Parliamentary Debates
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LEGISLATIVE ASSEMBLY

Thursday, 8 August 2019

Legislative Assembly

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THE SPEAKER (Mr P.B. Watson) took the chair at 9.00 am, acknowledged country and read prayers.

PAPER TABLED

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

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Inquiry into Public Sector Procurement of Goods and Services and its Vulnerability to Corrupt Practice — Extension of Reporting Date — Statement by Speaker

THE SPEAKER (Mr P.B. Watson) [9.02 am]: I have received advice that the Joint Standing Committee on the Corruption and Crime Commission has resolved to extend the reporting date of its inquiry into public sector procurement of goods and services and its vulnerability to corrupt practice to 28 November 2019.

PHARMACY VACCINATIONS

Statement by Minister for Health

MR R.H. COOK (Kwinana — Minister for Health) [9.02 am]: I rise to inform members of the house that Western Australians are now able to get vaccinated against illnesses such as whooping cough, measles and meningococcal disease at their local pharmacy. Under changes approved by the Department of Health, pharmacists will be able to administer additional low-risk vaccines to people over the age of 16.

The new vaccines that pharmacists will be able to administer are measles, mumps, rubella, diphtheria, tetanus and pertussis—whooping cough—and the ACWY strains of meningococcal disease. All vaccinations provided will be recorded on the Australian Immunisation Register. Many Western Australian pharmacists are already trained to administer these additional vaccines. It is expected that the remainder will have completed the required training by October 2019, so the public should check with their local pharmacy to find out when the new service will be available. The move aligns Western Australia with other Australian states and territories that already offer similar services and will improve consistency in pharmacist-administered vaccines across the nation.

In June this year the McGowan government announced WA pharmacists could offer influenza vaccination for children over the age of 10 years. Pharmacists have been safely issuing the influenza vaccine to adults since 2015 and more Western Australians are being vaccinated against influenza than ever before. The initiative has been driven by the Department of Health to increase immunisation rates in the community. People who are most likely to benefit from the changes include any WA adult with a gap in their vaccine schedule; adult relatives, such as grandparents, who will be coming into contact with babies and need a booster shot for whooping cough; and people wanting the meningococcal ACWY vaccine but are not eligible for the state-funded program. We need to boost the rate of immunisation against these potentially deadly illnesses, and allowing pharmacists to issue these vaccines will ensure that more Western Australians are protected.

PRISON STAFF AND PRISONERS — ASSAULTS — REPORTING AND RECORDING

Statement by Minister for Corrective Services

MR F.M. LOGAN (Cockburn — Minister for Corrective Services) [9.04 am]: I rise to inform the house of what this government is doing to address the legacy issue of the reporting and recording of assaults on staff and prisoners. The Inspector of Custodial Services, the Corruption and Crime Commission and the Auditor General have all identified that the previous reporting and recording of assaults needs to be improved. In addition, a 2018 Department of Justice internal audit on the rate of serious assaults per 100 prisoners estimated an under-reporting of about 27 per cent. I am pleased to inform the house that the department has now taken a number of positive steps to tighten its reporting standards, enhance the software used to record incidents and strengthen quality assurance processes around incident reporting and recording. A new assault category has also been introduced when a victim receives no physical injuries and does not require any form of medical treatment, but the incident is still considered an unacceptable assault.

Work has also been completed to identify and amend misclassified serious assaults from the 2017–18 year and the rate of serious assault key performance indicator will be restated for 2017–18 as part of the 2018–19 annual report process.

Because of the extensive nature and wide range of improvements made to the department's systems, processes and technology, recent data is not comparable with that of previous years, with the exception of the serious assaults data. However, any increase in assaults on hardworking prison staff is concerning and we are working to minimise such incidents and ensure a safe custodial environment. We have invested $310 million in 1 228 new beds. A new 160-bed unit will be operational in Bunbury Regional Prison next month and 256 beds over two new units at Casuarina Prison are expected to be completed by the end of this year. We have an open-ended recruitment

campaign for another 458 new prison officers, and 228 trainee officers across the state are already confirmed. We have already established a drug treatment prison for women—a male facility is expected to be up and running in the middle of next year—and we are also making plans for a step up, step down mental health facility, both of which are at Casuarina Prison. A police officer will be seconded to Hakea Prison imminently to help prosecute prisoners who assault staff or other inmates. Prison wing patrols at Hakea are also being increased with the assistance of the special operations group to further enhance the good order of the prison.

This government is acting once more to address the legacy issues that should never have been allowed to occur under the previous Liberal–National government.

MINISTER FOR CHILD PROTECTION — DAMPIER PENINSULA VISIT

Statement by Minister for Child Protection

MS S.F. McGURK (Fremantle — Minister for Child Protection) [9.07 am]: I rise to inform the house of my visit to the Dampier Peninsula last week, where I was privileged to spend time in the Lombadina and Ardyaloon communities. I was invited to the peninsula to hear about the Woombooriny Amboon Angarriiya Partnership Initiative—which translates to "people coming together, working together"—an innovative collective impact project supported by the state and commonwealth governments, Woodside, Save the Children, local elders and community members. The vision for the project is simple, yet profound. With respect and trust, we work in equal partnership to strengthen happy and thriving Dampier Peninsula communities where our babies, little children and youth are strong, proud, smart and healthy and connected to their family, community and culture with guidance from our elders.

The project employs five talented and inspiring individuals, who invited me to visit and hear about their work and how it will benefit children, young people and their families in their communities. The navigators are Janella Isaac from the Ardyaloon community; Maria McKenzie from the Djarindjin community; Tony Sibosado from the Lombadina community; and Joshua Augustine and Rosanna Smith from the Beagle Bay community. They are supported in their work by Jessica Bunning, the senior project officer, who is funded by Woodside, and Marty Sibosado, the empowered communities Aboriginal guidance adviser.

This is a message of hope and vision—a message that I, as Minister for Child Protection, am proud to support. I extend my thanks to everyone who has supported and participated in this important project and wish them success in the future.

CARNARVON TRACKING STATION

Statement by Minister for Science

MR D.J. KELLY (Bassendean — Minister for Science) [9.09 am]: The world recently celebrated the fiftieth anniversary of the *Apollo 11* moon landing, but there is a Western Australian aspect to this story that many people are unaware of. In 1964 Carnarvon was a small coastal town; however, there was one new addition—a state-of-the-art NASA tracking station, complete with its own power plant, air conditioning, the latest radio equipment and a new occupational group called the "trackers". Over the next 11 years, the NASA Carnarvon Tracking Station supported the Gemini, Apollo and Skylab programs and at the height of its operation had a staff of 220 people. It was the largest NASA tracking station outside the United States. For the *Apollo 11* mission, it was used to uplink commands to the *Apollo* spacecraft to set it on a trajectory to arrive at the moon, and it was the prime link for the last hours of re-entry to earth.

Although the station was decommissioned in 1975, and sadly bulldozed in 1996, today I want to pay tribute to the enduring contribution and the spirit of those who worked at that station. Although some specialists were brought in from overseas to work at the station, the core of the operational staff were Western Australians. Unsurprisingly, there was not a huge talent pool of space experts in Western Australia, so a range of TV technicians, telephone operators, and interested locals took on the roles. They had a steep learning curve and they quickly became proficient in their roles and gained a reputation for their strong work ethic and problem-solving skills. For the Carnarvon trackers, these historic events are forever etched into their memory, and lifelong friendships were made.

I had the pleasure of joining the trackers in Carnarvon for the *Apollo 11* fiftieth anniversary celebration. I was impressed by the pride they took in the roles that they played in the space race. They were vital to NASA's success. I was also impressed by how many women had taken on those roles. These women stepped up and got the job done. The Carnarvon celebration was a great weekend in which old friends got together and told stories. But there was a serious message: the Carnarvon trackers want to ensure their story is remembered by all Western Australians. Many Australians know the story of the Parkes Observatory and the dish. We should also know the equally important story of the Carnarvon trackers. In this regard, I acknowledge the great work by Phil Youd and his team for establishing the Carnarvon Space and Technology Museum that opened in 2012. The museum tells the trackers' story. I am told it is now Carnarvon's number one tourist attraction.

As WA positions itself to take a greater role in the space industry in the future, I want to recognise the long and proud history of space activities in this state and, on behalf of all Western Australians, I thank the Carnarvon trackers for their contribution to the space industry in Western Australia.

POLICE — CRIME RATES — MANDURAH

Grievance

MR Z.R.F. KIRKUP (Dawesville) [9.12 am]: My grievance today is to the Minister for Police and relates to crime in Mandurah. I appreciate the minister taking my grievance this morning. I hope that the minister is aware by now that on the weekend more than 400 people congregated at the rotunda on the eastern foreshore in Mandurah as part of a rally to demand that more police patrol and be stationed in the city centre as part of a permanent police presence 24 hours a day. The rally came about because the community is concerned about the rate of crime across the Mandurah policing district.

When I talk about the Mandurah district, I point to the efforts that the government made recently—about a year and a half ago—to change the composition of the police district of Mandurah not only in the area that I represent, but also across the Mandurah policing district more broadly. Unfortunately, the Western Australia Police Force must now service 81 suburbs in the Mandurah district—as far north as Hope Valley, as far east as Inglehope, and as far south as Clifton, which is in the electorate that I represent, and control 27 suburbs in the Mandurah subdistrict. In the Pinjarra subdistrict there are 15 suburbs; in Dwellingup, there are 10; in Rockingham, 12; and in Kwinana, 17. All these areas must be patrolled and crime must be responded to out of the Mandurah Police Station, where in some instances very few officers are available to do the job. This has meant that in the last financial year, we have seen an eight per cent rise in crime in Mandurah. That is an unacceptable rise in crime in our community. We know that in a number of suburbs in particular, the rise in crime has gone well above eight per cent. In Herron, for example, in the last financial year home burglaries increased 207 per cent. In Dudley Park, there has been a 60 per cent increase in home burglaries. In Halls Head there has been an 87.5 per cent increase in commercial burglaries. In Falcon, a home or business is being robbed or stolen from every two days. That is an increase of 15 per cent on the year before.

Police officers are coming to me out of uniform—in some instances, retired police officers—saying that the recent changes to the policing model in the Mandurah subdistrict and to police patrols in the area that I and the member for Mandurah represent has resulted in officers being removed from Mandurah Police Station. I have been told that an estimated 30 police officers are no longer at Mandurah Police Station, that local sergeants are gone—a figure that has been confirmed by the inspector of the Peel region himself—that officers are stressed and are not getting their meal breaks, and that a significant number of officers are taking sick and stress leave, which means, unfortunately, that there are now fewer police officers on the streets in Mandurah and the community that I represent.

As well as an increase in the percentage of crimes committed, we have heard awful stories about young people being assaulted and bricked in the mall; a grandfather who sells fruit on Saturday mornings at the farmers' market on the Smart Street Mall being assaulted; businesses being ramraided twice in two days, which led to the loss of $100 000 worth of goods; and stores in Falcon being hit multiple times as part of a concerted effort by a ring of criminals who steal very quickly from a number of shops by getting in and out in minutes, resulting in tens of thousands of dollars of stock being lost from commercial premises. It should be of little surprise then to learn that the people of my district are concerned about the rate of crime in our community, and that is why an unprecedented number of people came together at that rally. They were joined by the member for Canning, Andrew Hastie; the WA Leader of the Liberal Party, Liza Harvey; the shadow Minister for Police, Peter Katsambanis; and me. The member for Mandurah also attended. We came together to express our concern about the rate of crime in Mandurah and to call upon the government to do something about it.

The community agreed to three things at that rally. First and foremost, they want to express their support for our Western Australian police officers who do an outstanding job in the community, obviously, with very constrained resources and now, as we have found, with reduced numbers. The second thing that the people of my community call for is a permanent police presence in the Mandurah CBD. It does not have to be a police station or anything like that; they just want a fixed police presence in the CBD. We know that the physical presence of police officers ensures a reduction in crime and dissuades people from engaging in criminal activity in the first place, and it is a fantastic response to antisocial behaviour at night. The last thing that the community asks for is more police resources in Mandurah. We know that Mandurah Police Station needs to be expanded and more police officers are needed in Mandurah, which is a growing area.

My grievance today is something that I wish I did not have to do. I wish that we did not have to rally on the foreshore in Mandurah, because the people of Mandurah do not want crime to define them. We all believe in the great beauty of our city. We all believe that the antisocial behaviour that we have seen on the front pages of *The West Australian*, in the media and on nightly news on television should not define our city. It is far better than that. We have a great vision for our city. All community leaders want to march ahead together, but we cannot continue that march for progress and development in our city if we keep getting dragged behind because the crime rate is going up by eight per cent, because police officers have left, because grandfathers are getting bashed on the streets while selling fruit, because young people are getting bricks to the head when leaving a nightclub, when businesses are being robbed, and when licensed venues consistently have to throw patrons out because of antisocial behaviour.

On behalf of my community, I will present in the coming weeks a petition with thousands of signatures calling on the minister to listen to our community, to invest in more police officers in our community and to get a permanent

police presence in our CBD. That is what our community deserves. We want more people in Mandurah. I think it is a fair to say that after an eight per cent rise in crime, something is broken and this government needs to step in and fix the situation in Mandurah.

MRS M.H. ROBERTS (Midland — Minister for Police) [9.19 am]: I thank the member for Dawesville for his grievance. Had he not raised it today, I was going to ask a dorothy dixer question on this issue at question time, because of his misrepresentation of the facts and the misrepresentation and hypocrisy of the member for Scarborough when it comes to Mandurah.

Several members interjected.

The ACTING SPEAKER: Members!

Mrs M.H. ROBERTS: I think it is a great shame that the member for Dawesville is trying to build his reputation on trashing the reputation of Mandurah. Mandurah is a beautiful place. He is trying to make out that it is the crime capital of Western Australia. Nothing could be further from the truth. He has built that on lies and mistruths. He is saying that crime is surging and police numbers are down. I notice that he has not mentioned response times, because it is a given that they are better. The fact of the matter is that the Liberal Party went to the election with the promise of zero extra police officers, so I do not know where it would have ever got the extra police officers from. We have engaged over 150 extra police officers now at the Commissioner of Police's disposal. We also have over 120 additional people targeting methamphetamine, the driver of much of the crime that the member for Dawesville is talking about.

Let us deal with some of the facts. The fact of the matter is that the former government gutted police services in Mandurah and we saw double-digit increases in crime month after month. If we compare the last two years when the member for Scarborough was Minister for Police, March 2015 to March 2017, with our two years of government, crimes against property and the person have decreased by 13 per cent. That includes a 22 per cent fall in burglaries, a 16 per cent fall in robberies and a 24 per cent fall in motor vehicle theft. That is the record of our two years compared with the two years in office of his leader, the member for Scarborough. That did not come about by accident; it happened because the previous government removed the district status of Mandurah. It became like a suburb of Fremantle. It lost its district status; it was taken from it. Its district office was moved to Myaree. That was the district office for Mandurah under the Liberal government. The previous government took away the traffic branch. No longer was there a traffic branch in Mandurah; the previous government took that away, too.

