
# Parliamentary Debates
**(HANSARD)**

FORTIETH PARLIAMENT
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2019

LEGISLATIVE ASSEMBLY

Thursday, 14 November 2019

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**The SPEAKER** took the chair at 9.00 am, acknowledged country and read prayers.

## PETITIONS

*Statement by Speaker*

**THE SPEAKER (Mr P.B. Watson)** [9.01 am]: Members, do we have any petitions? Members are not very productive today!

**Mr D.A. Templeman**: Point of order, Mr Speaker! I do not think that is very nice!

**The SPEAKER**: It is not a point of order, Leader of the House.

## PAPERS TABLED

Papers were tabled and ordered to lie upon the table of the house.

## MARINE RESCUE WESTERN AUSTRALIA

*Statement by Minister for Emergency Services*

**MR F.M. LOGAN (Cockburn — Minister for Emergency Services)** [9.02 am]: I would like to take this opportunity to inform the House that the Volunteer Marine Rescue Services have been renamed Marine Rescue Western Australia, marking an important milestone in the journey of this service. Our state is exceptionally fortunate to have 37 marine rescue groups with more than 1 800 skilled volunteers who dedicate their time and energy to keep local communities safe along our 20 000-kilometre coastline. The ocean is enjoyed by thousands of people and provides livelihoods for many. However, it can also be dangerous and things can go wrong very quickly. Marine Rescue Western Australia is called upon at any time of the day or night when things go wrong. It performs difficult rescue missions, often in treacherous conditions. As well as performing marine search and rescue operations, it helps the community through education activities and provides safety advice.

Until recently, the groups were known by different names, had different logos and different colour schemes for vessels across the state. By having one shared identity, Marine Rescue will be more recognised and valued by the community for the fantastic work that it does to make the WA coast safer for everyone.

The decision for all marine rescue groups to come under the banner of Marine Rescue Western Australia first came from the volunteers themselves at the Volunteer Marine Rescue Service forum I held in December 2018. The VMR identity committee worked tirelessly to ensure all volunteers had the opportunity to provide feedback on the look and feel of their new brand. The new brand consists of a new name, an updated logo for the service, and standardised livery for vessels across the state. This will result in an identity that is contemporary and bold and will unite marine rescue groups throughout Western Australia.

I take this opportunity to sincerely thank everyone who has worked on this rebranding project. You should be extremely proud of your efforts.

## STEPHEN "BAAMBA" ALBERT — TRIBUTE

*Statement by Minister for Culture and the Arts*

**MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts)** [9.04 am]: I rise to inform members of the very sad passing of Stephen "Baamba" Albert, known to many as Baamba. Today I wish to honour and pay tribute to a very remarkable man. Baamba passed away yesterday, Wednesday, 13 November 2019. He was aged 69 years. Baamba leaves behind a very large family, including his daughter Stephanie, sons Michael and Joseph, many grandchildren, great-grandchildren, nieces, nephews, three sisters and two brothers. His passing will have an effect on the entire community, who knew and loved him.

For five decades, Baamba has entertained audiences. A gifted storyteller, Baamba embodied the unique styles and musical traditions of Broome and the north west. He began his career in the band Broome Beats in 1968 and starred in the musicals *Bran Nue Dae* and *Corrugation Road*. Baamba also acted in *Wongan Country* and Shakespeare's *Twelfth Night*, produced by Black Swan Theatre Company, and appeared in the SBS drama series *The Circuit*. He travelled to London in 2004 in a lead role of a sellout season of *Bullie's House* at Border Crossings. He was cultural liaison for the production, which was directed by Border Crossings' Michael Walling. One of his much-loved roles within the Aboriginal community was that of sidekick to the popular identity Mary G in the *Mary G Show*.

It should be noted that Baamba's achievements were not confined to the performing arts. He was also the inaugural chairman of the National Aboriginal Education Committee in Canberra. He worked with the Broome North Primary School and was part of the local community that formed the Broome Aboriginal Media Association, which owns

Goolarri Media Enterprises. Baamba was a long-term director of Goolarri, which has achieved major outcomes in media and music training for Aboriginal people. Goolarri has successfully delivered department-funded music development programs since 2004.

Baamba was a much loved character in Broome. Along with other legends from that town by the bay, Jimmy Chi and Stephen Pigram, Baamba was a leading voice in what many described as Broome sound, a unique lyrical rhythm drawing from that unique multicultural town's heritage, which combines haunting traditional Aboriginal music with country, reggae, folk, soul and rock. Baamba was so often the leading showman on centre stage whether it was in *Bran Nue Dae*, *Corrugation Road* or the regular A Taste of Broome events at Goolarri, and he would always have the crowd rocking and laughing. The Kimberley, our state and our nation has lost yet another revered Indigenous artist. Our deepest sympathies go out to his family and all those who knew him.

## REMEMBRANCE DAY

*Statement by Minister for Veterans Issues*

**MR P.C. TINLEY (Willagee — Minister for Veterans Issues)** [9.07 am]: This year, on 11 November, we remembered the 101 years since the Armistice and the cessation of hostilities, which ended the bloodiest episode in world history. On 2 September 1919, 100 years ago, the last troopship that was returning soldiers of the First Australian Imperial Force docked in Fremantle. Although that was a happy occasion for many families, the moment was bittersweet. Thousands of families across Western Australia mourned the death of sons, brothers and fathers who would never return home. The scale of grief felt by the people of Australia is almost unimaginable today. Over a third of Western Australian men aged between 18 and 41 years served in this conflict—32 231 men in total. Fifty per cent of these men were either killed or wounded. The deaths of 6 000 young Western Australians literally decimated a generation. Australian society would also come to terms with a new breed of men, the veterans. Their scars and physical disabilities were a constant reminder of the sacrifice that they made for their country. Some men bore mental scars that were not physically obvious; however, they manifested in family violence, depression and an inability to reconnect with their community.

Members may be interested to know that last year, through the Department of Communities, I accompanied eight young Western Australians who took part in a tour of France and Belgium to coincide with the 100th anniversary. The tour included visits to battlefields in northern France and around Ypres in Belgium where Australian soldiers saw prolonged action and Australian casualties were high. This important project has had a profound impact on these young people and will keep the memory of the soldiers' sacrifice alive among the next generation of Western Australians.

At 11.00 am on 11 November 2019, a video was screened at Yagan Square, on the Northbridge super screen and at the Perth Cultural Centre. The video was also made available to schools across Western Australia, depicting the impressions and observations of members of this youth group alongside historical photos of the Western Front. Their quotes indicate the visceral impact this journey made. One of the youth ambassadors, Lauren Barrie, noted —

> Across Commonwealth Memorials on the Western Front, White gravestones read 'Unknown Soldier, Known Only Unto God'. More than 23,000 soldiers were not identified. Decades following the war many still hoped that their son, brother, husband might still be alive. The sheer loss and mourning for those who had never returned permeated Australian society on a level I had not recognised before.

Lest we forget.

## NATIONAL ASSOCIATION OF WOMEN IN CONSTRUCTION

*Statement by Minister for Women's Interests*

**MS S.F. McGURK (Fremantle — Minister for Women's Interests)** [9.10 am]: I rise today to tell the house that I had the privilege of attending the recent National Association of Women in Construction Awards of Excellence to celebrate the achievements of WA women excelling in this male-dominated field. The construction industry has the second highest pay gap in Australia, at 29.4 per cent, and only 11 per cent of women make up its workforce. NAWIC was formed in 1995 and works to promote and support the advancement and employment of women in the construction industry.

Women are significantly underrepresented in science, technology, engineering, mathematics and trades in Western Australia. This is due to many factors, including stereotypes about gender roles, unconscious bias in recruitment and a lack of flexibility at work to manage family responsibilities.

The construction industry is a key driver of our economy, making a valuable contribution to jobs, investment and economic growth even when other sectors are struggling. We need to ensure that women benefit from these job opportunities and ensure that Western Australia benefits by drawing from the whole talent pool.

NAWIC's Awards of Excellence are important to support and recognise women in the construction industry and encourage the development of other women in the field. Award winners this year included Tanya Trevisan, Hilary Hunt, Fiona Lethbridge and Annika White, amongst others.

NAWIC WA also recently held a Crazy Cranes event for the very first time in Western Australia. This event celebrates women in construction by making them and their work more visible to the community and young girls. "You can't be what you can't see."

I want to take this opportunity to congratulate all the prize winners and nominees for this event, and NAWIC for the important work that it does to build an equitable construction industry in which women are able to fully participate.

## PERSONAL SHARK DETERRENT SUBSIDY SCHEME

*Statement by Minister for Fisheries*

**MR D.J. KELLY (Bassendean — Minister for Fisheries)** [9.12 am]: I rise to inform the house that the McGowan government's world-first personal shark deterrent subsidy scheme has reached a significant milestone, with more than 4 000 rebates now claimed by Western Australian ocean users. The uptake of rebates has increased following a successful digital advertising campaign aimed at raising awareness of the personal shark deterrent rebate scheme, particularly amongst the surfing community. Although divers still lead the take-up of the deterrents, the number of surfers taking advantage of the rebate continues to grow. The top 10 locations for the purchase of the surf device were Mandurah, Karrinyup, Scarborough, Albany, Floreat, North Beach, Hillarys, Busselton, Dunsborough and Ocean Reef. The top 10 locations for dive device rebates were Bunbury, Mandurah, Safety Bay, Busselton, Albany, Hillarys, Success, North Coogee, Ocean Reef and Karrinyup.

More than 50 per cent of those who have claimed a rebate were from the south west, followed by those in the metropolitan coastal suburbs and the great southern. There are still 1 000 rebates available after the McGowan government increased the number to 5 000 in late September. The program gives ocean users a $200 rebate when they purchase the Ocean Guardian Freedom+ Surf bundle and the Ocean Guardian Freedom7, both scientifically proven devices, from a registered retailer.

The rebate scheme is just one facet of the McGowan government's comprehensive shark hazard mitigation strategy, which was recently expanded to include the state's first official shark warning app—SharkSmart WA. The app provides near real-time information on shark activity, including current alerts and warnings, to ocean users. The new app can be downloaded for free from the App Store or Google Play. Our stakeholders, including Surfing WA and Surf Life Saving WA, endorse this app, as do thousands of Western Australians. In under two weeks, more than 5 000 Western Australians downloaded the app.

With the warm weather coming and summer not too far away, it is important for all Western Australians to start switching on their "Sea Sense". Our comprehensive shark mitigation strategy has something to help all ocean users. For surfers and divers, there are personal shark deterrents; for swimmers, there are beach enclosures; and for all other water users, there is the shark monitoring network, and beach and helicopter patrols.

This summer I urge all water users to enjoy the beach safely by switching on their "Sea Sense".

## TONKIN HIGHWAY — UPGRADE

*Grievance*

**MR S.J. PRICE (Forrestfield)** [9.15 am]: My grievance is to our new Minister for Transport. I thank her for taking my grievance and thank you, Mr Speaker, for your indulgence in allowing me to do this.

Tonkin Highway is a really important piece of infrastructure that runs through my electorate. In April this year, the McGowan government announced its Tonkin Highway transformation package, which will get underway in 2020 and create approximately 5 200 jobs, according to a press release from April this year. That press release outlines some of the work that will be done on Tonkin Highway, including fixing the Tonkin Highway gap, which really needs to be looked at, and extending Tonkin Highway. There is also reference to the upgrade of three intersections, all of which are in my electorate. Two will be interchanges and there is a concept for one to have a flyover. The intersection of Welshpool Road East and Tonkin Highway is the state's most congested intersection. That really important piece of infrastructure needs to be completed.

What caught my attention and also my constituents' attention was the proposal for Tonkin Highway and Hale Road in Forrestfield. Going back a little, the Hale Road intersection at Tonkin Highway provides the main access to and egress out of Forrestfield and Wattle Grove. It is a very important piece of infrastructure for the residents of Wattle Grove and Forrestfield.

Main Roads produced a concept plan for the three intersections that I mentioned earlier. The concept plan that is currently being looked at contains a flyover at Hale Road and Tonkin Highway, with no access off Hale Road onto Tonkin Highway. This was always going to be a major issue. When I first became aware of it, I raised my concerns. More recently, the residents have been made aware of it through the concept plan being available on the Main Roads website, which is what we like to see. As expected, the reaction from the community has been almost one of outrage. The community is very disappointed with the concept plan. It has certainly expressed its disappointment with that, to the point that an online petition has nearly 3 500 signatures on it. I thank the community for getting involved in the issue, providing feedback and expressing how they feel about this proposal.

I first discussed the concept plan that we are referring to with the Wattle Grove Residents' Association in February 2018. After that discussion, we decided to invite Main Roads to the next Wattle Grove Residents' Association meeting in April 2018. Main Roads attended and presented that concept plan. It received similar feedback over the proposal.

The minister and I had a meeting with Main Roads in May this year. More recently, I met with Main Roads in late October this year to further discuss this concept. Main Roads has been aware of my concerns and the potential concerns of my residents, which have now materialised, over what it was proposing. It is a complicated intersection. I am aware of the constraints with the road reserves around that particular intersection. There have been plans for it since the Stephenson plan or whatever things are drawn from. It was always envisaged to include a flyover. There was never adequate provision for a full interchange. There are some restrictions, and I appreciate that. The residents' concerns pretty much come down to four key areas: the importance of access to Tonkin Highway, which has been in place since the early 1980s; delays and restrictions on access to the area for emergency vehicles, especially fire and ambulance vehicles; the impact the concept plan will have on the provision of public transport, which is already a bit of an issue; and the main concern, which is the redistribution of the traffic flow—I think there are around 12 000 vehicles in the morning, and probably more in the afternoon.

If that access point is removed, the traffic flow will have to go somewhere else, and there are only a few other exit points. People can go straight down Hale Road through Wattle Grove to Welshpool Road East, which then becomes another intersection of concern; they can go down Reynolds Road or Dawson Avenue to the Berkshire Road intersection, which was done as part of the Gateway WA project, but that route goes past a primary school, which means there will be a heap of kids there first thing in the morning, and that primary school already has access issues; they can go down Hale Road to Berkshire Road and onto Roe Highway, which goes past Darling Range Sports College; they can go down Hartfield Road to Lewis Road and to Welshpool Road East again, which is already a blackspot intersection, so that is very problematic as well; or they can go down Anderson Road onto Lewis Road and Welshpool Road East, which runs past Jeremiah Donovan House retirement and aged-care village, so that, too, is a problem. There is also the potential of creating rat runs from Arthur Road to Bruce Road through Wattle Grove.

This is a very important intersection that has a lot of challenges. My constituents who currently use Hale Road to access Tonkin Highway rightly expect to maintain that access to the highway following the McGowan government's Tonkin Highway transformation works. I know the minister has previous experience with this issue and I appreciate that. I ask the minister to please assist my constituents to get a better outcome from the McGowan government's Tonkin Highway transformation package than the current concept plan, which appears to close access from Hale Road. Thank you.

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [9.21 am]: I thank the member for Forrestfield for this grievance. The member is absolutely correct. He has spoken to me about this from day one. To provide some background, these plans have been in the top drawer of Main Roads' projects for many, many years, but we secured funding this year, as outlined, for the Tonkin Highway transformation project. That project encompasses three separate projects: the grade separations of Hale, Kelvin and Welshpool Roads; the Tonkin gap project; and the Tonkin gap extension project to Mundijong. As a result of securing those funds from the state and commonwealth governments, we have started the next stages of planning for these projects. Part of the Tonkin gap project is already out in the market for expressions of interest, and we are now doing the detailed planning for the Tonkin Highway extension to Mundijong and the removal of the three sets of traffic lights and their replacement with interchanges.

When we first talked about this project, the member outlined local residents' concerns about access to Tonkin Highway. This is always an issue when we plan major upgrades to roads. We are basically trying to improve the flow of traffic through Tonkin Highway, but whenever we do projects like this, there are always access issues for the residents who live closest to the intersections. I experienced the same issues as the member for Forrestfield with the NorthLink WA project. There was no access to NorthLink from Benara Road or Marshall Road, and that issue was raised with me by local residents before the election. After we won the election, I looked at whether we could improve that access, but the planning was too advanced and we were about to enter into contracts, so that was something we could not deliver. But I did understand the concerns of local residents; they lost access to a major highway and there were distributional impacts on the local suburbs as a result.

I use Tonkin Highway often, and I know the local roads very well. The intersection of Welshpool Road and Tonkin Highway has now become the most congested intersection in the network. One of my worst memories of that intersection was when I was driving my sick father home from hospital to Roleystone; we were waiting a long time when he was not doing very well. There have been some upgrades to Kelvin Road but it still has major traffic issues, as does Hale Road.

Main Roads has been working on the plan since April. The member for Forrestfield raised with me very early on the possibility of changing the overpass to provide local resident access, and that is something I am very keen to investigate and work on. As a result of our main meeting, there has been further modelling and traffic work done. It is hard to visualise, but the existence of on and off-ramps at the Roe Highway–Tonkin Highway intersection, and what will be the Welshpool Road–Tonkin Highway intersection, limit the length of on and off-ramps at a potential

Hale Road intersection. Main Roads is concerned about how we can actually feed in those on and off-ramps, given the proximity; I think it would be about a kilometre from the Roe–Tonkin intersection and one and a half kilometres from the proposed Tonkin–Welshpool intersection. The concern is really just about the ability to get on and off those ramps safely. We asked Main Roads back in May to look into this, and a team is working on how we can redesign that overpass and what other access we can provide. I am sure there will be a solution that will provide local residents better access than what is currently proposed.

As the member said, this primarily affects residents of Wattle Grove and Forrestfield. Those who live closer to Berkshire Road will, I suspect, use Berkshire Road, but I also understand the member's concerns about Welshpool Road East. That road is used a lot by cyclists going up to the hills and to the dams, and a lot of grain trucks travel down it as well. Welshpool Road East is getting busier and has a real mixture of traffic. Again, I use Welshpool Road East a lot to go up to the Karragullen and Pickering Brook area, so I know it well. We do not want to create any further safety issues on Welshpool Road East. As the member said, Berkshire Road has a bit of a complicated intersection; I am not sure who designed those roundabouts, but it is a quite interesting set of roundabouts and lights!

I understand the distributional impacts and I can assure the community that this is at the concept stage. We are out engaging with the community and doing traffic modelling. We will be able to prepare a further design by the end of the first quarter next year. We will take all their issues on board. The member for Forrestfield has been working very well with the local community, and I think we can reach a solution that will provide much better access for the local residents. It is really about seeing whether we can incorporate those ramps and how they will impact on the other ramps. All that work is being done now. I have been out there and have looked at the maps to see what we can do to make sure that the residents of Forrestfield and Wattle Grove have access to Tonkin Highway, and to make sure that we reduce congestion in the area so that the people living in those areas can enjoy the benefits of those road upgrades.

I thank the member for his advocacy on this issue. He has worked really productively with the government and Main Roads. I am sure that, working together, we can get a solution that will improve local access.

## TRANS ACCESS ROAD

*Grievance*

**MR K.M. O'DONNELL (Kalgoorlie)** [9.28 am]: Greetings, Mr Speaker.

**The SPEAKER**: Greetings, member for Kalgoorlie.

**Mr K.M. O'DONNELL**: I thank the Minister for Transport for accepting this grievance. The Trans Access Road is an unsealed road linking Western Australia and South Australia. It is one of Australia's longest roads, at 993 kilometres, and runs alongside the Trans-Australian Railway line, which was built in 1917. It also links eight stations on the Nullarbor between Kalgoorlie–Boulder and the South Australian border. In June this year I travelled the road in my Prado with the CEO of the City of Kalgoorlie–Boulder, John Walker, at the behest of two of my constituents, Mark and Karen Forrester, who run a certified organic beef business at Kanandah station, 350 kilometres east of Kalgoorlie. We left early in the morning before the sun was up. I remember that the drive was not bad—a bit bumpy, but still bearable. When we arrived near Kanandah station, we got into a Kenworth B-double cattle trailer. It is massive and looks more like a train. When fully loaded with cattle, the Kenworth B-doubles can reach speeds up to nine kilometres an hour. I realised then, "Whoa, this is really bad." We could feel every single pothole as we drove along, which would not feel good for people or animals travelling on that road for a prolonged period. I invite the Minister for Transport to visit the Trans Access Road to see its conditions firsthand.

The state of the road impacts many, including those from remote Aboriginal communities, such as Tjuntjuntjara; emergency services; tourists; and rail maintenance and mining vehicles. There are close to 10 mining exploration activities in the area. For a lot of these users, the Trans Access Road is the only access route, so they have no choice but to use it. The biggest concern about the condition of the road is safety. In 2014, two young Rawlinna employees died in a vehicle rollover and there have been at least five car rollovers in the past year. A woman rolled her car in April this year and broke her neck. She is very lucky to be alive.

The Trans Access Road is the only emergency service access route along the entire length of the Western Australian section of the Trans-Australian Railway, and the Nullarbor pastoral stations, mining camps and Aboriginal communities. There is no backup way to get help if this road is closed due to weather conditions, such as flooding, and bushfires, which have occurred in the past.

The average heavy vehicle trip time to travel the 320 kilometres from Kanandah to Kalgoorlie is 10 hours. The drive for me from Kalgoorlie to Perth, which is almost double the distance, takes six and a half hours. Of course, that highway is sealed. Animal welfare is a hot topic these days and sheep and cattle that have to endure the arduous trip for hundreds of kilometres would not fare well on their feet for hours and hours on end. They should not suffer.

According to the Forresters, there are approximately 300 to 400 road train movements per year in addition to countless heavy rigid and light vehicle traffic. No doubt, all these movements have caused the deterioration of the road. The City of Kalgoorlie–Boulder is responsible for the upkeep of the road. It has pledged $2.4 million over the next three years for its maintenance and upgrade. My office inquired how much it would cost to properly grade

the road and we were informed that in order to do so, it would cost the city its entire budget for the next five years. State government funding is absolutely necessary. I propose that the state government also call on the federal government to declare the Trans Access Road a road of strategic importance, which is a federal government initiative to connect regional businesses with local and international markets and to better connect regional communities. If this happened, the Trans Access Road would qualify for federal subsidies, such as roads to recovery funding. My understanding is that the local government has to submit a proposal to the state government, which would then push for federal assistance should it not have enough money to finance the project. Another suggestion is to train residents of remote Indigenous communities and prisoners in road maintenance. This would give them a new skill and knowledge that may be beneficial for employment down the track, and it would allow prisoners to give back to the community. Perhaps those who put up their hand to work on the road could get reduced prison time.

On a side note, there have been calls for a Trans Access Road and Eyre Highway link road for many years now. The Trans Access Road and Eyre Highway basically run parallel to each other, with Eyre Highway a couple of hundred kilometres to the south. A 124-kilometre link road would connect the Trans Access Road near Rawlinna to Eyre Highway near Cocklebiddy and would provide road users with an alternative route to cross the Nullarbor. In times of flooding, the Trans Access Road can be cut off completely, so a link road would provide another way to enter WA or head over east. A link road would definitely boost tourism figures with people from the eastern states coming our way. It would help pastoralists transport their products and allow an additional access point for emergency services. It is paramount for the safety and wellbeing of road users and livestock that the Trans Access Road is improved. The Western Australian agriculture and livestock industry will only grow bigger once the road is fixed. We should always look at the big picture. What plans does the state government have for the Trans Access Road and a Trans Access Road link? Will the minister allocate funding for the Trans Access Road and the Trans Access Road link in the 2020–21 budget and the forward estimates? Will the state government support the City of Kalgoorlie–Boulder's initiatives to declare the Trans Access Road a road of strategic importance so that it can receive federal funding?

During an ABC regional radio interview on 4 November, the Western Australian Local Government Association president, Lynne Craigie, said that wheatbelt shires are unable to keep up with the cost of regional road maintenance. Increased truck movements have a detrimental impact on the state of regional roads. Last year, the state government collected about $950 million in vehicle licence fees, most of which was spent on updating state roads and highways. Some of those funds should be directed to local government. I ask the minister for her opinion on that. I again thank the minister for taking my grievance.

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [9.35 am]: I thank the member for Kalgoorlie for his grievance and interest in this issue. I went to Tjuntjuntjara for the first time in May. I suppose people would not normally go there because it is a bit out of the way. I met with community members after this house passed legislation about the community's certainty of land tenure. Visiting Tjuntjuntjara was a very interesting experience. I got to talk to people firsthand about their priorities. We sat around with maps and they told me about their experiences getting to Kalgoorlie and how long it takes. I think they said that it can sometimes take up to seven hours. It was incredible to hear that it can take that long for them to access the closest major town. As I recall, a lot of supplies are brought in from South Australia because of the community's proximity to the South Australian border. We sat around with many elders and younger people with maps and I asked, "What is your biggest priority for the town?" They said better road access. We looked at a map and the road that they currently use—I am probably not across all the local names as much as possible—and they said they want to use the Trans Access Road. As I said, I visited the community and it made a very compelling case about getting road access to Kalgoorlie. Some work has been done in the past. In 2011, a working group was set up between the City of Kalgoorlie–Boulder, the Shire of Menzies and Main Roads to talk about road access and other roads that were proposed at the time. Following my visit in May, I had a subsequent meeting with the Shire of Menzies in Hon Kyle McGinn's office in Kalgoorlie in July 2019. It was a memorable meeting for a number of reasons, which I will not go into today!

**Mr W.R. Marmion**: We can guess!

**Ms R. SAFFIOTI**: Yes. I should not say anything more, otherwise I will get into trouble!

At that meeting, I asked that the working group, comprising Main Roads, the Shire of Menzies and the City of Kalgoorlie–Boulder, reconvene. As part of this, a joint inspection of the Trans Access Road and the Tjuntjuntjara access road by the two local governments and Main Roads was planned this week, but we understand that due to a staffing issue in the City of Kalgoorlie–Boulder, it could not happen. It will happen at the end of this month. They will do a site visit and look at the whole issue; what is needed for Connie Sue Highway and the Tjuntjuntjara community, and what the scope of a project would be to primarily improve access for the Tjuntjuntjara community, which would also impact the Trans Access Road.

The Trans Access Road is maintained by the City of Kalgoorlie–Boulder, which has a memorandum of understanding with the Australian Rail Track Corporation that the road is eligible for road project funding. As we understand, the city received $78 000 of regional road funding for improvement works and $66 000 of remote access funding to help improve the road's condition. We understand that because of the budget issue, the city maintains only the

section of the road that provides access to pastoral properties on the first 20 kilometres of the road north of Rawlinna, with the remainder of the road accessible only by 4WD vehicles. More funding will be provided for the Trans Access Road in the 2020–21 state budget. As the member for Kalgoorlie outlined, the City of Kalgoorlie–Boulder is also committing $2.4 million for that project. There are a lot of facts and figures here, and I am happy to give them to the member afterwards. I want to talk about a few things. It was very clear to me when I was at Tjuntjuntjara that Aboriginal access roads are an issue across the state. A total of 56 communities, representing 37 per cent of communities that receive state-funded services, have roads that are not managed by local government or any state government entity. These orphan roads, as they are called, are not readily maintained. We have written to the federal government about orphan roads. Under the previous model, when the Aboriginal and Torres Strait Islander Commission was involved, the commonwealth had a significant role and responsibility for those roads. When the commonwealth withdrew from that, those access roads no longer had a direct funding source through either local government or the state government. We are providing $3 million a year under a new program, and we are asking for a contribution from the commonwealth, though the Deputy Prime Minister; Minister for Infrastructure, Transport and Regional Development. We are not asking for a lot of money, but it would help in servicing and upgrading these roads.

We are happy to support the City of Kalgoorlie–Boulder's initiative to have the Trans Access Road declared a road of strategic importance, and we will be able to facilitate that through some correspondence, so that is not an issue.

When I talked to the local community, I was shocked that anyone would tolerate having to travel for that many hours to access a major town. There is an issue more generally about roads to access Aboriginal communities. We have written to the commonwealth government about that. As I have said, we are providing $3 million through a new program, and we hope to get some matching funding from the commonwealth.

I am happy to look at getting a whole program for the Trans Access Road and Connie Sue Highway into Tjuntjuntjara, and having a partnership between the state government and local government, and potentially the federal government. We see this as a priority for the area, because we want to make sure that people are connected to services and to the road network.

*Tabling of Paper*

**Mrs A.K. HAYDEN**: Mr Acting Speaker, on behalf of the member for Kalgoorlie, I ask whether the minister would be able to table the document that she was quoting from. She said that there are a lot of numbers and figures, and she is happy to share them. I ask whether the minister is able to table that.

**Ms R. SAFFIOTI**: I will provide a formal response to the member, through a letter.

**The ACTING SPEAKER (Mr S.J. Price)**: Thank you; there is no point of order.

## FAMILY AND DOMESTIC VIOLENCE — PEEL REGION

*Grievance*

**MR Z.R.F. KIRKUP (Dawesville)** [9.42 am]: My grievance is to the Minister for the Prevention of Family and Domestic Violence. I appreciate the minister taking my grievance. My grievance is predominantly about the government's announcement that a second refuge will be built in the Peel region for people fleeing domestic violence. The minister will recall that I raised this issue over a year ago, in September last year. I would like to guide members through where we are at, and to ask the minister to clarify some issues that I have identified.

As part of the Labor Party's commitments at the last state election, it produced the "WA Labor Plan for Peel". A lot of the work in the plan for Peel has been delivered—namely, support services such as counselling and the like. I recognise the member for Mandurah's contribution to the establishment of counselling services in the Mandurah community through institutions such as Allambee.

