of the government, we should say so in our report. If we find something that is not complimentary, we should also say that, because unless we highlight weaknesses in the delivery of services, philosophies or whatever, they will never be corrected. Surely, in the end, that is what we are here for. I really do hope that we can move on from seeing committees as a contest, as we have on the floor of this Parliament, and see them more as an opportunity to work together. Of course, there will be a different emphasis and maybe a very different context that members will come to the hearings with, but we should be there trying to do our best. If we find a weakness and do not address that, it is often the public service that is going to be damaged because it will not receive the resources or change in policy that is necessary for it to do its work properly and for the public to be served properly.

During the annual report period of 2014–15, this committee was involved in an inquiry on age-friendly communities, which I think was a very important inquiry and the report was very sound. I must say that I think the government’s response was, in the main, disappointing. It seemed to be a situation in which it rejected outright some of the recommendations and, with the other recommendations, it said it had them under control, when that is disputed by many of the people who came before our committee. We are dealing now with performance indicators in respect to the Western Australian police force. During the reporting period, we dealt with the issue of how police measure their performance with regard to traffic law enforcement. I have to say that the government’s response to that report is once again disappointing.

There is nothing wrong with the government taking on board the recommendations of a committee that has thoroughly investigated an issue, has had stakeholders involved and has found areas that need to be improved. Surely, it is then incumbent on government to address those issues. I am not saying that committees will always be 100 per cent right, but committee reports are guided by the evidence they have received in their inquiries and also by the research undertaken by the staff members attached to the committees. Could we please move away from the need for opposition members to see committees just as an attack mechanism, and for government members to see them as an opportunity to assist their side of government if the evidence that we receive in our hearings points to weaknesses that are commonplace in a certain area of government? Unless we are going to do that, these committees are a waste of time and resources and they probably should be abolished. Let us use them for what they should be used for; that is, to make better government and improved government in Western Australia.

MR C.D. HATTON (Balcatta) [11.00 am]: I stand to endorse and support the third annual report of the Community Development and Justice Standing Committee in this thirty-ninth Parliament. It is true that the committee has had a very productive year and that it was reduced by two members from 19 August 2014 to

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26 February 2015 due to reasons of which this house is no doubt well aware. Over the period of work, the committee set about examining and exploring, firstly, the level of provision for the elderly and ageing population of Western Australia and, secondly, the level of evaluation of police traffic law enforcement and its effectiveness.

With regard to the report “Age-friendly WA? A challenge for government”, which comprised 42 findings and 45 recommendations, the committee first set about exploring evidence and practices from other jurisdictions. As stated in the chair’s foreword of the annual report, the committee was introduced to overseas examples of age-friendly communities that are truly inspiring, demonstrating that with some thoughtful planning, our understanding of the issues of seniors can be significantly enhanced. It is here that I must reflect on and draw comparison with Western Australia’s age-friendly practices. Like many members in the chamber, I have senior family members and acquaintances who need support. From my experiences and observations, Western Australian seniors are generally, in many ways, in a good place. However, I do acknowledge our ageing population in Western Australia, and indeed Australia, and the need for better and best practice.

Western Australia’s overarching policy document in this area, “An Age-friendly WA: The Seniors Strategic Planning Framework 2012–2017”, identifies five key pathways to achieving an age-friendly Western Australia. These pathways are promoting health and wellbeing, access to essential services, economic security and protection of rights, welcoming and well-planned communities, and opportunities to contribute. The question is: are we there yet; or are we getting there; or, indeed, how far do we have to go? Essentially, the committee inquiry aimed to determine how well the framework is guiding state government policy and whether it is achieving its goal in creating an age-friendly Western Australia. It is worth noting that the framework declares that all sectors need to take action and plan together. However, of all the findings, recommendations and government responses, a very relevant area of concern is the identified and acknowledged need for greater collaboration and engagement between agencies. As always, it could well be argued that there is a need for more funding, but as indicated in the government response to recommendation 40, for example, the Department of Local Government and Communities links funding to implementing age-friendly practices. Interestingly on this point, and as indicated in the Community Development and Justice Standing Committee’s seventh report, although Western Australian governments have begun the journey towards an age-friendly Western Australia, few have embraced to any significant level the Department of Local Government and Communities’ age-friendly communities framework.

Although I did not have the opportunity to be engaged in the entirety of the seniors inquiry, I am confident that the government of the day’s responses are quite explanatory. The government acknowledges that it needs to continue funding, support and collaboration across the sectors, with a particular need for ongoing, or even greater, collaboration with local governments towards best practices as outlined in the age-friendly communities framework. Recommendation 42 suggests the need to investigate models for coordinated approaches to ageing policy, planning and implementation. It appears that there is a lot out there, but more is needed.

During its second inquiry into how WA Police evaluates its performance, the committee determined to focus on road safety and traffic enforcement, which was partly motivated by the terrible state road toll. The committee’s report, “Are We There Yet? How WA Police determines whether traffic law enforcement is effective”, was presented after some investigative travel and a series of meetings, hearings and briefings. In the foreword, the chair indicated that the single key performance indicator employed by WA Police is a limited measure of the effectiveness of policing, and this could very well be the case.