What have we done in response and why have we got a significant decrease in crime? The fact of the matter is that the figures do not lie. They are the figures provided to me by Western Australia Police Force; they are the figures available on the police website. The member for Dawesville tries to find a small section of figures that he can use to his own political advantage—that he can stoke the fires and wind up the community with. I saw him on the TV waving his arms around, flourishing away there, making out that Mandurah was in the depths of some crime epidemic. Yes, there have been some tragic crimes in Mandurah; yes, crimes have occurred in just about every suburb in Western Australia. Think about the legacy that the previous government left us: double-digit increases in crime and huge blowouts in response times, as officers had to traverse a mega-district—that failed metropolitan operating model. Yes, the Liberal Party put Dawesville and Mandurah into a metropolitan operating model in which officers were having to traverse from as far away as Fremantle and beyond. They now have a local model. We have additional resources there. The mental health co-response teams are responding there. We have additional traffic enforcement. We have also increased the number of regional operations groups from two to three and increased the total number of officers in those groups so that if an episode occurs, as they do all around the metropolitan area and beyond, we have that mobile group, the regional operations group, that can respond if there is, for example, an unruly situation in the Smart Street Mall.

The fact of the matter is that the police have been doing an excellent job. They have been responding quickly and dealing effectively with the crimes, because not only are response times better, not only are crime rates down, but the police are solving more crimes in a timely fashion. I will point to a couple of recent episodes. A fishing tackle place had about 70 fishing reels stolen one day. It was big news; it was on the TV. What did not get as much coverage was when, the very next day the police, headed by Rockingham detectives who had been following up on a number of inquiries about offences over the past couple of weeks, caught an alleged offender. They charged him with stealing a car, I think from Melville, and a range of other offences. They went to his home, they retrieved every one of those fishing reels and they put the offender before court. That offender was not granted bail. That is the kind of good and immediate police work that we are seeing. There was a lot of publicity about a big brawl in the Smart Street Mall a couple of months ago. I asked police, "How long did it take you to arrive in the Smart Street Mall?" They said, "About two and a half minutes. Minister, we were definitely there in under three minutes."

I understand that these incidents are frightening. I have seen them and we all have seen them. We only need to look at the news each night to see that crime occurs. We know though that we have a significant decrease in crime under the McGowan government. That has not come about by accident; that has come about because of the strategies that the new police commissioner has put in front. It is because of the resources that we have provided to the Commissioner of Police. It is because we are now operating an eight-district model and we have restored Mandurah's district status. We have dedicated officers operating in a narrow area supporting Mandurah.

SUGAR — LABELLING

Grievance

MS M.M. QUIRK (Girrawheen) [9.26 am]: My grievance is to the Minister for Health in his capacity as a member of the Australia and New Zealand Ministerial Forum on Food Regulation. My grievance relates to concerns of misleading labelling of the presence of sugar in processed foods. I seek a progress report on initiatives on sugar labelling being considered at the ministerial forum, whether any measures are being taken at state level to complement nationally agreed standards and, in particular, whether any targeted community education is being contemplated.

It is well known that there is a strong correlation between obesity and chronic disease. Likewise, it is acknowledged that consumption of too much sugar can cause a range of adverse health outcomes in the community such as type 2 diabetes and cardiovascular disease. We all know about the usual suspects, soft drinks and confectionery, but I consider food labelling needs improvement because sugar is present in all sorts of unexpected places, especially savoury food, which can be a trap for the unwary. The requirement to list ingredients in processed food in order of ingoing weight is certainly a useful tool for those seeking information, and one of the ploys of manufacturers is to use opaque terms for sugar that can trap even the most vigilant. These names include agave syrup, barley malt, beet sugar, carob syrup, coconut sugar, corn syrup, date syrup, dextrose, evaporated cane juice, fructose, fruit juice concentrate, grape syrup, lactose, malt, maltose, maple syrup, muscovado, panela, rapadura, rice syrup, sucrose, turbinado and high-fructose corn syrup, to name just some of the 42 different names. Requiring clearer labelling is not another example of a nanny state, but rather giving consumers a fully informed choice. A particularly dubious practice is to add sugar in the form of fruit juice concentrate to children's and baby foods. This concentrate can be misdescribed. For example, in baby food, apple juice concentrate is in the form of added sugar and it can be listed in the ingredients as "apple" even though there is no actual fruit in the product. Of course, sugars are added in quantity in its many guises to savoury foods, from flavoured chips to curry or spice bases, mayonnaise and frozen meals. Can I set members a supermarket challenge? Next time they are in the supermarket pick a product like mayonnaise, spice mix, chilli sauce or the like and try to find one that does not have added sugar, however described, or that has sugar in minimal amounts.

Perhaps one of the cruellest deceptions is the high levels of sugars in so-called health food bars or in low-fat foods described as lite—l-i-t-e, I might add, then sugar can be added to compensate for the reduction in fat. So those trying to eat carefully may choose a low-fat yoghurt only to find it contains masses of sugar. For those wanting to do the right thing, the health star rating on things like breakfast cereal is of no use whatsoever. The rating does not make a distinction between naturally occurring and added sugars. An excellent example cited by *Choice* magazine, which has launched a campaign for better added sugar labelling, is that of Freedom Foods mango, papaya and macadamia gluten-free muesli. This receives a four star health rating. However, added sugars are scattered throughout the ingredients listed eight times under six different names—golden syrup, cane sugar, brown rice syrup, sugar, glucose and apple juice concentrate. When all the sources of sugar are disaggregated, it disguises the fact that sugar in its various forms is one of the main ingredients.

Another cause of confusion on the nutritional information panel on the side of products is that sugars for a product are listed but broken down into naturally occurring and what has been added, rather than the total sugar content being listed. In tomatoes, for example, sugar is a natural component but in products like pasta sauce, sugar may be added on top of this. It is necessary to read through the whole list of ingredients and be aware the added sugar could be described by one of 42 names of which I have listed a few.

Finally, new research suggests that consumption of even 100 millilitres of fruit juice or sugary soft drink on a daily basis can lead to an increased overall risk of cancer of 18 per cent or a 22 per cent increased risk of breast cancer. This has significant implications for public policy. More than 100 000 subjects in France were studied over nine years, according to results published in the *British Medical Journal* this month. The researchers claim that their study is observational in nature and does not prove cause and effect between sugar and cancer. Nevertheless, given the length and breadth of this statistical analysis, it may be added justification for focusing on ways and means to limit sugar consumption or at least better inform consumers.

In conclusion, the minister just asked me if I was particularly interested in this matter. Keen observers will be aware that I struggle with my weight, so I am a bit of a sugar Nazi at supermarkets. The other night I thought I would spice up a stir-fry mixture. I was a bit sick of the Asian flavours so I went for the Moroccan spice mix made by a very reputable spice company only to find over the wok that the second most prevalent ingredient in the mix was sugar. Fortuitously, *Choice* magazine arrived the next day and I read about it, so from this end of the country, I certainly recommend that everyone make the effort to campaign against clearer and more obvious labelling of sugar.

MR R.H. COOK (Kwinana — Minister for Health) [9.33 am]: I would like to thank the member for Girrawheen for bringing this extremely well researched grievance today. Clearly, the member has undertaken a forensic analysis of this issue and has exposed the impact sugar has on our community really well. I was speaking to the member for Darling Range a short moment ago comparing the virtues of modern-day Sherbies versus the traditional Sherbie and lamenting that there is no longer the same level of sherbet in the Sherbies. Neither of us believed for a moment that there was less sugar in the Sherbie, but we are losing quality.

The member for Girrawheen is absolutely correct in that sugar represents a significant impact on chronic disease, particularly for diabetes in our community. The incidence of added sugar in our diets through the modern grocery shopping list has had a significant impact on our community. The member was absolutely right to point out that sugars are disguised in the way they are added to products and listed in the labelling. As a result, Australian and New Zealand consumers are not in a position to make informed choices about the foods they eat. This comes to the crux of modern public health policy. Although, occasionally, public health advocates propose heavier handed tactics, such as the restriction or banning of certain foods or substances, we want people to make informed choices about the foods they eat. If they cannot make that informed choice, as indeed the member for Girrawheen demonstrated through her Moroccan spice, we cannot expect people to protect their health. She is absolutely correct to raise this issue today and highlight the important work on food labelling by the Australia and New Zealand Ministerial Forum on Food Regulation.

Two key national policy initiatives are currently under consideration that relate to the treatment of added sugar in labelling, which, as the member observed, were raised by *Choice*. They are the five-year review of the voluntary health star rating system being undertaken by MP Consulting. This review has considered the treatment of added sugar in the HSR algorithm. Total sugar is currently a negative nutrient used to calculate the contribution to the star rating score and the food regulation policy project on the labelling of sugar on packaged foods and drinks.

For members' information, Western Australia also participates in the Healthy Food Partnership. This is a cooperative partnership between government, the public health sector and industry to tackle obesity, encourage healthy eating and empower manufacturers to make positive change. The work being undertaken includes establishing sugar reformulation targets, portion sizing in alignment with Australian dietary guidelines and communication and education initiatives with a focus on whole-of-diet approach rather than a reductionist nutrient-based approach.

The processes of the food forum are tortuously slow. Glacial is an apt description of the way they undertake reviews of food-related regulations. This is for obvious reasons. It obviously involves all the states; it also involves New Zealand, so the implications of making regulatory changes to food regulations takes quite a lot of consultation. In November 2017, the forum agreed to progress the labelling of sugar on food and drinks as current information about sugar provided on food labels does not provide adequate contextual information to enable consumers to make informed choices in support of dietary guidelines. The Food Regulation Standing Committee developed a consultation regulation impact statement. I have now become familiar with these tortuous processes, member for Girrawheen, for labelling of sugar on packaged goods, food and drinks. Public consultation on identified policy options was undertaken between 11 July and September 2018. In September 2018, the WA Department of Health submission identified combining both policy option 3, which is to change the ingredients list to overtly identify added sugar, and policy option 4, which is to quantify added sugars in the nutrition information panel as the preferred policy option.

The next step in the sugar–labelling policy issue is for the FRSC to provide policy advice to the forum for its consideration and decision. The food forum decisions are often made by consensus, so it is tortuously slow, but we can force a vote if we need to. On this issue, we do need to force the issue, member. I believe that we need mandatory labelling about added sugar. Food star ratings need to be mandatory to provide a clear message to consumers about what steps they must take to protect their health and maintain a balanced diet. The time for going softly, softly on this issue is over. We need to make labelling regulations mandatory to ensure all foods available in grocery store aisles provide clear information to consumers about the added sugars they are taking on.

The member for Girrawheen provided a great exposé of the sorts of ingredients that food manufacturers use to disguise the nature and extent of added sugars. I, too, share her frustration as I shop. I like to fool myself occasionally by thinking I can eat a protein bar. I think it is good for my low-carb diet, until I look at the ingredients in the protein bar and the number of grams of protein are only outdone by the number of grams of sugar! We need to have better analysis, better labelling and a much clearer indication for consumers on how they can protect their health.

PALLIATIVE CARE — CAPES REGION

Grievance

MS L. METTAM (Vasse) [9.41 am]: My grievance is to the Minister for Health. I thank the minister for taking this grievance. I rise to speak of the need for the McGowan government to commit greater and more adequate resources and support for palliative care services in the south west region, specifically within my electorate of Vasse.

This week, the McGowan government introduced a significant bill—a bill to legalise euthanasia. With this in mind, I feel it is important to emphasise that no matter the outcome of that legislation, there is a need to ensure high-quality palliative care is available to every Western Australian regardless of whether they live in the city or in a regional or rural area. As the minister would know, palliative care aims to improve the quality of life for patients and their families who are battling both terminal and life-limiting illnesses. By all definitions, it is a critical service in any health system and deserves to be fully funded and accessible to all who need it.

My upper house colleague Jim Chown, MLC, highlighted in Parliament earlier this year that WA holds the shameful title of having the lowest number of publicly funded inpatient palliative care beds per head of population

in the country. Sadly, access to palliative care is not equal across the regions, and is even further limited in rural areas and almost non-existent in remote regions. Astonishingly, in 2018–19 the McGowan government slashed funding for regional palliative care providers by $387 000, or 5.5 per cent. The Joint Select Committee on End of Life Choices was told of people in regional areas transferring to Perth to receive specific palliative care treatments. It is a completely heartbreaking position that patients may need to choose between staying close to home and receiving limited treatment or travelling to major hospitals in larger centres, often away from family and friends, to receive the appropriate palliative care.

A recent article in the *Bunbury Herald* highlighted that palliative care services in the south west are critically under-resourced. I have spoken with the WA palliative care specialist who was quoted in this article, Anil Tandon. He stated —

> "Palliative care services, particularly in regional WA, need to receive adequate funding and there needs to be care available not just during work hours but also in the evenings and on the weekends," …

I have met with Anil Tandon and the palliative care team at Sir Charles Gairdner Hospital. They underline the concerns regarding the accessibility of people in regional areas having their loved ones surrounding them or being close to home at the time nearing death.

In my electorate of Vasse, there are four dedicated hospice beds at Busselton Health Campus to service the Capes region. There are currently the equivalent of only two full-time palliative care specialist nurses to coordinate and deliver the coastal palliative care community nursing service to Busselton, Margaret River and Augusta and to provide specialist palliative consults to the Busselton Health Campus medical and nursing staff for inpatient palliative care patients. Despite this being a welcome increase from one FTE last year, my understanding is that providing this service to meet the needs in Margaret River and Augusta is simply not feasible due to resources being too stretched.

Astoundingly, despite the region being one of the fastest growing areas in the state, there is still only limited access to dedicated palliative care specialists at Busselton Health Campus. As a result, many palliative care services in the Busselton region are funded by the community through fundraising and donations. The coastal palliative care service is supported by Busselton Hospice Care Inc's volunteer program. That amazing organisation leads the way in palliative care in WA through its compassionate community program. This community-funded program has been operating in Busselton for 20 years. More than 400 trained volunteers have walked alongside people and their families during admission to the Busselton Health Campus hospice unit, providing an anchor of support at one of the most profound times in their lives. This service was recently recognised as outstanding and received the Douglas MacAdam perpetual trophy for excellence in palliative care.

Although there are a significant number of volunteers and two clinical nursing staff, it is clear that palliative care resources in the Capes region are still under pressure. Following the Liberal opposition's calls and a recommendation in the report by the Joint Select Committee on End of Life Choices that palliative care services in WA needed to improve, I am very pleased the state government provided an additional $41 million in the 2019–20 state budget for palliative care. This is certainly a welcome start. Although more is required, I would like to see part of this funding dedicated to improving palliative care services in the Capes region.