Page 23 of the plan for Peel states —

- **A McGowan Labor Government will increase the capacity in crisis accommodation in Mandurah to strengthen service responses and ensure and that women and children facing family and domestic violence can access appropriate services.**

That document was released in March 2017. In March 2018, a reference group was formed to look at establishing a family and domestic violence crisis centre in the Peel region and find a way forward, referencing the election commitment. It took over a year for that reference group to be established. In the grievance that I raised with the minister last year, I said that we still have no insight into when this shelter will be opened. Although I appreciate the work that has been done, at that time we still did not get an understanding of when the shelter will be opened.

In March 2019, two years after the original commitment was made, the minister put out a press release. The press release is titled "WA's first therapeutic refuge to get survivors back on track", and it states that the refuge will be delivered by early 2021. In November this year, some two and a half years after the government came into office, the government put out, on tenders.wa.gov.au, an expression of interest for a family and domestic violence therapeutic women's refuge for Peel. I believe that the tender process started in November and will close at the end of this year, on 13 December. I draw members' attention to page 5 of the expression of interest document.

That indicates that there will be seven phases to this process, and that the service agreement for the Peel refuge will not commence until 2022. That will be after this government's first term in office. That is obviously in stark contrast with the minister's press release, which states that the refuge will be opened in early 2021.

I have a significant concern about the delay in establishing a second refuge in the Peel region. All members would be aware of the amazing work that is done by Pat Thomas House. We know that every month, it has to turn away more than 30 women and families. By the time this refuge is built, the equivalent of hundreds, if not thousands, of women and children in our community will have been turned away from Pat Thomas House because it does not have the capacity to respond to the issues of family and domestic violence in our community.

I appreciate the government's commitment to ensure that a second refuge will be built and the minister's commitment that it will be built in early 2021. However, given that the government has said this was one of its priorities, it is still some significant time away. We are now looking at the prospect that this refuge will not be open until beyond the end of the first term of this government. That means it will be five years until a service agreement will be signed. I ask the minister to confirm whether that will be the case. If that will be the case, why will the Peel community be placed in a situation in which hundreds, if not thousands, of women and children will be turned away from Pat Thomas House because there is no capacity and a second shelter has yet to be built in our community? If that will be the case, I ask the minister to intervene and do whatever she can to get something going by the end of this financial year. I do not think it is too much to ask that a temporary shelter or accommodation measure be put in place so that women and children in our community who are facing family and domestic violence will have somewhere to go. We all know the importance of shelters and the role that is played by Pat Thomas House.

I am concerned that although the department is evidently very good at putting together plans and documents, those plans and documents are being dragged out. That is having a real impact and human cost in our community. We know that between 2015 and 2017, there was a 21 per cent increase in family and domestic violence incidents in this state. I suspect there is an exponentially higher rate in the Peel region. We all know that the Peel region has one of the highest rates of family and domestic violence in Western Australia. We desperately need a second shelter in the Peel region.

I have gone through the draft "Women's Plan: Building a Stronger WA Together 2020–2030", which was released recently, to see whether there is any reference to Peel and Mandurah. The draft plan makes reference to a second refuge being built. I have to say, as a slight tangent, that I am disappointed about some of the language that is used in this document, for what it's worth. I am not sure whether the minister is aware of what is in the draft women's plan. There is some very concerning language that I take significant issue with, I have to say, in particular insofar as Aboriginal people and Aboriginal women are concerned. I find one of the statements in that document incredibly distressing and disappointing. I have spoken much in this place about the impact of intergenerational trauma on the Aboriginal community. I have spoken much about the impact on mental health. I have spoken much about the rate of family and domestic violence in our community. The document states at page 13 —

> Aboriginal women may not identify family violence as a gender issue, but rather as a consequence of colonisation.

There are some significant issues to unpack there. This government seems bureaucratically bent on producing plans. Unfortunately, it is not very focused on providing real outcomes for people. We are years late now in having a second family and domestic violence shelter for women in our community. It is years late and that is absolutely distressing.

**Mr D.A. Templeman**: You committed nothing! You mentioned some statistics, and you committed nothing! You raised statistics from 2015 and 2017, and you committed nothing in the election—not a squirrel!

**The ACTING SPEAKER**: Minister, grievances will be heard in silence, please.

**Mr Z.R.F. KIRKUP**: I appreciate the interjection and the passion from the member for Mandurah. The reality is that this government is in office now and it needs to do something to respond to this. It is not good enough that we will be waiting for five years. That is not good enough for our community, minister. More than that, I am exceptionally disappointed —

**Mr D.A. Templeman** interjected.

*Point of Order*

**Mrs A.K. HAYDEN**: Mr Acting Speaker, we have been hearing grievances in silence, respectfully, listening to all sides. I ask that the speaker on his feet, the member for Dawesville, be heard in silence.

**The ACTING SPEAKER (Mr S.J. Price)**: Thank you, member. There is no point of order. The minister will not interject any more, please.

*Grievance Resumed*

**Mr Z.R.F. KIRKUP**: I would expect the draft women's plan to reflect greater commitment to the Peel region. More than that, from my perspective, the language that is used in that draft plan is incredibly disappointing and

incredibly distressing. Aboriginal women are undoubtedly the most marginalised group in our society, but to suggest that somehow that is only a result of colonisation and that somehow other issues do not factor into that is disappointing to me.

**MS S.F. McGURK (Fremantle — Minister for Prevention of Family and Domestic Violence)** [9.49 am]: I will address the important issue of making sure that there is adequate refuge accommodation for victims of domestic violence, including in the Peel region. I will address that first. I will make sure that I give myself time to respond to what the member for Dawesville raised about what we talk about in the women's plan, which is what Aboriginal women are telling us and not what Young Liberals are telling us about women's experiences of domestic violence. It is what Aboriginal women are telling us. I will talk about that towards the end of my response to the grievance.

**Mr Z.R.F. Kirkup** interjected.

**The ACTING SPEAKER**: Member for Dawesville, grievances will be heard in silence. You got most of the way through yours.

**Ms S.F. McGURK**: Let us be clear about the extent of the problem of domestic violence that we as a state are faced with. We talk about it a lot in this place and it is the reason we have a dedicated portfolio. We are the first government to have a dedicated minister to coordinate our response to domestic violence.

In 2018, Western Australia had the largest number of family and domestic violence–related homicide victims across all jurisdictions. Data collected by the Australian Bureau of Statistics recorded 37 victims in 2018. It is assumed that it is an incredibly under-reported phenomenon. As few as 20 per cent of women who experience violence from an intimate partner might report it to police. One in four Australian women have experienced physical or sexual violence by an intimate partner since the age of 15. They are the national figures.

We understand we have a problem across the state and that is why we took a comprehensive plan to the last election that included two new refuges. One will be located in the Peel and the other will be located in the south metropolitan area. We are working our way through that process. Although I recognise other services are co-located within existing refuges, what is significant about the Peel refuge is that, for the first time, its design will have an emphasis on the therapeutic needs of its victims—that is, services for women dealing with mental health and/or alcohol and other drug misuse who may have been impacted by the child protection system as a result of their issues. We are trying to make sure that we have the best thinking available in the design of that Peel refuge and the two new refuges that we are putting in place.

The member for Dawesville talked about the frustration with the time period. It is important to know that when people experience domestic violence, they do not all come through the front door of the refuges; there is a central intake point. Often, people do not go to their local refuge or their closest accommodation, but, for safety reasons go outside their own location to make sure that they are out of the line of sight of the perpetrator. That is why we have been such strong supporters of programs such as Keeping Women Safe in Their Home as an alternative to people going to refuges. I understand that refuges feel there is unmet need, but we are trying to make sure that we triage those needs, and that where there is high risk particularly, women are placed in other refuges. That is an important point to make. A time frame has now been set out. The services are anticipated to commence in November next year. The tender will be awarded in August next year. That is the time frame that we are currently working towards.

As I said, there is a lot to do. We are not only meeting our election commitments, but also making sure that we are approaching in a systematic way the other work that needs to be done for the FDV strategy. I acknowledge the work of Pat Thomas House in the Peel region and its outgoing executive officer Jill Robinson, who will leave the position soon. Pat Thomas House received a donation from the Ride Against Domestic Violence, organised by the member for Armadale, which I know the member for Dawesville was also a part of.

This government has put in place a dedicated Minister for Prevention of Family and Domestic Violence; 10 days' leave in the public sector; $8.2 million towards two new refuges; $1 million for Allambee Counselling for domestic violence victims; $1.6 million for Aboriginal and culturally and linguistically diverse women victims to make sure our services are culturally appropriate; $7.4 million for financial counselling; $1.56 million to improve screening for FDV during pregnancy; increased sexual assault services in the north metro area worth $800 000; a second residential behavioural change program for perpetrators through Communicare; joining Our Watch; the RSPCA Pets in Crisis system; some of the strongest residential tenancy laws in the country for victims of domestic violence; introducing the respectful relationships teaching support program in schools; and of course the 16 Days campaign. We have done a lot and there is a lot more to do.

That is in absolute stark contrast with what was done in eight and a half years by the other side. Nothing was done. The only thing that was done by the Liberal–National government during eight and a half years was in the last week of Parliament sitting in 2017 when it moved the family violence restraining order scheme. That was the only thing that was done. There was the dismantling of dedicated family violence court systems and no extra resources were put in place. Do not lecture us about domestic violence services or about what Aboriginal women think about their own experiences.

## INDUSTRIAL MANSLAUGHTER

*Grievance*

**MR S.A. MILLMAN (Mount Lawley)** [9.57 am]: My grievance this morning is to the Minister for Industrial Relations. I thank the minister for taking my grievance. My grievance concerns industrial manslaughter. In 2015, Joe McDermott and Gerry Bradley were crushed by a precast concrete panel while sitting having a break on a Jaxon building construction site. This accident occurred in what should have been an exclusion area during high-risk work. The transport company that delivered the precast panels—which was not Jaxon's—was found guilty of failing to provide a safe workplace. It was fined $60 000 for each death. That is it—$60 000 for each death.

In December 2017, young Wesley Ballantine was killed when he fell while installing a glass ceiling for the H&M development in the old GPO building in Perth's CBD. He was 17 years old. Despite pleading guilty to failing to comply with its workplace safety obligations, Valmont WA was fined $38 000. The company had considered installing scaffolding to eliminate what it knew was an obvious and high-risk hazard, but the company decided not to install it after getting quotes for its construction. Instead, Mr Ballantine fell to his death and the company was fined $38 000. In 2002, Des Kelsh was killed when a concrete panel fell on him. In 2007, Luke Murray was killed.

There has been a long history of discussion about industrial manslaughter laws. Most recently, this issue came up with a review of workplace health and safety conducted by Marie Boland. The genesis of that review, as the minister would know, is as follows: all the way back in February 2008, the Workplace Relations Ministers' Council—that is every state and territory minister for workplace relations and the commonwealth Minister for Employment and Workplace Relations—all agreed that the most effective way to achieve harmonisation in workplace health and safety was through model legislation.

We know the history. The Work Health and Safety Act came into force in 2013 under a federal Labor government. In 2016, the Abbott Liberal government retained that legislation with some amendments, and then in 2018, the Turnbull Liberal government appointed Ms Marie Boland to conduct a review of the work health and safety regime. Ms Boland was an eminent senior executive with a long history in workplace health and safety, having previously been the CEO of SafeWork South Australia. The problem is that although we saw all these developments at the federal level, in 2008, a state Liberal government was elected to power in Western Australia. In response to the ministerial council in 2008, it did not do anything. In response to the 2013 model work health and safety legislation, it did not do anything. In response to the Abbott government's amendments to the legislation, it did not do anything. Finally, the McGowan Labor government was elected in 2017. Ms Boland delivered her report to ministers in late 2018 and it was published in early 2019. Journalist Jared Butt had this to say about the release of the report —

> Safe Work Australia has released Marie Boland's final report into the effectiveness of the model WHS laws …

There are 34 recommendations. He states further on —

> Key recommendations include introducing the offence of industrial manslaughter, increasing penalties overall, making it easier for union officials to enter worksites, and banning insurance against WHS penalties.
>
> "More broadly, the ACT and Queensland have already introduced industrial manslaughter provisions, with other jurisdictions considering it, and so this new offence also aims to enhance and maintain harmonisation of the WHS laws."

The Australian Chamber of Commerce and Industry chief executive officer, James Pearson, welcomed the release of the report, particularly the recommendations for more practical and realistic guidance material. This report was authored by Ms Boland, who was appointed by a federal Liberal government, and the release of the report was welcomed by James Pearson from the Australian Chamber of Commerce and Industry. The Australian Council of Trade Unions, of course, also welcomed the report, with the assistant secretary, Liam O'Brien, saying that bosses who cut corners and kill workers should go to jail. He also said —

> "Australians want urgent action to prevent more workplace deaths. States, territories and the commonwealth need to act to ensure that there are real deterrents in place which will force employers to make sure workplaces are safe.

ReachTEL did a survey of attitudes to workplace health and safety and found that 58.8 per cent of Australians want new laws which would see employers who are responsible for workplace deaths held accountable and ultimately sent to jail; 80.1 per cent want to see significant financial penalties for employers who do not manage psychological hazards such as bullying and stress; and 62.5 per cent believe that unions are an important part of improving workplace health and safety, and, of that group, 88 per cent believe that laws should be strengthened to have workers stay safe at work and allow unions to do the job of enforcing workplace safety.

When it comes to occupational health and safety, since the commencement of the McGowan Labor government, initial reforms have already been made to the Workers' Compensation and Injury Management Act to provide for fairer remedies, particularly in the case of the death of a worker. Also, significant and long-overdue increases in penalties now apply to companies that breach occupational health and safety laws. More than 20 additional WorkSafe

inspectors have been appointed to go onto worksites to make sure they are safe. The Ministerial Advisory Panel on Work Health and Safety Reform was established, which I was very honoured to be involved in. It is a tripartite panel involving government, industry and employer associations and the trade union movement, which come together to discuss collaboratively how to improve occupational health and safety.

This activist government is getting on with the job of improving workplace health and safety. However, as Ms Boland said, one area still needs to be harmonised to protect workers, remove discrepancies for businesses working in multiple jurisdictions and meet community standards and expectations. Is this an opportunity for the Liberal opposition to improve its record on workplace health and safety?

**MR W.J. JOHNSTON (Cannington — Minister for Industrial Relations)** [10.03 am]: I thank the member for Mount Lawley very much for the grievance. He has raised a critical issue in society—that is, the appropriate penalty for illegal conduct in workplaces. It is already possible for a person responsible for a death on a worksite to be prosecuted for the crime of manslaughter. However, it will almost never occur because the investigations are commenced, of course, by WorkSafe, not the police. The evidence required to sustain a charge of manslaughter is unlikely to ever be collected when the agency doing the investigation is not the police. We therefore need an appropriate penalty for the most extreme cases of a failure to provide a safe workplace. I congratulate Marie Boland on her excellent review. Recommendation 23b states —

> Amend the model WHS Act to provide for a new offence of industrial manslaughter. The offence should provide for gross negligence causing death and include the following:
>
> - The offence can be committed by a PCBU and an officer as defined under s 4 of the model WHS Act.
> - The conduct engaged in on behalf of a body corporate is taken to be conduct engaged in by the body corporate.
> - A body corporate's conduct includes the conduct of the body corporate when viewed as a whole by aggregating the conduct of its employees, agents or officers.
> - The offence covers the death of an individual to whom a duty is owed.

It is quite a comprehensive and specific set of recommendations for the offence. The government supports this, and the Premier announced in August that we would include an offence of industrial manslaughter in the work health and safety legislation, which will be introduced as soon as we can.

I need to point out that the law in Western Australia is, of course, subject to interpretation. The courts in Western Australia have dealt with the specific words included in the Queensland legislation and came to a different conclusion about their meaning. We therefore need to take account of that in developing our legislation. As the Premier announced in August, a two-tier manslaughter charge will apply. That is very unusual, but it is to take account of the decisions of the courts here in Western Australia and their specific interpretation of the words that we have been recommended to use. There is no point having the same words if they do not have the same effect. We are looking forward to doing this.

One of the advantages of the work health and safety legislation is the creation of the term "PCBU"—"person conducting a business or undertaking". As the member knows, in a modern workplace, there may be different employers of individual workers. The idea of a PCBU is to make it clear that the person in charge is still the person responsible. Decisions of courts have not held to account the people the community would have expected to be held to account in those circumstances. That is why the creation of the PCBU is so important. It is one of the big changes that the work health and safety legislation will bring in. As I say, this is not a Labor–Liberal matter. We are implementing the recommendations of the Boland review established by the federal government and implementing the work health and safety legislation that has been implemented in every state in the country except Victoria. This is a needed reform.

It is also true that we are in the process of appointing 21 additional WorkSafe inspectors. It is interesting that, before that, we had allocated resources of the department to appoint eight additional inspectors, because this is a government priority. Even before we added the extra resources in August this year, we had, in any case, increased the number of inspectors by eight by allocating resources available to the department to prioritise health and safety. That will bring Western Australia's general WorkSafe inspectorate up to at least the same proportion as in every other state in the country, which will take us from last place to the middle of the pack. That is a great decision. Of course, it is already changing the way that WorkSafe works; it is now being much more proactive, and we can see that in its response to the challenges of silica dust, which the member grieved to me about a little while ago.

Also, we have appointed an independent WorkSafe Western Australia Commissioner, so that an independent mind is brought to the important role of WorkSafe commissioner. The WorkSafe commissioner has strong statutory responsibilities under existing legislation and the new work health and safety model legislation. We held a national selection process and chose a high-quality individual, Darren Kavanagh, who was widely welcomed across industry. He was an official at the Department of Defence, the federal bureaucracy, before his appointment to the

role of commissioner, so we have this independent mind now. We have appointed Stephanie Mayman as chairman of the Commission for Occupational Safety and Health. We have re-energised COSH and asked it to take on a range of tasks, most significant of which was its support for the code of practice for mentally healthy fly in, fly out workplaces. We are really bringing a new mind to the process and we are very pleased.

Every death in a workplace is tragic and people need to be held accountable when there has been criminal behaviour. We want to make sure that that can happen very soon.

## FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT AMENDMENT BILL 2019

*Second Reading*

Resumed from 13 November.

**MR S.A. MILLMAN (Mount Lawley)** [10.11 am]: I want to continue my contribution from yesterday, but, before I do that, I want to welcome two great friends of mine who are in the Speaker's gallery today: Emeritus Rabbi Dovid Freilich from the Perth Hebrew Congregation and my good friend Bob Kucera, former member for Yokine and a predecessor who served the constituents of my neighbourhood.

As I was saying yesterday, it is a great privilege to stand and speak in support of legislation that will have such a material and important impact. My view is that to be a good government, it needs to have a vision and it needs to take practical steps to achieve that vision. This government's vision is for a fairer criminal justice system. It is a vision that, as I have said before, sees us rebalancing the scales of justice. It is a vision that sees us being committed to justice for victims. It sees us cracking down on meth dealers and serial killers. But our criminal justice system also needs to have the right degree of compassion. Our prisons should be for murderers, rapists and drug dealers, not for single mums from disadvantaged backgrounds who cannot afford to pay fines. In fact, the imprisonment of people for unpaid fines is, in my view, a failure of our justice system. In support of that proposition, I will quote from the *Principles of Sentencing* by Geraldine Mackenzie and Nigel Stobbs. At chapter 3, they say —

> Punishment is carried out by the state on behalf of the community as a whole … The most important justification … for the state punishing on behalf of the community in general is the maintenance of the Rule of Law …

As all members here will know, I am a great adherent of and a great believer in the rule of law; I have mentioned it on numerous occasions. Ensuring that sentencing purposes are properly applied is an important part of ensuring consistency and fairness. We do not want to impose penalties that are disproportionate. We need to make sure that, as a Parliament, we preserve the community's trust and confidence in our criminal justice system. The reasons that penalties are imposed—I will quote from *Problems of the Criminal Justice System* by Roger Hawthorn and John Champion—are manifold. There are multiple reasons why punishment is imposed. Starting at page 89, for perpetrators of crime, they are retribution, incapacitation, deterrence, reform and rehabilitation. For people who have failed to pay a fine, oftentimes because they are impecunious or indigent, it is an incredibly disproportionate penalty for them to be imprisoned. Public confidence in our criminal justice system begins to be eroded if it is not applied correctly. The community recognises that putting people in jail for not having paid a fine is not right.

Furthermore, to quote from the eminent legal scholar Blackstone, we have the writ of habeas corpus, which I was talking to the member for Hillarys about yesterday. It prevents people from being unreasonably detained. It prevents that greatest imposition being placed on our liberty, our freedom. As Blackstone said, the writ of habeas corpus is that great and efficacious writ in all manner of illegal confinement. One of the great problems we have with the current system is that people can have their liberty deprived in circumstances in which they have not had the opportunity to put their case before a judge or a magistrate.

We have prison for retribution, incapacitation, deterrence, reform and rehabilitation. These aims in our criminal justice system, in sentencing and in imprisonment ought not be applicable for a simple offence like an unpaid fine. "Why?", I hear members ask. The answer is contained or illuminated in the excellent peer-reviewed article, which was referred to in the wonderful contribution from the member for Kalamunda, in the *International Journal for Crime, Justice and Social Democracy* titled "The Hidden Punitiveness of Fines", by authors Julia Quilter from the University of Wollongong and Russell Hogg.

**Dr A.D. Buti**: I saw that, too.

**Mr S.A. MILLMAN**: It is an excellent article, member for Armadale, and I hope it gets a thorough working out in the contributions that members make to this debate. I will try to avoid repetition, based on what the member for Kalamunda has already said, but there are a couple of points that I would like to make. At page 12, the authors go to the attraction of a fine and state —

> A growing number of offences are now subject to infringement or penalty notice provisions. These 'opt-in' measures imposed by police and other agencies require the 'offender' to pay a nominated fine for the infringement in question or elect a court hearing, usually with the prospect that, if unsuccessful, the penalty will be increased and court costs incurred.

They say further —

> Fines are widely viewed as the ideal penalty, a simple, 'quick, efficient, flexible, effective, and cheap form of punishment … easily understood … and readily adjusted to reflect the seriousness of the offence and the circumstances of the offender' …

So far, so good. But what we see next is the growth in the use of the fine. The article continues —

> In their classic 1939 study *Punishment and Social Structure*, Rusche and Kirchheimer identified the factors driving the growing ascendancy of the fine in the twentieth century: fines achieved a penal effect without cost to the state …

I will come back to that point. What is the cost to the state of these fines and the current regime that requires imprisonment for fine circumstances? It continues —

> They were, however, also mindful of the difficulties that stood in the way of 'the full rationalization of the penal system through the introduction of fines' … most importantly, the enforceability of fines against the indigent and how to maintain a semblance of equal justice if fines were converted to imprisonment in the case of those unable to pay.

That picks up precisely on the point made by the member for Hillarys—the paradox of forcing those who can least afford to pay a fine to be liable for the fine, and then sending them to jail when they cannot pay the fine. The same point was raised very well by the member for Kalamunda. The article continues —

> In or out of court, fines are now, and have been for some time, by far the most frequently imposed penalty in Australia and many other countries. Over 60 per cent of offenders sentenced in Australian criminal courts each year receive a monetary sanction as their principal penalty …

However, the problem with this increasing use of fines is highlighted on page 20 of the article, and I quote —

> The impact of converting fines to imprisonment has overwhelmingly been borne by women and Aboriginal people. In 2013, one in every three women entering the prison system did so solely to clear fines … In relation to Aboriginal people, between 2008 and 2013, the number incarcerated for fine default has increased from 101 to 590, a 480 per cent growth …

Given that the burden falls so squarely and so significantly on Aboriginal people, what do we do? As I said at the start, to be a good government, it needs to have a vision and it needs to take practical steps to achieve that vision. I refer members to an article on ABC News earlier this year written by Rhiannon Shine titled "WA Premier Mark McGowan outlines 12 key targets he says will define his job". One of those targets is —

> Reducing the number of Aboriginal adults in prison by 23 per cent by 2028–29;

That is a measurable, tangible, compassionate and worthwhile objective. We have already seen that the imposition of imprisonment for unpaid fines falls disproportionately on Aboriginal people. What does the Australian Law Reform Commission have to say about the incarceration rates of Aboriginal and Torres Strait Islander people? Thankfully, the answer is contained in its discussion paper 84 of 19 July 2017, "Imprisonment terms that 'cut out' fine defaults". It states —

> 6.21 …Imprisonment for fine default results in punishment disproportionate to the offending conduct, and contradicts the principle of imprisonment 'as a last resort'.

When we have regard to the comments that I have already relayed from Messrs Hawthorn and Champion, we can see exactly what the Law Reform Commission is getting at. Nearly 30 years ago, in 1991 the Royal Commission into Aboriginal Deaths in Custody recommended that all governments ensure that sentences of imprisonment were not automatically imposed for the default of payment of a fine. Further, regimes that use warrants of commitment, which is exactly what the Western Australian does, permit imprisonment without hearings or trials. What happens to that great and efficacious writ, the writ of habeas corpus? People are being imprisoned without hearings or trials. The paper states —

> Imprisonment remains automatic at a certain point in the enforcement process.

The discussion paper continues —

> 6.24 In 2016, the Coroner's Court of Western Australia questioned whether incarcerating fine defaulters provided any benefit to the community and recommended the abolition of warrants of commitment in WA. …
>
> 6.25 The Western Australian system has been identified as particularly arduous for Aboriginal and Torres Strait Islander women.

Again, it has the same statistic —

> In 2013, it was reported that one in every three women who entered prison in West Australia did so for fine default.

The discussion paper also states that these laws unreasonably and disproportionately criminalise Aboriginal and Torres Strait Islanders women and are recommended for abolition. The paper further states —

> 6.28 The Aboriginal Legal Service of WA has stated that the
>
> > complex underlying problems that exist for vulnerable fine defaulters (such as mental illness, cognitive impairment, homelessness, poverty, substance abuse, family violence and unemployment) will never be addressed by the current blunt fines enforcement system in Western Australia.
>
> 6.29 The Law Council of Australia has indicated support for the national abolition of fine default imprisonment schemes.

In the list of concerns of the Aboriginal Legal Service, family violence is so much more pertinent when one has regard to the State Coroner's report in 2016 in response to the death in custody of Ms Dhu, a 22-year-old Aboriginal woman, who had been imprisoned as a result of failure to pay $3 500 worth of unpaid fines. That is the price we are putting on a life—$3 500 in unpaid fines. She was imprisoned for that and died in custody. She was a victim of family and domestic violence. I will come back to that point if I have time in my contribution. In addition to the Australian Law Reform Commission clearly and unambiguously stating its support for the proposition that we should abolish imprisonment for fine default, which is what this legislation does, the Law Society of Western Australia, that eminent organisation, in its briefing paper from April 2019, said —

> The Fines, Penalties and Infringement Notices Enforcement Act 1994 (WA), has a discriminatory and disproportionate effect, leading to the over-representation of Aboriginal and Torres Strait Islander peoples …

It then refers to the numerous key findings in the 20 May 2016 report by the Government of Western Australia Office of the Inspector of Custodial Services. I will not traverse them in the time that I have because time is running out, but I recommend that members review this paper. Recommendation 4 states —

> The *Fines, Penalties and Infringement Notices Enforcement Act 1994* (WA) is not consistent with recommendations made in the Royal Commission into Aboriginal Deaths in Custody Report.

We are close to 30 years after the recommendations of that report. Again, some useful statistics for members' deliberation on this legislation include that 43 per cent of the 1 358 people who entered prison in WA in 2013 solely for the purpose of clearing fine defaults were Indigenous Australians. The Law Society outlines the policy position at the end of the paper and it summarises the Law Council's policy position —

> In January 2019, the Law Council of Australia released a joint statement with the Law Society of Western Australia, —

I have a copy of that statement here —

> calling on the State Government to repeal laws that provide for imprisonment as a result of unpaid fines and outlining the disproportionate impact on people who experience significant disadvantage, including Aboriginal and Torres Strait Islander people.

Members, we have the philosophical basis, the academic research, and the policy position outlined by eminent organisations such as the Australian Law Reform Commission, the Law Council of Australia and the WA Law Society. We can see that what this government is trying to achieve by bringing this legislation to this place is supported by a broad cross-section of the community.

[Member's time extended.]

**Mr S.A. MILLMAN**: I said earlier in my contribution that I would refer to the joint statement from the Law Council and the Law Society. I have already summarised their policy position, but they issued the following statement on 26 September 2019 in response to the government's announcement that it would bring this legislation before Parliament —

> The Law Society of Western Australia and the Law Council of Australia have welcomed the announcement by the Attorney General the Hon John Quigley MLA of proposed changes to the enforcement and recovery of fines in WA.
>
> …
>
> Law Society President Greg McIntyre SC —

Who, as I have said previously, is a friend of mine, just for the declaration of interests —

> said, "Imprisonment for fine default has impacted adversely on the most vulnerable in our community, including Aboriginal and Torres Strait Islander peoples, and has a huge cost socially and to the taxpayer. Replacement by debt recovery and community service options is welcome and will be far less costly to the community."

I said I would return to the economic argument, which will be picked up by other speakers in their contributions to the debate. It continues —

> Law Council of Australia President Arthur Moses SC said, "Imprisonment for fine default is an inherently disproportionate and ineffective punishment which only serves to criminalise people living in poverty. This Bill will bring Western Australia further in line with the recommendations of the Australian Law Reform Commission in the Pathways to Justice Report and of the Law Council in the Final Report of the Justice Project, which called for the practice to be abolished in all jurisdictions."