Various recommendations were put forward in the committee’s eighth report of 15 June 2015. There was focus on areas such as having sufficient staff in senior intelligence analyst roles; the need for thorough reporting in the WA Police annual report; the publishing of relevant and contextual road policing indicators in the annual report in addition to the key performance indicator; reinstating driver attitude surveys; and, as was mentioned earlier, more drug testing for drivers. It is worth noting that the committee would like to see more transparency of data, with information more available to the public. The government response to 12 of the committee’s recommendations have recently been received and the committee will consider these in due time.

In finishing, I thank the chair and my fellow committee members for their assistance and contributions towards ensuring that this committee retains its integrity and continues to seek high quality outcomes. I also acknowledge the work of the committee’s principal research officer, Dr Sarah Palmer, and the then research officer, Ms Niamh Corbett. Once again, I endorse the content of this annual report, but not necessarily some of the condemnations put forward today in the chamber.

MS L. METTAM (Vasse) [11.06 am]: I am pleased to add my comments to the Community Development and Justice Standing Committee’s “Annual Report 2014–15”. I was part of the committee for only four months of the reporting period, from February to June. During this time, the committee largely focused on police performance, putting together the report “Are We There Yet? How WA Police determines whether traffic law enforcement is effective”. One of the consistent issues that arose is the challenge WA Police faces in measuring its performance.

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We looked at what is the best information available for the public and stakeholders, including the police, to make value judgements on police performance. Although challenging, it is understood that it is essential that police are able to provide this information to other road safety stakeholders as well as government, similar to every other public sector agency, for the reasons of accountability and transparency. It is in everyone's interests to know what is working. I recognise the challenge of a police presence and the administrative burden in trying to meet this target. However, I also think committee members well understood the importance of how government funds are spent and how that connects with outcomes. It is clear that Western Australia Police obligations are well beyond what RAC WA and other road safety interest groups are seeking, but there are also the reporting obligations of the Financial Management Act 2006 and the Public Sector Management Act 1994. WA Police also provides operational updates and statistical information in many monthly documents, on demand and on its website.

According to the police response to the committee's recommendations, a review into an enhanced approach to data sharing and reporting for WA Police is underway. This recommendation is a real positive. As has been highlighted, WA Police has provided responses to the 12 recommendations set out by the committee, and in particular, as a matter of priority, that laws be drafted that enable the lawful collection of blood samples from road trauma patients. I acknowledge that in the WA Police response. This would require an amendment to the Road Traffic Act 1974. I have discussed this issue with the Minister for Police and I understand that the drafting and presentation of such legislation is imminent.

Although I was not around for the travel to New York and Manchester during the period of this committee in the last financial year, I did find the visit to the traffic control centre at the State Traffic Intelligence, Planning and Coordination Unit at Midland to be very valuable. In relation to recommendations made by the committee in utilising intelligence and analysts, WA Police have developed a traffic enforcement strategy 2015–16, which utilises dedicated analysts in state traffic command to target specific offenses, such as hooning, no authority to drive and non-restraint use. The committee was obviously unable to look at this in relation to the outcomes of the report given that it has since been developed.

The committee highlighted the challenge and the need to constantly reform in the area of road safety. That is a really important focus. Although the report is titled "Are we there yet?", I think many people understand that we will never be "there"; we can always improve on our current performance in road safety, and there will always be a need to reduce the road toll whilst there is one. It could also be argued that much reform was already being undertaken during the period that this report was being prepared. The Office of Road Safety has been replaced by the Road Safety Commission, as one of the recommendations of the Browne review, to deliver road safety outcomes and it is seeking to introduce the recommendations of the review, which made reference to best-practice suggestions in the area of road safety. The Minister for Road Safety is preparing a business case on how the remaining funds of the road trauma trust account will be spent. I understand that \$4.05 million has been dedicated to community education road safety programs, as well as an increase for mass media campaigns. A new tool for evaluating or measuring the effectiveness of community education is also being developed, which is set to commence this year. The committee highlighted and made strong recommendations in this respect as well. The Road Safety Commission is also providing a review into drug-driving legislation in conjunction with other stakeholders to look at the merits of combined offences. This was an area of focus in the committee's report.

One of the most ambitious recommendations made by the committee in the "Are we there yet?" report was for WA Police to perform 90 000 roadside oral fluid tests a year, as per the target cited by Professor Max Cameron in 2012. This was based on an analysis of what would be the optimum number of ROF tests. Although no state has this many tests and Western Australia is comparable with other states, with 19 000 tests in 2015–16, we are still falling well short of that optimal target. I understand that WA Police is currently striving to expand beyond this number, which I am sure all the committee members would welcome.

I would like to take the time to thank all the stakeholders, including WA Police, who made themselves available to provide information and evidence in the interests of road safety for this committee report. I would also like to thank Dr Sarah Palmer and researcher Niamh Corbett in the work that they have put into achieving the road safety report and the annual report. I also thank my colleagues—the chair, the member for Girrawheen; the member for Armadale; the member for Balcatta; and the member for Collie–Preston.