Minister, I am calling for an increase in dedicated specialist palliative care nursing staff and a palliative care medical specialist for the Capes region, and additional funding for Busselton Hospice Care Inc to introduce a community outreach volunteer program. This new program would provide much–needed social and emotional support to complement WA Country Health Service's clinical palliative care services, and support those who spend most of their illness at home and/or want to die at home. It would also reduce the pressure and enhance the care available across our growing community. I call on the McGowan government to provide additional palliative care funding for the Capes region so that every person in this state is supported properly in their end-of-life care.

MR R.H. COOK (Kwinana — Minister for Health) [9.47 am]: I would like to thank the member for Vasse for her grievance today. She clearly shares the same passion and desire as the McGowan government to ensure that Western Australians everywhere get the level of palliative care they need at a time of great need to both that person and their family. As the member has observed, we recently announced a significant increase in the level of palliative care funding, particularly in the bush, through an extra $41 million package in our 2019–20 budget. We will spend $200 million over the forward estimates in relation to palliative care; a record investment in palliative care right across the state.

The member drew our attention to the issues around palliative care in the Capes region. Busselton community palliative care provides services to patients in Busselton, Dunsborough, Yallingup, Carbunup River, Ambergate and Dardanup. There are four palliative care beds at the Busselton Health Campus, and palliative care patients are also admitted into the general ward when their acuity levels are high.

The member also drew our attention to the great work of Busselton Hospice Care Inc which provides trained volunteers to work with the hospital staff in the hospice. In addition, access to a palliative care physician is available in person twice a week, and by iPad and telehealth from the patient's home with the palliative care nurse present.

The member drew our attention to comments from Hon Jim Chown, who shares a similar passion for palliative care in the bush, about statistics for beds per head of population. It is an important statistic, but I caution members about issues of beds per head of population. As the member observed later in her presentation, people want to be at home when receiving palliative care. The future for aged care and palliative care is to deliver these services in people's homes, and the great work that Silver Chain does makes that a reality. The capacity we have to link people with the palliative care specialists online, via the palliative care nurse, significantly improves the level of care that we can provide, particularly for people in the community. The Busselton community palliative care phone number is diverted to the Busselton Health Campus after-hours coordinator, who will troubleshoot, provide support and/or suggest an emergency department presentation if required. Busselton community palliative care currently has 40 community patients.

The WA Country Health Service funds two full-time equivalent palliative care nurses and extra nurses as required in Busselton. In addition, we have also contracted services with St John of God Bunbury, which does some great work in palliative care in the area, as it does at St John of God in Geraldton. We fund palliative care physicians, mobility equipment, home modifications and home visiting by allied health clinicians. Multidisciplinary teams consisting of community palliative care nurses, hospital nurses, allied health, medical officers, general practitioners and palliative care physicians provide seamless care for palliative care patients from the hospital to the community and vice versa. The Busselton community palliative care nursing service consists of one FTE clinical nurse specialist and one FTE clinical nurse, who are employed five days a week. The community palliative care nurses' hours are increased when required to provide an on-call service and/or to provide weekend home visits as the patient's condition changes. Allied health staff comprises a social worker, physiotherapist and occupational therapist, providing a home visiting service. There is twice weekly access to a visiting palliative care consultant and as required for telehealth consults. The Busselton community palliative care service will progress with information and communication technology support to contact the patient daily via an iPad while they are at home, which is similar to the wheatbelt model. This enables the patient to be empowered and stay at home longer, which, as I said, is an important objective. This enables the community palliative care nurses to spend less time on the road and more time providing care for patients who require more in-person time support. This program is currently being trialled at Manjimup.

The member is correct in stating that there are gaps in the service, and it is appropriate that she raise this. We are particularly concerned about the lack of community home services for under 65-year-old patients who are not eligible for services under the National Disability Insurance Scheme or My Aged Care and require domestic, personal and transport services. As I highlight in this place often, whenever there are deficiencies in these commonwealth-funded services, the Department of Health picks up the pieces, whether it be a lack of GPs, aged care, NDIS services or home support packages. The Department of Health picks up the bill. Given the urgency of palliative care requirements for some patients, WACHS has had to temporarily offer services to fill the gap while they await access to commonwealth home support programs. We continue to work with the commonwealth to try to fix those gaps. We have some good services in the member's area. We will always need to continue to invest in this area, and make sure that we do better. As I observed, our new $41 million package is focused on the bush, and that is where we are going to put our effort, to make sure that regional communities have the support they need on the journey into their end-of-life experiences. I thank the member very much for bringing the grievance to this house today.

JOONDALUP HEALTH CAMPUS — UPGRADE

Grievance

MS E. HAMILTON (Joondalup) [9.54 am]: I rise today to raise with the Minister for Health a few matters that are critical for my constituents, my colleagues with electorates close to mine in Joondalup, and more broadly for the northern corridor. I am going to focus on three areas—the upgrade of Joondalup Health Campus, inaccurate information by the federal Liberal members in the area and the need for palliative care services in the northern corridor.

Health was a major campaign that I ran during the election—it is important for my constituents—and I secured a commitment to deliver an upgrade and expansion of Joondalup Health Campus, something that I know the McGowan Labor government is committed to and will deliver. As the member for Joondalup, I know the importance for my electorate for residents to receive the healthcare services they need close to home. Joondalup Health Campus provides a quality service. It consists of a 524-bed public hospital and a 146-bed private hospital, and services a significant catchment area that covers, but is not limited to, the growing cities of Joondalup and Wanneroo—a catchment area that is forecast to experience significant population growth. In fact, it has the fastest population growth of all areas in WA. Joondalup Health Campus has one of the busiest emergency departments in Australia, with over 100 000 presentations annually.

Since taking office, we have invested in health services in Joondalup, with the opening in February 2018 of the 10-bed mental health observation area. This was a first crucial step, and is a facility that I know is being utilised to its potential. Then came the 12-bed, $5 million stroke unit that I am proud to have been able to advocate for,

established and operational ahead of the redevelopment. It was opened in March this year and is already saving lives. My electorate of Joondalup is looking forward to the significant investment in health infrastructure at Joondalup Health Campus and the works that will provide quality health care close to home, and will result in shorter emergency department wait times and better mental health treatment. The health campus is currently able to meet demand, but it has been widely acknowledged, for the reasons that I have already mentioned, that the investment of funds is necessary and crucial. As a member of the community board of advice at the hospital, I know that the campus is ready for this upgrade.

My electorate and the northern corridor have heard the case for growing Joondalup Health Campus, and are experiencing the need. They want to understand the planning that I know is being done to enable the delivery of the expansion. That is the reason I stand today—to be able to hear from the minister how progress is tracking and when my community can expect to see works commence onsite. In the most recent state budget, the McGowan Labor government committed $161 million to deliver upgrades at the hospital, including 12 new emergency department bays, 90 additional inpatient beds, eight additional operating theatres, additional parking and new mental health beds, noting that Labor has continuously advocated for increased support in mental health treatment options and acknowledging that this is a growing issue in not only my electorate, but also communities throughout Western Australia.

I have another reason to be raising this matter with the minister. I am concerned about the position that the federal Liberal member for Moore has taken, and the misinformation that is being disseminated. The minister's update today will dispel the mistruths and correct the record. What is being communicated is just inaccurate and alarmist. We saw earlier this year, in the lead-up to the federal election, Christian Porter and Ian Goodenough scaremongering, paying for misleading adverts in the local paper about Joondalup Health Campus. We know that the federal Liberal government does not have a good track record when it comes to investing in health care in WA. We have seen that in the past.

Mr Z.R.F. Kirkup interjected.

The ACTING SPEAKER (Mr T.J. Healy): Manager of opposition business, you made a contribution earlier, and you were heard in silence.

Ms E. HAMILTON: The federal government cut hospital expenditure in WA by $77 million, resulting in reduced health care for Western Australians. Further, my community knows that the financial state of affairs that the previous government left was a mess. Investment in the outer suburbs should have occurred under the last government's watch but it did not. The Barnett Liberal government left the state with a deficit of over $40 billion and the worst set of books in the state's history, for the McGowan government to fix. Hospitals are not built in a day, and it is essential to recognise the importance of undertaking all the works necessary to determine how Joondalup Health Campus can be expanded, especially noting that it needs to be able to remain a functioning hospital during the expansion. We will continue to get on with the job and will deliver on our commitment to upgrade and expand Joondalup Health Campus to reflect the needs of residents in the northern corridor. I know that important planning is underway, and I am looking forward to hearing when works are due to commence.

The last matter that I will take this opportunity to raise today is the very important issue of the McGowan Labor government's investment into palliative care in the northern corridor. It is a pivotal time in this Parliament, given the introduction of the voluntary assisted dying legislation in this place yesterday. In the context of that conversation, we know that the McGowan Labor government has a clear plan for palliative care services in Western Australia. We have committed record funding of $47.4 million in 2019–20 to palliative care services in this state. A record investment of $206.2 million in community-based palliative care services will be made over the next four years. We remain wholly committed to ensuring that Western Australians have access to high-quality palliative care and that it supports people of all ages with a life-limiting or terminal illness to live their lives as fully and as comfortably as possible. The Joondalup Health Campus recently embarked on providing those services and the services are already available to patients.

Today I want to convey to the Minister for Health for consideration the sentiment of my community that we need palliative care services in Joondalup and for this to be considered as we undertake the upgrade to the Joondalup Health Campus. On the path of the voluntary assisted dying legislation, the Joint Select Committee on End of Life Choices report made a number of recommendations on palliative care, and one in particular relates to the northern corridor. Recommendation 7 states that the Minister for Health should facilitate the establishment of an inpatient specialist palliative care hospice providing publicly funded beds in the northern suburbs of Perth. We need to accept the recommendations from the report and provide palliative care beds at Joondalup. This is something that I know is supported by my colleagues in the northern corridor, and I hope it has been given consideration.

As the Minister for Health said in 2017 —

> The Joondalup Health Campus is the cornerstone of health care in Perth's northern suburbs and we need to make sure we continue to expand the services it provides to local families.

I know that is exactly what we are doing. I trust the information the minister provides today is something that I will be able to take back to my electorate and I look forward to continuing this conversation at an upcoming health forum later this year in the Joondalup electorate.

MR R.H. COOK (Kwinana — Minister for Health) [10.01 am]: I thank the member for Joondalup for her grievance today. I know this is an issue about which she is extremely passionate and not a day goes past when she does not remind me of the McGowan government's obligation to invest significantly in health care in the northern suburbs. I acknowledge also the member for Girrawheen and the member for Wanneroo, who play a good tag team with the member for Joondalup in advocating that we invest heavily in health services in the northern suburbs. As the member points out, the government is a strong investor and a strong advocate for continuing to expand hospital services in the northern suburbs. My colleague and a former Minister for Health, Hon Jim McGinty, launched the last major expansion of Joondalup hospital.

Mrs R.M.J. Clarke: There is a pattern happening.

Mr R.H. COOK: There is a pattern happening. I am pleased to now be the Minister for Health who is launching the next major investment in the Joondalup Health Campus. The government is committed to making sure that Joondalup hospital enjoys an expansion. With the Premier, I undertook to sign a memorandum of understanding with Ramsay Health Care in 2018 with a commitment around the expansion of the hospital. That included a significant expansion of the level of services available at that campus and, in addition, modernising the contract with Ramsay so it can continue to provide high-quality health care for the people of Joondalup and the surrounding areas into the future. Specifically, we are looking at modernising the contract with Ramsay to reflect modern-day public–private partnership practices, and those conversations are going very well. We have since had the Department of Health undertake a business case, which was approved in the 2019–20 budget, including the announcement of a $160.7 million investment. However, the business case noted that further detailed planning informed by the sustainable health review and updated clinical modelling on future inpatient beds and operating theatre requirements and a final capital cost estimate would need to be undertaken.

That work is occurring at the moment with our partners in that project, Ramsay Health Care and the commonwealth government. I acknowledge the contribution from the commonwealth government, although I share the concerns of the member for Joondalup about some of the misinformation, particularly around the time of the last federal election, which claimed that the state government was not committed to that project. We are 100 per cent committed. We are driving this project, but we want to ensure that the project definition plan reflects the needs of the community into the future. I remind members that we also have residents to the north in Yanchep whom we need to think about as we roll out health services to those communities.

The government is looking forward to finalising the project definition plan with Ramsay Health Care to ensure that it meets the needs of the community. The member noted that we have already undertaken significant work at Joondalup on the mental health observation area. As the member noted, that has been significantly utilised since we opened it earlier in our term.

In addition to that, we have delivered on our election commitment for a 12-bed stroke unit at the hospital. That was widely welcomed by the community and comes after many years of advocacy by the member for Joondalup and the Northern Suburbs Stroke Support Group. That group has a passion for making sure that Joondalup Health Campus has in-house stroke services. That means not only that stroke sufferers get assistance sooner, but also that people can transition out of an acute setting into the rehabilitation wards at the stroke centre much sooner, providing a better pathway for stroke patients as they recover.

I am passionate about this project. In 2013 we went to the election with a commitment to expand the number of mental health beds at Joondalup Health Campus. It is a project that I have continued to drive in government. It was great to get a commitment from not only the federal Labor opposition, but also the federal government to fund the expansion of the hospital to ensure that it continues to meet the needs of the people in the northern suburbs.

I acknowledge briefly the member's call for palliative care in the northern suburbs. We recognise and accept the recommendation of the joint select committee on the issue of palliative care in the northern suburbs and I am doing a lot of work with the Department of Health at the moment to bring that to fruition. The member for Vasse has raised issues of palliative care in her community as well. It is important that we have a good focus on palliative care in the community at the same time as we consider the important Voluntary Assisted Dying Bill 2019. I thank the member for Joondalup for her advocacy today and I acknowledge the incredibly hard work she does to ensure that her community is aware of the great work we are doing in the northern suburbs. I look forward to continuing to work with her and the community in Joondalup so that they can have a great input into the future of the Joondalup Health Campus.

TEMPORARY ORDERS 40, 101, 146, 147 — STANDING ORDER AMENDMENTS

Amendment to Motion

On motion by **Mr D.A. Templeman (Leader of the House)**, resolved —

That business of the Assembly, order of the day 1, be postponed until the next day's sitting.

HIGH RISK OFFENDERS BILL 2019

Second Reading

Resumed from 26 June.

MR P.A. KATSAMBANIS (Hillarys) [10.09 am]: I rise as the lead speaker for the opposition on the High Risk Offenders Bill 2019. The Liberal Party, as a political party, and I, as an individual, believe in putting the rights of victims ahead of the rights of criminal offenders, and we are unashamed about that. We make absolutely no apology for that. We also believe that serious and high-risk offenders ought not be given continual chances when they have already proved themselves to be a danger to the community. That is why, when we have been in government, we have introduced legislation for dealing with issues around dangerous and high-risk offenders, as the government is doing with the High Risk Offenders Bill 2019.