I saw the member for Cottesloe pop his head into the chamber. I thank the member for Cottesloe. He and I, together with Hon Alison Xamon from the Legislative Council, hosted Social Reinvestment WA. Social Reinvestment WA has produced a paper called the review of Fines, Penalties and Infringement Notices Enforcement Amendment Bill, which states —

> Following our Briefing and conversations with Members of Parliament on Tuesday 17th September on the pressing need for reform to WA's fine default legislation, and the high profile imprisonment of another woman after reporting a burglary on the 24th September, Social Reinvestment WA was pleased to see the Attorney General announce and bring before parliament Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019 on Tuesday 26th September.
>
> We appreciate your involvement …

I want to say a few thankyous. I commend the work of Social Reinvestment WA. I acknowledge the family of Ms Dhu, who I mentioned before. I acknowledge her legal representative during the coronial inquiry, a friend of mine, Hon Peter Quinlan, SC, Chief Justice of WA, for all the work he did.

I am incredibly grateful to the member for Hillarys for indicating that the Liberal Party will not oppose this legislation, but I want to make a couple of points about how and why this legislation is the right legislation at the right time by the government that is achieving its objectives, after having outlined quite clearly to the community precisely what those objectives are. The member for Hillarys was concerned about those who were going to thumb their noses—I think that was the language he used; I do not want to quote from the uncorrected *Hansard*—at the criminal justice system. This is what the Attorney General had to say in his second reading speech —

> It is important to note that this bill implements the alternative recommendation of the Dhu inquiry and provides that imprisonment for fine default is an option, however remote. It is important that imprisonment be available as a means of enforcement for the cohort of debtors who have the means but not the inclination to pay—those recalcitrant few who thumb their nose at the system …

The language used by the member for Hillarys was no accident because the Attorney General used precisely the same terms, stating —

> Those … who thumb their noses at the system and accrue fines with no intention of paying them back, having ignored all other attempts at enforcement. This bill draws a careful distinction between those who can pay but refuse to do so and the many experiencing hardship who cannot pay and should not be further entrenched in poverty.

Despite the concerns of the member for Hillarys, this bill achieves the objectives that it sets out to achieve. I said earlier that I was somewhat surprised that the member for Hillarys continually stated that his contribution was made in his personal capacity. He introduced this paradox that although he was confident that the legislation would pass the Legislative Assembly, he was not sure what would happen in the Legislative Council. One can only hazard a guess as to what features might exist in the Legislative Council, perhaps amongst the members of the Legislative Council who may take a different view of this legislation from that taken by those more moderate and more intellectual members of the Liberal Party, such as the member for Hillarys and those who have made contributions in support of the legislation in this place.

The member for Hillarys said something that took me by surprise. He said that perhaps we could have been bolder and perhaps this was a time when we would move beyond government operating in silos. I want to give all members two examples of the way in which the McGowan government has worked cooperatively and collaboratively time and again. I can only surmise that this cooperative and collaborative attitude by the McGowan government is a function and reflection of the harmonious working relationship within cabinet, perhaps in stark contrast with the days of "Emperor Colin". Let me give two examples. I refer to jobs. We have the Minister for Tourism assiduously and diligently working to diversify our economy and encourage more tourists to Western Australia. No interjections.

**Mr Z.R.F. Kirkup** interjected.

**Mr S.A. MILLMAN**: He was supported in that endeavour by a Minister for Education and Training, who is investing in TAFE in order to enable students to access those qualifications that they will need for jobs in the tourism and hospitality industries. We have a Minister for Transport investing in those job-creating, congestion-busting

projects that will drive jobs growth in Western Australia. We have a Minister for Tourism working with a Minister for Transport working with a Minister for Education and Training, all focused on what we can do to increase the number of jobs in Western Australia.

On the issue of law and order, we have a Minister for Police working with an Attorney General working with a Minister for Corrective Services, all doing what they can to improve and enhance community safety in our state. We have a Minister for Police who is actively and assiduously working to ensure that our serving officers have the resources and the protection they need in order to discharge their functions. We have an Attorney General who is strengthening our criminal justice system and strengthening our courts. We have a Minister for Corrective Services who is revitalising our prison estate. We have coordinated, cooperative, collaborative approaches within and amongst this cabinet. All that work, all that endeavour and all that effort is underpinned by a Premier and a Treasurer focused on those objectives of making sure that our community is safe and that we are promoting and creating jobs in WA. We have a Premier and a Treasurer who are driving precisely the sorts of reforms that we need after such a long time of the Liberals being in office. We wish to continue all the work that we have done in that regard and keep serving the people of Western Australia. I commend the bill to the house.

**DR A.D. BUTI (Armadale)** [10.33 am]: I also rise to contribute to the debate on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. The member for Mount Lawley articulated our position very well when he spoke in support of this bill. I was intending to quote from some of the documents or sources that he quoted from, so I will see whether I can quote from different pages.

When the Attorney General introduced this bill and made his second reading speech, he started by moving that the bill be now read a second time and then stated —

> I stand before the house today to introduce a bill that will significantly change the way fines are enforced and recovered in Western Australia, to make the system more just, equitable and effective. It would be remiss of me if I did not begin this speech with recognition of the work of my good friend and colleague Hon Paul Papalia, MLA, who in his former role of shadow Minister for Corrective Services was relentless in holding the previous government to account on the issue of imprisonment for fine default. For many years, I, too, have voiced the need for significant change to the Fines, Penalties and Infringement Notices Enforcement Act 1994. This bill delivers those necessary changes.

This bill definitely introduces those necessary changes, which, if time permits, I will address later in my contribution.

The Attorney General mentioned Hon Paul Papalia, the former shadow Minister for Corrective Services. Specifically, he would have been referring to the WA Labor discussion paper dated November 2014, titled "Locking in Poverty: How Western Australia drives the poor, women and Aboriginal people to prison". It is a very good paper, and it can still be found. I suggest the member for Dawesville look at it because I know he is into research. It is a really good paper. It is important to read the executive summary because it shows that the Labor Party, which is now in government, has been thinking of these issues for a number of years, led firstly by Hon Paul Papalia and now the Attorney General, who introduced this bill that I think is incredibly important and necessary. It is great to have the support of the opposition in the passage of this bill. The executive summary of Paul Papalia's paper states —

> The current policy for managing Western Australians who cannot pay fines has cost taxpayers millions of dollars, strained the prison system and has disproportionately affected the poor, especially women and Aboriginal people.
>
> In Western Australia, fine defaulters may enter prison to clear a fine, if they have been unsuccessful in paying off the fine via a payment plan or completing a Community Service Order. The management of Community Service Orders was changed in early 2009, resulting in high rates of imprisonment of fine defaulters.
>
> The State Government assumes that the prospect of going to prison will deter people from breaking the law and incurring fines in the first place. If so, the number of fine defaulters entering the prison system should have diminished.
>
> Instead, this policy is driving an extra 1100 people to prison a year, with significant economic and social costs.
>
> This policy is not working. It is economically unsound, ineffective in enforcing fines payments and profoundly unfair.

A number of dot points follow, which I think are interesting and important in this debate. I continue —

- Every year since 2010 —

This paper was published in 2014 —

> more than 1,100 fine defaulters have entered prison in Western Australia solely for the purpose of clearing fines.

- Fine defaulters in prison 'cut out' $250 of fines a day, yet it costs $345 per day to keep them in prison.
- The costs of imprisoning fine defaulters have blown out by 220 per cent since 2008.
- Last year —

That would have been 2013 —

> one in every three women who entered the prison system did so solely for the purposes of clearing fines.
>
> - The number of Aboriginal women jailed for fine default has soared by 576 per cent since 2008.
> - Between 2008 and 2013, the number of Aboriginal people incarcerated solely for fine default has increased from 101 to 590, a growth of more than 480 per cent.
> - Between 2008–9 and 2012–13, the Department of Corrective Services budget has blown out by an average of 8.6 per cent a year. If this trend continues, this year's budget of $870.25 million could blow out to $945.1 million.

The discussion paper released in 2014 by Hon Paul Papalia highlighted the absurdity of the system in which people were being imprisoned at an alarming rate for not paying fines—for being fine defaulters. It disproportionately fell on those who were poor and/or Indigenous women. Besides the immorality and injustice of it, it also had a major economic cost for the state, because the amount that was being paid down on the fine per day was less than the cost of imprisoning a person, plus all the social costs that relate to imprisonment.

The issue of incarceration and punishment has a long philosophical and theoretical development in western society. When we are imprisoning someone for being a fine defaulter, we are incarcerating them; we are putting them in jail because they have not paid a fine. Obviously, that option still needs to be available as a last resort. I will read from the document "The Philosophical and Ideological Underpinnings of Corrections", which refers to incapacitation. It states —

> **Incapacitation** refers to the inability of criminals to victimize people outside prison walls while they are locked up. Its rationale is summarized in J. Wilson's (1975) remark, "Wicked people exist. Nothing avails except to set them apart from innocent people" …

I think being a fine defaulter does not make someone a wicked person. It also does not necessarily make them a person who is going to be harmful to the population. There are many aspects to incarceration: why we incarcerate, the many principles behind it and the function of imprisonment. One aspect is safety. If the person is wicked or evil, they could be harmful to society, but just because someone has defaulted on a fine does not make them wicked or harmful to society. Therefore, it does seem a bit extreme that they are then imprisoned.

The member for Mount Lawley and the member for Kalamunda mentioned a very thoughtful and useful article, "The Hidden Punitiveness of Fines", which is published in the *International Journal for Crime, Justice and Social Democracy*. I will not read the quotes that the member for Mount Lawley read, but it explains that there has been a massive increase in using fines as a form of punishment. The use of fines has soared since 1980. The article states —

> … the human impacts on those affected is little understood. Because 'only' money is at stake rather than personal freedom, the assumption is too readily made that fines are inherently lenient, making evidence of its effects unnecessary.

That may be true, but if we then go further and imprison someone for not paying the fine, we are taking away their freedom. The article continues —

> A third reason for devoting more attention to fines is that fines enforcement has recently undergone significant reorganisation in many jurisdictions.

Other jurisdictions in Australia have sought to reduce the alarming rate of imprisonment because of fine defaulters, which we are doing through the introduction of this bill.

The Aboriginal Legal Service, of course, has been very interested in this issue for many years. I refer to a briefing paper from the Aboriginal Legal Service of Western Australia titled "Addressing Fine Default by Vulnerable and Disadvantaged Persons: Briefing Paper" of August 2016. Before I do that, I will refer to a slightly different issue; that is, we always need to be careful when we use money as a form of punishment or a way to modify or motivate behaviour, even unintentionally. I used to work at the Aboriginal Legal Service, and when I commenced there in the mid-1990s, one of the big issues around that time was meal allowances. Western Australia had a system in rural areas that for every prisoner in a police lock-up, a meal allowance was provided to pay for the meal to feed the prisoner. The Aboriginal Legal Service was very concerned about this policy. A paper titled "Policing in Wiluna" by Steve Leicester states —

> *A desert community takes issue with over-policing, meal allowances and social justice.*

In Wiluna, a person would be in prison and money to feed the prisoner would be received by the police officer, but the police would provide a very cheap meal to the prisoner and pocket the surplus meal allowance. Therefore, obviously, there was an incentive to have more people locked up, and that is what happened in Wiluna. This paper, "Policing in Wiluna" by Steve Leicester, published in the *Alternative Law Journal*, volume 20, number 1, in February 1995, is a really good exposé of that practice and the problems that took place. It states —

> The ALS report also revealed that a total of $197,471 in fines was imposed during the period of the study.

I am not sure of the actual time, but the period of the study was rather brief. The paper continues —

> Western Australia is the only State of Australia in which a meal allowance continues to be paid to the officer in charge of a police lock up on a per prisoner per day basis. This potential conflict of interest has been removed from all other States.

It has also been removed in Western Australia now, but it shows that we always need to be careful when we are dealing with the issue of money and vulnerable people or Aboriginal people because of their connections to, or regular contact with, the criminal justice system. As I said, there has been an increase in the use of fines as a method of punishing behaviour that we do not think is favourable. When the consequences lead to incarceration, it can be economically damaging to the state and the person involved, and there are many social costs. If anyone needs to be convinced that we need to move in this area, they need to read the discussion paper by Hon Paul Papalia.

[Member's time extended.]

**Dr A.D. BUTI**: They also need to read the August 2016 briefing paper by the Aboriginal Legal Service of Western Australia. It is a really important paper that led to the development of this bill before the house. It states —

> In ALSWA's view, the critical issue with the current fines enforcement system in Western Australia is that vulnerable and disadvantaged persons are liable to imprisonment for failing to pay their fines. One of the major arguments for providing imprisonment as an option for fine default is that there must be tangible consequences for those who fail or refuse to pay their fines. For example, it has been argued by the Minister for Corrective Services —

That was back in 2016 —

> that imprisonment for fine default is essential to ensure that there is an 'endgame or else nobody would pay a parking ticket, nobody would pay a speeding ticket, and nobody would pay a driving without a licence ticket'.

[Interruption.]

**Dr A.D. BUTI**: There might be fines for mobile phones going off in Parliament, but I do not know!

The Minister for Corrective Services who made that statement the paper referred to was Hon Joe Francis. The paper continues —

> This argument is flawed for two reasons. First, imprisonment is not an enforcement option for failing to pay an infringement (ie, a parking ticket or a speeding ticket). Imprisonment for fine default is only available for unpaid court-imposed fines. Thus, those who currently pay infringements do so without any threat of imprisonment. Second, if imprisonment for fine default was removed as an option there would still be an 'endgame', albeit a different one. The other enforcement options under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* (WA), such as drivers licence suspension, vehicle immobilisation and seizure of property are designed to deter people from not paying their fines (and currently also apply to infringements).

Further along in this paper it states —

> It was further argued that those who are imprisoned for fine default are in prison 'because of their refusal to pay their fines or to make amends for their penalties somehow through the justice system'. ALSWA acknowledges that there are some fine defaulters who refuse to pay and simply ignore their obligations. The major debtors lists on the Department of the Attorney General's website on 20 August 2015, shows that of the nine fine defaulters with fines debt in excess of $100,000 there were seven corporations. However, for many vulnerable and disadvantaged people, failure to pay fines is not a deliberate strategy but rather a consequence of impoverished and complex circumstances. In this regard it has been observed that for homeless and other vulnerable people, the accumulation of 'massive fine debt adds to the problems of finding food and shelter, dealing with a mental illness or navigating the world with a cognitive impairment. It is all but impossible for those surviving on a Centrelink benefit (and sometimes on no benefit at all), to pay off their [fine] debts'.

That really just shows the absurdity of using imprisonment as a major way of dealing with the issue of fine defaulters. That is why the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019 is incredibly important. I will quote one further paragraph; I am not sure whether the member for Mount Lawley already quoted this —

> The Office of the Inspector of Custodial Services (OICS) has recently observed that there is little doubt that imprisonment needs to remain as the ultimate deterrent for people who *wilfully* refuse to pay or to engage in other measures to work of fines'. Nonetheless, it was also emphasised that more information is required in relation to how many fine defaulters are truly wilful (ie, those who can pay their fines but choose not to do so). As highlighted in the OICS report, unemployed Aboriginal women are the most likely group to be imprisoned for fine default in Western Australia and ALSWA is strongly of the view that the overwhelming majority (if not all) of these women are not 'wilful' fine defaulters.

I think that would be backed up by the empirical evidence.

There is a real impact from having imprisonment as a first or common resort for fine default. Social Reinvestment WA produced a paper in April 2018—only last year—titled "Taking a Smarter Approach to Justice: Position Paper on Imprisonment for Fine Default in Western Australia", which states —

> On average, 10 people a day are locked up in WA prisons for failing to pay fines, mostly because of poverty and disadvantage.

I will just stop there. People who continue to argue that we should be imprisoning people for not paying their fines need to also look at the economic cost to the state of imprisoning someone for one day compared with how much it cuts into their fines.

**Mr I.C. Blayney**: I thought you said there are actually only eight or 10 people in jail in WA at the moment —

**Dr A.D. BUTI**: No, per day.

**Mr I.C. Blayney**: That's what you said just then, but earlier on you said there's only eight or 10 people in jail for not paying fines.

**Dr A.D. BUTI**: No, I am reading from this paper, which states —

> On average, 10 people a day are locked up in WA prisons for failing to pay fines …

**Mr I.C. Blayney**: So how many people are in jail at any one time for not paying their fines?

**Dr A.D. BUTI**: Eight or 10 people per day.

**Mr F.M. Logan**: That works out to thousands over a year.

**Mr I.C. Blayney**: It's just that other people have quoted this figure—that there's only eight or 10 people in jail, full stop.

**Dr A.D. BUTI**: Maybe they did not quote correctly.

**Mr F.M. Logan**: Member for Geraldton, they've actually got it wrong. They haven't looked at the aggregated number over a year.

**Dr A.D. BUTI**: It is more than 1 100.

**Mr F.M. Logan**: It's over 1 100.

**Mr I.C. Blayney**: Okay. It's the first time I've heard that.

**Dr A.D. BUTI**: I did say 1 100, quoting the other paper.

**Mr I.C. Blayney**: I missed that. Thank you.

**Dr A.D. BUTI**: That is just per day.

**Mr F.M. Logan**: The worst part about it is that because they only come in for a short period of time, that's the highest cost to the prison system, so over a year it is a lot of money.

**Mr P.J. Rundle**: Are you offering a solution?

**Dr A.D. BUTI**: The solution is here in the bill. That is the solution.

**The ACTING SPEAKER (Mr T.J. Healy)**: Good segue, member.

**Dr A.D. BUTI**: Thank you very much.

That is why it is imperative that this bill is supported, because the solution is in this bill. It does not remove the possibility of imprisonment, but obviously it will severely reduce the frequency of people going to prison for not paying their fines.

The real impact is outlined in the paper "Taking a Smarter Approach to Justice", which states —

> In 2017, a Western Australian mum made a call to police, fearing for her safety following a visit from a violent family member. The result? She was taken away from her five children and incarcerated after a background check revealed she had an outstanding fine which she was unable to pay.

She rang up the police to report a domestic violence scenario, the police came and did a background check, found that she had fines in arrears, and she was incarcerated. How appalling.

In another case, the paper states —

> A young woman who died in police custody in 2014 was taken into custody for unpaid fines after police suspected her partner had breached a family violence order.
>
> These stories are not isolated, and Aboriginal and Torres Strait Islander women are more likely than any other group to be jailed for unpaid fines, often whilst unemployed and having no real capacity to pay.

> Some of these women will have suffered financial abuse at the hands of a partner or former partner, and we know that almost half (44 percent) of women escaping abusive relationships had a household income of less than $40,000 post-separation.
>
> **It is a highly alarming trend that women seeking help from the police for incidents of family and domestic violence are being further victimised and punished for unrelated occurrences.**

It really is an absurd policy of law if someone cannot comply with it. If people in poverty have a financial impost, they will not be able to cover that impost. If the solution is incarceration, that surely goes against all modern and enlightened thinking about imprisonment, why we should imprison people, rehabilitation, criminal justice theories, redistribution theories of justice, and restorative justice. It is just absurd for us to continue with that system. The former shadow Minister for Corrective Services, Paul Papalia, banged on about this issue for a number of years, but the then government would not listen. I read a quote by the then Minister for Corrective Services, Hon Joe Francis, which showed that the government did not even turn a blind eye to the issue, because it knew what the issue was; it just did not listen.

This is a very enlightened piece of legislation in the matrix of restoring commonsense, justice and economic rationalism to the justice system, and this is an economic rationalist move because when we imprison someone, it actually costs more per day than what will be cut down on in fines. There is also the social cost of incarcerating someone. Added to that is the fact that this disproportionately affects Aboriginal women, many of whom are mothers with children and some of whom are involved in violent family situations. Given that, how can anyone advocate remaining with the current system?

It was imperative for this bill to be introduced, and it is imperative that it has quick passage through this house and the other place to become the law of Western Australia, so that we can move away from the ridiculous situation of incarcerating people for fine default when they do not have any capacity to pay their fines. We are not talking about people who have the capacity to pay their fines; we are talking about people who have no capacity to pay their fines.

The Attorney General broke this down into various parts in his second reading speech to this house. He talked about hardship, licence suspension orders, garnishee orders, work and development permits and fine expiation orders. The Attorney General said, with regard to hardship —

> Hardship: In keeping with this government's focus on protecting marginalised and vulnerable Western Australians, this bill introduces a statutory concept of "hardship", which includes mental illness and disability, experience of family and domestic violence, homelessness, drug and alcohol problems and financial hardship.
>
> …
>
> It is important that imprisonment be available as a means of enforcement for the cohort of debtors who have the means but not the inclination to pay …

That should be the key. If people have the means to pay the fine, they should pay it, but most people—probably all—who are currently incarcerated in Western Australia for fine defaults do not have the capacity to pay. On that, I come to my conclusion and commend the bill to the house.

**MRS J.M.C. STOJKOVSKI (Kingsley)** [11.00 am]: I rise to make a contribution to the second reading debate on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019, which is another of the Attorney General's pieces of legislation to come before the house. Western Australia has the unenviable title of being the state that imprisons people for fine default at the highest rate in the country. That is not something we should be proud of. In every year between 2010 and 2014, more than a thousand people were sent to prison in Western Australia for unpaid fines. One-third of women imprisoned were there for that reason. That policy disproportionately affects Indigenous Western Australians. An article written by Elyse Methven in April 2018 titled "We need evidence-based law reform to reduce rates of Indigenous incarceration" states —

> In 2016, Indigenous Australians constituted 27% of the national prison population …

Indigenous Australians make up only three per cent of our population. It continues —

> Indeed, Indigenous Australians are the most incarcerated people on Earth.

In the specific area of fine default, 44 per cent of fine defaulters in our prison system are Indigenous Australians. That was found to be the case in a 2016 report of the Office of the Inspector of Custodial Services titled "Fine Defaulters in the Western Australian Prison System". It is 44 per cent. That statistic shows that it obviously disproportionately affects our Indigenous people. Unfortunately, despite that data, some members of the Liberal opposition claim that this law does not discriminate against Aboriginal Australians. The shadow Attorney General, Hon Michael Mischin, has said that they have the option of not offending, paying fines or complying with arrangements to pay them off. He added that only a small number of people were affected. I challenge the shadow Attorney General to read the 2016 report of the Office of the Inspector of Custodial Services to see just how wrong he is in making that statement.

This is clearly an issue that is permeating not just Western Australia but also the country. It was highlighted in the very first episode of a brilliant new Australian drama called *Total Control*, which is set in Queensland, not Western Australia. Deborah Mailman's character explains the circumstance in which her mother received fines. It was a few hours' drive to get from their remote community to a medical clinic, and when they came outside, there were parking fines on their vehicle. It was a few hours' drive to get back to the house. The medical expenses were costly, so they could not afford to pay the fines. The system is so inflexible that in that episode, even though Mailman's character tried to pay off her mother's fines, she was not able to because the time frame had passed. I fully understand that that was a dramatisation of the situation, but it is not beyond the realms of possibility that that happens—and not just in remote areas.

I thought it was particularly relevant that our Treasurer wrote a very moving article that was published recently called "They haven't the remotest idea". He detailed the experience he had when he attended some of Western Australia's more remote communities and was told how difficult it is for people in those remote communities to access technology to determine whether they have received a fine and how they can pay it. Phones are not readily available and they cannot get the internet. It is a very good article that demonstrates just how hard it can be to comply with the Fines, Penalties and Infringement Notices Enforcement Act 1994. It can be hard even if people have the means, but what is particularly relevant to this legislation is that a lot of the time people who are imprisoned for a fine default do not have the means for whatever reason.

A number of journalists have written articles that highlight the real-life impacts of the legislation and the practice of imprisoning fine defaulters, especially women. I found an article written by Livia Albeck-Ripka in February this year titled "The police were called for help. They arrested her instead." When I saw the article, I could not believe the situation that the woman found herself in. I have talked about how this impacts people in remote communities, but this woman lived in a district of Joondalup, which is not far from my electorate of Kingsley. The article states that after the woman was arrested —

> … the police took her from her home in an outer northern suburb of Perth to a women's prison 30 miles away and told her she would be there for 14 days; each day, they said, would shave 250 Australian dollars off her fine. To her relief, she was released after four days when a donor from Melbourne paid the debt.
>
> Still, the experience took a toll: An aunt rushed over to care for the children —

Of which there are five —

> …the family, which was living week to week, saw its electricity shut off while she was jailed.

That in itself is pretty disturbing, but having read the few paragraphs of the story, the reason that the police were called was that the woman's brother was on his way to her house in an agitated rage and she felt that she needed protection. She called the police to her family home to protect her children from a family member who was in an agitated rage and who she feared would inflict harm on her and her children. This raises the question: if people are automatically imprisoned for fine defaulting, and they know that they could be imprisoned for fine defaulting, does that prevent them from calling the police for help when they fear they will be the victim of or are experiencing domestic violence? We already know that domestic violence in our society is under-reported. Does this policy contribute to that? Are we putting the lives of women and children at risk with this type of policy and legislation? This was also reflected in a well-known case that the Attorney General has spoken about in this place, including in his second reading speech. I refer to the case of Ms Dhu, who passed away in 2014 while she was in police custody. Her story bears an eerie resemblance to the story I just read out because the police were called to a domestic violence incident and Ms Dhu was arrested and taken away for a fine default. In the 2016 State Coroner's findings into Ms Dhu's death, one of the recommendations was to reform the act, including removing imprisonment as an option for fine enforcement or, alternatively, that imprisonment for fine defaulting be the subject of a hearing determined by a magistrate in the Magistrates Court. It is a sad indictment on the former government that it did not take up those recommendations. It sat on them and did not do any work to try to progress to where we are now. It is important to note, however, that although this legislation limits the instances when people can be imprisoned for fine default, it does not remove that as an option for people who have the means to pay but refuse to. That is very important. Any commentary that says that we are easing up on fine defaults, or that we are not being strong on crime because we want to take this away as the main way of dealing with fine defaulters, is contrary to what the legislation proposes. We are not saying, "Don't worry about paying your fines"; we are saying that if there is a genuine issue why someone cannot pay their fines, such as hardship, imprisonment will not be the first response and there are other ways. This is not only a humane way to respond to people who find themselves in this situation, but also an economic argument. We had a great briefing on this by the minister's office, and what struck me the most in that briefing was the cost. The cost of putting someone in jail is approximately $750 a day for the first three days. That reduces to about $340 a day thereafter. If we take into account that people who are put in jail for fine default are working off those fines at $250 a day, there is a real cost to the state of approximately $500 a day for the first three days. To me that just does not make any economic sense. Why would we put people in jail at a cost to us, when other mechanisms can be looked at to recover that fine and to have them work off the fine that they have accrued for whatever reason?

This bill is really good in that it makes it easier to enter into time-to-pay arrangements. Sometimes it may seem too big to pay, because the amount has gained interest or it has come to such an amount that it is insurmountable for people who cannot find $2 000 or $3 000 at short notice to pay a fine, when it has built up over time. Time-to-pay arrangements make it easier for people to pay a fine off over time, and that is definitely something that will be useful for people who do not have the means to find a large amount, but have the means to pay it off slowly. Garnishee orders in the legislation are also a really good idea, because that gives the state the ability to garnish somebody's payments or account, and it can take some money out without leaving that person in a financial situation whereby they will not be able to support their family.

For me, the most important part of this bill is the legislating of the term "hardship" to address not only those underlying issues that may have contributed to the reason that a person got the fine in the first place, but also their incapacity to pay. It is supremely unfair to say to somebody, "You have to pay this fine", when they do not have financial capacity, they are suffering from domestic violence or abuse, they have a mental health condition that prohibits them from working, or they have an addiction to drugs or alcohol. That itself is supremely unfair. This legislation really shines in its capacity to provide for people to not only seek help to address those underlying issues, but also use that as a means of paying off their fine. If people who have an addiction or mental health issue and who genuinely want to address that issue are able to enter a program to help them address that issue, not only will they pay back their debt to the state, but also they will better their situation. If they are given a fighting chance to address their underlying issues, they may not find themselves in the same position in coming years.

The Attorney General should be commended for bringing in this piece of legislation. He has been prolific in bringing legislation into the chamber. I will always applaud him for that. He is one of the hardest working Attorney Generals this state has ever seen. For me, this is probably one of the best pieces of legislation that the Attorney General has brought into this place. That is simply because it addresses the issue of putting people in jail for fine default. It also provides the fundamental safeguard of enabling people to access the assistance that they require to address their situation so that hopefully they will not find themselves in the same position in the future. That concludes my remarks on this piece of legislation, and I commend the bill to the house.

**MR D.T. PUNCH (Bunbury)** [11.16 am]: I, too, would like to make a contribution to the debate on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019, and I, too, would like to thank the Attorney General for bringing this bill to the house. I would also like to thank the members for Mount Lawley and Armadale for their contributions and for exploring the history of this issue from a justice point of view. The fundamental dilemma for people involved in the administration of justice is to ensure that justice is seen to be done, and to impose a penalty that is fair and just for both the victim and the offender and that achieves the desired outcome. Another fundamental issue is the differential impact of fines on people who are relatively well off and people who experience some form of disadvantage.

It would be remiss of me not to acknowledge, as other members have done, the tragic death of Ms Dhu in August 2014 while in custody for what is commonly called cutting out fines. I certainly applaud the State Coroner for bringing into sharp focus the notion of incarceration as a means of cutting out fines, and for recommending that either incarceration be abolished as a means of dealing with fine default or some other process be established so that incarceration becomes an issue of last resort.