The bill extends to a wider range of offenders a regime that is already applicable to dangerous sexual offenders, and gives some other options to the justice system to deal with criminals who are coming to the end of their sentence for a crime that they have already committed. This bill does not deal with sentencing, as such; it does not deal with the part of the criminal justice system that imposes custodial sentences on serious criminals, to punish them for the offences they have committed and to give them the opportunity whilst in custody to reflect upon their crimes and hopefully to reform. This bill deals with the other end of the spectrum. It deals with offenders who are coming to the end of their sentence and who are still deemed to be dangerous to the community. These are offenders who are at high risk of reoffending, and the nature of the risk of offence in the future is so high that it will create serious problems for future victims, their families and for society generally.

I am expressing a personal opinion, but I think I speak for a large proportion of the Western Australian public when I say the very fact that we have to introduce legislation like this highlights significant failures in other parts of our justice system—significant failures that leave our community open to threats of continued harm from a hard core of offenders. The first failure is in using the custodial system for rehabilitation. There are many successes in the custodial system, and they are to be celebrated—people who are sentenced and go into custody for their crimes and who undertake training programs whilst in custody. They might undertake education or rehabilitation programs, they reflect upon their crimes, and they come out the door to become good citizens who live the sort of life that is expected of most people in our society. I commend those people, and I commend the system for dealing with those people in that way. But unfortunately, far too many people are not rehabilitated in the system, and we see that in the recidivism statistics; they are very, very high. They are unfortunately higher for certain crimes, including crimes that can be termed dangerous sexual offences.

Is that a failure of the system itself, or is it a failure of the individual? Is it something inherent in those individuals, or is it a combination of both? That is a debate for another day, but I think it is fair to say that our high recidivism rate indicates that we are not doing the best job we possibly can of reforming people when they are in custody in the criminal justice system, sometimes for very long periods of time. As a result, when they come to the end of their sentence, they are still a danger to the community and we need to introduce legislation like this.

But I think another failure in our justice system is highlighted by the need to introduce legislation like this, and it is a failure in sentencing. Again, that is a personal opinion, but I think it reflects a strong view in significant sections of the Western Australian community. I am not talking about low-level offences; I am talking about serious offences such as murder, grievous bodily harm and, of course, the range of very serious sexual offences that create a spate of victims and secondary victims. Maximum sentences, in the main, are pretty strong. We have life sentences, 25-year sentences, 20-year sentences and 15-year sentences. When we look at those on face value, we can say, "Yep, that sounds like a reasonable sentence", but unfortunately when offenders come to court, they rarely receive the maximum sentence. The other day a convicted murderer was sentenced to an indefinite life sentence without parole. I do not want to make too many comments on that case because it is now the subject of an appeal, but it was interesting because I believe it is the first time that provision has been used in Western Australia; the Attorney General will correct me if I am wrong. The community sits there and thinks, "Well, that's great for that particular offender, but why hasn't it been used before? How serious does a crime have to be before you get to that maximum sentence?" As a result, I believe that in some cases we are getting sentences that, firstly, do not reflect the severity of the crime committed—or crimes committed, because in some cases there are multiple crimes bundled up in the same set of charges—and secondly, do not reflect community opinion.

We then get to the other end of the line, when these people are due to be released into the community. They have not been rehabilitated and they are still deemed to be a danger to the community, so we then need to introduce these types of regimes to manage them, either by continuing to keep them in custody post-sentence, or by finding a regime that can supervise them in the community, post-sentence—not just in the parole period, but post-expiry of any period within which they might have been entitled to parole.

That is second best. I have been very vocal on this, particularly with regard to dangerous sex offenders. I have on occasion said that some of these people deserve to have the key thrown away, and I do not resile from that. I stand up and accept that statement that I made and I believe in it.

Mr J.R. Quigley: But how do you do it?

Mr P.A. KATSAMBANIS: We can debate how we do it at a different time, because I think we need to stick to this bill in some way. I do not want to run out of time. I know I have an hour, but I am going to run out of time. There probably are ways that we can do it.

However, we see a continual process of people going to court and being sentenced, and many of them are recidivist offenders and have committed the same crime before, yet their sentences are nowhere near the maximum. Just recently we saw the case of Mr Latimer. He is still deemed to be a serious risk to the community and is still seen by the court system as being a real threat to the community, yet here we are, coming up with, I think, 51 —

Mr J.R. Quigley: Fifty-two.

Mr P.A. KATSAMBANIS: There we are: 52 conditions on release, for someone who has proven in the past that he just does not care about conditions, does not care about society and certainly does not care about his victims, and we have to come up with these constructs. They are second best, but they are better than nothing. They reflect the expectation of the community that this Parliament passes laws that protect us from hardened serious criminals with a potential to cause massive harm to people in our community. As I have often said, one more victim of these people is one more victim too many, with a whole cascading set of secondary victims as well. We do not want to see that happen. As a responsible political party in opposition, we support any legislation that is crafted to increase protections to the public from these high-risk offenders, and we support any moves that make it harder for them to go out into our community and commit more crimes and inflict more harm on our society. As a result, we are going to support this bill; there is no doubt about it. It builds on work that has been done in the past; it builds on work that was done by the previous Gallop–Carpenter Labor government with the Dangerous Sexual Offenders Act and it certainly builds on work that was done by the previous Liberal government on the post-sentence supervision orders. I think it provides an extra level of protection in certain circumstances. As I said, it builds on the provisions of the Dangerous Sexual Offenders Act and the changes made by the Barnett government to the Sentence Administration Act to introduce post-sentence supervision orders, the provisions for which are contained in part 5A.

We are definitely not opposed to this bill and in many ways we support it. We think it adds to the protections that are currently available. We have some questions about implementation, of course, because this is a slightly different regime from what has been around in the past with both the Dangerous Sexual Offenders Act and the post-sentence supervision orders. We will ask some questions about that in this place and I assume that the shadow Attorney General in the other place will have the same questions as I have about its operation, and probably more.

I am heartened that when introducing this bill, the Attorney General said at the outset that the bill is not intended to change the test under the Dangerous Sexual Offenders Act for whether the court makes a continuing detention order or a supervision order. I am heartened in one way, because I do not want that test to get any weaker.

Mr J.R. Quigley: I think it gets a bit stronger, but we can do that in consideration in detail.

Mr P.A. KATSAMBANIS: Yes, we might do that at the consideration in detail stage.

Mr J.R. Quigley: I tried to turn up the gas a little without crossing the constitutional border.

Mr P.A. KATSAMBANIS: The Attorney General says that he has tried to turn up the gas, and I accept that. He made some changes to the act in 2017. He used the term "turn up the gas a little". I accept that, but it is a far cry from some of the comments that the Attorney General made when he was in opposition. Again, to express a personal opinion, it is still not where I would like to see it go. I will be frank and put it on the record. This is my personal opinion; it is not the Liberal Party's opinion. I am very happy to support legislation that tests the constitutional boundaries. The reason I am happy to do that —

Mr J.R. Quigley: If the High Court then strikes the legislation down, we have nothing.

Mr P.A. KATSAMBANIS: That is a risk, and we can go back and re-calibrate. However, I would rather see —

Mr F.M. Logan interjected.

Mr P.A. KATSAMBANIS: Hear me out. What happens when members interject halfway through a comment is they get half the information. The Attorney General understands that. With respect to the Minister for Corrective Services, I accept that the Attorney General is a greater authority than I am on these aspects of the criminal law and he is certainly a greater authority than the minister is.

Mr F.M. Logan interjected.

The SPEAKER: Minister!

Mr P.A. KATSAMBANIS: I understand the risks. However, I think the risk of having a guy like Latimer out there is much higher to the community, because the real risk is that people like Mr Latimer who get released will re-offend. It is a high likelihood. Perhaps his original sentence was not right. I do not know; I do not want to revisit that now. But, as I said, there are question marks about our sentencing regime. We are not dealing with petty

criminals here; we are dealing with hardened offenders who commit very serious crimes. Many of them are recidivists, most of them show absolutely no remorse for their crimes and all of them are deemed to be at high risk of re-offending. The system has examined them and said that they are still a high risk, whether they are dangerous sex offenders or a different type of serious high-risk offender. It is almost like herding cats in many ways. It is a difficult process. As I said, personally, I accept that there are constitutional limits, but on behalf of the community I am very happy to push those boundaries within reason, because the High Court has given us some ring-fences and we know that we cannot cross those red lines, but there is still a grey area there and it would be worthwhile exploring it. There are a number of ways of dealing with it. As I said, it is probably better to have this conversation separately, because I will simply run out of time if I start talking about potential legislation rather than concentrating on this legislation. I think our community demands it of us. Our community is saying, "We don't want some of these people in our communities. We don't want a merry-go-round. We don't want them to utilise the system to get themselves back out onto the streets only to commit more offences and for all of us to be worried about where they are and what they might be doing." Again, I make no apology for standing up for those people in our community who do the right thing and follow our laws and who are at risk from a very small and hardened group of people who have the desire, motivation and capacity to inflict serious harm on them.

The bill extends the regime around managing high-risk offenders who have come towards the end of their custodial sentence beyond just dangerous sex offenders. A schedule in the bill includes a wide range of crimes. As the Attorney General spelt out in the second reading speech, the majority of these crimes are serious sexual offences and they are all incorporated. I have checked it and they are all incorporated; all the crimes in the DSO act are coming across, so that is good.

Mr J.R. Quigley: And all the stuff that we had in the DSO act for the court's consideration has come across for them, too.

Mr P.A. KATSAMBANIS: Yes, we will get there. That is right. A whole series of other offences are listed in the schedule. Most of them attract a maximum penalty of imprisonment of seven years or more. We could argue at the margins that we should add one here or there, but I think the drafters have done a good job in capturing the sorts of offences that the public would consider that these people, if they were back out on the street, would have a high propensity to do again; and, if they did, would cause serious harm to the victims and the community.

Mr J.R. Quigley: We gave it a lot of consideration, together with the Director of Public Prosecutions, member.

Mr P.A. KATSAMBANIS: Sure. The serious offences are extended to cover offences against the law of the commonwealth or any other place outside Western Australia, if those acts outside of this state or under the commonwealth legislation would have constituted a crime in WA. That is relevant, because we know that we have prison transfers.

Mr J.R. Quigley: There is a guy called Pen Dragon. We couldn't consider a lot of his pornographic material under the current legislation. By including these commonwealth offences, we will get people like Pen Dragon in the net.

Mr P.A. KATSAMBANIS: Mr Pen Dragon is a special case and one that the general public is pretty much aware of. The general public has an awareness of his activities.

Mr J.R. Quigley: We'll capture him by this legislation.

Mr P.A. KATSAMBANIS: I am glad to hear that the Attorney General believes he will be captured, and that is good. That is because the bill incorporates all these other offences that are not incorporated in the Dangerous Sexual Offenders Act. Whether they are commonwealth or state offences, those other offences that have been added to the schedule would pick up Mr Pen Dragon.

Mr J.R. Quigley: It is what we're doing, my friend.

Mr P.A. KATSAMBANIS: Yes; what we are doing. I agree with the Attorney General and support him on that. As I said, I am happy to extend it to places outside WA, because we know there are prisoner transfers. We know we have people sitting in our prisons who have committed crimes in other places and who would be considered to be high-risk offenders. We send some of our prisoners to other places as well, and for legitimate reasons. I do not question that in many cases. If we went through the prison system, there would probably be one or two others in there who, for good reasons of human rights and just simply respecting the rights of that person, would probably qualify to be moved to another state. That matter is also for another day.

This regime around the new term "high risk offender" incorporates all those dangerous sexual offenders plus a new range of people. This regime is really triggered in the lead-up to an offender's earliest release date, which is the date on which they are eligible to be released on parole or the end of their term of imprisonment. An assessment will need to be made. That is where we have some questions around the process. As I said, we are not questioning the legitimacy or legality of the legislation; we are asking questions about how this will work in practice. Who is going to make that assessment? We know that there is a process at the moment for dangerous sex offenders.

Mr J.R. Quigley: It'll be the same process.

Mr P.A. KATSAMBANIS: But they are a much smaller group of people. The process is pretty much informal. It is internally formalised, if members like, but there is not a lot of public knowledge or scrutiny of that internal process. With a broader range of offenders, the community needs to be confident that the process will be robust and, as much as possible, bulletproof, so that somebody does not slip through the cracks of this assessment process and does not miss out on being assessed.

Mr J.R. Quigley: That is why we have run with the same process that the Liberal government had solidly in place for eight years. We have gone with the same process that the Liberal government had.

Mr P.A. KATSAMBANIS: I need that on the record, Attorney General. The Attorney General will hopefully get the opportunity to do that in his summing up of the second reading debate. That is why I am posing the question today—so that the Attorney General can put it on the record and give our community that sense of confidence that a process is in place. As the Attorney General rightly said, it was in place for the eight years of the Liberal government.

Mr J.R. Quigley: And before.

Mr P.A. KATSAMBANIS: And before that—since the DSO act came in. If that process is not going to change, will it be effectively resourced to make sure that nobody slips through the cracks? That would give us more confidence. Once an assessment is made, it will then be up to the court to make a decision. It is not the internal process, the Attorney General or me who makes the final decision; the Supreme Court makes the final decision on whether these people are high-risk offenders who need to be subject to some form of order, whether it is a continuing detention order, a supervision order or a post-sentence supervision order. An application needs to be made to the court. That is again where we need some clarity. Under the DSO act, the Director of Public Prosecutions makes the application. Interestingly, the bill empowers the Attorney General to make the application to the court. That is fine. The Attorney General said in his second reading speech that, in practice, the Attorney General will authorise either the State Solicitor or the Director of Public Prosecutions to make an application and take proceedings under this bill in the name of the state. We are seeking some clarity of the criteria for allocating these matters to either the State Solicitor's Office or the DPP. In a briefing that the opposition received earlier this week, it was suggested that the majority of the work was likely to be conducted by the State Solicitor. We need some clarity around that. Clearly, the DPP already has some expertise in these matters, because it has been dealing with the dangerous sexual offenders. Is that expertise going to be transferred across to the State Solicitor's Office? What extra resourcing is required for the State Solicitor's Office if it is going to be doing the majority of this work? Has that been provided to the State Solicitor's Office?

Interestingly, what is going to be the relationship between the Attorney General and the people who actually bring these proceedings when the State Solicitor's Office takes over from the DPP in prosecuting them? The DPP is an independent statutory authority. We have had this debate—the Attorney General and I have had it, and the Attorney General and the previous Attorney General had it—about some comments the Attorney General made in opposition about marching down to the Supreme Court himself and bringing applications in these matters.

Mr J.R. Quigley: That was good grandstanding, wasn't it!

Mr P.A. KATSAMBANIS: The Attorney General did say that it was grandstanding, and that is what it was. Let the record again reflect that that comment has not been carried forward in government, because the Attorney General either received advice or already knew that it was not possible. It was grandstanding. It was "oppositioning", if we like. I do not think it was that responsible.

Mr J.R. Quigley: It's what you're doing at the moment.

Mr P.A. KATSAMBANIS: It was not that responsible. I am at least attempting to be responsible—other people can judge whether I am or am not. I do not think it was responsible, particularly if the Attorney General knew that it was simply grandstanding.

Mr J.R. Quigley: I have reflected on it and I have come to a new position.

Mr P.A. KATSAMBANIS: It is interesting. Clearly, the Attorney General is not going to interfere with an independent statutory authority. However, the relationship between the Attorney General and the State Solicitor's Office is different. Therefore, we seek some clarity about how that will be managed. What are the expectations of the current Attorney General—I am not asking about future Attorneys General—about that ongoing relationship? If the Attorney General refers a matter to the State Solicitor's Office, the Attorney General will be the client of the State Solicitor's Office. Therefore, what involvement will the Attorney General expect to have in these matters now that the application will be brought primarily by the State Solicitor's Office rather than the Director of Public Prosecutions?

I have asked a series of questions. I hope the Attorney General will deal with those issues in his summing up and provide some clarity. I am not questioning it at this stage. I am not saying it is a bad idea or a good idea to move applications from the Director of Public Prosecutions to the State Solicitor's Office; I am just asking what the resource implications will be, and whether the resources are available. I am also asking what will be the

relationship between the Attorney General and the State Solicitor's Office in managing these cases, because it will necessarily be a different relationship from the one the Attorney General has with the independent statutory authority that is the Director of Public Prosecutions.

As the Attorney General said by way of interjection, and I think also in his second reading speech, the tests and procedures under the Dangerous Sexual Offenders Act will not be changed in any material way. Therefore, at least we have some certainty there. The change is that that regime will be extended to a broader range of people.

Mr J.R. Quigley: There is all that jurisprudence around the existing regime.

Mr P.A. KATSAMBANIS: That is the point. The Dangerous Sexual Offenders Act has been around since 2006. A significant body of law or jurisprudence has been built up around it. Expertise has also been built up around it by the judges and by the advocates on both sides. It would be helpful if the Attorney General could provide some clarity around what will happen to that expertise within the Office of the Director of Public Prosecutions now that it will no longer manage the majority of these matters, and about which matters will still continue to be done by the DPP.

One power that is included in the bill, and is very important, is that if there is a risk that the offender's term will expire and the offender will need to be released before the application for further orders has been finalised, the Supreme Court of Western Australia may order that the offender be detained in custody for a stated period; or, if the offender is not in custody, order that the offender be detained in custody for a stated period. I seek some clarity from the Attorney General. Under what circumstances might the offender not be in custody? I will leave it at that. The Attorney General raised in his second reading speech the spectre that the offender might not be in custody at the time. Under this regime, we are seeking to detain people beyond their custodial period. I should say detention period, because it is no longer custody—I do not want to fall foul of the High Court. Under what circumstances might those people not be in custody and out in the community? That is other than if they are escapees, I guess, because the regime may apply in that case. I do not know. That is another question. We do not have any live examples of that at the moment.

Mr J.R. Quigley: They may already be out.

Mr P.A. KATSAMBANIS: That is the question: who might already be out, and how long afterwards? That is another constitutional question, is it not?

Mr J.R. Quigley: Not really. I would not talk that one up.

Mr P.A. KATSAMBANIS: Okay. The Attorney General would not want to talk up these matters.

As part of the process of weighing up these things, once the application has been made, the Supreme Court will need to determine that the offender who has been presented to it is a high-risk offender. As the Attorney General has said, the test is not materially different from the test that is used now for dangerous sex offenders. If the Supreme Court determines that the person is not a high-risk offender, the normal course of events would apply: the person would either be released on parole, with conditions of parole, or be released at the end of their sentence and go into the community. If the court agrees with the internal assessment that the person is a high-risk offender and goes through the process of gathering the evidence and the reports, the court must then do one of two things: it must make either a continuing detention order or a supervision order. There is no material change to how a continuing detention order is made. The order must be reviewed 12 months after the original order has been made, and, under the changes that were introduced not that long ago, the order must be reviewed every two years after that time. That will not change. As I said earlier, and expressed very strongly, I would like those boundaries to be pushed. I know the reason that the review period has been left at one year and two years. However, I think the community expects us not to create this revolving door that eats up Supreme Court resources.

The Supreme Court also has the power to make supervision orders. A supervision order allows people to go into the community, under certain conditions. This bill makes some minor amendments to the current procedure under the Dangerous Sexual Offenders Act for the making of supervision orders. Currently, a supervision order will come into effect on the stated date, but it cannot be earlier than 21 days after the order has been made. The explanation for that has always been that the authorities need time to line up all the ducks and get all the resources ready, and perhaps find suitable accommodation and the like; therefore, 21 days was deemed to be sufficient. This bill will provide greater flexibility. The default time frame will still be 21 days. However, if the court is satisfied that implementation of the order is practically feasible, it may order that the supervision order commence earlier than the 21-day time frame. I would like an explanation from the Attorney General about that. The 21-day time frame is pretty much accepted, and the authorities act in that way. However, under what circumstances might that be practically feasible? I would appreciate a short explanation from the Attorney General about why that change has been made. I know it is meant to provide some flexibility, but is it really necessary?

The bill also proposes to increase the penalties for breaches. The current penalty for unlawfully interfering with the operation of an electronic monitoring device is imprisonment for 12 months. That will be increased to imprisonment for three years. The current penalty for contravention of a supervision order is imprisonment for two years. That will be increased to three years. I do not think anyone would complain about that. Hopefully, the tougher the penalty, the stronger will be the deterrent for these people. However, we know that these people are high-risk

offenders. These are often people who have repeatedly thumbed their noses at authority. We could impose life sentences on some of these people, and unfortunately they would still try to unlawfully interfere with an electronic monitoring device, or breach their supervision order, as we have seen happen with dangerous sexual offenders. There is also no change to the appeals process in the dangerous sexual offenders legislation.

The bill also creates the next tier of protection around high-risk offenders by incorporating an initiative that was introduced by the Barnett Liberal government for post-sentence supervision orders, which, as I said earlier, is contained in the Sentence Administration Act. As shadow Attorney General, the Attorney General was highly critical of that regime, but he has now embraced it as part of a suite of protections for the community from high-risk offenders. I welcome this change of heart. I know that some of his criticism was about the constitutionality of the regime, which has not yet been challenged, so clearly his concern about the constitutionality of that regime has not yet come to fruition. Of course, that is not to say that it will not be challenged in the future, so the Attorney General has made some technical changes to the way post-sentence supervision orders work that, in his opinion, will make the regime more likely to survive any constitutional challenge in the High Court. He has changed the way in which the chair of the Prisoners Review Board could have been a sitting judge in a court vested with federal jurisdiction by changing the selection criteria for the chair of the Prisoners Review Board. The Attorney General considered that to be a risk. He must have received legal advice because the second reading states that he sought advice from the "then Solicitor-General of Western Australia"—that is, the previous Solicitor-General, who is different from the one we have today—who provided the Attorney General —

Mr J.R. Quigley: Who is the Chief Justice.

Mr P.A. KATSAMBANIS: That is right. For the purpose of assisting both the opposition and the general public, I again ask the Attorney General to consider whether he will provide part or all of that advice and table it in Parliament so we can all work from the same page. I am not questioning that he received that advice. Since the current Attorney General has been in this place, there have been times that he has been happy to waive legal professional privilege on advice that he has received from the Solicitor-General; at other times, he has not been so forthcoming. In this case I ask him again whether he is willing to consider providing that advice from the Solicitor-General.

The other change the Attorney General wants to introduce to protect the regime from constitutional challenge is to those orders that could be made, or that have to be made, that are considered to be punitive and therefore fall into the realm of punishment. We all know that a person cannot be punished twice, and we certainly cannot punish them after they have served their sentence. Therefore, the Attorney General wants to remove some provisions that require those offenders to undertake community corrections activities, seek or engage in gainful employment or vocational training, or engage in gratuitous work for an approved organisation, because the Attorney General considers them to be punitive. He also seeks to change the length of time for which a post-sentence supervision order can be made. Currently, it is a fixed period of two years; under this bill, it will be for a more flexible period, anywhere between six months and two years. In this case, in addition to tabling the legal advice on whether that fixed two-year period creates constitutional problems, I seek a further explanation from the Attorney General on, firstly, why the period of six months was chosen and, secondly, why, if we do get it at the lower end, he deemed that to be appropriate for high-risk offenders? We are not talking about someone who is at risk of stealing from a shop or breaking into a car; we are talking about high-risk offenders who are a serious danger to our community. How will a six-month order protect our community from that person? Why not leave it at two years, because that longer period allows an offender to settle into the community and to get on with their lives so that they do not reoffend. I consider that suite of protections—that is, orders for shorter periods—to be a potential weakness in the bill.

The bill also creates the High Risk (Sexual and Violent) Offenders Board. An outsider looking in might think that because it is a board, it will have a job a bit like the Prisoners Review Board and that it will play a role in assessing matters or making recommendations to the court.

Mr J.R. Quigley: No-one reading the legislation would.

Mr P.A. KATSAMBANIS: Not when they read the legislation. However, I have to say that I think it is a good idea. It is a way to get all the agencies involved in this regime—the Department of Justice, Department of Communities, Chief Psychiatrist and police—in the same room and talking about how the regime will work.

Mr J.R. Quigley: Or a particular offender.

Mr P.A. KATSAMBANIS: Or talk about how they are going with a particular offender. It is really not much more than an internal management committee and an opportunity for better learning. If we want to call it a board, we can call it a board. Most of the people who are going to be on it are there as office holders. They are there because they hold a particular office—they are the Chief Psychiatrist, the CEO of the Department of Justice, the Commissioner of Police or delegates. Then there will be an opportunity to include community members. There is criteria for who those community members should be. I think there is one glaring failing. I think the criteria is good, and that people with those sets of experiences such as experience in dealing with Aboriginal people and perhaps having some cultural link to Aboriginal communities is great. But I think there is a one glaring omission and that is someone with some expertise in representing victims. I hope that the Attorney General can look at that

as a suggestion for improving this legislation, because I think when a high-level committee or board discusses how it is going with this regime, how it is going with one particular offender, by having a community member who is clearly there to express and recommend the wish of victims is a good thing. It may not necessarily need to be a community member. I think it would be strengthened if it was a community member, but it may well be the Commissioner for Victims of Crime. I think that they are not included, from my understanding, in that regime.

Mr J.R. Quigley: Community members?

Mr P.A. KATSAMBANIS: No, the commissioner for victims. Why is the Commissioner for Victims of Crime not one of the people included ex officio on that board? Will the Attorney General consider including that person? Would he consider appointing one community rep as a representative of victims' interests? Can the Attorney General also clarify at the same time what he intended by appointing community representatives? Will there be one or more than one? There is a remuneration provision, so I will not ask about remuneration. What will the community representation on this board look like? As we know, the community has a high interest in this both in ensuring that these offenders are looked after once they go out into the community and seek the help they need and in protecting our community from these people who are deemed to be at high risk of reoffending.

The other questions about the regime are about how it will work in practice and the resources needed. At a briefing, we were told that around 110 post-sentence supervision orders have been issued by the courts since the regime came into force almost three years ago, and about 1 100 eligible offenders are possibly capable of falling into this high-risk offenders regime. I know our prison population varies. The Minister for Corrective Services and the shadow Minister for Corrective Services are here. It is around 7 000 to 8 000, is it not?

Mr J.R. Quigley: It's 7 000.

Mr P.A. KATSAMBANIS: Yes, so it is more than one-seventh of the prison population, so a significant number of people are likely to be eligible to be considered under this regime that is being brought in for high-risk offenders. Is it the intention that every single one of those people will be considered by that initial informal group or committee? If so, what additional resources will be required? If more applications are made to the court, what additional resources will be required by the State Solicitor's Office and/or the Director of Public Prosecutions, or will there be a transfer between them? What additional resources may be required by the Supreme Court? Will we need more judges if more applications are made? Under this regime, how many additional applications are expected in any given year? Are our courts and our system appropriately resourced? If more offenders are to be supervised in the community, who will supervise them? Will it be the police, as occurs with the sexual offenders management squad? If so, what additional resources will be required by the police? Will it be the corrections system; and, if so, what additional resources will it require?

I think they are all legitimate questions. As part of an election commitment and when this government came to office and in its first budget, it trumpeted the concept of a justice pipeline that was to calculate the downstream consequences of any changes to the justice system. That is what I am asking about here. What are the downstream consequences of the introduction of this High Risk Offenders Bill to our entire justice system? We will have made a tweak; we will have made things better. I accept that we are making things better. What are the consequences to the system; what additional resources are required? Where is that justice pipeline? Is it there; has it been established? If it has been established, what details does it give us about this legislation? If it has not been established, firstly, why has it not been established more than two years down the track now? Where is it—lost somewhere in the system? In the absence of any such justice pipeline, what other assessment has taken place about the additional resources required for this bill? Without additional resources, there is a high risk that people will slip through the cracks and that matters will simply bank up in the Supreme Court. How many additional people do we expect will present to the court in any given year? I am sure an assessment has been made, whether through the justice pipeline model or simply internally in the Department of Justice. I seek from the Attorney General some clarification of the expected numbers and what the resource implications will be.

Has the Attorney General spoken to the Chief Justice and have they come to an understanding of whether the Supreme Court will require any additional resources to deal with this change in legislation; and, if so, what are those resources and when will they be provided? As I have said before, I am sure there is not a bunch of judges sitting around at the Supreme Court today twiddling their thumbs playing solitaire and hoping that some work comes along because we are passing this bill. I know for a fact that our Supreme Court judges are working hard; they are run off their feet. Yes, some additional resources have been provided, and that is good. However, they are still not at the stage at which they are putting up their feet on the table every day; they are working.

Mr J.R. Quigley: Why did the Liberal government fail to make up the numbers and just have the bench —

Mr P.A. KATSAMBANIS: At the moment, we are considering the Attorney General's legislation, which, clearly, will have resource implications. We are considering a commitment the Attorney General made and a funding commitment he made in the budget two years ago to create a justice pipeline that would answer all the questions and then people could legitimately say, "But the justice pipeline says we need X number of judges; we are Y number of judges short, why are we not doing it?" That is nowhere to be found, so we are asking: what are the

additional resource implications? I think that is a legitimate question. The public needs to know because if we are introducing legislation that is good legislation, but we are not providing additional resources to cope with the legislation such as to the court, to the prosecutorial authorities, to the other end of the system—the people dealing with the offenders and coming up with the reports required by the court—to the police or to the corrections system properly for this range of supervision orders out in the community, it will be absolutely pointless. Without proper resourcing of the system, these people will not be able to be supervised in the community. There is clearly an expectation that not every single offender will be committed to continuing detention orders. I think the public would like that. The vast majority of the public would like them to be under continuing detention orders. However, we will not do that for good reasons, including constitutional reasons.

Mr J.R. Quigley: The public would hate it.