In my view, there are three components to this issue. The first is justice and incarceration, which previous members have spoken about. The second is corrections administration; namely, once a penalty is imposed, how is it effectively and efficiently administered to achieve not only a just outcome for the victim and the community, but also a meaningful outcome for the offender? The third is the fundamental issue of social justice. I would like to comment briefly on the justice issue and delve into some law research papers, which is a bit of a frightening experience! One paper that particularly struck my mind is "Justice Issues" of February 2018, published by the Law and Justice Foundation of New South Wales. The paper is about research into the disproportionate impact of fines on people who are experiencing disadvantage. Two principles or components came out of that research. The first is that fines have a disproportionate impact on disadvantaged people, particularly Indigenous people, single parents, people in housing for the disadvantaged, people with a disability, and people who are on government benefits. It is not hard to think about the problem for a single person on Newstart of around $270 a week of being faced with a fine of $500, $1 000 or $1 500. The paper identifies a raft of areas of disadvantage from an empirical point of view and the differential impact of fines on the lives of those people. The second piece of research was about the effect of appropriate assistance and of working with people on almost a case-management basis to enable them to negotiate a fine situation and look at the other options that might be available to them. It called for an understanding of the differential impact and an intelligent approach to the administration of the fines system for those people who clearly, for whatever reason, do not have the capacity to pay. I am sure many members would have heard stories about people who have appeared before the courts, and then stepped outside and spent an enormous amount of time with an adviser going through the experience they have just had. The level of comprehension of the court setting can be quite challenging for many people. The more remote an area is, and the more likely that English is a second language, particularly in remote Indigenous communities, the more the court system, as we understand it, poses a really difficult challenge for a person to understand clearly their obligations. Because of the volume,

court systems move very quickly. A person may go in feeling quite anxious about what the outcome might be, agree to pay a fine without thinking about its implications for a low income, and then leave thinking that it is all over, and that they are out of it. But they are still left with the legacy of a fine to pay off, and that is a difficult challenge.

From a justice point of view, there has long been a history of understanding that there is a problem with the imposition of a fine on people from disadvantaged backgrounds. However, there has been a failure until now to really address that issue properly, and it is really tragic that it took the death of Ms Dhu to put a sharp focus on this issue. I applaud the Attorney General for bringing this bill forward, and, as the member for Armadale said, the solution to these issues is in this bill. That is why both sides of this house have indicated their support for it. I applaud that, but I want to put on record my disappointment that, although this issue has long been known, and the previous government had an opportunity to address it, some of the responses that the previous government applied to fine enforcement, which led to an increase in the number of defaulters in prison over that period between 2006 and 2015, were a quite lazy approach to applying the intellectual horsepower to come up with a solution. That was a lost opportunity, and I hope that the example that the Attorney General has set with this bill, and all the other legislation he has brought into this house, will continue that pattern of innovation and responding to the needs of a contemporary society.

I want to talk a bit about corrections administration, and a particularly interesting report by the Inspector of Custodial Services in 2016 titled "Fine Defaulters in the Western Australian Prison System". I would like to read a short extract from the beginning of that report, because I think it goes to the heart of what we are talking about. It reads —

> The imprisonment of fine defaulters in Western Australian prisons has been a contentious issue for some time. Debates have centred around the number of defaulters in prison, their impact on an already-crowded prison system, the cost of short terms of imprisonment for fine default, and whether the state is too quick to imprison fine defaulters rather than using alternatives. Very different views have been put as to the extent of the problem and the potential solutions, and the matter has generated political division.

The member for Armadale alluded to the discussion paper put together by the former shadow corrections spokesperson, Paul Papalia, some time ago, which really tried to put a focus on this issue. The debate and the discussion was out there, but unfortunately the then government failed to take note of it, and deal with it in an effective way. I note that the member for Armadale was quoting the daily cost of imprisonment, but the Inspector of Custodial Services found that, when the costs of admission are taken into account, the average daily cost for short-stay fine defaulters is $770. There is an up-front, lumpy cost to take someone into the prison system, and the longer the stay, the more that cost is amortised. For someone who has defaulted on a $2 000 fine and is imprisoned over a three, four or five-day period, the cost of cutting that out is up around the $770 mark a day; not the $340 mark that has generally been quoted. It is a very expensive response to an issue.

In the period between July 2006 and June 2015, starting out from a very low base over the period 2006–2008, the number of prison receptions for fine default escalated markedly. Over that period, a total of 7 462 Western Australians were imprisoned for default of fines. As we have heard from other members, the majority of those were women, Aboriginal people, and people on low incomes who had a fundamental incapacity to pay. The tragedy sitting behind those figures is that some of that experience has actually become cultural.

I smiled when the member for Armadale mentioned the old meal allowances issue. When I was a young social worker in Moora, our office was just in front of the police station. That local country police station had a meal allowances framework in place. In a very large patch of ground just behind the office that I occupied was a vegetable garden. The local sergeant would bring the fine defaulters in—they would cut their fines out in the jail and work on the vegie patch during the day. Those vegetables would then go into the meals produced for the prisoners. It was a very tidy little way of having an extra bonus in terms of the income of the local police sergeant. It incentivised fine default and imprisonment.

The sad thing about that from a cultural point of view is that people saw that as a natural way to cut out the fines. Families would visit during the day and sit and have lunch with the prisoners. It became normalised that, after getting a fine, a person went into the local lock-up, the fine was cut out and away they went. That is what the children have learnt. That has been replicated in some of the conversations I have had with disadvantaged people who have grown up in intergenerational poverty. That is a continuing theme. That is not the sort of outcome that we want out of this system. That is the sort of outcome that takes a generation to actually work through and get out of the mindset that that is the natural order of things. We need people to think, "I have committed an offence and these are the circumstances of that offence", and the corrections system works in a way that sees that justice is done but at the same time works out a strategy that means that that person is less likely to reoffend.

I was very glad when the meal allowances system disappeared, because in a sense it was a fundamental corruption of the justice administration system. The sad thing is that the thinking in relation to responding to this issue, during the period that I have just mentioned up to 2015, still incentivised imprisonment as an option for fine default. Policy amendments led to the ability to cumulatively cut out a fine; that is, if a person had multiple fines and the maximum fine was, say, $3 000, they could cut out the time for that $3 000. But if a person who had cumulative fines

wanted to do a community service order, they still had to do the cumulative community service orders. It became a cost–benefit analysis for people: "I might as well go in and cut it out over three days rather than spend three weeks doing community service." That is the sort of lack of policy insight that has driven some of the numbers we have seen in the corrections system. That is, in a sense, really a bit of a tragedy in terms of policymakers of the past.

The same consequence occurred when work and development orders were more strictly enforced, with an automatic consequence being that a defaulter ended up in prison in 2009. That was done without really thinking through the cost of that to the prison system and the impact on people's lives. Although I have commented on Ms Dhu, I am sure that if we analysed the stories of many people who have been involved in that system, there would be a lot of tragedies in terms of lost opportunity, impacts on children, impacts on partners, and dislocation from family and community. I am very pleased that the Attorney General has brought forward this legislation because I think it will go to the heart of more effective management of the corrections system.

The fundamental issue I am interested in is social justice and how we as a community can meaningfully address, on the one hand, the effective administration of sentencing and penalties and, on the other hand, identifying effective outcomes that pinpoint when people are really struggling. When I look at the structure of this bill and what the legislation intends, I see it retains work and development orders in parallel with the new notion of work and development permits. If someone's circumstances have changed or they are in a situation of hardship, they can apply to the registrar and have a work and development permit put in place. Hardship has been defined in the legislation to include mental illness and disability—we are seeing that more and more in our communities—experience of family and domestic violence, homelessness, drug and alcohol problems and financial hardship. We know that, fundamentally, if people are in those circumstances, they are going to have difficulty paying a fine and incarcerating them will add to their difficulties. We also know that there will be people, as the Attorney General and the members for Armadale and Hillarys have said, who will thumb their nose at the system and have a fundamental view that they do not want to be a part of it, so imprisonment is still in there as an option of last resort. They will be caught up in the system if they need to be, but at a level that is an appropriate response to somebody who is saying, "Up yours; I'm not going to participate in this system and I'm not going to pay my fine." Very well done on that particular issue.

On licence suspension orders, I was particularly pleased to see the notion of "remote" included and that people whose last known address is in a defined remote area cannot have their licences suspended. I must acknowledge that we cannot think of that only in terms of geography. It has to be about access to things like health facilities, public transport and the workplace because people living in many areas in the south west, as an example, in small communities like Mullalyup, are very isolated from the rest of the mainstream urban centres in the south west so the loss of a licence becomes a critical issue. In fact, the application of both work and development permits and licensing issues in a regional context needs to be carefully thought through to make sure that living in a region does not replicate another form of disadvantage by virtue of a lack of access to supports or opportunities.

It is not only government that can provide these opportunities in terms of work and development permits; the broader community can take some ownership of that in looking at what the opportunities might be. I know that in my own community, as in many members' communities, people under various forms of orders, including prisoners, are contributing back to the community in a range of community projects. That is an area in which the community can rise to the occasion. Garnishee orders provide a fifth limb of an enforcement warrant and appropriate arrangements can be made to garnish a person's income when they have capacity to pay and to do that at a level that shows capacity to pay.

That concludes my comments on this bill. I again thank the Attorney General for bringing forward the legislation. I note it has been a long, long time coming. It is well overdue but better late than never. Thank you, Attorney General. I commend the bill to the house.

**MS C.M. ROWE (Belmont)** [11.33 am]: I am really pleased and proud to be speaking on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. I would particularly like to acknowledge the work of the Attorney General in introducing this bill because it rectifies a terrible injustice in the way fines are enforced and recovered currently in WA. This bill seeks to introduce a number of important changes but the principal issue is that people should not be jailed for non-payment of fines. Sadly, as is often the case, it takes a dramatic or a tragic incident to instigate such changes, and that is exactly what initiated the changes borne out in this bill.

In 2014, as many other people have mentioned, an Aboriginal woman, Ms Dhu, was arrested for unpaid fines of about $3 600 and was to spend four days in prison to expiate the largest of her fines. She was a victim of domestic violence and tragically died in custody due to an undetected infection in her rib that her partner had broken three months earlier in a violent incident. Upon investigating Ms Dhu's death, the State Coroner at the time recommended reforms be made to the Fines, Penalties and Infringement Notices Enforcement Act.

I want to note in this house some of the circumstances around her death. It is 30 years on from the Royal Commission into Aboriginal Deaths in Custody, but we see this still happening in 2014. It is really important. The coroner said that when he saw footage of her treatment in the jail, he found it profoundly disturbing. When she was asked about her level of pain out of 10, Ms Dhu said it was 10 out of 10. Yet when she was taken by the police officers to hospital

in Port Hedland, they told the nursing staff they thought she was faking it. I refer to an article in *The Guardian* headed "Ms Dhu endured 'inhumane treatment' by police before death in custody-coroner". Some of the nursing staff said, "This could be withdrawal from drugs". The article refers to her being dragged out of her cell and arriving in hospital with her head falling back on the wheelchair and her feet dragging along the floor. However, staff, whether they were at the hospital or were the police, failed to acknowledge her pain. I think a lot of that had to do with her Aboriginality. It is a real blight on our system and I wanted to note that now, 30 years on from the Royal Commission into Aboriginal Deaths in Custody. The only positive out of that is that we are here today talking about this very important change to an act that, hopefully, will mean these kinds of incidents never happen again in the state of WA.

One of the two recommendations the coroner made subsequent to Ms Dhu's death was that imprisonment for unpaid fines should be subject to a hearing determined by a magistrate. Further, she recommends that orders other than imprisonment must be available. Imprisonment should be the last resort available. That is exactly what this bill seeks to provide. It is a total injustice that someone, especially vulnerable people—victims of domestic violence, people experiencing extreme poverty and disadvantage on a range of levels, such as Ms Dhu—should be imprisoned simply because they cannot afford to pay a fine.

The changes contained in this bill are required to stop the disproportionately punishing effect the Fines, Penalties and Enforcement Act 1994 has on Western Australia's poor, vulnerable and First Nation people. As highlighted by the Law Society of WA in its briefing paper of April this year, headed "Imprisonment of Fine Defaulters", WA is the only state that continues to incarcerate people for non-payment of fines. The effect of this approach is costly to WA from a social but also from an economic perspective.

I would like to take this opportunity to express my sincere condolences to the Dhu family for the tragic loss of their beloved family member in 2014, and, as I have said, I really do hope this bill goes some way to preventing similar tragedies. However, from research, it seems there is still a long way to go on this front. It points to the urgency and requirement for changes to this act.

I read in ABC news that Ms Keenan Dickie was imprisoned, also an Indigenous woman, who presented to police because she had been robbed. She also is a victim of domestic violence. When the police attended to her—her phone had been stolen and she had been assaulted—they told her she needed to go to a police station the next day because she had outstanding fines. She went to the Mirrabooka Police Station the very next day, willingly, and was arrested on the spot for those unpaid fines. I quote from an article that appeared on the ABC news website on 25 September this year. She said, "I was absolutely terrified." This was the first time Ms Dickie had been to prison. Only in WA can a victim of a violent crime be jailed for outstanding fines before the crime of the assault can be dealt with, even when the victim is suffering injuries. In the article I referred to she spoke of the pain of being put into a police van with what turned out to be a broken rib and taken to prison. Although many of the most disadvantaged groups in our community are affected by these laws, as many have pointed out, the group most affected is Indigenous women. Single mothers are being incarcerated in growing numbers for outstanding fines. Other members have already referred to the article titled "The Hidden Punitiveness of Fines" published in 2018 by Julia Quilter, from the University of Wollongong, and Russell Hogg. It outlines that converting fines to imprisonment has without a doubt had a devastating and disproportionate impact on women, and overwhelmingly on Aboriginal women. According to the article, in 2013, one in every three women going to prison did so solely to clear fines. Between 2008 and 2013, the number of Aboriginal women incarcerated for fines increased from 101 to 590. That is a staggering 480 per cent increase. Another totally unacceptable statistic is that the number of Aboriginal women going to jail for fine default climbed a shocking 576 per cent, from 33 in 2008 to 223 in 2013. According to this article, only 15 per cent of the prison population is female; however, women make up 22 per cent of the fine defaulter prison population. These statistics really paint a very dismal picture of the current system in which fine defaulters are jailed. It is crystal clear to me that the impact of these unjust laws is borne by women, and Indigenous women are consistently over-represented in the female fine defaulter prison population, with 64 per cent being Aboriginal. In many instances, women who have found themselves in prison for fine default have experienced many hardships, as mentioned already, including intergenerational poverty, domestic violence, drug and alcohol abuse, unemployment and sometimes all of the above. The presence of mothers, as with all mothers, is critical to the welfare of their children. Removing them as carers is entirely wrong and has untold effects on them, their children and, of course, extended families. The children need their care and mothers often have to rely on others in the community to care for their children.

Importantly, this bill will require only a magistrate for the Fines Enforcement Registrar to make the decision to jail a person for a fine default, and, critically, only as a last resort, instead of jail being the first and immediate option. The bill introduces a statutory concept of hardship that includes mental illness and disability, experience of family and domestic violence, homelessness, drug and alcohol problems, and financial difficulties, which will now be taken into consideration. That point on hardship is of paramount importance. There are two ongoing campaigns to assist those caught up in the net of the current fine incarceration system for fine default, including Free the People and Free Our Fathers. Free the People is a campaign organised by Sisters Inside, run by CEO,

Debbie Kilroy. She is a well-known social campaigner and a leading advocate for the human rights of women and children through decarceration. This campaign has been incredibly successful and more so than I think Debbie would have expected. It has received worldwide attention and has received donations up to $450 000. That is from 8 500 donors. The goal is to reach 10 000 donations, and I think it is very much well on its way to doing that. This money will go towards women who find themselves incarcerated due to unpaid fines.

The compounding cost of fees and charges related to warrants following the non-payment of fines is huge and unpayable by many single Aboriginal women and mothers. As described by Debbie Kilroy on the GoFundMe page —

> The average cost for each warrant is approximately $3000. This includes the actual fine amount and then there are fees and costs added by the Infringement Registry. For example one woman had $9555 of fees and costs added to her original fines. The fees and costs are very expensive and the Registry will not negotiate to reduce the fees and costs. The fees are added for administration fees and the costs are the actual cost for each warrant that is released for each fine.

One can see that at $250 a day, for costs of this magnitude, it would take at least 40 days in prison to pay for the fees and costs alone. When the debt is managed by debt collection agency Baycorp, payment of fines by a third party directly to Baycorp to secure release from jail is not an option and the person simply remains in jail.

Free our Fathers is a campaign inspired by Free the People, whereby funds are raised to pay the fines of Indigenous men, many of whom have no criminal record and have not previously been sent to jail. This is highlighted by the organiser, Mervyn Eades, whom I know well as his business is located in my community. He is the CEO of Ngalla Maya in Redcliffe in my community and the chair of the First Nations Deaths in Custody Watch Committee. The removal of the father from a family to jail means that he is exposed to career criminals in mainstream jail. He is worried about how incarcerating fine defaulters affects them. When Mr Eades started his campaign, he was able to instigate the release of two fathers within 24 hours because they had no prior criminal record. The campaign has the support of the national coordinator of the national trauma recovery project, Gerry Georgatos, who is reported as stating on NITV news in February this year —

> In Western Australia people can be incarcerated for the inability to afford fines, so if they fall behind or they breached an agreed payment plan, they can be incarcerated …
>
> The laws need to understand that fines have to be affordable for everyone … We have thousands of warrants out there but [people] can't afford to pay their fines.

This bill seeks to address the problem of seizing drivers' licences in lieu of the payment of fines. This has a particularly devastating effect in remote and regional areas, as other members have already touched on, where there is very limited, if any, public transport and reliance on personal transportation via car and so forth is much, much greater. Once a licence is seized, a person in a remote or regional area has absolutely no means of transport, and that leads inevitably to driving unlicensed and therefore potentially additional fines.

The system of jailing for fine default was extensively reviewed in 2016, with many of the problems highlighted in the report "Fine defaulters in the Western Australian prison system", released in April 2016. The rate of jailing fine defaulters has increased significantly as a result of people's inability to pay and has led to the incarceration of a higher proportion of Indigenous men and women, many of whom have no previous criminal record or jail time. As well as reforming the current act of 1994, this bill will seek to expunge all unserved warrants of commitment, and anyone in prison for fine default alone will be released within 24 hours.

The Law Society of WA also stated in its briefing paper that the current act is not consistent with the recommendations of the Royal Commission into Aboriginal Deaths in Custody. With Australia's poor record of reform following the recommendations of the royal commission, which concluded 30 years ago, one can see the urgency of the reforms in this bill to assist in preventing another tragedy similar to Ms Dhu's.

I think it is fair to say that the current laws are a severe blight on WA and our human rights record, and have a disproportionate impact on the poor, disadvantaged and vulnerable and, especially and particularly, on Aboriginal people in WA. I commend the bill to the house.

**MS J.M. FREEMAN (Mirrabooka)** [11.49 am]: I am really pleased to stand here and speak about the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. However, in a way it is really sad that we have to look at changing these laws because the way we administer fines in Western Australia has led to deaths in custody. It seems to me that this legislation is a commonsense approach to the pursuit of fines. We hear on talkback radio about the number of people who have not paid fines. It is an issue that has perplexed this and previous governments. The expectation is that we control aspects of our civil society by fining people who do not comply with laws—not only laws about parking or driving and much more serious laws incurring higher fines and penalties, but also laws about how we register our dogs and cats. We all know that for a variety of reasons some people do not pay those fines, and that is a complex issue. Later in my contribution, I will talk about some of the reasons why people may not be able to make appropriate arrangements to pay those fines when they are still at an affordable amount. I see no good reason to imprison people for these sorts of fines.

I do not know what members think, but it seems to me that there are many more fines now than there were when I was growing up. Maybe I just did not get myself into much trouble! We seem to want to fine people into good behaviour, and sometimes those fines can become really difficult and complex for people who have ongoing difficulties organising their lives, maybe because they are unemployed or dealing with other social issues. Fines become one of the issues that least concerns them.

The member for Kingsley pointed out an issue highlighted by the television broadcast *Total Control*—a great piece of art that the ABC is delivering to our community—which discusses some of the broad and complex issues faced by many of the Aboriginal communities in our country, particularly in Queensland. The member for Kingsley said that Deborah Mailman turned up and wanted to pay cash for her mother's outstanding parking fines, but could not. I will come back to that later. That happens quite often in Western Australia because we do not have arrangements to pay off fines. People going in to pay a fine are increasingly finding that their fine has increased because they have missed an important date.

**Dr D.J. Honey**: Will the member take an interjection?

**Ms J.M. FREEMAN**: Yes, I will take an interjection.

**Dr D.J. Honey**: Further to the member's first point, does she think that there is some circularity here? In the early days of settlement, people were jailed for everything, so fines were introduced as an alternative to jail, but perhaps now the proliferation of fines has perversely led to more people being jailed.

**Ms J.M. FREEMAN**: Our legal and justice system has this sort of dual aspect to it. We have a really good justice system that penalises people for really serious crimes, and that is what the member for Mount Lawley was talking about. If someone harms, assaults or kills someone, the nature of civil society is that their liberty should be removed. Then there is this other side of the way that we make laws, whereby we say that this is how someone needs to behave for our civil society to operate efficiently so that we do not clog up the roads, people have private property rights and our dogs do not cause harm. Then we attach fines to that. We in this place know that we then increase the fines, when they do not seem to be acting as a deterrent. We come in here and say that they are not acting as a deterrent, but then we use the justice system to make people comply with that. A good critical discussion of how we form civil society around those things and how we want to run an efficient, cohesive and inclusive civil society without this penalty aspect to it is a really important debate.

I have raised in this house before that there are some innovative ways of enforcing fines for traffic offences and speeding and all that sort of stuff. Why are we not saying to people that if they do not have any penalties over the time that they have had their licence, in their next round we will reduce how much we charge, because administratively they have not cost us as much as someone who has had those fines? I think the member is right that throughout our community we use the penal system that we inherited from the British when it colonised Australia. That necessarily needs a much more sophisticated debate than what I can give today, but I want to get on to this matter and what happens when we try to pay infringements.

As I said, it is a commonsense approach. It is a fairer criminal justice system. Prisons should be for criminals, not those people in our community who have not paid fines. That is my view. It is supported by the Law Society of WA, the Law Council of Australia, the Australian Law Reform Commission and the Coroner's Court of Western Australia. The member for Belmont raised this issue. I was really distressed to see the imprisonment of the woman at the Mirrabooka Police Station. I have an ongoing and valued relationship with the Mirrabooka Police Station because it does important work in the community I represent. It is disappointing that what people in the community heard when that was highlighted was that the Mirrabooka Police Station had been arbitrary or cruel or harsh in its treatment of this woman, who had just gone there because she had been told by other police that she had outstanding warrants. That is a fault of the system that she had those outstanding warrants.

My understanding, from listening to the Commissioner of Police the next day and speaking to people at the Mirrabooka Police Station, was that that really distressing situation basically resulted from this unworkable legislation, whereby the police are left with no discretion. The night before, they had discretion to say to her that she had these outstanding warrants, but clearly she was in hospital and she needed to front up and talk about these outstanding fines and the warrants for those. They had a little discretion in that matter. I apologise to her as a representative of the Mirrabooka region—not of the police, obviously. The fault is not with the police. The fault for her ending up incarcerated at that point is with this place and Parliament not changing these laws.

This legislation does not totally do away with a person being imprisoned for not paying their fines, but it makes that a very last resort. It alters the process that leads to imprisonment for fines to involve greater procedural justice. It introduces work and development permits and a capacity to consider a number of hardship criteria that prevent a defaulter from making payments. As the Attorney General said in his media release —

> "This Bill draws a careful distinction between those who can pay their fines but refuse to do so, and the many experiencing hardship who cannot pay and should not face enforcement measures that further entrench them in poverty.

We know from the debate in this place about the unintended consequences of incarceration for fine defaulters. We know that 73 per cent of women fine defaulters are considered to be unemployed; 22 per cent of fine defaulters are women, who make up only 15 per cent of the regular prison population; and 31 per cent of all women in prison in 2012–13—I am sure there is more recent data—were imprisoned for only fine default. We have heard today that Aboriginal women and the Aboriginal population are overrepresented in the fine default space. This government is committed to reducing the numbers of Aboriginals incarcerated in Western Australia, which is frankly an absolute indictment on us. I am pleased that the state government, under the McGowan leadership, has made reducing the incarceration of our First Nation people a priority and a measure of our performance

This idea that a fine defaulter can compensate for their fines by spending time in prison is a fallacy, and a cost–benefit analysis shows this. An average fine defaulter spends just a few days in prison. It costs $770 a day to keep a person in prison. In the case of a short-term prison stay to expunge a fine, it costs the taxpayer $250 day, so it makes no sense. It costs the taxpayer just under $500 to incarcerate a person for not paying their fines. If a person has not paid their fines, this is not the way to compensate the taxpayer.

**Mr K.M. O'Donnell**: Do you mind taking an interjection?

**Ms J.M. FREEMAN**: I do not mind taking an interjection at all.

**Mr K.M. O'Donnell**: When people were arrested in the old days, police held them for 24 hours. If a person did one day in prison, it was for 24 hours. If a person was arrested at eight o'clock at night, they didn't get out until eight o'clock the next day. However, if a person was handed to the prisons in the morning, by midnight that was classified as one day—five past 12 is another day. A person did not need to spend two full days in prison. The police ended up taking on a process similar to that used in the prisons. When people found out about that, they were handing themselves in at 10 minutes before midnight —

**Ms J.M. FREEMAN**: I think the member has spoken about this before in this house. Perhaps he can do that again another time. There is no doubt that wherever there is a capacity for someone to game the system, they will game the system. The member for Cottesloe raised a point before about how we now fine people and that circular process. I have the view that when we bring in laws to stop certain poor behaviour, often the only people who are caught by those laws are those who 99 per cent of the time behave how we want them to in a civil society. People who are going to pervert the process will just find another avenue to do the same thing. I believe in having positive legislation. We need to start thinking about how we can encourage positive actions, rather than penalising negative behaviours, that bring about a society that we want to see.

If we look at jurisdictions such as Denmark and Sweden—I am an old socialist, so we can hold those up—we can see that they do much more of that proactive policy and legislating than we do.

I always thought that people in Western Australia had to front a magistrate if they received an infringement; that is how bad this is—I did not realise this. People in Victoria have to front a magistrate before they get a warrant of commitment. If people in WA receive an infringement and then fail to pay the fine, it goes to the Fines Enforcement Registry. If they fail to make any sort of arrangement at that point, no property is seized but their licence is suspended. If they drive, they end up in prison because they violated the suspension of their licence. The warrant of commitment is simply issued by the Fines Enforcement Registry. In other jurisdictions in other states, a magistrate has to do this. The person might not have to front up themselves but at least a magistrate makes that decision. This is just a paper issue. That procedural aspect is concerning. I am really pleased that this legislation will change that.

One of the foundations of this bill, as outlined in the explanatory memorandum, is that it will be easier for offenders to enter into time-to-pay arrangements with the Fines Enforcement Registry. I want to focus on this.

[Member's time extended.]

**Ms J.M. FREEMAN**: I do not know whether members opposite are aware of this arrangement. I certainly raised it with former government ministers. Members on this side of the house are aware of this because I have raised it in our party room meetings. This issue really concerns me. Do members know what would occur if they turned up to pay a fine, like Deborah Mailman, but they could not pay the total fine, and they wanted to enter into an arrangement to pay? They may have received a $500 fine because they pulled out into an intersection when the light was green. There was a car in front, the car turned the corner and they were stuck there. When they turned the corner behind that car, the camera flashed because it sensed that that car went through a red light. They thought they were doing something totally appropriate. If a car pulls out in front of someone, they have to stay behind the white line. That is the rule. If the person in the car who is waiting to turn beyond the white line turns as soon as the light turns red, they will not get flashed.

I do not know what the roads are like in the electorates of members opposite, but I have large intersections in my electorate in which two cars can pull out to wait and then they are both able to turn. The person in the car behind will get stung for $500 every time. The person I just referred to got stung. They did not think they were doing something illegal, but they were willing to cop the fine. They could have been receiving the Newstart allowance. Our Premier has said that Newstart is not sufficient to meet day-to-day living expenses such as rent and all those other things, including the costs involved in having kids in schools. Maybe people are on a pension and they cannot meet all their

expenses because they have medical bills to pay and things like that. If they suddenly receive a $500 bill, they accept that they have breached the law. They cannot argue with the law; it is too difficult. They front up to the Mirrabooka transport office to find out how they enter into an arrangement to pay the fine. The officer says, which is what I say when a constituent walks into my office, that they have to default on that fine. The only way they can enter into an arrangement to pay that $500 fine is to default. It will go to the Fines Enforcement Registry and then they can enter into an arrangement, but the fine will increase to $650. It is wrong, and it happens only in Western Australia.

I raised this when the opposition was in government; I have raised this while we are in government, and I was told that everyone points to another person. The police say that it cannot do anything because it does not have the system to take partial payments. Fines enforcement says that it cannot change the default charge, but the police could have the discretion to take partial payments. There must be some way a person can walk in, before it gets to fines enforcement, and say, "I want to enter into an agreement that when it goes to fines enforcement, I will start to pay it off", and then we do not attach the additional charge. Maybe that is the way to do it. It might not be a perfect science. It might not have all the bells and whistles of a proper computer system, but there must be some logical way that we can sort this.

The current Road Traffic Code, or subsidiary legislation, has no provision for part payment of traffic infringements. The only legislation that enables part payment of fines is the Fines, Penalties and Infringement Notices Enforcement Act. Again, I will put on the record that people continually approach my office with issues around fines. In June 2013, Mr Thatcher had a $150 traffic fine and as a pensioner it was really hard for him to pay it. In March 2015, two constituents, Mr Mourach-Gunning and Leslie Cucel, came in. One had a speeding fine and the other had rolled over a stop line. I was fined for rolling over a stop line once. In 2017, Mr Yambayamba was fined $300 for proceeding beyond the stop line at a red traffic signal—that is where you pull out and there are two lanes. Also in 2017, Ms Jansen was fined for speeding by no more than nine kilometres an hour. She had no income, was on a Newstart allowance and struggling to get work while supporting her autistic daughter. In June, Mr Lee was fined $550 for driving with a child under seven years old in the front seat. In May this year, Ms Jackson was fined $300 for a traffic infringement and could not afford it.

I will give members some insight into how I deal with this. I donate a sum of money to a local organisation and then say to these people, "Go to this organisation, get a payment and if you can, pay them back." But, frankly, it is not our job to pay someone else's fines because we do not have a fines enforcement system that will help these people. It is unsustainable; we need to fix the system. These people are distressed when they find out that it is not possible to pay off the original sum in instalments, although they want to. A couple of these people went to the organisation for the lump sum of money, paid the fine and then paid the organisation back in instalments. We need to fix the system. We have an imperfect system that disadvantages the economically disadvantaged and vulnerable members of our community. It makes them fine defaulters. It adds to the big number of fine defaulters that hits the front page of newspapers and is the topic of the radio shows like 720 ABC, and Geoff Hutchison says, "What are you doing about all these fine defaulters?" However, some of those fine defaulters were people who wanted to enter into part payments before they became fine defaulters.

**Mr P.A. Katsambanis**: When I made my contribution I spoke about us being bolder. I discussed the court side of that. You're talking about the infringement notices side. The court side of that—the agreement to make an instalment payment should be done on that day, or could be done anytime. They shouldn't even need to attend anywhere if they didn't have to. They could go online and make that sort of agreement.

**Ms J.M. FREEMAN**: I think you can go online and make that sort of agreement —

**Mr P.A. Katsambanis**: Without escalating the cost of the fine.

**Ms J.M. FREEMAN**: Yes, that is the point. Let us not escalate the cost of the fine.

**Mr P.A. Katsambanis**: We are totally in full agreement here. That's what I meant by bolder and bigger.

**Ms J.M. FREEMAN**: Yes, that is the point. If we cannot fix it and have a system for people to be able to make part payments, there should be a window of opportunity after they have gone into the default system to enter into a payment scheme without having an additional escalation of the fine.

**Mr K.M. O'Donnell**: Now that you are in government—I'm not being disrespectful—are there plans afoot for people to be able to pay even part of an infringement?

**Ms J.M. FREEMAN**: I understand that the Minister for Police is really committed to fixing this issue, but that the issue is bound up in the computer systems, and that is a costly fix at this time. But I understand that she is really committed; she herself has told me that she is really committed to finding a solution to this. I think the member for Hillarys is right; in flicking over to a system that allows them to pay, maybe we can be bold and investigate whether there is a window of opportunity to make it so that, even if they get on the computer and make an arrangement to pay just a week after it kicks in, they will not get an additional fine. For those people who want to pay their fine, they will not have to incur additional costs. I will lobby for that, and I hope the member for Kalgoorlie does, too.

**Mr K.M. O'Donnell**: I thoroughly agree.

**Ms J.M. FREEMAN**: Yes, let us all get behind lobbying for this.

I want to also talk about private car parking breaches of contract, or fines dressed up as breaches of contract. I could go on about this for some time, but I am running out of time. I have raised this issue with both the current and previous Ministers for Commerce—Minister Johnston and now Minister Quigley. For me, the issue began with a proliferation of private car parking management services handing out breach of contract notices and requiring payment of $65 or more per breach, under threat of clamping the vehicle if it was not paid. It is interesting to note that some places, such as the area outside the Mirrabooka ice-skating rink, have progressed straight to clamping in their no-parking areas; they do not even do the whole, "If you park here, you can only park here for four hours and if you go beyond that you will get a breach". If it looks like a fine, if it quacks like a duck—all that sort of stuff—but they cannot levy fines, because it is a private business. With regard to breach-of-contract fines, when people park at the property they have limited free parking. They pass a sign that states that they are entering into a contract with the provider to park for a limited time, and that if they overstay, it is a breach of contract. I would argue that in shopping centres and businesses that are free and un-ticketed, the $65 breach charge is not a legitimate amount for liquidated damages; they argue that it is liquidated damages for loss. I say that if the parking company were to recover a genuine pre-estimated loss, it would be around $10 or maybe $15, given that these parking areas are free; but it is instead an excessive and unconscionable sum of $65. Clearly, the $65 breach is vastly better than the cost of removing a clamp, which can be whatever the company wants to charge—$150 or $200.

I understand that the City of Stirling is currently discussing a local law ban on clamping, and it did that at Tuesday night's community and resources committee. Its intention is to consult and make a local law to ban clamping in the City of Stirling. That will then have to come to this Parliament and the Joint Standing Committee on Delegated Legislation. It may be no choice of ours if this Parliament rules that it is invalid, if it does not fit within the parameters of delegated legislation, despite the fact that it may have overwhelming support. That is of real concern to me.

Breaching a contract often results in wheel clamping, so people have to pay $65 for the breach plus the fee to remove the clamp and any other fee that is awarded.

**MR K.M. O'DONNELL (Kalgoorlie)** [12.40 pm]: I, too, rise to talk about the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. I would like to speak from a personal perspective as a former police officer. I will talk about fines, penalties and going to jail.

When I transferred to Kalgoorlie in 1984, I started out on shift as a general duties officer, but shortly thereafter, within months, I became the warrant officer. Within the police department a warrant officer is someone who gets warrants from the courts for unpaid fines, bench warrants for not turning up to court and warrants of apprehension from interstate for non-payment of fines. Basically, my job as a police officer in the 1980s was to grab the keys to the van, hop in with my hundreds of warrants, and drive around to pick people up for non-payment. I then brought them back to the station and locked them up. Many a time people go to court and get a fine. Back in the 1980s in Kalgoorlie–Boulder, the courthouse, in its wisdom, did not produce warrants gradually; that is, it did not write up the warrants that were outstanding every week and pass them on. It could be months before we got the warrants, and I am talking about a bible-thick pile of warrants; it was huge. I would then spend the next day writing the police pages to attach to each warrant.

When I first started, for some warrants, one day equalled $5. By the time I left I saw that one day equalled $200. How times have changed. I was telling the member for Mirrabooka that when I first started arresting people on warrants, one day meant 24 hours and two days meant 48 hours, but for three days they got a discount of one day. In the old days we kept people in the police lock-up for 24 or 48 hours. The prisons did not want anybody in their custody for that short a time. They could not refuse us, but we had a memorandum of understanding in the goldfields to not take prisoners out to the prison. That meant police, who were not trained to be prison officers, had to keep custody of those prisoners. If a warrant was not served, we sent it to the central warrant bureau in Perth, where it would be held until that person came to our notice days, months or years down the track. Sometimes people would even bob up in the eastern states. They would change the address on their driver's licence over there and, bingo, we would get an alert and send the warrant over. If a warrant came here from the eastern states and we approached the person, there were only two alternative outcomes. One was that they could give us the money that the interstate jurisdiction wanted for the non-payment of fine. If they said that they did not have the money, they would have to be arrested there and then, on the spot. When I did not apprehend them one time, a commissioned officer told me that I could be prosecuted for neglect of duty. I always believe in time, place, circumstance and the CSA—the common sense act! I ask the Attorney General: if other states and territories have fines enforcement legislation, will they continue to send warrants of apprehension to Western Australia? If we do not jail people for unpaid fines, will we still jail people from states such as New South Wales and Victoria who have outstanding fines? Most of the warrants I got from other states were for speeding, parking and electoral fines and did not warrant jail. That was my opinion, but I had no say in the matter. I have a say now and I agree with the government on this issue.

In my time I arrested a shedload of people for warrants—thousands and thousands. In some instances, those arrests were thoroughly deserved and I thoroughly enjoyed making them. I loved it, because some people cause so much grief to a community and I enjoyed arresting them whenever I could. That does not mean that I picked on them, but my face lit up when I saw their name on a warrant. A week before the fair came to Kalgoorlie and Boulder, I pretended that I did not see the person concerned, but I happened to see them the day before the fair. Seven days in the bin while the fair was on was a good result but, of course, that occurred hypothetically!

The police got warrants of commitment from the courts for fines, and it was money or the body. We also got given warrants of execution, and it was money or property. That eventually changed when a sheriff started doing that sort of stuff. I have arrested many people for disorderly conduct—fighting, urinating and swearing in the street—many of whom were first-timers who were not able to pay their fine. It will be good that people will have an alternative. The previous government brought in work and development orders, which meant that whenever a police officer arrested an offender on a warrant, as soon as they got to the lock-up they could say, "I want to do a work and development order." The police would then have to spend time filling in forms so that the person could do a work and development order, which they had no intention of doing but they just wanted to get out of the lock-up. The warrant would come back and we would start all over again. We would arrest them, but this time they could not do a work and development order. When I saw that they were going to introduce work and development permits, I thought, "Yes, I do agree with them", but after my reading of the legislation, I strongly recommend that the police have no part in that. I would have pushed to make sure that that never happened. I see that the Fines Enforcement Registrar will be doing that, which is a good thing, because the time it takes the police to fill in forms so that an offender can do a work and development is a disgrace. I hated them. They annoyed me and were a waste of our time when people wanted us on the road.

When somebody is arrested on a warrant, they have to be placed in the back of a van, taken to the police station and processed, which is, again, time consuming. Once the police officer has done that, at times the sergeant will say, "Drive them straight out to the prison." That person is then put straight into the prison system, and some of them are in prison for the first time ever. They have not been violent; they have not murdered, killed or raped anybody. They are not drug dealers, violent criminals or perpetrators of domestic violence. They were charged with disorderly conduct by swearing and have a $500 fine and the next minute, they are looking at eight or nine days, whatever it is, in prison, and straightaway they have to go to prison. They are mixed in with hardened criminals. They are not put in the remand section with people who are awaiting court appearances et cetera; they are in the sentenced section with the murderers, rapists and violent criminals. Some people say that they deserve it, but if we look back on the minor infringements and penalties, we see that people do not deserve that. Nobody tends to win out of that. The person going into jail does not win. His or her family does not win. The kids are without one of their guardians or parents. It is not on.

I would say 99 per cent of the warrants that I wrote when we could not find the person and serve the warrant were for very nomadic people who were hard to locate. I would just send it back to Perth where it would sit. For about six months in 1990 I did a stint in Perth, which was very unusual for me as a police officer, at the central warrant bureau. Again, my job was as a warrant officer, to go around East Perth, the city and Highgate serving warrants on people and getting their money. At some businesses I put stickers on items of property in their shop and said that they could not sell those items until they had paid their fine. One day at the bureau I was bored, so I started going through warrants that were 20 or 30 years old and I started doing searches on the computer. The police department had entered some people two, three, four, five, up to 15 times. When I put their name in, they came up, so all of a sudden I started to match people with the warrant and send the warrants out to addresses where they were believed to be. It opened up a can of worms, because all of a sudden people were getting warrants from 20 years ago. They were being resurrected. It was in the media, but no-one asked me, "Was it you who did it?" No-one asked, so I did not say. But I kept doing it and I was clearing it. Also, 20 years after the fact, people would invariably have the money to pay the fine, which they did.

Did I take gratitude out of arresting people for fines? For a few people, yes, I did, and I would say there are police out there for whom it would be the same. But, overall do we enjoy it? No, we do not. Sending people to jail for fine defaulting is not viable. I do not believe it is acceptable, and it is not warranted or justifiable in this day and age. I thoroughly agree with the government on this one. Other people will say that if we do not jail them, it is a waste of time and we are just letting them do what they want. No; I hope and wait to see all the different initiatives that the government will bring forward as alternatives once this bill comes into law. I hope that volunteering will be included. As an example, the country is not like the metropolitan area, but I would say that volunteering in the country would be good. If somebody has to pay a fine, they could do a shift at St Vincent de Paul Society and help with cleaning and moving things around. They could be sent to Foodbank to help stock the shelves. Some people think that is a waste of time. To me, I firmly believe that once a person volunteers, they will want to do it again and again. The first time I volunteered, I was smitten by it. I thoroughly enjoy volunteering whenever the opportunity comes up. We should use initiatives like that. People could help tidy up cemeteries, or help remove rubbish on roadsides. People could go to alcohol and drug lectures or meetings. I do not think they should get a pass just for turning up. If they are not involved, not trying and not making an effort, they should not be allowed to cut out their fine.

Prison is for punishment; I do not think anyone would disagree with that. We need to have prisons, sadly. It would be great if we did not need them. However, I would prefer prisons to be used for murderers, rapists, violent criminals, drug dealers, and even domestic violence perpetrators, not fine defaulters. Jail should be used as a last resort.

When I was a young police officer, I sat in court many times, and when I heard the magistrate talk to the offender and their lawyer about possible alternatives, I would think, "How hard is it? Put them in jail. It's not that hard." That was my opinion when I was young, but now that I have matured—not got old, but matured—I believe that we need to look at alternatives.

[Member's time extended.]

**Mr K.M. O'DONNELL**: I believe that people throughout the state accept what the government is trying to do in this bill. We should allow this to proceed. Let us run with it. If it does not work, in years to come, down the track, a government may revisit it and change the rules. I reckon we should run with this and give it a go. I believe that a community can in some way be gauged by how many prisons and prisoners it has. In the goldfields, we have one prison. If we had to have two, that would be very embarrassing. The brand-new prison in Kalgoorlie–Boulder is hardly utilised. That is a good sign. One block has not been opened, and I hope it will not need to be opened.

I have a few questions about this bill. How much money has been written off or is not expected to come in once this bill comes into law? Previously, people would pay fines, and people will still pay fines.

**Mr P. Papalia**: They are not the ones we are talking about—it is the ones who are not paying their fines.

**Mr K.M. O'DONNELL**: Yes. There will always be a percentage of people in the low socio-economic field who will not pay their fines.

**Mr P. Papalia**: And who end up in prison.

**Mr K.M. O'DONNELL**: Those people should be dealt with in some way. Predominantly, this bill will help a lot of people. That is my opinion. I would love to find out the figure, going forward, of how many people who do not pay their fines are recidivists. I hope there is a double-figure percentage of people who do not default again on paying their fine.

I note in the bill that the registrar will take on a lot more work—the registrar will do this, the registrar will do that, the registrar will send out this letter et cetera. Will those registrars be budgeted for increased staff? Instead of a situation in which fines come through and the registrar just accepts money, and issue the warrant if the fines are not paid, now they are going to be sending out follow-up letters, ascertaining whether a person meets the criteria for hardship, and various other things. I assume that, when people pay their fines, the Department of Justice receives money back into its coffers to run its operations. Will it now get more money to compensate for what it will not get? If the money is going to come in to supplement that loss of income, where will it come from? What department will be doing the work and development permits? I am assuming it will be corrective services. I hope that the police play no part whatsoever in work and development permits, or completing any forms once a person has been arrested. My reading of this is that everything is done before a matter gets to the stage of a warrant. Once it reaches the warrant stage, that is the end of it. It is the money or the body—one or the other. I also hope that we can spend more money on various initiatives, so that those offenders who are copping the fines and not paying them are taught financial management so that, should they want to pay off the fine in the future, they can do so.

**DR D.J. HONEY (Cottesloe)** [12.42 pm]: I rise to make a very small contribution to this debate on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. I note at the outset that, along with the rest of the opposition, I support the bill. This is an interesting topic, which can be seen from the size of the bill. This is a relatively straightforward concept, but this is quite a thick bill that takes some effort to go through. I suspect that is due to the technical nature of fines and how they are applied. However, there is a question of how we drive behaviour. I enjoyed the contribution of the member for Mirrabooka on this topic, and I resonate with her views that we need novel solutions. One of the problems we have as a collective group of legislators is that there is a temptation to engage in a race to the bottom, if you like—or perhaps it is a race to the top—on how harsh we are going to make a penalty. I think, in part, this is driven by the current format of the news cycle. The government of the day is looking to say that it has done something about a particular problem, issue or behaviour that it wants to stop, and that the community is concerned about, and looks to apply a fine. It can be seen that there can be some justification. We are trying to achieve a modification of behaviour. Someone or some group is doing something that we collectively think is undesirable. We do not want them to do it, but how do we achieve a suitable outcome? I have a great concern personally about this race to the bottom, or race to the top, depending on how we want to view it, for more severe penalties. For a lot of people, whether a penalty is $1 000 or $10 000 is immaterial. Once it has a few zeros on the end of it, it is an insurmountable obstacle for the person. It will not modify their behaviour any more or any less if more zeroes are added to the end of it. It will simply create another problem that the government is trying to deal with in this legislation; that is, once it is a certain amount of money, they have to be jailed if they do not pay it. Obviously, the government is looking for solutions here.

We do need consequences for actions. We do want to achieve a modification of outcome, and that means there needs to be either consequences for actions or some reasonable certainty that the person's behaviour is going to be modified in some other way. The bill addresses some of that. It looks at the potential for someone who has committed an offence that is fineable to participate perhaps in a detoxification program or some other program that allows them to modify their behaviour. Otherwise, for some people, simply a consequence for an action will modify their behaviour. There needs to be a subtlety to it.

In the middle of this year, a number of members from my party visited Kalgoorlie. We spoke with some of the shopkeepers. The police in Kalgoorlie have adopted a practice that if the value of shoplifted items is less than $500, they will not charge the person who is responsible. It turns out that it is predominantly kids who are carrying out the shoplifting, and they have great acuity in mental arithmetic! They can add up a basket of items that they have picked up off the shelves with no intention of paying for them. They can add that up and determine that it is below the $500 threshold. In fact, a number of shop owners recounted to us that groups of children were saying, "Right; we're at $497—let's leave." In that case, there was a genuine attempt by police to limit the number of particularly children who are interacting with the law. We spoke to one business owner in particular who produced little knick-knacks. That business shut down because so many groups of children were stealing $499 worth, or whatever, of goods; below the $500 threshold. They walked out and did not receive any consequences for their actions, and it was quite devastating. People in sports goods stores were really suffering as well.

I guess in all of this we do want to have some consequence, but I absolutely resonate with the point that jail should always be the last resort, unless it is the most egregious behaviour. In large part, jailing someone for this sort of penalty is not going to, in the great majority of cases, make much difference to their behaviour, unless it is someone who is perversely refusing to pay a fine—that is, they can afford it but they are just doing it to rail against the system.

**Mr P.A. Katsambanis** interjected.

**Dr D.J. HONEY**: Yes, rage against the machine, member for Hillarys.

Otherwise, I can see very little benefit. As a number of members have pointed out, quite the opposite in fact—sending people to jail in many cases is purely a way to educate them to be better criminals. In fact, far from society being protected or being improved by that action, we are making society worse because we are taking someone who was a minor offender and turning them into a person who could be a serial offender, particularly in the criminal area.

In public debate during my lifetime, I do not think I have ever observed a greater trend to less tolerance in the community. It is funny; in a lot of ways people say they want a more tolerant and open society, but in fact there seems to be less tolerance for a diversity of behaviour and a greater propensity to impose penalties—actually, legal penalties on people for behaviour and for what they say. I think that part of how we deal with this issue is to have a much greater tolerance and a genuine acceptance of diversity of behaviour. Referring again to the 20-second grab that seems to drive so much of public discourse, collectively we need to have a greater investment in other ways to deal with people's poor behaviour. Again, I refer to the antisocial behaviour in Kalgoorlie, although it is an issue in a number of communities. Many of the issues that arise out of antisocial behaviour are fineable but, in fact, the cause of that antisocial behaviour is groups of people who have nothing to do and nowhere to go.

Debate interrupted, pursuant to standing orders.

[Continued on page 8944.]

## WILLETTON BOWLING CLUB

*Statement by Member for Riverton*

**DR M.D. NAHAN (Riverton)** [12.50 pm]: I am delighted to acknowledge and congratulate the Willetton Bowling Club, its president, committee and general members past and present. I think I can safely say that after 30 years with barely any facilities, the club is now one of Western Australia's premier bowling clubs with everything a bowler could want.

When I was first introduced to the club some 12 years ago, it was clear to me that the club was well managed and enthusiastic but held back by a lack of infrastructure. The clubhouse was a used donga, the storage facilities were a sea container and the grass on the greens was wilting and needed work. We got to work right away. One of my proudest moments, as patron of the club, I might add, was in 2014 when we opened the new clubhouse. In 2017, with the assistance of the member for Tangney, Ben Morton, we opened the first synthetic green. Four weeks ago, we opened the 12-rink synthetic turf and lighting project as part of the regeneration of the Willetton Sports and Community Centre precinct. State, federal and local governments cooperated with the club on each of these projects. In each case, not only did the club put its own money at risk, but also collected money from friends and the community and club members leaned against the shovel. When in some areas clubs of this type are diminishing, the Willetton sports club's membership has doubled.

## SCHMITT ROAD BUSHLAND

*Statement by Member for Kalamunda*

**MR M. HUGHES (Kalamunda)** [12.51 pm]: I thank the Kalamunda community for joining me to take action to stop residential development on the Kalamunda Railway Heritage Trail that runs through the Schmitt Road bushland. Last year, following my representations to her, the Minister for Planning halted the sale of the urban-zoned Schmitt Road bushland by the Western Australian Planning Commission. The McGowan government has negotiated with the City of Kalamunda to ensure that the land will be reserved for public use. The outcome is a win–win for our community because the agreement also involves the repurposing of land at Heidelberg Park for a new aged-care development that will provide a home for people to choose to age in place in the hills. This helps fulfil a specific election commitment of mine to find suitable land in the district for residential aged care.

I believe this decision is a good example of getting the job done, preserving a cherished community amenity and providing much-needed land for aged care. I would like to pay tribute to local aged-care advocates Malcolm Roberts, Candy Gordon, Bev Love and, in particular, Iris Jones, who have lobbied tirelessly for more than 20 years on identifying suitable land for residential aged care, and to Tracey Sandercock and Narelle Unger for their commitment to preserving the Schmitt Road bushland.

## ARMENIAN GENOCIDE — GEORGE TRELOAR

*Statement by Member for Hillarys*

**MR P.A. KATSAMBANIS (Hillarys)** [12.53 pm]: I commend the House of Representatives of the United States of America for recently passing a resolution recognising one of the greatest human rights atrocities of the twentieth century—that is, the Armenian Genocide.

History records that from around 1914 to 1923, as the Ottoman Empire was collapsing, there was a systematic targeting for death or deportation of Armenian people living in the area of Asia Minor now known as Turkey. At the same time there were other ethnic groups that were similarly targeted, including the Assyrian community and the Greeks, especially those from the Pontos region. It is estimated that around 1.5 million Armenians, 300 000 Assyrians and 750 000 Greeks were systematically murdered over the decade. Millions more were displaced, which created one of the biggest refugee crises of all time.

One of the people who dealt with the aftermath of this refugee crisis was George Devine Treloar, DSO, MC, who was the Commissioner for Refugees for the League of Nations. Treloar was a decorated Australian war hero who worked tirelessly across northern Greece to help resettle the fleeing refugees. Following his great work in Europe, Treloar and his family settled in Western Australia. He became a well-known radio commentator in Perth and stood as a candidate for the Liberal Party in the Legislative Council seat of West Province in 1950. Fittingly, Treloar's work dealing with the aftermath of these horrific genocides was commemorated earlier this year with the dedication of a statute in the main street of his place of birth, Ballarat. Like Treloar's wonderful work, we should never forget the atrocities and horror of the Armenian Genocide, the Assyrian Genocide and the Pontian Greek Genocide. Lest we forget.

## JANDAKOT ELECTORATE — MULTICULTURALISM

*Statement by Member for Jandakot*

**MR Y. MUBARAKAI (Jandakot)** [12.54 pm]: The year 2019 has been a significant milestone in many ways for our diverse multicultural community. The electorate of Jandakot is a shining example of migrants calling WA home. The following communities showcased their deep heritage and cultural celebrations as part of the wider Western Australian community. I thank them for their continued contributions. The Chinese community is represented by the Chung Wah Association, which celebrates 110 years as an association and 190 years since the first Chinese migrants called Western Australia home. The Baha'i community celebrated the bicentennial of the Bab, and next year will celebrate 100 years since the arrival of the first Baha'i migrants in Australia. The Sikh community celebrates the 550th anniversary of Sri Guru Nanak Dev Ji, and over 180 years since the first Sikh migrants came to Western Australia. The Indian Society of Western Australia has existed in our community for nearly 51 years, and here in Parliament we recently celebrated the fourth Diwali event, organised by Baps Swaminarayan. The Leeming Spartan Cricket Club celebrated its maiden century. In 100 years as a club, the Spartans have engaged our community in the chance to play our beloved sport of cricket while building lifelong friends. WA is a multi-religious, multiethnic and multicultural state.

## KATANNING VOLUNTEER FIRE AND RESCUE SERVICE

*Statement by Member for Roe*

**MR P.J. RUNDLE (Roe)** [12.56 pm]: On 31 August, over 100 people, including current and past firefighters, members and affiliates, came from across the state to gather in Katanning to celebrate 100 years of the Katanning fire brigade. The Katanning volunteer fire brigade was formed in 1919 at a meeting held in the town hall, in answer to calls by the community for a local fire brigade. One hundred years on, the Katanning Volunteer Fire and Rescue

Service continues to serve the community with 20 current members who take time away from their families and jobs to volunteer and protect this community. Along with the fire station open day and a celebratory dinner held at the Katanning Leisure Centre, the weekend-long event celebrated 15 long service medal awards and two life memberships—a combined total of 175 years of service, which is an incredible achievement.

I would like to take this opportunity to congratulate all the award winners and life members. For five years of service, the medals went to Blake Anderson, Cameron Punch, Joanna Steel and Ben Watson. For 10 years of service, the medals went to Stephen Brooks, Aron Burnett, Shane D'Aprile and Paul Walsh. For 15 years of service, and receiving life membership, medals were awarded to Christopher Brooks and Finley Leach. Congratulations to Greg Brooks for receiving the 25-year long service medal. Congratulations also go to Captain Trevor Watson, in his twenty-fifth year as captain, who was awarded the 30-year long service medal, alongside Robert Gairen. I would like to acknowledge current Katanning VFRS members who raised the money to research local fire station history and who organised a great event.

## TAKARI PRIMARY SCHOOL

*Statement by Member for Balcatta*

**MR D.R. MICHAEL (Balcatta)** [12.57 pm]: Congratulations to Takari Primary School in Balcatta for reaching 50 years of excellence in education. Takari Primary School was officially opened on 6 December 1969 by the then Minister for Education, Edgar Lewis. Coincidentally, his granddaughter, Catherine Van Delft, now works at the same school as the manager for corporate services. The education department originally named the school North Balcatta; however, a determined parent group researched alternative names at the Osborne Park Library and decided on the name "Takari", which is thought to be an Aboriginal word meaning tomorrow. The initial enrolment in 1969 included children only in years 1 to 5. The school size gradually increased to kindergarten to year 7, with the first class graduating in 1971.

Today, the school has 178 enrolments, which is small in comparison with many primary schools, but that is what makes Takari such a special place. I have had the privilege of visiting Takari on many occasions and have witnessed the warm, friendly and community-minded feel when walking into the school. Being a small school, everyone knows each other and children of various ages and years play together. The parent body is a very supportive group, and the P&C groups over the years have funded essential equipment and resources to enhance student learning and wellbeing. Most of the teaching staff have been at the school for long terms, including Mr Patterson and Mrs Williams, who have been at the school for 29 years, which tells me that it is a great place to work.

I sincerely wish Takari another 50 years of educating children from the Balcatta area and look forward to celebrating with the school on Saturday. Thank you to the Takari year 6 student councillors, Sofija Nikoloska and Faith Patrick, for writing this member's statement for me today.

*Sitting suspended from 1.00 to 2.00 pm*

## VISITORS — EAST WANNEROO PRIMARY SCHOOL

*Statement by Speaker*

**THE SPEAKER (Mr P.B. Watson)** [2.00 pm]: On behalf of the member for Wanneroo, I would like to welcome the staff and students from East Wanneroo Primary School who are in Parliament today.

## QUESTIONS WITHOUT NOTICE

GIFTED AND TALENTED PROGRAMS — INTERNATIONAL STUDENTS

**1049. Mrs L.M. HARVEY to the Premier:**

Mr Speaker —

Several members interjected.

**Mrs L.M. HARVEY**: Thank you! Thanks for your support!

**The SPEAKER**: Thank you, members!

**Mrs L.M. HARVEY**: I refer to the government's plan to relinquish 35 gifted and talented education places at Perth's schools to foreign students. Given these places are extremely competitive, how can the government possibly provide places for foreign students without displacing Western Australian students?

**Mr B.S. Wyatt**: The race card.

**Mr M. McGOWAN replied:**

It is interesting the card the Leader of the Opposition is playing there. We have had three full sitting days without a question from the Leader of the Opposition, and when she does ask a question —

**Mrs L.M. Harvey**: I asked one on Tuesday.

**Mr M. McGOWAN**: No, there was no question on Tuesday, my friend; that is the thing. There was no question from the Leader of the Opposition on Tuesday. There was no question on the previous Thursday. We have to go back to the previous sitting week, on Wednesday, 30 October, since we have heard a question from the opposition leader. In any event, we have had foreign students in Western Australian schools going on 40-plus years. As I said publicly, when I was at high school, we had a Japanese student in my class in year 12 on exchange. We have had international students coming to Western Australia for a long time.