Mr P.A. KATSAMBANIS: Fair enough. I do not know. With high-risk offenders, dangerous sex offenders and other dangerous offenders, I do not think the public would hate it at all. But we will not be doing that.

Mr J.R. Quigley: As long as the people of Hillarys foot the bill!

Mr P.A. KATSAMBANIS: They will pay for this regime. They will either pay for it with the commitment of additional resources or they will pay for it because of the failure of this regime to make enough resources available. One way or another, the public of Western Australia will pay for this regime. I hope it pays for it. I hope the people of Western Australia pay for this regime properly by resourcing it properly, not by paying for it by this regime failing, not because the legislation is wrong or inappropriate but because the resourcing required to implement this regime is not made available. On behalf of the public of Western Australia, I call on the government to clarify, firstly, what resources are needed and, secondly, to indicate when and how they will be provided.

With those words, as I said, I have posed some legitimate questions to the Attorney General about the operation of the new regime and how it will operate in practice, and I look forward to his response, but we support this legislation.

MR K.M. O'DONNELL (Kalgoorlie) [11.09 am]: Greetings. I, too, would like to talk about the High Risk Offenders Bill 2019. First-up, I will talk about clause 18, "Community members of board". The explanatory memorandum states that that clause will possibly affect Aboriginal offenders. It is stated that a community member must have a knowledge and understanding of Aboriginal culture local to this state, and risk assessment and management frameworks that are appropriate for Aboriginal people and the criminal justice system. That is well and good. We need to have people like that. My issue with that is that it just says "community members". I believe it should state there must be two to three community members of Aboriginal descent on that board. It is well and good to say "people who have knowledge of Aboriginal culture". That could be any wadjela bloke or lady. I believe that two to three people of Aboriginal descent, preferably not from the same family, should be on this community board. It should be spread out.

I would also like to talk about the terms of office for community members. Clause 19 states that each term expires, by default, after five years. I disagree with putting somebody on a community board for five years. That is like putting Nic Naitanui, with all his leg issues, on a five-year contract—a club is not going to do it. I firmly believe it should be down to two-year terms and then extended—as it states in the clause, the Attorney General may terminate or extend.

I would now like to talk about electronic monitoring. Electronic monitoring is a good thing in that it keeps track of offenders' whereabouts. Clause 31(2) states —

> The purpose of electronic monitoring … is to enable the location of the offender to be monitored.

That is an offender subject to a supervision order. That is a good thing. However, subclause (4) states that a community corrections officer may suspend electronic monitoring if satisfied that it is not practicable or it is not necessary to subject the person to electronic monitoring. I would like the Attorney General to clarify what is meant by a "community corrections officer". I have an understanding of community corrections officers in Kalgoorlie–Boulder. This bill does not indicate whether it is the CEO, the director or the superintendent. This bill will allow a community corrections officer to do certain things. It could be a level 2 or level 3 community corrections officer. That person may be satisfied that they do not need to subject the person to electronic monitoring. We are giving a huge amount of responsibility to a person who is possibly not on the correct pay scale.

On the one hand, a community corrections officer can make a decision about a person not being subject to electronic monitoring, but on the other, in clause 51, "Warrant because of contravention", subclause (1) provides that a police officer may apply to a magistrate for a warrant when there is a reasonable suspicion that the offender subject to a supervision order is likely to contravene, is contravening, or has contravened a condition of the supervision order. That is in stark contrast to clause 31. Here, a police officer, who more than likely has information that the high-risk offender is about to contravene or is contravening a condition of the supervision order, has to apply to a magistrate. That is well and good, but does that apply on Sundays? A police officer may see a truck roll up to the offender's house. He or she knows who the offender is. The offender is clearly seen packing—the car is packed; the truck is packed—but police have to wait until the next day to make an application for a warrant before

a magistrate. Clause 31 states that a community corrections officer may suspend electronic monitoring if satisfied that it is not practicable or it is not necessary to subject the person to electronic monitoring. The balance is just not there. The clause should include "if likely to contravene, police can arrest that person and hold them until they come before the first available court." Let the court decide whether to release them or not. There is no balance. When police are there, they can see, they know that he or she is going to contravene, but they cannot do anything about it. If the offender has contravened an order, they can arrest them. Even though they are likely to contravene and there is visible evidence that they are going to contravene, police cannot arrest the person.

There are some high-ranking community corrections officers, but that is not mentioned in the bill. The bill only has a "community corrections officer". I want to reiterate that could be the lowest ranking community corrections officer. It can lead to the wrongful removal of the electronic monitoring device. Some people could be swayed to remove the device—money, coercion, anything. That needs to be corrected.

Clause 59 refers to victim submissions. Subclause (1) provides that the victim of a serious offence may make a submission to the court, which must be in writing to comply with subclause (3), in respect of the need to ensure the adequate protection of the victim. That is great. However, clause 62 states that the court may have regard to a victim's submission. Clause 62(1) provides "the court may have regard to any victim submission made". The word "may" does not sit well with me. It means the court does not have to take it into consideration. From my point of view, the victim's comments are paramount. I have spent 34 years in the police department dealing with many victims. In one instance a male broke into a lady's house during the day while she and her teenage daughter were there. The teenage daughter was in another part of the house. The man came across the mother first and threatened her. The mother, knowing her daughter was in the house, told him that she was the only one there. She did not scream to alert her daughter or anything like that. The woman was violated, knowing her actions saved her daughter. Should that male person get out of jail after a very small amount of time? If she puts in a submission, the court, on reading this bill, "may" have regard to it. My personal opinion is the court "must" have regard. This occurs in other parts of the bill. For example, clause 7(3) states —

> In considering whether it is satisfied as required by subsection (1), the court must have regard to the following —

In one instance, clause 62 about victims, it says "may" have regard. Clause 7(3) says "must" have regard. It goes on to state the court must have regard to any of the following: any reports prepared for the hearing of the application; any medical or psychiatric reports; any information indicating whether or not the offender has a propensity to commit serious crimes in the future; any pattern of offending behaviour by the offender; any efforts by the offender to address the causes of the offender's offending behaviour, including whether the offender has participated in any rehabilitation program; whether the offender's participation in any rehabilitation program has had a positive effect on the offender; the offender's antecedents and criminal record; the risk that, if the offender were not subject to a restriction order, the offender would commit a serious crime; the need to protect members of the community from that risk; and any other relevant matter. These things are all well and good. The court must have regard to whether the offender has undertaken rehabilitation programs, and whether they have had a positive effect. That is fantastic, and I agree with that, but what they are saying here is: stuff the victim. Clause 62(1) states, in part —

> … the court may have regard to any victim submission made.

I would suggest that clause 7(3) be amended to include "the court must have regard to the victim submission". That means that they are going to take it on board and listen to it, like they do here: "Oh, the offender. Did he do rehabilitation? That's good. Was it a positive effect? Oh, that's great. Oh, the offender's antecedents." Everything is about the offender, and so it should be, but in this instance we are forgetting the victim. I strongly recommend—it would not be that hard—that we just include in clause 7(3) "the court must have regard to any victim submissions made". It does not have to agree with it, but it must have regard to it. I do not mean to harp on this, but that one does not sit well with me.

I would also like to ask a couple of questions of the Attorney General. In the last budget the Supreme Court time to trial for 2017–18 was 32 weeks. For 2018–19, it was 28 weeks. The estimated actual for 2018–19 was 36 weeks. Now, the target budget for this financial year is 28 weeks, so we are looking at around seven months. Does the Attorney General envisage having to employ another Supreme Court judge? What impact does he envisage this bill will have on the workload of the current Supreme Court judges, with hearings, appeals and applications? I am assuming this will go through and I assume that prisons are now going through the process of identifying all those who are soon to be released and working out who is ready to go, and their priorities, so that no-one gets under the radar. There is nothing worse than somebody being released from a prison and the next minute an arrest warrant is being made. It is easier to keep them in there; once they are out, it is harder to put them back in. Not only is it an impost on police and government resources, but when someone is to be returned to jail, it is not like saying, "Here, come with me"; they do not want to go back, and it is going to be on, whether that means putting police officers' and the community's lives and health in jeopardy, for the offender to be returned to prison. It is not an easy process. I assume the Attorney General has already directed prisons to start looking at who is on the list so that once this bill is passed, the job is on and it is ready to go.

Mr J.R. Quigley: We're not doing that because the people in the Legislative Council can take a year, and it would be silly to spend our money getting ready now when they're just going to jaw on and jaw on forever up there.

Mr P. Papalia interjected.

The ACTING SPEAKER (Mr R.S. Love): Minister for Tourism!

Mr K.M. O'DONNELL: The Attorney General could get the list going, at least. It does not mean starting to fill in all the forms, but I would have a list of the names for when it is passed—I did not say when. Like the Attorney General, I hope this legislation gets through as soon as possible.

Mr J.R. Quigley: We'll have the list by then, but I don't think it's going to happen.

Mr K.M. O'DONNELL: The Attorney General knows more than me in this instance.

Mr J.R. Quigley: No, I know the Liberals in the upper house try to frustrate everything I do, so I don't think this is going to have an easy passage up there.

Several members interjected.

The ACTING SPEAKER: Members, please!

Mr K.M. O'DONNELL: If it gets put up straightaway, then as I said, I daresay people in the upper house will look at it diligently. Again, in saying that, I do not think it is that hard to say to those in the prison system, "I want to have a list". More than likely, the Attorney General would already have a list of the names and dates of those offenders so that he is aware. It would be good to know how many of these high-risk offenders are due to be released before Christmas. That would be a good thing to know, but I was not criticising the Attorney General.

Mr J.R. Quigley: I didn't take it that way, member.

Mr K.M. O'DONNELL: The other thing I am curious about is the process. The bill empowers the Attorney General to make an application to the Supreme Court for a restriction order. I daresay the Attorney General has an idea of how long it is estimated to take. The Supreme Court has a seven-month waiting list at the moment, so —

Mr J.R. Quigley: Can I answer that on the go, member? It's the same process as the member for Hillarys noted before, under the DSO act. What would happen is that there would be a preliminary hearing, which takes about an hour or two, and then they put it off to a hearing date down the track, and —

Mr P.A. Katsambanis: It's not that far down the track, though.

Mr J.R. Quigley: Months; maybe four months, and in the interim, the person is held in prison.

Mr K.M. O'DONNELL: Yes, and that is good thing. I agree with that, if they are already in there.

In finishing up, I will talk to my party and I would like to see amendments made to provide that two to three high-risk offenders board community members must be of Aboriginal descent, and I would like clause 7(3) changed to "the court must have regard to and include victim submissions". I do not think it is asking too much to include the victims. We do not want a situation in which the courts "may" have regard; we want victims' submissions to be to the fore, first up, and high on the agenda. I thank the house.

MR S.K. L'ESTRANGE (Churchlands) [11.28 pm]: I, too, rise as a member of the opposition to speak to the High Risk Offenders Bill 2019 that the Attorney General has brought into this place, and to support some of the remarks made by the member for Hillarys and the member for Kalgoorlie. They both provided some very good insights, from different perspectives, on this legislation. We know that the bill extends the Supreme Court's ability to make a continuing detention order or supervision order on serious violent offenders, in the same manner as it currently does on offenders under the Dangerous Sexual Offenders Act. We know the purpose of the bill. As outlined by our lead spokesperson in this house, the member the Hillarys, the opposition is supporting the bill.

The member for Hillarys clearly outlined the legal parameters and the issues that he will no doubt thrash out in greater detail with the Attorney General during consideration in detail. He certainly has provided his legal perspective on this bill. I particularly enjoyed the contribution of the member for Kalgoorlie, who went a step further by adding to the debate his perspective as a long-term, hard-working professional police officer in Kalgoorlie in regional Western Australia who obviously had interactions with both prisoners who had been released into the community, some on supervision orders and some not, and prison staff at the Eastern Goldfields Regional Prison and, no doubt, in other parts of Western Australia throughout his policing career. Those perspectives are important, and I would like to add to those perspectives somewhat. For me, as the shadow Minister for Corrective Services, it is all interlinked. I know that this is the Attorney General's bill and it is very much linked to the law, but the execution of that law is critically important. How will the people who will be subject to this change in the law be managed in the prison system and how will they be managed when they are released into the community? Will the government do enough to make sure that the management of these offenders is at a standard that enables their release into the community to be safe? These are the key issues that the people of Western Australia want to know about.

More often than not when we think of prisons and prisoners, it does not garner much support from members of the community in how they view the topic, unless a family member or a loved one has found themselves on the wrong side of the law and is in prison. On the whole, the community would just like the government to take care of the matter and make sure that prisoners are locked up and cannot get out and that when they finish their sentence and are released back into the community, they are safe for the community. That is what the community expects. Unfortunately, this McGowan Labor government is very good on spin and media releases, and it is also very good on excuses when things have gone wrong and it has been found out, but it is very poor on actual results, and I would like to highlight some of those linked to the bill and to the management of prisoners who will be the subject of the bill.

The Attorney General will recall that the member for Morley asked him a question during question time on 26 June. It would have no doubt been written by him; it was a dorothy dixer. It was about how this bill will help the community.

Mr J.R. Quigley: I don't write them.

Mr S.K. L'ESTRANGE: The Attorney General just edits them; is that right?

Mr J.R. Quigley: No.

Mr S.K. L'ESTRANGE: He does not even know them.

Mr J.R. Quigley: I don't know them.

Mr P.A. Katsambanis: He signs off on them.

Mr S.K. L'ESTRANGE: He signs off on them.

Mr J.R. Quigley: No, I don't even sign off on them. Someone says, "Do you want to do a question today?" and I say, "Yes." I don't know what the question is.

Mr S.K. L'ESTRANGE: Excellent.

Mr P.A. Katsambanis: You've got a written answer for it.

Mr S.K. L'ESTRANGE: He has his answer already prepared.

Mr J.R. Quigley: I haven't got a written answer.

The ACTING SPEAKER: Members! Attorney General!

Mr J.R. Quigley: I am responding to the interjection.

The ACTING SPEAKER: Yes, I understand that.

Mr J.R. Quigley: The answer I give is the truth.

The ACTING SPEAKER: I am trying to get some order back in the house.

Mr S.K. L'ESTRANGE: In any case, the question that was asked of the Attorney General by the member for Morley was —

> Can the Attorney General outline to the house how this government's high-risk offenders legislation will deliver on this commitment and help protect Western Australians from those who pose an unacceptable risk to the community?

That was the premise of the question, so that is the driver of this bill. In the Attorney General's answer, he noted things about Raymond Phillips, a very dangerous offender who was charged with a lot of offences. The Attorney General said in his answer on 26 June that that person requested to be locked up forever because he was going to kill someone when he was let out. The judge apparently said that their hands were tied because under the current act, they could not do anything else to hold him. The Attorney General's bill purports to do that. In his answer on that day, he also talked about not only serious sex offenders, but also members of outlaw motorcycle gangs and other people who commit violent offences as being issues that this bill might provide better help with. Picking up on the issue about dangerous and violent gang members raised by the Attorney General, there was quite a confronting article by Phil Hickey in *The West Australian* of 16 July—almost a month after the Attorney General highlighted the issue in his answer to the question of the member for Morley. His opening paragraph states —

> The Comanchero bikie gang is treating WA's most notorious jail like a "clubhouse", with prison authorities having all but given up trying to tackle the gang-crime that is plaguing the southern Perth jail.