**Mr A. Krsticevic**: You're from New South Wales.

**The SPEAKER**: Members, I want to hear this.

**Mr M. McGOWAN**: What is the member's point? It has been the same here.

**Mr A. Krsticevic** interjected.

**The SPEAKER**: Member for Carine, I call you to order for the first time.

**Mr M. McGOWAN**: I did go to school in New South Wales, that is true, and there were international students there. There were international students at high schools here at the same point in time. Our public schools and our private schools have had international students since at least the early 1980s. The scheme in question is not unusual. Obviously, if there was demand from local students, there would be no displacement by international students of those local students.

GIFTED AND TALENTED PROGRAMS — INTERNATIONAL STUDENTS

**1050. Mrs L.M. HARVEY to the Premier:**

I have a supplementary question. Why is the government denying Western Australian children opportunities in the gifted and talented education programs that it is giving to foreign students?

Several members interjected.

**The SPEAKER**: Members!

**Mr M. McGOWAN replied:**

I just answered that question. As the Minister for Education and Training has said repeatedly, there is no displacement by international students of local students who are eligible for those courses.

**Mr S.K. L'Estrange** interjected.

**Mr M. McGOWAN**: Who interjected then?

**Ms R. Saffioti**: Churchlands.

**Mr M. McGOWAN**: Clearly, the member for Churchlands would not have been in the gifted and talented program.

Several members interjected.

**The SPEAKER**: Members!

**Mr S.K. L'Estrange**: You are a joke!

**The SPEAKER**: So are you! I call you to order for the first time, member for Churchlands.

**Mr M. McGOWAN**: We have a whole range of schools open to international students. In fact, we expanded the number of Western Australian schools open to international students. The reason is that when international students come to Western Australian high schools, it is more likely they will then go on to Western Australian universities or Western Australian TAFE colleges, and more likely that their families will come to visit. I have a number of friends, and even staff members, who studied internationally when they were at high school in years 11 and 12, or perhaps did year 12 twice, including once in an overseas high school. The member for Cannington and the member for Mirrabooka did, as did some of my staff. It opens your mind and gives you a range of experiences. A lot of parents and families like to see it happen. It is not an unusual thing. In fact, the best man at my wedding studied in year 12 in the United States. It is not an unusual thing. I see all these Liberal Party people shaking their heads about it.

Several members interjected.

**Mr M. McGOWAN**: The member for Riverton is shaking his head about people studying internationally! It is a bit odd.

**Dr M.D. Nahan** interjected.

**Mr M. McGOWAN**: There he is, firing off. There he goes.

Several members interjected.

**The SPEAKER**: I call you to order for the first time, member for Riverton. I am on my feet. Everyone else, I am on my feet.

**Mr M. McGOWAN**: Students have studied internationally for decades. Western Australian students have studied internationally for decades. It is a good thing.

**Mrs L.M. Harvey** interjected.

**The SPEAKER**: Leader of the Opposition!

**Mr M. McGOWAN**: Although the Leader of the Opposition is unable to comprehend it, a bit like she is unable to comprehend the fact that she did not ask a question on Tuesday, the fact of the matter is, as the Minister for Education and Training has said on numerous occasions, there will be no displacement of local students.

## INVEST AND TRADE WESTERN AUSTRALIA

**1051. Ms M.M. QUIRK to the Premier:**

Before I ask my question, on behalf of the member for Forrestfield, I welcome the students and teachers from Forrestfield Primary School; and, on behalf of the member for Southern River, I welcome the student councillors of Bletchley Park Primary School.

I refer to the announcement this morning of the establishment of Invest and Trade Western Australia.

(1) How will Invest and Trade WA assist local businesses wanting to access international markets?

(2) What will it mean for creating new WA jobs?

**Mr M. McGOWAN replied:**

I thank the member for Girrawheen for the question.

(1)–(2) This morning I addressed the *Business News Western Australia* politics and policy breakfast, with a fairly large crowd from the Western Australian business community there. I was able to inform the business audience that the budget is in surplus again and debt is going down, and we are the only state in Australia achieving that. I also informed the audience of the new measures we are taking, such as stamp duty relief, payroll tax cuts, maintenance spending and lower TAFE fees. We are also assisting Western Australian businesses in accessing trade opportunities overseas, and attracting and facilitating investment in Western Australia. We have created a new division within the Department of Jobs, Tourism, Science and Innovation known as Invest and Trade Western Australia. Invest and Trade WA will draw on and work with a range of government institutions already engaged in this area. It will use the government's network of overseas trade offices and our regional development commissions, as well as seek the assistance of agencies like Austrade and Department of Foreign Affairs and Trade. Invest and Trade WA will present a single front door for those interested in investing in Western Australia.

Several members interjected.

**Mr M. McGOWAN**: The Nationals WA does not seem to like it, Mr Speaker.

**The SPEAKER**: Members! The National Party has to remember that it is in the whole Parliament. You can have a little chat and a joke and you all laugh, but no-one else does.

**Mr M. McGOWAN**: Perhaps the National Party can ask more questions about marron!

Invest and Trade WA will present a single front door to those interested in investing in Western Australia, both physically and digitally, and ensure that investors are well managed through whichever processes they need to navigate. This is a new approach for the government of Western Australia.

In the past, as I said this morning, Western Australia has been the recipient of large amounts of investment, particularly by large companies. We are lucky that we are so well endowed with natural resources that large companies like Rio Tinto, BHP, Chevron and the like come to Western Australia and invest in large projects. I would like to see the Department of Jobs, Tourism, Science and Innovation out there looking for new investors or projects, seeking investment and having a greater can-do attitude towards allowing investment to happen in Western Australia. It has been operating in the background now for a period of time. It has fielded more than 70 requests so far. It will ramp-up early in the new year. It means that organisations or businesses that look for opportunities to obtain products from or invest in Western Australia can come through that front door, be sent in the right direction and receive some assistance.

Other states have done this. I think South Australia in particular has been successful at that, which, considering South Australia's economy, one can imagine that they have been very —

Several members interjected.

**Mr M. McGOWAN**: Are members okay over there? Okay, that is good.

**The SPEAKER**: Members!

**Mr R.S. Love** interjected.

**The SPEAKER**: Member for Moore! Do something constructive.

**Mr M. McGOWAN**: No, I do not think there are any policies on the Nationals WA website.

Several members interjected.

**The SPEAKER**: Members!

**Mr M. McGOWAN**: I do not think they have any. There are no policies. What policies?

**The SPEAKER**: Members on my right! The Premier is on his feet.

**Mr M. McGOWAN**: What policies does the National Party have? We should do a bit of a review and see if there are any there. I do not think there are.

Several members interjected.

**The SPEAKER**: Members!

**Mr M. McGOWAN**: The marron policy of the member for Warren–Blackwood!

We are providing that sort of assistance. This is a new approach for the government of Western Australia—to be far more proactive in seeking investment and seeking to help investors in Western Australia. I look forward to its success.

TONKIN HIGHWAY–HALE ROAD INTERSECTION

**1052. Ms L. METTAM to the Premier:**

I refer to the Minister for Transport's plan to prevent the people of Forrestfield from accessing the Tonkin Highway and Hale Road intersection. Given the minister backflipped on this poor decision during grievances this morning, will the Premier ask her to backflip on Roe 8 and 9 —

Several members interjected.

**The SPEAKER**: Members!

**Mr M.P. Murray**: Get yourself a life jacket!

**The SPEAKER**: Minister for Sport and Recreation, I hope we can find a life jacket big enough for you! I call you to order for the first time.

**Ms L. METTAM**: My question is to the Premier.

**Ms R. Saffioti**: I'm over here!

**The SPEAKER**: Minister, I can see you, too, okay? Thank you. Member for Vasse.

**Ms L. METTAM**: My question is to the Premier.

Several members interjected.

**The SPEAKER**: Members, I will hear the question in silence. Member for Vasse.

**Ms L. METTAM**: My question is to the Premier. I refer to the Minister for Transport's plan to prevent the people of Forrestfield from accessing the Tonkin Highway and Hale Road intersection. Given the minister backflipped on this poor decision during grievances this morning, will the Premier ask her to backflip on Roe 8 and 9, which would deliver much-needed jobs and improve road safety and congestion in the southern suburbs?

**Mr M. McGOWAN replied:**

The entire premise of the question is false and I would urge the member to ask the Minister for Transport.

Several members interjected.

**The SPEAKER**: Members! Members on my right, part of question time is for the opposition to ask the government questions. I will not have anyone interrupting, or you will be going home early.

TONKIN HIGHWAY–HALE ROAD INTERSECTION

**1053. Ms L. METTAM to the Premier:**

I have a supplementary question. Can the Premier confirm that the government's rapid backflip following opposition pressure was due to WA Labor's recent polling of Forrestfield and its recent raft of panicked policy announcements?

**Mr M. McGOWAN replied:**

I have noticed that the member for Vasse seems to be in a downward spiral of falsehoods. How she comes up with these questions that, firstly, are convoluted, and, secondly, are based on complete and utter inaccuracies, whether it is about life jackets, roads, intersections or whatever it might be, is really quite breathtaking. I would urge her to do a little bit more research. If she has a specific question about an intersection, she should ask the Minister for Transport.

STATE ECONOMY — JOB CREATION

**1054. Mr M. HUGHES to the Treasurer:**

I refer to today's Australian Bureau of Statistics job figures, which show that over 6 000 jobs were created in Western Australia last month. In the light of the national and international headwinds for the economy, can the Treasurer update the house on how Western Australia compares with the rest of the nation when it comes to job creation?

**Mr B.S. WYATT replied:**

I thank the member for Kalamunda for that very good question. Suffice to say, I think the national figures have been somewhat disappointing. By and large, there was an expectation of employment and jobs growth, yet we saw a national decline of some 19 000 jobs. That is not good. Regardless of the fact that my political opponents are in power nationally, I want to see them presiding over the creation of jobs in this nation. However, usefully for Western Australia, we are slowly returning to the position of leading the nation again. We have the strongest monthly jobs growth in the country.

**Mr D.C. Nalder** interjected.

**Mr B.S. WYATT**: The member for Bateman seems to prefer an environment in which Liberals are in power but jobs are being lost over one in which Labor is in power and jobs are being created. It is a disturbing thing. As I said, I want Josh Frydenberg to preside over a national economy in which Australians can work.

Several members interjected.

**The SPEAKER**: Member for Bateman, you have had your opportunity to ask a question.

**Mr B.S. WYATT**: That is what I want. I also want an economy in which Australians who want to increase their hours can work. I think that the member for Bateman should get onboard the fact that the WA Labor government is also very keen to create jobs. In October, WA had the strongest monthly jobs growth in the country. Some 6 000 jobs were created in October. I pointed out last time we sat, this is against some pretty significant national and international headwinds. We have seen the International Monetary Fund, the World Bank et cetera revise down expected economic growth for 2019–20. We are not immune from that and that will have an impact on us as well. One of the main reasons that we have spent so much time and effort getting our finances back on track is to ensure that we can respond to emerging pressures as we see them. We have had a range of those announcements over the past six or so weeks. I am pleased that here we are, despite, as I have said, the monthly Australian Bureau of Statistics data that is infuriatingly volatile. Also, it backcast and changed previous numbers. But what is clear, on a seasonally adjusted trend—I notice occasionally the opposition likes to refer to "trend"—both are much better than they were at the time of the election. In the last two and a half, nearly three, years, 56 000 jobs have been created as opposed to —

**Mr D.C. Nalder**: How many part time?

**Mr B.S. WYATT**: Just by way of an aside, I remind the house of this, because the member for Bateman has a memory of a goldfish: when I became Treasurer, full-time jobs were declining at about four per cent annually. They are now growing at about two per cent annually. I know he does not like that because he prefers Liberals in power and jobs being lost, rather than Labor in power and jobs being created. We have had 56 000 jobs created. We now have full-time jobs ticking along at two per cent. I want it higher, but, as I said, it is better than the four per cent decline that we saw at the election when the member for Bateman was on the back benches, after he was kicked out of the cabinet. In the last 12 months of the former government, 16 000 jobs were shed from the WA economy. This is a good sign. The member for Bateman and the opposition should celebrate the fact that Western Australians are able to find work again. We are seeing that people who want to find more hours at work are also able to do so. Why is that? It is because as the Premier said on Tuesday, we have the most confident businesses in the country and the second-best business conditions in the country. This is a good outcome when states such as New South Wales and Victoria are seeing unemployment numbers spike. We are seeing it steady and we are seeing another 6 000 Western Australians move into employment. I say to the Liberal Party that sometimes it has to get out of the naggy critique that it does on every single thing and celebrate when Western Australia is successful.

**Ms S. Winton** interjected.

**The SPEAKER**: Member for Wanneroo, I call you to order for the first time.

RACEHORSE WELFARE PLAN

**1055. Mr R.S. LOVE to the Minister for Racing and Gaming:**

I refer to the hastily put together racehorse welfare plan announced by the Minister for Racing and Gaming today and I note its reliance on this policy of the Nationals WA devised in June last year. Will the state government rip any more money out of the industry's share of the wagering point-of-consumption tax and/or the sale of the TAB to pay for this new plan?

**Mr P. PAPALIA replied:**

What an outrage. What a laughable suggestion on behalf of the member for Moore that the Nationals WA were somehow instrumental in the response to this critical issue that arose three weeks ago, and that was revealed as a consequence of the *7.30* report.

**Mr R.S. Love** interjected.

**The SPEAKER**: Member for Moore!

**Mr P. PAPALIA**: We had the fastest and the most rigorous response for animal welfare in the nation, driven by this government in conjunction with the racing industry of Western Australia. You are a disgrace, my friend. You are an embarrassment and a disgrace.

**Mr R.S. Love** interjected.

**The SPEAKER**: Member for Moore! I call you to order for the first time.

**Mr P. PAPALIA**: The member for Moore—what a joke! He should ask the racing industry of Western Australia who drove this initiative. He should ask every eligible body for harness racing and thoroughbreds in Western Australia who called them in for a meeting three weeks ago. He should ask them who told them they were confronting an existential threat.

**Mr R.S. Love** interjected.

**The SPEAKER**: Member for Moore, I call you to order for the second time.

**Mr P. PAPALIA**: He should ask them who asked a question two days ago attacking unannounced inspections of abattoirs. Who was that? That was the member's party, attacking the Attorney General for saying he was going to have unannounced inspections, which is a key element of this plan. The member is a disgrace! But he gives me an opportunity to tell him about the plan.

Several members interjected.

**The SPEAKER**: Thank you, minister.

**Mr R.S. Love** interjected.

**The SPEAKER**: Member for Moore, it is your last warning.

**Mr P. PAPALIA**: I have had it pointed out by colleagues, and it is a worthy observation, that had the Nationals WA had its way, the vision on *7.30* would not have existed. The Nationals would have locked up the journalist! The Nationals' means of avoiding animal cruelty is to not look: "Don't look! Do not allow inspectors to go anywhere near animals, because that way we'll never know about cruelty. It won't exist because our heads will be firmly planted in the ground." The member is a disgrace. I cannot believe he asked me that.

Nevertheless, the plan announced today is the most rigorous in the nation and the fastest and most comprehensive response by a government, in conjunction with its racing industry, in the nation. It establishes Western Australia as having the highest standards of animal welfare for the racing industry anywhere in the country. Firstly, we are going to carry out a census of all thoroughbreds and standardbreds in the state, both currently racing and retired, to determine what we are looking at in terms of numbers. That will be followed by the licensing of WA breeders. Nowhere else in the country are breeders licensed. Consider this: if we do not know how many horses are being bred, we do not know whether there is overbreeding. I do not think there is in Western Australia. As the member for South Perth could probably confirm, the concern is that it is going the other way and that we do not have enough. That aside, we are going to license breeders.

There will also be the introduction of a retirement rule. The member for South Perth could instruct the member on the power of those rules. If someone who derives their income from racing breaches a racing rule, the racing authority can choose to kill their business and stop them so that they are never able to race again. That is a powerful disincentive against breaching the rules. The retirement rule will compel people who are retiring racehorses to aim to rehome thoroughbreds and standardbreds.

We will introduce a racehorse passport. When a horse passes from the racing industry on to other owners, the passport will stay with the horse and the owner will be incentivised to notify Racing and Wagering Western Australia so we know where the horse is all the way through its post-racing career. A welfare facility will also be established. It will not be a retirement home for horses; it will be a place where horses are transitioned and get retraining, if necessary, and be cared for if they need a little assistance in that regard before being rehomed, much like the greyhound adoption program.

There will be greater oversight of knackeries, and this is crucial, member; the member should listen to this. I do not think the Nationals did this, because they do not want anyone going near knackeries. We will register the knackeries and abattoirs that will be the only ones allowed to take racehorses, and they will immediately have to sign up to a memorandum of understanding to allow unannounced inspections. You started this, mate.

**Mr D.T. Redman** interjected.

**Mr P. PAPALIA**: We will legislate —

**The SPEAKER**: I remember when you were a minister, member for Warren–Blackwood; you used to take a long time. Do not criticise other ministers for doing that.

**Mr P. PAPALIA**: They will be required to be willing to accept unannounced inspections, which the Nationals opposed. The National Party in Western Australia opposed unannounced inspections of knackeries and abattoirs.

**Ms M.J. Davies**: That's not true.

**Mr P. PAPALIA**: I heard them two days ago—or a day ago—attack the Attorney General over that matter. The member for Roe knows what I am talking about. That happened. It needs to get through the upper house, so I look forward to support from all the other parties.

Several members interjected.

**The SPEAKER**: Members, the more you interject, the longer it will take.

**Mr P. PAPALIA**: We are going to legislate it. Finally, we need the federal government to step into the field, show some leadership at a national level, and enable a system of national traceability so that we can control what happens to horses when they leave the state and are transferred between states, so they are not sold to other nations that have lower animal welfare standards. The member for Moore should not even bother asking a supplementary question. It is embarrassing.

## RACEHORSE WELFARE PLAN

**1056. Mr R.S. LOVE to the Minister for Racing and Gaming:**

I have a supplementary question. Can the minister explain where the $8 million that will be needed over the next two years to fund this scheme will come from? Will it come out of the meagre amount of money the government has left the industry after ripping two-thirds of it out of its grasp with the sale of the TAB and the point-of-consumption tax?

**Mr P. PAPALIA replied:**

I am looking at the member for South Perth because we are both looking perplexed at the observation made by the member for Moore. Roughly $179 million was disbursed to the industry. Whatever it was, many tens of millions of dollars are disbursed to the industry and racing clubs across the state by Racing and Wagering Western Australia after it is collected by the agency through the various mechanisms for getting revenue. Before that gets disbursed, $3 million a year will go towards animal welfare to preserve the industry's licence to operate—the social licence to operate that is gifted to the industry by the people of Western Australia.

Even with the ridiculous questions that the Nationals have been asking, and despite the fact that those questions probably suggest that they do not agree, I do not think that anyone else in this place or anywhere in Western Australia would say that what we saw on the *7.30* report was acceptable and was not a threat to the racing industry right across the nation. It is an existential threat to the racing industry. We are responding because we value the racing industry. I want to commend and thank everyone in the Western Australian racing industry for their willingness to engage in a rapid-fire response—not a cobbled-together response. They are leading the nation. They are good people within a valuable industry, and I will stand up for them every day of the week.

## ENERGY TECHNOLOGIES — TRAINING

**1057. MR S.J. PRICE to the Minister for Energy:**

I refer to the McGowan Labor government's unprecedented commitment to training in Western Australia, which is demonstrated through its significant investment in TAFE and its decision to halve TAFE fees for high-priority courses. Can the minister update the house on how this government is ensuring that local workers in the energy sector have the skills and training needed to service our rapidly changing electricity networks?

**Mr W.J. JOHNSTON** replied:

I am very pleased to answer a very sensible question from the member for Forrestfield. I note that the member for Forrestfield comes to the Parliament having had a history of working on the tools in industry. He had a useful life before he came into the Parliament—it is not like he was a banker or something like that before he got here. He played a useful role in society.

Several members interjected.

**Mr W.J. JOHNSTON**: The energy sector has experienced rapid transformation—not just here in Western Australia, but also worldwide. It is important that we have a training system that responds to the needs of this transformation of the industry. Part of that is that we are rolling out standalone power systems in Western Australia. We are the centre of the globe for standalone power systems. These products are being manufactured here in Western Australia and we expect up to 20 000 of them to be rolled out in the next 10 years. We have to make sure that we have a workforce ready for that. On 10 November this year, 12 workers from Western Power and Horizon Power started a 12-month program at North Metropolitan TAFE to become trade-qualified electrical fitters. They are cable

joiners and linesmen who work for those two companies. They are coming from our government-owned trading enterprises to our government-owned training provider to work on this important upskilling. This is making sure that we have the skills that are required for this new industry around the globe, which is starting here in Western Australia. The program is a collaboration between TAFE, Horizon Power, Western Power and the Western Australian Utilities, Engineering, Electrical and Automotive Training Council.

The standalone power systems are being rolled out across regional Western Australia, starting in Esperance. I was very pleased recently to go to Esperance to formally launch the first of those standalone systems, and I must report back how strongly supportive the customers were of those facilities, which hold the opportunity to improve reliability and reduce costs. On 11 November, I was very pleased to go to North Metropolitan TAFE, along with the Minister for Education and Training, Hon Sue Ellery, to meet with 12 of the trainees who are already working for Horizon Power and Western Power. I was very pleased to talk to these guys, who are from regional Western Australia, including Albany, Mr Speaker. They are being upskilled and will go from being linesmen and cable joiners to qualified electrical fitters so that they can work on every element of the standalone power systems. I note that a group of Western Power workers have been doing a short course and although it does not give them an electrical fitter licence, it gives them greater skills for this new energy future. This is really good news and the best news of all is that this training program is a globally leading program that is being done right here in Western Australia by Western Australians.

## OUR PRIORITIES — TARGETS

**1058. Mrs L.M. HARVEY to the Premier:**

I refer to the Labor Party's election commitment to introduce key performance indicators for public servants, which was subsequently attacked by the public sector unions. Will the Premier now table a list of the key performance indicators for all directors general?

**Mr M. McGOWAN replied:**

When I announced the "Our Priorities: Sharing Prosperity" targets for government, I indicated at that point that in light of those targets, I expected directors general across the public sector to work towards them. It is an important priority for government to insist that government work together across agencies to achieve outcomes. I also indicated that in light of the pay freeze and the coming together of government agencies, the work on individual key performance indicators for senior public servants would take longer than expected because of all those factors. That process is going on and it may well be that in the next 18 months to two years that it is worked through. I said that when Our Priorities was launched, which was about six months or so ago. It is a pity that the Leader of the Opposition did not read the press release.

## OUR PRIORITIES — TARGETS

**1059. Mrs L.M. HARVEY to the Premier:**

I have a supplementary question. Can the Premier confirm that after two and a half years in office, his key public accountability election commitment has been abandoned because of his deal with the unions to stay quiet on the wages deal?

**Mr M. McGOWAN replied:**

Obviously, the Leader of the Opposition did not listen to me. I find it a common problem in question time that members opposite do not listen to what was said. The Public Sector Commissioner is working on key performance indicators for DGs, who are very senior public servants. The Leader of the Opposition referred to a "deal with the unions". I do not understand how she can reach that conclusion. Obviously, we have a wages policy that is relatively tight. As I have said, the only reason we have that policy is that we inherited over $40 billion of Liberal–National debt. That is the reason we have that wages policy, otherwise we would not have it. Unfortunately, that is what the former government left us.

In terms of key performance indicators for senior public servants, the Public Sector Commissioner is clearly working on that, as I indicated six months ago and was very public about. That process is ongoing. Obviously, each year there are performance reports and statements of objectives and the like that each minister has to sign with their DGs. That process of accountability is ongoing and we are implementing Our Priorities, which is designed to put in place targets for government to solve the long-term intractable problems that the Western Australian public sector has faced and ensure that directors general and public servants across agencies work collaboratively and cooperatively to resolve those issues.

## LIFE JACKETS

**1060. Ms E. HAMILTON to the Minister for Transport:**

I refer to the ongoing community consultation currently underway to update WA's boat safety regulations for the first time since 1992. Can the minister update the house on this government's actions on boat safety; and, is this minister aware of any efforts to undermine the independent consultation process?

**Ms R. SAFFIOTI replied:**

I thank the member for Joondalup for that question. I was hoping to get a question from the member for Vasse, but that has not been coming this week. I thank the member for Joondalup for her genuine interest in boat safety in WA.

**Ms S. Winton** interjected.

**The SPEAKER**: There she goes again, member for Wanneroo. I call you to order for the second time.

**Ms R. SAFFIOTI**: I thought that the opposition would want to learn a few facts about what is happening out there. I thought the opposition would want to know what the facts are in relation to consultation. We have released a paper for consultation. I know the opposition does not understand the concept of community consultation, but here it is. It is out there, and we have already had over 1 700 responses to a number of proposals that have been worked through an expert working group. A group of experts from the industry worked up proposals that have gone out for community consultation. I did not grow up by the ocean, I grew up in the hills, but a lot of people love boating in WA and I urge everyone who has a serious interest in this matter to get on board and provide the survey feedback. There have been 1 700 interesting responses so far. Again, we have seen the member for Vasse out there —

**Mr F.M. Logan**: Did she do one?

**Ms R. SAFFIOTI**: I do not think she has done a survey yet, minister, but I urge the opposition spokesperson to do a survey.

Again, the member for Vasse has been out there with half-truths and misleading statements. She goes and grabs one little bit of information, potentially, and completely stuffs it up again and again and again. I want to read just one paragraph of her media statement and we will see how many facts there are in just one paragraph. The member said —

> "It also goes against the WA Coroner recommendation in April this year that advised strong consideration to mandating, not only carrying life jackets, but the wearing of life jackets on all boats in unprotected waters."

First of all the State Coroner's report was in 2015; the website was updated in April this year. On the issue of wearing life jackets, the proposal that is out there strengthens the rules in relation to wearing life jackets. The member for Vasse just does not understand that. She is out there on radio saying that we are going against the coroner's reports and that we are reducing the need to wear life jackets—that is absolutely false. Again and again, the member goes on Twitter—a keyboard warrior—making whatever claims that she wants, but when we check against the facts, again the member is proven to be misleading.

On the serious issue of boat safety, there have been 1 700 responses. I will provide the details of the level of public support for some of those initiatives very soon. But, please, if members are interested in boat safety, get on board, get to the survey and provide feedback.

**Mr F.M. Logan**: That includes you, member for Vasse.

**The SPEAKER**: Very good comment there, Minister for Emergency Services. I call you to order for the first time.

## GREENOUGH REGIONAL PRISON

**1061. Mr I.C. BLAYNEY to the Minister for Corrective Services:**

I refer to the concerns of the WA Prison Officers' Union and those working at Greenough Regional Prison that the facilities' rebuilding following the riot and breakout of 2018 does not include a purpose-built female compound that is completely secure. Will the female facility be contained behind its own full security fence built to the same specifications as the perimeter fence?

**Mr F.M. LOGAN replied:**

I thank the member for the question. It is interesting that the member for Geraldton has raised that question, because he of all people knows who was involved in building the fence that was easily breached during the riot up there. It was a member of his own party, the member for Warren–Blackwood, when he was the Minister for Corrective Services. Instead of putting a proper fence in place, he put a tennis court fence in place to separate —

Several members interjected.

**The SPEAKER**: Members!

**Mr F.M. LOGAN**: In order to save money, he put a tennis court fence in place, which was easily breached during that shocking riot up there by those prisoners.

Several members interjected.

**The SPEAKER**: It is a serious issue, members.

**Mr F.M. LOGAN**: It is a very serious issue. As the member for Geraldton knows, the McGowan government has committed over $12 million to ensure that the female facility up there will be completely standalone and completely secure. We will ensure that that place is separated from the male facility, unlike what was done by their minister when the Liberals and Nationals were in government. Once again, we are going to fix up the mess that they left us.

In terms of the relationship between the Department of Justice and the Western Australian Prison Officers' Union about the security of that particular facility, there have been ongoing discussions. Only two weeks ago, both the Commissioner of Police and the secretary of the prison officers' union were in Geraldton to discuss the type of security that will be around the female facility. My understanding is that agreement has been reached on the type of security—that is, the fencing and the wall—that will be put in place between the male and female facilities. My understanding is that at this point in time, everything has now been agreed to. I want to ensure that we can actually get on and start building that new female facility. I want any negotiations to be finalised. I have told both parties, both the department of Justice and the Western Australian Prison Officers' Union, to finalise these discussions so that we can get on, issue the tender and complete that female unit in Geraldton.

GREENOUGH REGIONAL PRISON

**1062. Mr I.C. BLAYNEY to the Minister for Corrective Services:**

I have a supplementary question.

**The SPEAKER**: A bit slow, member for Geraldton.

**Mr I.C. BLAYNEY**: Sorry about that, but the answer was very detailed.

Minister, given that a full security fence was a key recommendation from the inquiry into the riot and breakout, will the fence be of the same standard as the perimeter fence?

**Mr F.M. LOGAN replied:**

The member will find that it will be equivalent to, or better than, the external security fence. Although the external security fence has double fencing in place—with equipment in between the two fences that goes to other forms of security that I cannot talk about in here—a single fence will be in place between the male and female facilities, but that fence will be as good as, or better than, the internal fence that is around the perimeter of that prison. The only difference between the department and the prisons officers' union is that the prison officers' union wants a tilt-up concrete fence around the female unit that would be enormous, and the Department of Justice is suggesting a steel fence that people cannot look through so that both males and females cannot see each other. It is still exactly the same. The difference is between metal and concrete. That is the only argument that is occurring at the moment.

RECREATIONAL FISHING

**1063. Mr D.T. PUNCH to the Minister for Fisheries:**

I refer to the McGowan government's delivery of more world-class fishing opportunities for locals and tourists. What opportunities have been delivered, and what does it mean for Western Australian jobs, particularly in our regions?