I understand they are referring to Hakea Prison. It goes on to say —

> Under-resourced prison guards say they are losing the war to control the jail, with 11 staff bashed by inmates on a single day last month.

It also states that management has lost control of Hakea Prison and that prison officers want to go home safe to their families.

Mr J.R. Quigley: The minister has already said that that is all wrong. It was given as an answer during question time. He said that that is all wrong. I can't comment on it.

Mr S.K. L'ESTRANGE: Let me finish. This is context, Attorney General. It is context for how this bill, which we all support, will be executed by the government of the day. The article goes on to say —

> WA Prison Officers' Union secretary Andy Smith … claimed the prison was running at least 50 officers short.
>
> "The prison is overcrowded and understaffed," he said. "It is an extremely dangerous environment and will only get worse if the department doesn't act now."

It goes on to give examples of deaths in custody, riots, bashings, prison officers being assaulted et cetera. The reason I say this is that the government's management of prisoners is critically important. Part of the bill relates to post-sentence supervision orders. The government will be hoping that when a person is released on a post-sentence supervision order, the environment that they have just come from has done everything it can to try to make them safer for when they go back into the community, even on a supervision order.

Mr J.R. Quigley: Why didn't you do that in eight years? That's the problem we inherited.

Mr S.K. L'ESTRANGE: Here we go. As I said at the start, the government is very good at blame-shifting: "It's not our fault. It has nothing to do with us." The Attorney General has been a minister in a former government. Cabinet needs to step up and run the state properly. He knows that.

Let me get back to this. Connected to post-sentence supervision orders are the efforts made in the prison system to better prepare prisoners for when they finish their sentence and are released into the community. The Attorney General knows that. Central to this must be the safety of the community. How is the government managing its detainees? Under adult custodial rule 18, all prisoners should have an individual management plan that outlines the management of the prisoner and their security rating, placement, rehabilitation, reintegration and any intervention needs. Unfortunately, the Office of the Inspector of Custodial Services found that at the end of January this year, 20 per cent of prisoners, or around 1 000 prisoners, at Hakea Prison were locked up without individual management plans. What if some of these prisoners required the government's supervision orders on release because they are dangerous?

Mr J.R. Quigley: What if?

Mr S.K. L'ESTRANGE: That is probably a question for the Attorney General to talk to the Minister for Corrective Services about, because his efforts to improve the law are all well and good, but if the inability of the government to execute his intent —

Mr J.R. Quigley: But they are good, aren't they?

Mr S.K. L'ESTRANGE: We support them, Attorney General. What we are saying is that the Attorney General needs to counsel the Minister for Corrective Services to make sure that he is fulfilling his end of the bargain, because if he does not, the community is not safe. Does the Attorney General understand that? Of course he does.

The Prisoners Review Board may deny a prisoner release on parole if not enough treatment is received or not enough requirements are met. That is not an issue for the community while the person is locked up, but if they become worse during that extended time, it becomes an issue for the community because the community is less safe. That is why it is important that prisons are run properly—to make the community safe. A statistic I came across showed that the rate of recidivism by Western Australian prisoners is something like 37.8 per cent. That is a pretty big number. If people are being released on a supervision order and a very high rate of prisoners are recommitting offences on release, that is not good for the community either.

Report 121 by the Inspector of Custodial Services showed that Hakea Prison was overstretched, overcrowded and overstressed and that there was unacceptable backlog in prisoner assessments and individual management plans. Other observations by the Office of the Inspector of Custodial Services were that there is a need for alcohol and other drug facilities and better services; the prison population has risen; there is a need to build new prisons; we have the highest Aboriginal incarceration rate in Australia; the remand population remains too high; and the proportion of women in custody is continuing to rise. Of course, the media and other outlets have identified other issues, such as the bikie gangs at Hakea Prison that I mentioned; the allegations of sexual harassment, nepotism and bullying in the special operations group; deaths in custody; drugs in prisons; and the riots at Greenough and Albany, just to name a few. This is all under the Attorney General's watch. If he does not get a grip on what is going on in our prison sector, his bill will not be effective for the community when these prisoners are released on supervision orders. It is that simple. In a meeting that I held with the WA Prison Officers' Union just recently, I was told that the union is most concerned. My notes show that over the last five months there has been something like four deaths, numerous assaults and prison breakouts. In fact, two male prisoners broke out and then broke into the female prison unit; I believe that was also at Hakea. This is all unacceptable management of our corrective services sector. Of course, the largest prison breakout in the history of Western Australia happened in July last year, under this government's watch. Things are not good. The Minister for Corrective Services needs to be brought into line by the Attorney General if this bill is to be in any way effective.

What about the involvement of the private sector? The Attorney General was a hardworking barrister at some point in his life. He was quite happy to take the —

Mr J.R. Quigley: Not at some point in my life! Regrettably, it was over 27 years. It seemed like two lifetimes.

Mr S.K. L'ESTRANGE: I stand corrected! The Attorney General was a hardworking barrister for two lifetimes of 27 years.

Mr P.A. Katsambanis: Is it regrettable in hindsight?

Mr J.R. Quigley: I would have left three or four years earlier and maybe come here in my 40s instead of my 50s.

Mr S.K. L'ESTRANGE: In any case, the Attorney General would have many stories to tell about when he, as a barrister, walked into a prison to meet with his client—the prisoner—to work through their legal case and to give them professional advice on how they were to approach their case in the court system. No doubt he took a fee for that. I believe it would have been quite a good fee for a man of his skill and background.

Mr J.R. Quigley: With legal aid, you don't good get a good fee.

Mr S.K. L'ESTRANGE: No, but the Attorney General would have had some clients who were not under legal aid.

Mr J.R. Quigley: Yes. I used to represent the WA Prison Officers' Union, so most of the times that I went into the prisons was to look after the prison staff.

Mr S.K. L'ESTRANGE: I am sure that the Attorney General represented clients for which he was very well paid.

Mr P.A. Katsambanis: Were they good payers?

Mr J.R. Quigley: Yes. So were the police. Kyran will tell you that the police were good payers to me, and so were the prison officers.

Mr S.K. L'ESTRANGE: In any case, let me bring the discussion back to the bill.

Mr J.R. Quigley interjected.

Mr S.K. L'ESTRANGE: Attorney General!

Mr J.R. Quigley: Sorry.

Mr S.K. L'ESTRANGE: I come back to the bill. The Attorney General, as a private operator, had some interactions with people in the corrective services sector and with prisoners, and he took a fee for service. It is interesting that we had another group, called the Whitehaven Clinic, providing psychological counselling services to prisoners who had alcohol and other drug issues or domestic violence issues. Prisoners would receive counselling. It started as a pro bono program, but then the former government decided that this was a pretty good service and that it could not be provided for free forever. The clinic obviously approached the government at the time and asked whether the government minded if it made it a fee-for-service, and the government said that it could do that. The Whitehaven Clinic program had been going since 2014. In any case, it had seen 280 people on the pro bono program for over two years. I believe that more than 300 prisoners have since accessed the program. It runs for about 12 weeks. Essentially, the counsellor sits down with the prisoner. The prisoner has to seek the counselling out; it is not forced on them. It is a fee-for-service, so the family often pays. It is a 12-week program in which they meet once a week. Some very good anecdotal reports have come to us on how the prisoners view that program and how it is working for them. One would think that something like that, which had clearly been cleared to operate by the prison sector, would be fine, but we then found that the Minister for Corrective Services had cut the service. He stopped it. He cut access to it. This was while something like 37 prisoners were mid-treatment. The minister said he would stop this private sector provider from having access to the prisoners. As an opposition, we found that quite interesting, because we wondered why that would be the case. An article on WAtoday on 31 July states —

> The Whitehaven Clinic, which has provided drug counselling services to hundreds of inmates over five years, was told earlier this year by the Department of Justice it no longer had government support to operate in prisons.

[Member's time extended.]

Mr S.K. L'ESTRANGE: The article went on to say —

> … in a document dated April 3, the department stated it did not endorse or recommend self-funded treatment and reserved the "right to reject" such services.

From what we have heard, this service was operating successfully and was in demand by prisoners in the system. The service helped them to reform and prepare for reintegration into the community when they left prison, yet the program was going to be cut. The article states —

> According to Whitehaven, its counsellors were denied access to eight WA prisons to continue drug counselling sessions for 56 inmates after the department "suddenly instated a ban" in April on self-funded programs in prisons.
>
> Since lobbying against the decision, Whitehaven was granted an interim order to continue services with 37 prisoners …

Thank goodness that occurred, so that at least those prisoners could receive the rest of their treatment. The article also provides some quotes from program director Tabitha Corser, who said —

> "There are literally thousands of prisoners in WA jails who need drug treatment, rehabilitation and support to help break the cycle of addiction and drug-fuelled crime in the community.

She also said —

> "We need to capitalise on this captive audience and provide effective drug rehabilitation programs in prisons to help turn the tide on WA's ice epidemic."

That story then got a run on ABC radio. It was a couple of weeks ago now.

Mr P. Papalia: If you'd been paying attention, surely the minister said he overruled them and told them to get their act together.

Mr S.K. L'ESTRANGE: I am getting to that. ABC radio then got Tabitha Corser on to speak. They asked her what was going on and she gave a very thorough explanation. The ABC told me that they then called the minister to comment. The minister said he would not come on, so they called me. They said, "The minister won't come on. What about you come on, shadow Minister for Corrective Services? What do you think?" I said, "Why would you be banning something that's got the support of the prisoners and the prisoners' families? Instead, why wouldn't you collaborate with the private sector provider to see what this program is doing? If it's doing something really, really well, why don't you implement it more broadly or look to implementing it more broadly across the system? Why won't you work with Whitehaven Clinic to help make sure that the prisoners, on release, are safer for the community?" Guess what happened? The minister decided to come on ABC radio the next day, because it had run the story all through the morning. It got a fair bit of traction then. Then the spin doctors in Premier McGowan's high headquarters on the hill —

Mr P. Papalia: Have you ever met Tabitha Corser?

Mr S.K. L'ESTRANGE: Yes, I have actually.

Mr P. Papalia: Have you actually talked to her since you became his shadow?

Mr S.K. L'ESTRANGE: Yes.

Mr P. Papalia: No, I'm not talking about on the telephone. Have you actually met her?

Mr S.K. L'ESTRANGE: I have had a meeting with her in my office. I thank the minister for asking!

Mr P. Papalia: Do you know how much your government supported Tabitha Corser throughout the eight and a half years you were in office?

Mr S.K. L'ESTRANGE: I have no idea.

Mr P. Papalia: I know exactly how much they did: not a cent. They did not give her access. She did it all on her own.

Mr S.K. L'ESTRANGE: I am actually commending the private sector for being prepared to step up and provide support services to prisoners who are prepared to take on those services. The former Minister for Corrective Services appears to be agreeing with me.

Mr P. Papalia: I was never a Minister for Corrective Services.

Mr S.K. L'ESTRANGE: Was he not? He was a shadow minister; my apologies.

Mr J.R. Quigley: Like I did: step up and provide services.

Mr S.K. L'ESTRANGE: Exactly. These two gentlemen need to rein in the current Minister for Corrective Services, who does not know how to handle the private sector in supporting the rehabilitation and reintegration of prisoners so that our communities are made safer. I am glad to see that the Attorney General and Minister for Tourism support my efforts here today with this debate to improve the sector, so that the bill that the Attorney General has brought forward can actually be better supported. Thank you. I appreciate the interjections.

Anyway, to pick up on where I was, if I can please move on, the next day, the minister said on 720 ABC radio —

Mr P. Papalia: Why aren't you the leader of opposition business? You're pretty good!

The ACTING SPEAKER (Mr R.S. Love): If you will allow me to, I will just quieten the minister down, and we will carry on.

Mr S.K. L'ESTRANGE: I appreciate that support, Mr Acting Speaker.

It is fascinating that that afternoon, the minister said on 720 ABC radio, "We've changed our mind." There we go. After a bit of effort and support from the shadow Minister for Corrective Services for the private sector—Whitehaven Clinic—lo and behold, the minister acquiesced. That was after the spin doctors in the Premier's office

got hold of him and said, "He's off the rails again; he's off the leash; what bumbling mistake is he going to make now?", and reined him in, and all of a sudden it was back on. That was a good decision that we made on the minister's behalf. It was good to see that the minister decided to pursue that decision, and I look forward to continuing to help the Minister for Corrective Services, while I am in this portfolio, to make better decisions and assist him with his backflips.

Let us get back to the gist of this bill. Preparing prisoners for post-sentence supervision orders is critically important. The Attorney General knows that. That is why improving the culture of prisons and the services delivered in prison, and reducing the recidivism rate, is so important. It must be a whole-of-government effort.

Earlier today, the Minister for Corrective Services put out a press release. I think he also made a statement. The press release states, in part —

> A 2018 internal audit on the rate of serious assaults per 100 prisoners has estimated an under-reporting of 27 per cent …

That is pretty damning. It looks as though the minister is holding up a white flag. It also states —

> It's particularly concerning that there has been an increase in staff assaults and we are working as fast as possible to address the inherited issues of overcrowding and understaffing.

The Minister for Corrective Services has put out a press release that tells everybody that he cannot do his job.

Ms R. Saffioti: You're good! You're probably the best performer!

Mr S.K. L'ESTRANGE: The Minister for Transport would do well to sit down with the Minister for Corrective Services and outline to him exactly what he needs to do to get the prison system under control.

Ms R. Saffioti interjected.

Mr S.K. L'ESTRANGE: I have only six minutes remaining, but the Minister for Transport would like to hear this.

Ms R. Saffioti interjected.

Mr S.K. L'ESTRANGE: When we demonstrate our concern about the government's management of the prison sector —

Several members interjected.

The ACTING SPEAKER: Ministers! Settle down and let the member make his contribution.

Mr S.K. L'ESTRANGE: I appreciate that, Mr Acting Speaker. The childish antics of members on that side of the chamber, on what is a very serious bill, are unnecessary. Their maturity is being judged by the young people in the gallery. They are clearly disappointed that members opposite are behaving not like a government, but like a mob of unruly schoolchildren. It would not be the case in the schools that the schoolchildren in the gallery go to today. They would be much better behaved than the Minister for Transport, who is swanning around with a glass of water in her hand and a wide grin on her face.

The opposition supports the bill. However, we call on the government to do better to ensure that prisoners who are to be released into the community are better prepared and better integrated. We also call on the government to communicate effectively with the community about supervision order issues.