**Mr D.J. KELLY replied:**

I thank the member for the question and for his continuing interest in jobs growth in regional Western Australia, and in particular in Bunbury. Last week, I was very pleased to be down at Fremantle with Recfishwest and a number of representatives from various fishing clubs and tackle shops to announce expenditure of over $400 000 on a number of fish aggregating devices that will be deployed off the WA coast. There are currently six off Perth and we will be deploying another six off the metropolitan area. There will then be 20 of these devices deployed throughout regional Western Australia including—Mr Speaker, you would be interested to know—off Albany, Bunbury, Cape Naturaliste, Geraldton, Exmouth and Broome. These floating devices attract small baitfish, which then attract larger sportfish such as marlin. They really enhance the fishing opportunity. They will be deployed up to 50 kilometres off the coast, in the metropolitan area, to the west of Rottnest, so a medium to large boat will be needed to access them. It is very exciting for the sportfishing community. We know that recreational fishers spend a considerable amount of money when they go on their fishing trips. The member for Scarborough looks a bit quizzical about this; she has probably never heard of these.

**Mr Z.R.F. Kirkup**: She runs a tackle shop.

**Mr D.J. KELLY**: I know.

**Mrs L.M. Harvey** interjected.

**Mr D.J. KELLY**: She has woken up!

**Mrs L.M. Harvey** interjected.

**The SPEAKER**: Leader of the Opposition, I know you are fishing for a compliment!

**Mr D.J. KELLY**: The work that we have done with Recfishwest indicates that recreational fishing delivers almost $2 billion each year into the Western Australian economy, much of it in regional Western Australia. As a government, we are committed to looking for new opportunities through the recreational fishing initiatives fund to enhance that experience. I was talking to Recfishwest at the press conference last week and it is extremely excited about this program. The representatives from tackle shops who were there, again, were extremely excited about this development. As I said, there will be an additional six aggregating devices off the metropolitan coast, and 20 more throughout regional Western Australia. They will be closely monitored over the next two or three years to see

how they operate and how the fishing opportunities develop off those devices. Sportfishers throughout WA can look forward to some excellent enhanced opportunities. It is not just a great fishing experience, it is actually growing jobs in regional WA.

INFRASTRUCTURE — BIGGER PICTURE CAMPAIGN

**1064. Ms L. METTAM to the Premier:**

I refer to the Premier's emphatic comments, when in opposition, about the Bigger Picture campaign, stating that it was unfair, rotten, a waste of money and just political propaganda and would not be repeated if Labor won the 2017 election. How can anyone trust what the Premier says given he is currently tendering for a multimillion-dollar Metronet spin campaign, to be launched exactly one year out from the next election?

**Mr M. McGOWAN replied:**

I have never heard of the term that the member is referring to, but clearly the government is about to embark on an enormous and quite disruptive build of rail lines across the Perth metropolitan area, and people need to be informed about the disruption and opportunities to avoid that disruption. In effect, when we are building Metronet, there will be an extension of the rail line to Yanchep, an extension of the rail line between Thornlie and Cockburn, an extension of the rail line to Byford, slightly later on, and also an extension of the Midland line, and the Morley–Ellenbrook line. There is a huge amount of work. Then there is the replacement or undergrounding of various parts of the line, particularly on the Armadale line—lots of work.

As members know, with the disruption around the freeways with roadworks, train works and the like, it is a very, very congested and disruptive period across the metropolitan area. I think that ensuring people are informed about the opportunities to avoid that and what is going on is an important part of public communication.

INFRASTRUCTURE — BIGGER PICTURE CAMPAIGN

**1065. Ms L. METTAM to the Premier:**

I have a supplementary question. How does the Premier justify the multimillion-dollar Metronet spin campaign to struggling Western Australians who are suffering from the $850 cost-of-living increases that he inflicted, especially given the Premier promised to cut advertising by $20 million a year at the last election?

Several members interjected.

**The SPEAKER**: Member, the supplementary has to be short, sharp and to do with the question you have asked; not a monologue. Do you want to cut it back a bit?

**Ms L. METTAM**: Okay.

**Mr M. McGOWAN replied:**

I will answer that. As the Treasurer has indicated, the government has delivered its commitment on advertising. As we said when the Liberal Party was in office, there were some examples of wasteful advertising. Fortunately, the Minister for Transport has given me an example of it. I have here a picture that was produced of a USB in the shape of a Metro Area Express tram!

Several members interjected.

**The SPEAKER**: Members, I want to hear this.

**Mr M. McGOWAN**: There it is. That is what the Liberal Party did. I regularly drive in the northern suburbs and I am looking for MAX. I am still looking for MAX; I cannot find it! There were investors who bought land in Mirrabooka on the basis that the MAX line was going to be up there. They probably got one of these USBs and thought, "This is a great idea, we'll go and buy some land at Mirrabooka because MAX is going to arrive." That is the sort of thing the Liberal Party did when in office. Some of the advertising around royalties for regions, as I recall, was really quite extraordinary. This government has cut the advertising spend. We do important advertising campaigns like fire awareness that the Minister for Emergency Services is putting out now. Clearly, when four or five rail lines are built at once, it is extremely disruptive. Combined with the biggest road spend in history, it is obviously very disruptive and I think people want information about it and that is what we are going to provide.

**The SPEAKER**: Thank you, members. That is the end of question time.

## MACHINERY-OF-GOVERNMENT CHANGES — DEPARTMENT OF FISHERIES AND DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT — STAFF

*Question on Notice 5432 — Answer Advice*

**MR I.C. BLAYNEY (Geraldton)** [2.52 pm]: I rise under standing order 80(2) regarding outstanding question on notice 5432 to the Minister for Fisheries. The answer was due on 29 September 2019. It is now past the due date. I ask the minister: when will I get an answer to this question?

**MR D.J. KELLY (Bassendean — Minister for Fisheries)** [2.52 pm]: I will look into it. I have the number now and I will answer it as soon as possible.

## MINISTER FOR REGIONAL DEVELOPMENT — CARNEGIE CLEAN ENERGY

*Standing Orders Suspension — Motion*

**MR D.T. REDMAN (Warren–Blackwood)** [2.52 pm] — without notice: I move —

> That so much of standing orders be suspended as is necessary to enable the following motion to be debated forthwith —
>
> > That this house calls on the Premier to stand down the Minister for Regional Development from cabinet for ignoring a high-risk independent financial viability assessment of Carnegie Clean Energy commissioned by her department —

Several members interjected.

**The SPEAKER**: Members, I will hear this in silence.

Several members interjected.

**The SPEAKER**: Members! Start again.

**Mr D.T. REDMAN**: I move —

> That so much of standing orders be suspended as is necessary to enable the following motion to be debated forthwith —
>
> > That this house calls on the Premier to stand down the Minister for Regional Development from cabinet for ignoring a high-risk independent financial viability assessment of Carnegie Clean Energy commissioned by her department before signing over a $2.625 million milestone payment on behalf of taxpayers for the doomed Albany wave project.

It is my understanding that there has been agreement with the government for 10 minutes to be given to each side for this debate. I look forward to the response from the Leader of the House.

Several members interjected.

**The SPEAKER**: Members! Minister, just hold on a minute. This is not funny; you are ministers and you should be setting an example.

**Mr Z.R.F. Kirkup** interjected.

**The SPEAKER**: And you, too!

*Standing Orders Suspension — Amendment to Motion*

**MR D.A. TEMPLEMAN (Mandurah — Leader of the House)** [2.55 pm]: I move —

> To insert after "forthwith" —
>
> > , subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members.

Amendment put and passed.

*Standing Orders Suspension — Motion, as Amended*

**The SPEAKER**: Members, as this is a motion without notice to suspend standing orders, it will need the support of an absolute majority for it to proceed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

*Motion*

**MR D.T. REDMAN (Warren–Blackwood)** [2.56 pm]: I move the motion. In the short time I have to speak, I think it is important to give a quick recap on what has been debated in this house before and outline the new information that I am bringing to the table in this discussion. We know this was a Labor Party election commitment. We know it is now a failed project. The Minister for Regional Development was intimately related to the company Carnegie Clean Energy that got the contract to do this project. She has strong links with the company; we have seen her in public pictures at launches the Labor Party government held when in opposition. There was no reason for her to be there other than her relationship with the company and her interest in the project. She set the funding parameters in order to allow Carnegie to be happy with the contract that came up. She changed the funding parameters at its request. That has been debated in this chamber before. She positioned the site for the project right next to where Carnegie had leased rights offshore—it was the only company with access to that seabed—in order for the project to happen.

On 28 September 2018, Carnegie announced to the ASX that it had government support for a milestone payment of $2.625 million. Just after that, there were two senior resignations in the organisation. The CEO and the chief finance officer resigned from the organisation. It was pretty significant. The minister then suspended that payment—she said that there was a material risk—and assessed the project. In the meantime, ASX accounts were put out, as

public companies need to do, including an audit report. We know already that part of that audit report said that a material uncertainty existed that may cast significant doubt about the group's ability to continue as a going concern. Again, there were significant issues. The minister was attached to the company and the project, and decisions were made irrespective of the fact that there were audit reports that said that there was significant material risk to this company being a going concern. Then the minister signed off on paying $2.625 million on 5 October 2018.

That is the background. What has changed since then? I sought some documentation from the minister through the freedom of information process. Of course, we got that documentation but, as members could appreciate, the documents have a whole heap of redacted pages, and I did not get very much. I challenged that through the Information Commissioner. I said that it was not good enough. When we finally got the final results, we got more information out of those documents. I want to go through the two briefing notes that we had to drag the minister kicking and screaming to supply to us. The briefing note was written on 14 September 2018, well before those decisions were made on making a payment to the company. Under the heading "Financial Strength of Carnegie", it states —

> A number of events have taken place during the period since the financial assistance agreement … was entered into that DPIRD considers has changed the financial strength and risk profile of Carnegie, including the disposal by Carnegie of its subsidiary company, Energy Made Clean.

It goes on to say —

> Seeking an Independent assessment, DPIRD commissioned a Financial Viability Assessment (Report) on Carnegie —

This was blanked out before —

> which rated its financial position to be 'unsatisfactory' and scored it 1.6 out of a possible 10 …

The minister's own agency commissioned an independent financial viability assessment.

[Interruption from the gallery.]

**The SPEAKER**: Excuse me, member. Excuse me—you are not allowed to take photos in the Parliament. Could you please delete that photo? Thank you.

**Mr D.T. REDMAN**: This independent assessment said it was "unsatisfactory" and scored it 1.6 out of 10. This minister clearly thinks 1.6 out of 10 is a pass mark, because she then went on to pay the company $2.625 million. The same document indicates that negotiations with Carnegie were continuing and a proposal to pay half the milestone payment of $2.625 million was under consideration. That was signed by the minister on 26 September 2018. A subsequent briefing note written on 1 October and signed by the minister on 5 October has a couple of interesting points. Amongst others, it states —

> Carnegie is holding off making further significant investments until there is greater certainty around financing for the project.

Notably, it was talking about research and development credits and a range of other things. Carnegie was not going to spend any more money at that time, as was written in the minister's briefing note. What was also blanked out before, but which came to light once we got the final briefing note, is the following —

> To-date Carnegie has provided evidence of a project spend of $1.3 million.

That was written on 1 October and signed by the minister on 5 October. The minister knew at that point that Carnegie had spent only $1.3 million on the Albany wave energy project. Let us put all that together and see what it means. I will go through the sequence. On 28 September, the government agreed to pay $2.625 million. We will come back to that. The minister then suspended that on the basis of a CEO and a chief finance officer resigning from the company—pretty significant I would have thought. Briefing notes we have in our hands say that Carnegie Clean Energy spent only $1.3 million on the project and would not spend any more, but the minister decided to pay it $2.625 million on the same day. The government gave Carnegie more money than it had spent. It is a company that said it would not invest any more in the project. I would have thought that at the very least the government might have given Carnegie only $1.3 million—what it had spent. The milestone payments indicate that all Carnegie had to do was to commence something. It was not being paid for what it had done; it was being paid for commencing something. It was stuff that would happen in the future. I find that way out of court.

Interestingly, on 6 October—the day after she had approved this briefing note—the minister made a statement on the public record in an article written by Rebecca Turner and Kathryn Diss, headed "Carnegie Energy's Albany wave farm to get $2.6m from WA Government despite viability concerns", and I quote —

> "They have spent in the order of $4 million on both capital and staff and personnel to do the detailed design for the common user infrastructure," Ms MacTiernan said.

The minister said Carnegie had spent $4 million; her own agency said it had evidence of only $1.3 million being spent, and the minister gave them $2.6 million. That is way out of court and totally unacceptable in the space of

public accountability. It is not acceptable. There was a financial viability assessment of 1.6 out of 10. The minister knew that, but she gave Carnegie more money than it had spent. She said it had spent $4 million, which was totally inconsistent with her own agency's figures in a document she signed not two days prior. Of course, that is on top of the public audit finding that there was a material risk.

The issue here is that the minister has been hiding this. She had to be dragged kicking and screaming to put this stuff on the table. There is a massive financial viability problem here: 1.6 out of 10 is not a pass mark. The minister could have used default provisions available to her in the financial assistance agreement to shut it down. She did not do that; she is out of court. This Premier needs to step her down.

**MRS L.M. HARVEY (Scarborough — Leader of the Opposition)** [3.03 pm]: In my contribution to this motion, I want to read from the report of the Royal Commission into Commercial Activities of Government and Other Matters, or WA Inc, on the issue of conflict of interests. It states —

> *… there is the issue of how appropriately to regulate what is commonly described —*

**Mr D.J. Kelly** interjected.

**The SPEAKER**: Members!

**Mrs L.M. HARVEY**: It continues —

> *as "conflict of interest". This description can encompass quite diverse situations, some of which we merely exemplify here …*

It identifies a number of those situations, but I note —

> *… private and business relationships which, in appearances, could be said to compromise impartiality;*

That, members, is exactly what we have here. We know that the minister was previously a director for Energy Made Clean, which was bought out by Carnegie Clean Energy. We know that the minister, who was running for the North Metropolitan Region in the Legislative Council, was present at the announcement made by the Premier and Carnegie during the election campaign. We know Carnegie had been made this promise, because it made an announcement and it told the ASX as much. Then we saw this sham consultation process when on 13 March 2017, following the election, the McGowan government and Carnegie made another announcement to the ASX confirming the commitment of $19.5 million for its Albany wave energy project. When we have a look at this, we see a tender process that delivers the very outcome that Carnegie announced to the market on 23 February 2017 and then again on 13 March 2017. Now we find that the minister was acutely aware of the parlous financial state of Carnegie Clean Energy at the time she committed and approved taxpayers' money to go to that company when the chief financial officer and others had resigned from the company because they knew of the risk and the problems there. If there was a perceived or actual conflict of interest, the minister should have excused herself; she should not have been part of announcements or a cabinet decision.

**MR W.J. JOHNSTON (Cannington — Minister for Energy)** [3.05 pm]: I first want to deal with the Leader of the Opposition. The problem with the Leader of the Opposition is that she never reads anything. I would love her to read out to the chamber the ASX announcement from February 2017 by Carnegie Clean Energy, because the announcement, which I have read a number of times, did not say that Carnegie had won a contract. It said that the government was to be congratulated on following through on a good policy. The Leader of the Opposition, as did the member for Warren–Blackwood, talked about a media event that I attended at the old Swan Brewery, and there is the photograph that they keep talking about. That was not the announcement of the wave energy project. That was the announcement of the support for a research and development institution, which is in fact active today. That is done by the University of Western Australia, and it is an active part of the Albany community.

**Mr D.T. Redman** interjected.

**Mr W.J. JOHNSTON**: I did not interject on the member for Warren–Blackwood. He should stop being weak like this. This is what he always does. He makes a false argument, and when it is pointed out to him, he interjects. It is a sign of the deep weakness in his capacity as a member of Parliament, and not just on the way he performs here when he comes into these stupid things; it is about him, because he does not make a proper case, and he has done it again today. He talked about a photograph taken when we announced the project to support a university having a wave energy project in Albany —

**Mr D.T. Redman** interjected.

**The SPEAKER**: Member for Warren–Blackwood, you have had your go.

**Mr W.J. JOHNSTON**: — and that project is functioning today. There was an article about it in the *Albany Advertiser* only two weeks ago. Do not come in here and wave around a photograph and say it is somehow about some CETO Technology project. Of course, we were very pleased that Carnegie wanted to be involved in that announcement, because it gave us good pictures. The member for Dawesville can tell members how important good pictures are in politics. We achieved that announcement.

Again, the member for Scarborough implied what was in an ASX announcement on 26 February, or whatever she said the date was, but she did not read it out. She did not actually tell us what was in it. She just made an assertion—lazy, lazy, lazy! That is the problem with the member for Scarborough and the reason that the member for Bateman is so happy to see her in the job of Leader of the Opposition. She is no danger to anybody in the Liberal Party, and when it loses the next election, the member for Bateman can step up and become Leader of the Opposition. The one thing we know about the member for Bateman is that he is happy to attack a leader of the Liberal Party. He did it with Hon Colin Barnett and he did it with the member for Riverton.

**Ms M.J. Davies** interjected.

**The SPEAKER**: Leader of the Nationals WA!

**Mr W.J. JOHNSTON**: Talk about a conflict of interest. It is not possible —

Several members interjected.

**The SPEAKER**: This side of the house attacked that side of the house, and I think they were pretty quiet. If you want to give it, you have got to accept it back.

**Mr W.J. JOHNSTON**: The opposition talked about a conflict of interest. Let us get a picture of this: Hon Alannah MacTiernan, while she was not in Parliament, was a director of a company that, after she ceased to be a director, was taken over by another company. After she came into Parliament, that company—not the company she worked for and was a director for, but the company that bought out the company that she had worked for after she had left the company—won a contract. And the Leader of the Opposition quotes that company about a perceived conflict of interest! I hold in my hand a copy of the memorandum prepared by the cabinet secretary to the Premier that outlines the actual conflict of interest of the member for Bateman that led to him being sacked as a minister. We know that the Liberal Party knows about conflicts of interest and we thought that it would understand that today, as it did when it was in government, but apparently not. The member for Riverton held shares in Telstra when he gave it a contract without a tender. Come on! He also held shares in QBE when he gave it a contract. Talk about conflicts of interest! They are called conflicts of interest. I do not understand why members opposite keep coming up with this rubbish about a conflict of interest.

Yes, it is true that Hon Alannah MacTiernan held shares in the company before she was a minister. But guess what? Before she was a minister, she disposed of those shares. Let us assume that she had pocketed the money from those shares. Would that have been a conflict of interest? No, because she was not obliged to comply with the Ministerial Code of Conduct when she was not a minister. Do members know what? She gave the value of the shares to a charity. It is impossible for her to have a conflict of interest when she does not even own the shares and benefited in no way from them. Perhaps that was the solution for the member for Riverton with his Telstra shares. Did he give the share value to a charity?

Several members interjected.

**The SPEAKER**: Member for Mount Lawley, you are not in your seat!

**Mr W.J. JOHNSTON**: The next thing is the idea—oh my God!—that a contractor to government was paid money before it did the expenditure. Let us understand this. That is the accusation of members opposite: the company got $2.56 million as a progress payment in advance of it spending the money. Guess what? Every government contract is done on that basis. With every single contract for construction activity, a portion is paid up-front. That is done when people build a house. They pay in advance of the house construction starting; they pay the first payment. That is what happens in government too. When a government buys infrastructure, it pays a payment towards the future costs; otherwise, the business would have to have the cash in the bank already before it could pay for any of the activity it was doing. It is ridiculous. That is absolute rubbish. It is such a stupid, stupid suggestion!

The member has never asked the correct question in this debate. The correct question is: why did the government make the payment? Why does the member opposite not ask that of the minister in the upper house and get the answer? He has never asked that question. He has never asked why the payment was made, so go and ask that question and then come back and apologise. He can do that the day after he apologises for $40 billion of debt and running the state's finances into the ground.

Several members interjected.

**The SPEAKER**: Members!

**Ms M.J. Davies** interjected.

**The SPEAKER**: Leader of the Nationals WA!

**Mr W.J. JOHNSTON**: This is ridiculous. How many times do we have to do the one thing? There is a weak member in the member for Warren–Blackwood, who cannot cop it. He comes in here and makes false accusations against an outstanding Western Australian, Hon Alannah MacTiernan. He cannot cop it when he makes these false accusations, and when it is pointed out how weak he is, he cannot help himself. The member for Scarborough, the

current Leader of the Opposition, has never read a document in her life, cannot quote a single paragraph of words said by anybody else in this place, cannot do a word search of *Hansard*, cannot read an ASX announcement, does not understand maths or finances and does not understand economics. We all remember how embarrassed she was during the election campaign. She goes on radio with those car-crash interviews.

**Ms M.J. Davies** interjected.

**The SPEAKER**: Leader of the National Party, I call you to order for the first time.

**Mr W.J. JOHNSTON**: I will give a suggestion to the state director of the Liberal Party. It is okay to let the member for Scarborough do the eight-second grab in the fern garden, but do not let her on the radio in those long-form interviews.

**Ms M.J. Davies** interjected.

**The SPEAKER**: Leader of the National Party!

**Mr W.J. JOHNSTON**: Those long-form interviews are not her forte. The eight-second grab—I get that—but not the long interview, because it exposes the fact that she does not know anything of the detail.

**Mr D.T. Redman** interjected.

**The SPEAKER**: Member for Warren–Blackwood, you had a go. Wait!

**Mr W.J. JOHNSTON**: I want to make it clear: Carnegie Wave Energy won its contract with the government through a competitive process in which there was an independent —

Several members interjected.

**Mr W.J. JOHNSTON**: I love this. The Leader of the National Party interjects and says that if I believe that the public service has done its job, then there is something wrong with me. These are the same public servants who worked for the National Party! These are the same public servants who did the exact same thing when members opposite were in government.

**Ms M.J. Davies** interjected.

**The SPEAKER**: Leader of the National Party, I call you to order for the second time.

**Mr W.J. JOHNSTON**: Members opposite come in here and constantly criticise the public service, like they did in question time today. It is disgraceful! Western Australia's professional public service is to be commended for the work it does. They are the ones who did the selection process; they recommended Carnegie. Again, I go back and ask: why has the National Party never asked a question about why this occurred? It is because that is the one thing it does not want. The National Party does not want any facts in this debate because the facts get in the way of its argument.

*Division*

Question put and a division taken with the following result —

Ayes (15)

| | | | |
|---|---|---|---|
| Mr I.C. Blayney | Mr Z.R.F. Kirkup | Mr J.E. McGrath | Mr D.T. Redman |
| Ms M.J. Davies | Mr S.K. L'Estrange | Ms L. Mettam | Mr P.J. Rundle |
| Mrs L.M. Harvey | Mr R.S. Love | Dr M.D. Nahan | Dr D.J. Honey *(Teller)* |
| Mr P.A. Katsambanis | Mr W.R. Marmion | Mr D.C. Nalder | |

Noes (30)

| | | | |
|---|---|---|---|
| Dr A.D. Buti | Mr D.J. Kelly | Mr S.J. Price | Mr C.J. Tallentire |
| Mrs R.M.J. Clarke | Mr F.M. Logan | Mr D.T. Punch | Mr D.A. Templeman |
| Mr M.J. Folkard | Mr M. McGowan | Mr J.R. Quigley | Mr P.C. Tinley |
| Ms J.M. Freeman | Mr S.A. Millman | Ms M.M. Quirk | Ms S.E. Winton |
| Ms E.L. Hamilton | Mr Y. Mubarakai | Ms C.M. Rowe | Mr B.S. Wyatt |
| Mr T.J. Healy | Mr M.P. Murray | Ms R. Saffioti | Mr D.R. Michael *(Teller)* |
| Mr M. Hughes | Mrs L.M. O'Malley | Ms J.J. Shaw | |
| Mr W.J. Johnston | Mr P. Papalia | Mrs J.M.C. Stojkovski | |

Pairs

| | |
|---|---|
| Mr A. Krsticevic | Mr R.H. Cook |
| Mrs A.K. Hayden | Mrs M.H. Roberts |
| Mr K.M. O'Donnell | Ms S.F. McGurk |
| Mr V.A. Catania | Ms L.L. Baker |

Question thus negatived.

## FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT AMENDMENT BILL 2019

*Second Reading*

Resumed from an earlier stage of the sitting.

**DR D.J. HONEY (Cottesloe)** [3.20 pm]: I will not speak much longer on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. I was keen to get out a couple of points just before the debate was interrupted. I will continue on the topic of antisocial behaviour. I support the intent of this bill, which goes to another level and tries to dig a bit deeper. The reality is that if we have groups of people sitting around all day and into the evening with nothing to do and nothing to engage themselves, we will see antisocial behaviour. Bringing in fines is not going to deal with that or solve that problem at the root cause. As a number of members have described, the consequence can be that people end up in jail when they should not be there.

I was intrigued a little bit by the debate on identifying key groups or particular groups, if you like, in the community. These days it seems to be a feature of public debate that everything is individualised to key groups. I hope that the outcome of this bill is not that it just means that white males go to jail for these things. We need to look at this based on principles and on a case-by-case basis and make sure that those principles are applied. We need meaningful consequence or a reasonable chance that the result of this legislation is that behaviours will change in the future. As I said before, along with all my colleagues on this side, I agree that we should minimise jail for non-payment of fines and that jail should be a last resort when dealing with law and order issues.

**MR D.R. MICHAEL (Balcatta)** [3.22 pm]: While we await the Attorney General, who just took a quick walk out the back, I would like to say that I support the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. We have heard many contributions. Maybe someone might like to take a quick walk out the back.

**Mr S.A. Millman**: Member, reflecting on some of the contributions that you have heard today, what would your views be?

**Mr D.R. MICHAEL**: I think, obviously, there is a cost to our community of having some of the fine defaulters in our custodial system from not only the financial point of view. Obviously, it costs the government a lot of money every day to have people engaged in jail and working off their fines, essentially. The Attorney General is back, which is great. Having these people in jail means that they get to meet people whom they probably should not be meeting. We have seen those awful stories about people in custody who have come to harm. I think that this bill is an incredibly good initiative by the McGowan government and I commend it to the house.

**MR J.R. QUIGLEY (Butler — Attorney General)** [3.23 pm] — in reply: I wish to preface my remarks by saying that I thank all the members for participating in the debate on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. Officers of the department have been present during the debate and have prepared speech notes to respond to each point raised by the opposition. As a matter of courtesy, I have taken the speech notes to the opposition—the member for Hillarys is nodding his assent—and allowed the member for Hillarys and others to read the speech notes to make sure that every point that the opposition had raised is covered in the hope that I will cover them sufficiently to avoid the necessity of the consideration in detail stage, but that is up to the opposition.

I turn firstly to the comments made by the member for Hillarys. We thank him for his indication of the opposition's support for the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. He has also provided his personal support, and we hope that that is reflected in the other place. In respect of warrants of commitment, the member expressed his view that the process of bringing a fine defaulter before the court to consider whether a warrant of commitment for imprisonment should be issued would probably be extraordinarily unlikely. Indeed, that is what we hope will be the case. We are retaining imprisonment as a true option of last resort, to be used in the most exceptional circumstances. It is important that it remain as a final sanction, as it is across Australia, and that it is used sparingly, with an eye to the statutory principles and a suite of other enforcement options and alternatives that we seek to introduce through this bill. The strict requirements that need to be met before a fine debtor can be sent to prison do not mean that in practice debtors will be able to thumb their nose at the authorities. I note that this issue concerns the member for Hillarys and the government has considered it in striking a balance between, on the one hand, retaining a deterrent and, on the other hand, ensuring that a fine debtor is not ultimately penalised beyond what the court and community would have expected at the time of the sentence.

As the member would appreciate, these are difficult policies to reconcile, and I am of the view that this bill successfully achieves that reconciliation. In situations in which the debtor is genuinely unable to pay a fine or work off the debt, they ought not go to prison for that reason. In situations in which a debtor can discharge a fine in some way, there are mechanisms for ensuring that they do so, including new garnishee arrangements with imprisonment as an available option of very last resort.

The member for Hillarys asked whether the new fine expiation orders would create a situation in which someone could be seen as getting off scot-free, in that they would not have to pay their fine if they were in custody for something else. The fine expiation orders in this bill formalise the current practice under section 55D of the

Fines, Penalties and Infringement Notices Enforcement Amendment Act 1994, through which fines are expiated while the debtor is in custody. A fine expiation order is not an entitlement and is approved by the registrar; it is not guaranteed. The registrar must be satisfied that the person does not have the means to pay or property to seize or sell to otherwise satisfy their debts. We know that people leaving prison face a lot of obstacles to their re-entry to society, and those obstacles can and do include debts that are difficult to address. A fine expiation order could be a factor in mitigating the risk of further offending, which is in the interests of the community as a whole. We want to ensure that people in custody for other reasons have the opportunity to apply for expiation.

The member for Hillarys also talked about the proposed restriction on licence suspension orders for debtors whose last known address is in a remote area. As the member acknowledged, this is to address the flow-on effects that a licence suspension can have on the likelihood of a subsequent contravention of road traffic laws. With regard to licence suspension orders in remote areas, I think it is important that we have some flexibility in the definition of "remote area", which is why we have chosen to exclude the metropolitan region from the legislation and to allow the prescription of particular remote areas of the state in the regulations. We have committed to consulting with key stakeholders across government, including the Department of the Premier and Cabinet's Aboriginal policy unit, the Department of Transport, and the Department of Planning, Lands and Heritage. In the development of those regulations, we will also speak with non-key government stakeholders such as the Aboriginal Legal Service and the community service sector. However, I am keen to share with the house today my current thinking on what remote areas would look like. We will look at the Australian Bureau of Statistics' five-tiered remoteness structure, which breaks down suburbs into five categories of remoteness, ranging from "major city" to "very remote", determined by distance from services. The ABS remoteness structure is already used in the WA statute book, in the Education and Care Services National Regulations 2012 and the Medicines and Poisons Regulations 2016. This is in the context of prescribing remote childcare services and remote medical clinics. For the benefit of the house, I have with me an extract from that remoteness structure, sorted by remoteness level, and I am happy to table that document and do so now.

[See paper 3030.]

**Mr J.R. QUIGLEY**: As I said, the government will be consulting on the finer detail of the remote area regulations, but at this stage I am considering that anywhere deemed outer regional, remote or very remote would be prescribed as a remote area. I stress to the member for Hillarys that that is my current thinking and has to be developed. The member has the list to see how it could be developed. Consultation will also involve consideration of the approach regarding inner regional areas, looking particularly at access to public transport in those areas. In his contribution, the member asked about specific suburbs. Using the Australian Bureau of Statistics remoteness structure model, Bunbury is inner regional, Geraldton is outer regional, Kalgoorlie is outer regional, Mandurah is a major city, Collie is inner regional, and Australind is inner regional.

I now move to the issue of licence suspension orders and last known addresses, which was raised by the member for Hillarys. The member for Hillarys also spoke of the concept of last known address as an indicator of whether someone is in a remote area. Indeed, it is not a perfect science. Many people fail to update their details with various government agencies that may hold their records—for example, the Department of Transport. We recognise that this is a genuine issue for people, and I point members to the amendments this bill makes to sections 20 and 44, which deal with infringements and fines respectively. These amendments contemplate the exact scenario put forward by the member—that the registrar suspends a licence of a debtor based on their last known address only to discover that their current address is in a remote area. In those circumstances, the debtor will be able to present documentation or evidence of their current remote address to the registrar and the registrar must cancel the licence suspension.

I refer to garnishee provisions. The member for Hillarys also spoke about the new garnishee order provisions, which will allow the sheriff to compulsorily take money from a debtor's salary or bank account. We are very conscious that for those without steady employment and a salary to garnishee and who are reliant upon benefits, there is a real risk of causing further disadvantage through a garnishee order. This is why we will have a statutory safeguard of a protected amount that the bank account balance or salary cannot dip below. Additionally, we have built in the ability for the sheriff to return the garnisheed funds to a debtor on request. I also think it is worth pointing out that it is always the first preference of the registry to enter into a consensual payment arrangement with a debtor before resorting to enforcement action. We know that Centrepay, for example, is a widely used service that takes money from Centrelink benefit payments on a regular basis to address outstanding debt. Garnishee orders are an enforcement option, but are just one of a whole bucket of options. Any enforcement action will be carefully considered, including through conducting a means test and giving debtors numerous opportunities to engage with the registry and the Sheriff's Office to proactively address their debts. The member spoke of his scepticism that anything will come out of the federal government's offer to garnishee payments on behalf of the state. I believe that he referred to Canberra as being forced to act as debt collectors for a state or territory government. The commonwealth is considering progressing a project that would allow deductions of certain amounts for state fines from commonwealth benefit payments. Should that come to fruition, and I stress should, we will be ready. This bill includes enhanced information-sharing provisions at proposed part 7A, which will facilitate arrangements with the commonwealth should they come to pass. However, we are not reliant upon or waiting for the commonwealth to act in this area.

I refer to work and development permits. The member also spoke of the new work and development permit scheme. As I interjected on Tuesday, the permits will not replace work and development orders; they will sit alongside them and be offered in parallel to a different cohort of debtors. Although there are surface similarities between the two regimes, such as the availability of unpaid work and other activities to work down a debt, philosophically, they are quite different. Work and development orders are mandatory orders made by a court at the time of sentencing, or by a community corrections officer. Work and development permits will be arrangements between debtors and approved sponsors to complete activities with a more therapeutic bent, such as medical or mental health treatment, financial counselling and the like, to address the issues that may have brought a person to the criminal justice system in the first place. The member raised the issue of funding organisations that deliver those services. The member for Kalgoorlie was also interested in this point. It is also important to note that in the last two years, the McGowan government has provided an additional $130 million in funding for the community services section.

I refer to the member for Hillarys' comment that the government is working in silos. I assure members that we are already having conversations with the Departments of Health and Communities about opportunities to sponsor debtors across the state. To assist in that, we are working closely with the Legal Aid Commission of Western Australia and the Aboriginal Legal Service of Western Australia, which will be working together across the state throughout the regions to act as matchmaker between debtors and sponsors. Legal Aid and ALS already have their boots on the ground and relationships with organisations and debtors across Western Australia and will be absolutely taking advantage of that.

Evaluation of the work and development permit scheme and its outcomes was another focal point for the member for Hillarys in his contribution. I assure members that we are very committed to ensuring that this scheme works in the way that we want it to and we will be looking closely at the evaluation of similar schemes in New South Wales, Victoria and Queensland to ensure that we check for outcomes similar to those in other states. These include, for example, completion rates for people doing WDPs and whether they find themselves back in the justice system and the uptake of WDPs and the workload this places on approved sponsors. We have structured this bill to allow the WDP scheme to commence later than the other amendments to give us enough time to fully plan and develop the scheme in consultation with the sector. We have also included a separate statutory review provision just for WDPs so that we can take a laser-focused look at how they are operating.

I was asked by the member for Hillarys rhetorically whether there had been any instructions to slow down warrants of commitment, which I understood to be instructions by me as the Attorney to the registrar or other people within Justice. The member asked about the current practice and whether the government has issued any kind of slow-down order to the registry or the sheriff to avoid issuing warrants of commitment or by taking enforcement actions in anticipation of this bill coming into operation. The registrar and sheriff are independent officers of the court who cannot be directed to take a particular action—not by me and not by anybody else. I also point out that issuing a warrant of commitment is a non-delegable duty of the registrar and that decisions to issue warrants are not made lightly. Although they have been fully engaged and involved in the development of this bill—the planning work on how it will operate in practice is already underway—those officers have responsibility to administer the legislation that is currently in front of them.

I understand that the member is keen for some data on how many people have been in prison for fine default alone. I will now provide a number of prisoner receptions for fine default only by financial year beginning 2010–11. In 2010–11, there were 1 480; in 2011–12, there were 1 082; in 2012–13, there were 1 304; in 2013–14, there were 1 127; in 2014–15, there was a dramatic drop to 604; in 2015–16, there were 630; in 2016–17, it jumps again and sits at 1 043; in 2017-18, it is down to 813; and in 2018–19, it was 430. I stress once again that I have issued no instructions to the registrar in these regards.

The member for Hillarys referred to a missed opportunity for broad change. He specifically referred to the potential to integrate fines enforcement and repayment arrangements at the time of sentencing. This already occurs under the Sentencing Act 1995, and I point the member to part 8 of the act, which deals with a court's consideration when imposing fines. Courts are already required to consider a person's capacity to pay as far as practicable when imposing a fine. They also have the ability to issue work and development orders on the spot, which cuts out the middleman of the registry, if you like, and sets the ball rolling immediately.

I take on board the member's comments that work and development orders do not always work as well as we might like. Of course, sometimes that is because the person simply refuses to do the work or turn up in accordance with their order. The member for Kalgoorlie touched upon this as well. In this bill, we are making some tweaks to the work and development order provisions of the Sentencing Act, which we hope will make them easier to get. I also note that fines are already taken to be registered at the time they are imposed by the court, following amendments to the Fines, Penalties and Infringement Notices Enforcement Act made in 2012. A fine debtor can go straight to the courthouse counter before they leave and negotiate a payment arrangement immediately before enforcement action starts and fees rack up. Again, I thank the member for his contribution, I sincerely do, and I now turn to other members.

I thank the member for Dawesville for his contribution about the over-representation of Aboriginal people in prison. I know addressing over-representation is of keen interest to him and I thank him for his comments, particularly about the difficulties people face in obtaining and keeping a licence. Although it is not directly within the scope of the bill before us, I will take the opportunity to refer members to the Department of Justice's latest annual report, and the information on Aboriginal justice program open days. Staff across government from justice; transport; Centrelink; and births, deaths and marriages come together for a day to deliver a range of services to regional and remote communities. This includes assisting them in getting identity paperwork, driver's licence applications, driver education training and the like. At those open days people are encouraged to enter into financial arrangements or WDOs to address their fines.

I interpolate my prepared speech to respond to what the member for Dawesville was saying. Identity papers are a problem, especially for a lot of Indigenous people living close to the border. They might be born in the Northern Territory and then migrate across the border to the Kimberley, go to get a licence and have no proof of their age or who they are. That is why we have these open days, as I said, involving justice; transport; Centrelink; births, deaths and marriages; and all these people who come together for an open day to help these people get a lawful licence. For members' interest and especially for the interest of the member for Dawesville who has got a keen and sincere interest in this matter, I would now like to table a report on the open days held from 2014–15 through to 2018–19. It reports the number of open days and the sorts of assistance that were given.

[See paper 3031.]

**Mr J.R. QUIGLEY**: Again, this is slightly off topic from the bill, but I want to recognise the work done to address these issues historically, and I thank the member for Warnbro for raising them.

I have already dealt with the member for Kalgoorlie's query about work and development permits. The member queried the government's budget for writing off fines that are unlikely to be recovered. We do not set aside a budget amount for writing off fines. All write-offs are progressed in accordance with the Financial Management Act 2006 and are considered on a case-by-case basis. Money collected from fines is received into a consolidated account. The government always monitors resourcing requirements and any resourcing for the Fines Enforcement Registry and Sheriff's Office as a result of this bill will be considered within the budget process. The member for Kalgoorlie also asked how the state will balance the loss of fine collection during the increase in expedition activities, particularly WDPs. Firstly, I emphasise that we are introducing garnishee orders in this bill. These orders have proven incredibly effective in other jurisdictions and will generate revenue for the state. Secondly, these reforms will see a significant reduction in, if not a stop to, imprisonment for fine default and the significant cost associated with that. These savings include an estimated $3 612 for each reception into prison as well as a marginal saving of $240 a day. It is important to note that WDPs, for the most part, will apply to people who do not have the financial means to pay a fine anyway, and often the state is not successful in collecting from this cohort. In any event, I must also emphasise the significant social benefit in supporting people to undertake these programs.

Can I interpolate into my written speech the following comment. A person could be fined $1 500 in the Karratha court, which is six days in default at $250 a day. After the death of Ms Dhu, the police will not hold people in a cell to serve out their time; we know that. That would require a fine defaulter to be transferred across the Kimberley by plane, with two custodial officers. I know that the member for Cottesloe has a bent for business. The directors of a company would be fired if they entered into a program in which they had to spend about five or six grand to recover $1 500. The cost of a ticket to fly from Kununurra to Broome is about $600. That cost is unseen by the community. It is madness. That is why we are embarking on this. We do not believe there will be a big loss in the amount of fines recovered, and there will certainly be a saving for the state.

I particularly appreciate the comments of the member for Cottesloe about the need for an alternative approach. The bill introduces a number of different ways to enforce fines. He also spoke about behavioural change by debtors. We have to change our approach in order to see a change in behaviour. This bill is part of trying to effect that change.

I also thank the member for Geraldton, who was the lead speaker for the National Party on this important bill, for his valuable contribution and his indication that the Nationals in this chamber will support the bill. The member for Geraldton of course has a key interest in this bill and brings a regional perspective. The member for Geraldton and a number of other members made reference to the tragic passing of Ms Dhu, which was the catalyst for this bill. I note that two recommendations from the coronial inquiry are coming to fruition, very close to each other—this bill, and the implementation of the custody notification service, which went live at the beginning of October.

If I can interpolate again, I have just had a report from the Aboriginal Legal Service that the custody notification service in its first month of operation responded to 517 calls by police to put Indigenous arrestees in contact with the service. The reforms proposed by this bill and the establishment of the CNS will go a long way towards ensuring that a tragedy like the one that befell Ms Dhu will not happen again. Had the custody notification service been in operation at that time, it would have inquired into not only why she had been taken into custody, but also her general health. We know now that she had been the victim of a very vicious domestic violence attack that had broken a rib, and that pierced her lung, and septicaemia had set in. Her ill health could have been explained to the custody notification service.

The member for Geraldton also raised the issue of garnishee orders, as did the member for Hillarys, particularly when a person's only income is benefit payments. I again stress that garnishee orders are but one enforcement action, and that the registry's first preference is always to encourage a consensual payment arrangement. This may include through Centrepay, as I mentioned earlier. In relation to other commonwealth benefits, the commonwealth has not yet come on board. The commonwealth Attorney-General, Hon Christian Porter, mentioned some time ago that the commonwealth is amenable to considering this, and that he thought it was a good idea. Therefore, although we do not yet have any movement from the commonwealth, the bill makes preparation for that data transfer, and that will happen if the commonwealth makes the call.

**Mr P.A. Katsambanis**: I fear what Sir Humphrey might have told the commonwealth Attorney-General when it went back to the department.

**Mr J.R. QUIGLEY**: That is right. That comment is very apposite to another matter, which is the splitting of de facto superannuation. There was general agreement about that between the commonwealth Attorney-General and me, and I think also his predecessor, but, when it got back to the department, it tried to put a stopper on it. Fortunately, Hon Christian Porter has prevailed, and it is through cabinet, but we just have to wait for the outcome and get on with the process there.

The member for Geraldton also raised a number of questions on the issue of work and development permits, and I will try to answer those questions as best I can now. Will a debtor be compensated for travelling to complete activities under a work and development order? No, it is not the intention that they will receive any compensation for travel. It must be remembered that they are paying off fines; we are not paying them. The range of activities available is deliberately broad, and we expect that the Legal Aid Commission of Western Australia and the Aboriginal Legal Service will play a key role, particularly in the regions, in assisting debtors to find the right sponsor. That would include consideration of what activities are available locally.

The member queried the definitions of financial hardship and homelessness that will be used to determine eligibility for a WDP. Neither of those terms are defined in the statute book, and I do not want to inadvertently constrict their usage by defining them in this bill. When I say "the statute book", I am not talking about this bill. Hardship and homelessness are not defined in the statute book generally, and we do not attempt to define them in this bill. We will take the approach of Queensland, New South Wales and Victoria in developing comprehensive guidelines for WDPs, including how to assess eligibility criteria.

For the assistance of the house, I will point members to some of my current thinking in this regard. In the context of determining what constitutes homelessness for the purpose of assessing eligibility to complete a WDP, guidelines will be developed as contemplated by proposed section 46L. The Australian Bureau of Statistics statistical definition of homelessness, set out in its 2012 information paper, is: when a person does not have a suitable accommodation alternative, they are considered homeless if their current living arrangement is a dwelling that is inadequate, the person has no tenure or their initial tenure is short or not extendable, and does not allow them to have control of or access to space for social relations. Consideration was given to this and other definitions, such as the 1992 Chamberlain and MacKenzie model favoured by the Salvation Army, in the development of guidelines to support the WDP scheme. The government will also consider section 4 of the Supported Accommodation Assistance Act 1994—a commonwealth act—in the development of guidelines for establishing homelessness, and look to the guidelines in place in other jurisdictions to inform the definition of homelessness in the context of WDP eligibility, so we will have the same even approach as Queensland, New South Wales and Victoria as far as possible.

As with homelessness, guidelines developed under proposed section 46L will provide guidance on what might constitute financial hardship. This could include consideration of whether an offender receives commonwealth benefits or some other forms of assistance. The guidelines were developed in close consultation with the community services sector and the key government stakeholders, such as the Department of Communities, the Legal Aid Commission of Western Australia and the Aboriginal Legal Service.

The member for Geraldton also asked about fine expiation orders. We can say that more than one can operate at the same time, and they will run concurrently, as warrants of commitment currently do. There will be no change from the status quo.

We are still looking at what documentation will be required to cancel a licence suspension order. I remind members that the option already exists to request the cancellation of a licence suspension order on particular grounds, linked to entering into a payment arrangement. For example, medical grounds could be one of the reasons why someone believes that their licence should be restored. In those cases, the registry has accepted medical certificates and letters from doctors, for example, as evidence that a licence is required to travel to and from medical treatment.

The member for Geraldton also asked a question related to a specific example of the licence suspension cancellation process. Every request for the cancellation of a licence suspension is taken on its merits. This includes consideration of the family relationship. In most instances under current practice, the registrar only considers immediate family, as that is the context for most applications. However, in exceptional circumstances, consideration is extended to wider

family members and other similar relationships. There is no blanket approach taken; it is all on a case-by-case basis. The member will appreciate that in many families—I am thinking of some Indigenous and other families—the "aunty" takes on responsibility for notional nieces and other extended family members. If she is the principal carer, even though she is not an immediate family member, that can or may be considered by the registrar at the time the application is made, and medical certificates and the like are presented.

As to the exact example provided by the member for Geraldton about the man whose autistic son needs to be driven to medical treatment, I would firstly point out that the registry cannot impose a lifetime licence suspension. That is something the gentleman would need to look into, with legal advice. However, for a fine or infringement-related suspension, those are the kinds of grounds that would be considered; that is, he needs a driver's licence to drive his autistic son to medical treatment. That is one of the things we want to do in this.

**Mr I.C. Blayney**: He did not say why he had lost his licence for life, but I suspect—I may be wrong—that alcohol was a factor.

**Mr J.R. QUIGLEY**: That is different, because that is not licence suspension for the non-payment of fines; it is a lifetime suspension for driving on three or more occasions under the influence of alcohol. Even in those circumstances, if the member's constituent can demonstrate to the court that the licence should be restored, they could always make the application. I have had constituents make applications successfully. Usually, the court requires a significant period, say 10 years, of alcohol abstinence, letters from organisations that support alcohol abstinence like Alcoholics Anonymous, and finally a liver function test that can indicate to the court whether alcohol has been consumed. In circumstances involving real hardship, such as the man with the autistic son, the court might exercise its discretion in relation to a court-imposed suspension rather than a suspension that came into effect because of the non-payment of a fine. Members heard me list my current thinking on remote areas and exceptions, which we are now talking of.

Under the current requirements of the act, that gentleman would also need to enter into a—if it was by way of a fine and not —

**Mr I.C. Blayney**: I do not think it was fines.

**Mr J.R. QUIGLEY**: All right. A person could always enter into a time-to-pay arrangement alongside demonstrating the grounds of hardship. Going forward, he would only need to demonstrate the grounds that apply without being required to enter into an arrangement as well.

I do not think I made myself clear enough there after taking the member's interjection, when he said he did not think that that was right, so I will just repeat that. Under the current requirements of the act, the member's constituent would need to enter into a time-to-pay arrangement alongside demonstrating those grounds. Going forward, he would only need to demonstrate the grounds that apply without being required to enter into a time-to-pay arrangement as well.

I extend my thanks to the various government speakers who contributed to debate on this bill. The members for Kalamunda, Mount Lawley, Armadale, Kingsley, Bunbury, Belmont and Mirrabooka all made very considered and thoughtful contributions highlighting different aspects of this important legislation. I thank each of those members for referring to a number of key reports that have been very useful in informing the development of the bill as well as the important work done by the Aboriginal Legal Service and Social Reinvestment WA. We have been working closely with these stakeholders in developing the bill and I am most sincerely grateful for their expertise and collaboration. I thank members for drawing our attention to the human cost of fine default imprisonment and its impact upon vulnerable people. They also emphasised the over-representation of Aboriginal and Torres Strait Islander people in the justice system and the role that fines enforcement plays in that. I am looking forward to the day when these reforms are in place and the injustice of disproportionately punishing people because of their economic status comes to an end.

The Member for Mirrabooka spoke about the challenges that her constituents have faced in addressing their infringement debts, particularly for infringements issued by police. I note that this bill, and the act that I propose to amend with this bill, does not address this issue. However, at the end of last year I asked the Department of Justice to commence working on a new project across government to improve opportunities for early payment and engagement with prosecuting agencies that are responsible for issuing infringement notices under a number of enabling acts. Considering the number of agencies involved, this is a substantial project and it will take some time for the Department of Justice to complete, but we are determined to proceed with those reforms as well.

I note that the shadow minister and the opposition Whip are not in the chamber, but I am concluding my contribution. I consulted with the member for Hillarys and gave him a copy of my speech. He said that it covered all the points that he would have wished to raise in consideration in detail and that if I put all of this speech on the record, the opposition would not need to go into consideration in detail. I thank the member for that. I think that this legislation is a fine example—that is a bit of a pun! It is a good example of this Parliament and the members of this Parliament working cooperatively together to bring about what everyone in this chamber recognises is much-needed reform

in the enforcement of fines. I thank every member who has contributed to the debate. I thank the opposition for its support of the bill. I particularly thank the members for Hillarys, Kalgoorlie and Dawesville for indicating that a printed copy of my speech in reply to the second reading debate will obviate the necessity for us to spend a long time in consideration in detail. With those words, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

*Third Reading*

Bill read a third time, on motion by **Mr J.R. Quigley (Attorney General)**, and transmitted to the Council.

## GOVERNMENT RAILWAYS AMENDMENT BILL 2019

*Second Reading*

Resumed from 13 November.

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [4.04 pm] — in reply: I rise to conclude the second reading debate on the Government Railways Amendment Bill 2019. I thank members on this side of the house for their very good contributions to the issue of trespass on our rail lines. I particularly acknowledge the member for Thornlie and some of the issues he is facing with trail bikes going onto the easements of the rail line through his electorate. It will be interesting as we do further work through that area whether further noise mitigation and other protections might help protect the corridor a bit more given the significant issue he raised in his contribution to the second reading.

As we said, this bill seeks to increase the maximum fine for trespass on the rail network from $200 to $5 000. It is a significant increase by any stretch of the imagination, and something that has not happened for many, many years. One of the reasons we chose $ 5 000 was to be in line with penalties and fines in other states. That figure was agreed to because we thought it would be the right amount of penalty to be imposed by this bill.

In the opposition's stance of opposing this bill and this increase, it was surprising to see its members wanting to play cheap politics on something like this. It is a serious issue and something we take seriously. We are implementing a number of measures across government to try to reduce the amount of trespassing on our rail lines. I will outline again some of the initiatives. We have a targeted social media campaign highlighting to the public the dangers of trespassing and a media campaign to stop photographers taking pictures of wedding parties on the track. People wanting to have their wedding photos taken on our rail lines is a relatively new issue. We are deploying transit officers to build valuable relationships with high-risk youths through social activities to promote rail safety and highlight the dangers of trespassing. I was able to attend a function at the Public Transport Authority to reward some of the activities many transit officers have undertaken, particularly working with youth to try to divert them from undertaking that type of activity on our rail lines. It is something the PTA has been heavily involved in. A lot of good work is being undertaken by transit officers in that space. We are providing ongoing support in delivering the Right Track education program to encourage young people to become more responsible for their own safety while using the rail network. Transperth train operators are working with the WA Police Force to prevent graffiti-related trespass incidents at railcar depots, stations and sidings on the PTA network. As I said, I think we are doing a lot across the agency to try to reduce the incidence of trespass.

There has been some commentary about some of the numbers that I outlined in my second reading speech, which showed that in 2016–17, there were 328 category B notifiable occurrences of trespass and in 2017–18 that number increased. The issue concerning this is that although the number has increased, a lot can also be attributed to changes in the Office of the National Rail Safety Regulator reporting guidelines and how we interpret those guidelines has changed. Our reporting has become a lot more rigorous as well. That is outlined in the annual report, in my second reading speech and I think it was outlined in the media statement. Although there has been an increase, a lot of it can also be attributed to how we interpret the Office of Rail Safety guidelines. I just want to make that point. This whole claim that somehow the creation of a McGowan Labor government led to everyone wanting to trespass on our rail lines is false. When you look at the whole history of category B notifiable occurrences, there were significant increases under the previous government, too.

When the opposition spokesperson stands up and says that Labor was elected and everyone went and trespassed on our train lines, we have to wonder about not only what motivates those types of comments, but also what end she is trying to achieve. It is a political thing. A change of government does not affect whether people trespass on train lines. The figures show a significant increase of trespass under the previous government, but I do not think it is because there was a Liberal government; I just think there has been some trends, which we are trying to address and stop in a number of ways.

The opposition spokesperson also commented that our train system is likened to a war zone. That is what she said.

**Ms L. Mettam**: No, I didn't!

**Ms R. SAFFIOTI**: I think the member said that.

**Ms L. Mettam**: No, I did not say that.

**Ms R. SAFFIOTI**: What did the member say?

**Ms L. Mettam**: I was reading a comment from a transit officer.

**Ms R. SAFFIOTI**: What did the member say?

**Ms L. Mettam**: I'm quoting.

**Ms R. SAFFIOTI**: The member stood up.

**Mr P. Papalia** interjected.

**The ACTING SPEAKER (Ms M.M. Quirk)**: Minister for Tourism! I think the Minister for Transport has the matter in hand. Thank you.

**Ms R. SAFFIOTI**: The opposition spokesperson for transport was keen to participate in commentary about likening our rail system to a war zone. The member for Warnbro has been in a war zone, and his commentary would suggest that the Warnbro train station is nothing like Afghanistan—sorry, the member for Willagee. Why would the opposition spokesperson come in and try to undermine confidence in our rail system? If she wanted to become the —

**Ms L. Mettam**: Your numbers have flatlined. You're undermining it yourself.

**Ms R. SAFFIOTI**: The member is wrong again.

**Ms L. Mettam**: No, two per cent.

**Ms R. SAFFIOTI**: No. The member is wrong again.

**Dr A.D. Buti** interjected.

**The ACTING SPEAKER**: Member for Armadale!

**Ms R. SAFFIOTI**: Honestly, it is hard not to say what I think in this place sometimes. Does the member just not understand it, or does she just not care about being wrong? She has that look on her face that tells me I do not think she actually understands how wrong she is.

**Ms L. Mettam**: Very sensitive!

**Ms R. SAFFIOTI**: No. It is just that I have, in my past life and in my current life, dealt with facts. It is what has allowed me to get to where I am. When the member sits there with that look on her face and completely misleads the house, the member either does not know she is doing it, or she is doing it maliciously.

**The ACTING SPEAKER**: Leader of the House!

Several members interjected.

**Mr D.A. Templeman**: Sorry. I was just getting some stationery.

**Ms R. SAFFIOTI**: The member is out there, claiming wrong figures about patronage and saying the rail system is a war zone, and, somehow, she is not undermining public transport system. As I said, the member tries to portray something that is not right. Frankly, we have seen a pretty strong increase in the patronage numbers, relative to the population. We are very big supporters, promoters and builders of the public transport system. Member for Dawesville, thank you for your cameo appearance on this bill. It was something about "Liberals like rail." It was not only a cameo, but also good comedy.

**Mr D.A. Templeman**: It was champagne comedy!

**Ms R. SAFFIOTI**: It was a champagne comedy appearance! The member for Dawesville was somehow trying to pretend that the Liberal Party likes rail, and I thank him for that.

**Mr W.R. Marmion**: You did point out, didn't you, about car parks?

**Mr Z.R.F. Kirkup**: I didn't. The member for Nedlands wanted me to raise the point about car parks, but I missed it.

**Ms R. SAFFIOTI**: The member for Nedlands had the opportunity. I saw the member for Nedlands reading his newsletter yesterday to see what he was up to in his electorate! It was very interesting!

I am surprised that the opposition wanted to play politics with this. This is an extraordinary increase; it is a multifaceted approach. The proposed amendment shows what I call dartboard policy—"What number shall we pick to fine people?" The opposition hit on $12 000. I suppose we will be debating that amendment. I understand that it may be debated in the next sitting week. Again, the Liberal Party is all over the place on public transport. The Liberal Party says that public transport is a war zone and that it is not working, and then there is a cameo appearance by the member for Dawesville, saying that he likes it. The member for Churchlands cannot help himself. Whenever he is interviewed about anything, he wants to run down the Ellenbrook rail line, and then the Liberal Party puts him back in the cupboard. The member for Churchlands cannot help himself on the Ellenbrook

rail line, nor can the member for Cottesloe, who had to stand up in a third reading debate and apologise for what he said in the second reading debate about the Ellenbrook rail line.

As I said, I assumed that this bill would get overwhelming support. It is a positive thing; it is a good thing. It is a good thing for the community. An amendment will be moved. Some blatantly political and incorrect points were made yet again by the member for Vasse. I am not sure who does the member for Vasse's research, but we will go through it. I had hoped that this bill would not be a political football but that it would be just a good change to increase penalties to discourage people from trespassing on our train tracks to make the train system safer for everybody involved, in particular the passengers and the whole community. The member raised the issue of assaults on transit guards, but she failed to mention that we have increased the number of transit guards across the system. We are increasing the number of transit guards, building Metronet and increasing patronage across the system. There is an overall package of reform. I think the member for Armadale outlined how important the Armadale rail line is to his community. Many of us in this place who have electorates bordering on existing or future rail lines know the importance of our rail system. As I said, I always get confused by the member for Vasse, because she said she supported the bill, but then I think she called it half baked. I am not sure why the member for Vasse would support a half-baked bill. I do not know whether she is going to support this bill or not, but I know that it is long overdue. Under this government, we are increasing penalties and we are doing a lot to discourage trespassing on our rail lines.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

## ADJOURNMENT OF THE HOUSE

*Special*

On motion without notice by **Mr D.A. Templeman (Leader of the House)**, resolved —

That the house at its rising adjourn until Tuesday, 26 November 2019, at 2.00 pm.

*House adjourned at 4.18 pm*

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