I now refer to an article on WAtoday titled "Premier Mark McGowan jokes about press freedom after 'draconian' media gag". Although the article is related not to the Department of Corrective Services and supervision orders, but to a Department of Communities issue, it relates to government openness and transparency. It particularly cuts to the issue of community safety. I highlight the following point —

> Premier Mark McGowan has joked in Parliament … after a "draconian" government gag was issued stopping media outlets from publishing details about a state run facility that could have serious implications for public safety.

The article also states —

> "It is disappointing the state government, which had promised openness and accountability, has resorted to such heavy-handed tactics to prevent the publication of a story clearly in the public interest …

Attorney General, we do not want this bill to fail the people of Western Australia. The opposition supports the bill, because we want it to work for the people of Western Australia. However, in order for the bill to work, the government needs to ensure that the corrective services sector is run properly and effectively, that the integration and reform programs that are run in that sector will make it safer to release prisoners back into the community, and that when people on supervision orders are released back into the community, it does not take a secret state gag-order approach to communications about public safety but keeps the public well informed about its efforts to keep the community safe.

MR J.R. QUIGLEY (Butler — Attorney General) [11.55 am] — in reply: I thank members for their contributions to the debate on the High Risk Offenders Bill 2019. I will deal with the contributions of members in reverse order, if I may, because then it will be fresh in my mind. I have more notes for the member for Hillarys. The member for Churchlands made a fine contribution. He recognised that this is a good bill. He made no criticism of the bill. He made what I thought were some unwarranted criticisms of the Minister for Corrective Services, but that is politics; and, as far as politics goes, he is very good.

Mr P. Papalia: Why isn't he on the frontbench?

Mr J.R. QUIGLEY: That is what I was going to say. His contribution was very erudite and insightful. I am at a loss as to why the Leader of the Opposition sacked him as shadow Minister for Health and manager of opposition business in this house, because his contribution today was much more erudite than the contributions from the current opposition spokesperson for health. That is obvious—we only need to listen to him in debate with the Minister for Health. Good government for Western Australia relies on Western Australia having a good opposition. After listening to the member for Churchlands today, this state is diminished by the fact that he was sacked by the Leader of the Opposition. In one of her first acts as Leader of the Opposition, she stubbed her toe, she stubbed the state's toe, and she stubbed this Parliament's toe, by putting a rookie in place of an experienced and erudite former minister, who has made a good contribution to this debate, and I thank him for it. I agree with him that this is good legislation and I join him in our intent.

[Quorum formed.]

Mr J.R. QUIGLEY: I welcome members back to the chamber. I want to let them know that I was saying what a shame it is that the Leader of the Opposition sacked the former manager of opposition business and opposition health spokesperson, but members will be able to read it in *Hansard*. I think it is very important —

Mr P. Papalia: It's a shallow talent pool; you've got to use it the best you can.

Mr J.R. QUIGLEY: As they say in agriculture: "You've got to play with the cattle you've got." It is not much of a herd, is it?

I now return to some of the comments of the member for Hillarys. He said that he thinks that this bill reflects a failure of sentencing. We do not agree with those comments because this bill has nothing to do with sentencing; this bill has everything to do with what we should be doing with prisoners who have been given a significant or a heavy sentence but who have served it all. Since I have been Attorney General, I have never been criticised on radio for the management of dangerous sex offenders—members can check the record in that regard. However I was asked on Gareth Parker's radio show, by Mr Parker himself, about the Latimer case when it first came up. I pointed out on 6PR that Mr Latimer had served 11 and a half years in prison after his sentence finished. He served all his time for his crimes and then he spent another 11 and a half years in prison thanks to Labor's laws. Without Labor's laws, he would have been out, but he got another 11 and a half years as a result of the laws that we introduced. I pointed that out to Mr Parker and he acknowledged it. He asked, "Why can't you keep them in forever?" and I said, "Because of the Constitution." If the sentence expires and we pass a law that can keep them in forever, our act would be struck down. That is clear from cases that have already gone before the High Court. We can only impose further detention as is absolutely necessary for the community's protection—that is, detention beyond a struck sentence. If the person has served his struck sentence, we can only keep them in prison beyond that term for as long as is absolutely necessary to protect the community. We managed it with Latimer for 11 and a half years.

Mr P.A. Katsambanis: That is a very royal "we"—there was a series of governments in place at the time.

Mr J.R. QUIGLEY: I am sorry—"our law". Our ALP law, our Dr Gallop/Jim McGinty law, kept Latimer in there for 11 and a half years. I note the member for Hillarys has publicly said that the Attorney General should appeal this decision—release Latimer.

Mr P.A. Katsambanis: Have I said that?

Mr J.R. QUIGLEY: Yes.

Mr P.A. Katsambanis: When?

Mr J.R. QUIGLEY: Did you say that?

Mr P.A. Katsambanis: Have I said that?

Mr J.R. QUIGLEY: I thought you did.

Mr P.A. Katsambanis: I'm asking you: have I said that?

Mr J.R. QUIGLEY: I thought you did.

Mr P.A. Katsambanis: Well, I haven't.

Mr J.R. QUIGLEY: But the shadow Attorney General certainly did.

Mr P.A. Katsambanis: I'm not the shadow Attorney General.

Mr J.R. QUIGLEY: You are cleverer than him.

Mr P.A. Katsambanis: I don't look like him either.

Mr J.R. QUIGLEY: I take the correction. I thought the member for Hillarys had joined him. I am pleased that he disavows from that silly comment of the shadow Attorney General.

Mr P.A. Katsambanis: No, I did not. I made no comment about the comment. I just said I didn't make it.

Mr J.R. QUIGLEY: I am pleased that the member for Hillarys disavows from that comment because the shadow Attorney General did not come up with one ground of appeal. He did not suggest to the public one ground. He just said, "Appeal!" He was a dud lawyer and he was a dud Attorney General. He just said "Appeal!" But he did not come up with one ground of appeal or one ground on which it could be appealed.

The member for Hillarys asked, "Why don't you change the law to keep them in for longer and push the boundaries? I know there is risk involved, but take that risk and push the boundaries." No, no, no! The McGowan Labor government is not so reckless. If we brought before this Parliament legislation that we believe, on the High Court's interpretation of cases gone by, would be struck down as unconstitutional, that would leave the Western Australian public without protection. The act would be struck down and the public would be without protection and those who are currently on orders would see those orders evaporate and we would have dangerous criminals running all over the town.

Mr P.A. Katsambanis: Would you take an interjection on that? You like interjecting on me.

Mr J.R. QUIGLEY: The member for Hillarys said that the Liberal Party is prepared to take that risk.

Mr P.A. Katsambanis: No, I didn't say that. I said it is a personal opinion.

Mr J.R. QUIGLEY: You said —

Mr P.A. Katsambanis: I did not say that.

Mr J.R. QUIGLEY: You said —

Mr P.A. Katsambanis: I said it is my personal opinion.

Mr J.R. QUIGLEY: Okay, so your personal opinion.

Mr P.A. Katsambanis: Yes.

Mr J.R. QUIGLEY: The member for Hillarys' personal opinion is that the government should do this despite the constitutional risk and embracing the risk of having the legislation struck down, and serious and dangerous sex offenders would all be running lose without orders —

Mr P.A. Katsambanis interjected.

Mr J.R. QUIGLEY: — because the bill would have been struck down. In relation to making —

Mr P.A. Katsambanis: You do not like it when you are questioned. When the Liberal government extended the subsequent review periods from 12 months to two years, that was a risk. Do you accept that there was a risk of constitutional challenge there?

Mr J.R. QUIGLEY: No.

Mr P.A. Katsambanis: It hasn't been challenged.

Mr J.R. QUIGLEY: No, I do not accept that one to two years —

Mr P.A. Katsambanis interjected.

Mr J.R. QUIGLEY: I will continue —

Mr P.A. Katsambanis interjected.

Mr J.R. QUIGLEY: To continue —

Mr P.A. Katsambanis interjected.

Mr J.R. QUIGLEY: When we were in opposition and we proposed amendments to the dangerous sexual offenders legislation, which the member for Hillarys in his speech said was turning up the gas on the criminals —

Mr P.A. Katsambanis: I didn't use that. I quoted you.

Mr J.R. QUIGLEY: I said turning up the gas and you agreed, and you said, "Yes, you've turned up the gas to a degree" —

Mr P.A. Katsambanis interjected.

Mr J.R. QUIGLEY: It is in *Hansard*. When we tried to do that in opposition, the Liberal government voted down our amendments to make the law tougher.

Mr P.A. Katsambanis: But you didn't bring those amendments back when you came into government.

Mr J.R. QUIGLEY: It is a fact. It voted down the amendments to make the law tougher. When we got into government and I brought the same amendments forward, having been a veritable —

Mr P.A. Katsambanis interjected.

The ACTING SPEAKER (Ms J.M. Freeman): Member for Hillarys, you have had a wide breadth of being able to do this for a while. You just need to settle now.

Mr P.A. Katsambanis: But he —

The ACTING SPEAKER: Member for Hillarys, you need to settle for the purpose of Hansard. Take a deep breath and settle. Be mindful.

Mr J.R. QUIGLEY: As I was saying, the Labor Party in opposition tried to strengthen the dangerous sex offenders laws. It tried to offer more protection to victims of sex crimes and brought forward amendments to make a stricter test for the release of dangerous sex offenders, but we were opposed in our efforts by the Liberal government, which voted down those attempts to bring in that private member's bill. The bill did not get out of the Assembly and the then Attorney General went on record saying that these amendments were against the public interest. We therefore brought forward this legislation and in the member for Hillary's opinion, it does not go far enough. We realise that it is not the party's opinion; it is the member for Hillary's opinion. In government, when the Liberal Party had the power, it voted down the parts that made the test tougher.

Mr P.A. Katsambanis: I was a lowly member in the upper house.

Mr J.R. QUIGLEY: I said the Liberal government voted it down. The member for Hillarys should be back in the upper house; albeit, I enjoy him here, this is not a criticism of him. He should be in the other place because it appears that the Leader of the Liberal Party wants her shadow Attorney General in the other place. I have said it once; I will say it again: There is no doubt that the member for Hillarys should be the shadow Attorney General.

Mr P.A. Katsambanis: You're not doing me any favours.

Mr J.R. QUIGLEY: I cannot understand the Leader of the Opposition because look what has happened to the poor old member for Churchlands. I think Roy Orbison sang a song called *Mystery Girl*. That is the Leader of the Opposition; she is a mystery to me. She had a successful Leader of the House, a successful health shadow minister but the mystery girl cut off his head and put him on the backbench as the corrective services spokesperson. I think that is it for me. I cannot get Roy Orbison out of my head every time I look at the Leader of the Opposition. Does the member remember the album *Mystery Girl*? *She's a mystery to me*. It is a mystery to me why the member for Churchlands ended up back there. It remains a mystery to me why the member for Hillarys is not the shadow, because he was a practitioner and the shadow Attorney General was not a practitioner; he worked on the public purse.

The member raised some more very interesting points. One was about resourcing the Director of Public Prosecutions and the State Solicitor's Office. Sorry; first of all he asked who would comprise the assessment team to assess these people. As I said, it will be the same unit that the Barnett government had in position for eight years making assessments about which of the dangerous sex offenders should have an application made. However, we agree that it might have some more personnel added to it, depending on the workload. All that will be accommodated. No complaint has been made by the Department of Justice, the SSO, or especially the DPP about this government's commitment to properly resource those three agencies. In fact, the DPP was in dire straits when we first came to office due to the previous government's workforce replacement policy. Once there had been a resignation from the service, such as a senior prosecutor leaving to be appointed to the bench, he or she could be replaced by someone on only 60 per cent of the wage. That meant they juniorised the whole DPP office, while the defence end-of-bar table, funded by bikies, druggies and ne'er-do-wells could get Queens Counsel in from Adelaide and Sydney, and regularly did. That Liberal government kept deskilling the office of the DPP. However, we have turned it around. It has been hard and it is not complete but the director knows our commitment and I am sure is grateful thus far.

These applications will increase the workload of the system, to talk generically. It would be unfair to throw all that at the DPP, who is battling to cope with the amount of prosecutorial work she has. The court itself recognises, as did the member for Hillarys when he said that the DPP usually prosecutes these cases, but quickly corrected himself and said, "Makes the application", because they are not prosecutions.

Mr P.A. Katsambanis: Correct.

Mr J.R. QUIGLEY: He is astute and that is why I say he should be the shadow.

Mr P.A. Katsambanis: It is easy to make the mistake because they are the Director of Public Prosecutions.

Mr J.R. QUIGLEY: I know. That is what the DPP is saying; that is, "I should be focusing on prosecutions; I have a backlog. I was left under-resourced by the previous government. My main focus is on prosecutions and I'm getting more and more of these." I am not saying the practitioners at the SSO are not interchangeable; they are still

in the government service; in fact, the shadow Attorney General worked there before he worked at the DPP's office. That is how interchangeable they are. He worked for the Crown Solicitor's Office and for the DPP. I have to say that I am very, very proud that the State Solicitor's Office of Western Australia is the biggest and best law firm in Western Australia. I am also very proud to inform the court—there I go harking back to my old ways, Madam Acting Speaker; please indulge me—to inform the chamber that the SSO employs the brightest of the bright law students. The really bright ones all apply to the SSO because it gets a broad range of work. The brightest minds are at the SSO. When we talk about losing experience, we will not lose any experience. These matters and briefs are not the engineer's case number one; they are not even Mabo. As a recently retired Supreme Court judge—not a sitting Supreme Court judge—said to me this morning, "What are you doing today, "Quigs"?" I said this and he said, "You can almost tell before you hear counsel who you have to keep in just looking at them. These things jump out at you: who has to have heavy orders; who has to stay in jail. After years on the bench you get a feeling for it." He is right, because in the 16 years that the act has been operating, only one sex offence has been committed by a person subject to an order. That is one too many, but he is right—the ones they are keeping in are the ones who reoffend on the outside, and the ones that they are letting out on strict orders, because they believe they can manage them, do in fact manage them. The former judge was right when he said that it jumps out at you. It can be seen reasonably obviously from experience.

Mr P.A. Katsambanis: I obviously have significant experience in decision-making. An initial assessment can be made when the case is looked at. The Attorney General is not suggesting that a retired Supreme Court judge said to him that they went into the hearing with a closed mind in any way.

Mr J.R. QUIGLEY: No.

Mr P.A. Katsambanis: There is a pattern, and the pattern seems to fit, but the case is still fully heard and all of the contents are examined.

Mr J.R. QUIGLEY: The member for Hillarys used to sit on boards.

Mr P.A. Katsambanis: Tribunals.

Mr J.R. QUIGLEY: The member considered the case of a deportee and said, "That's not fair" and kept him in Australia and then he murdered someone.

Mr P.A. Katsambanis: I was not aware of that.

Mr J.R. QUIGLEY: I know.

Mr P.A. Katsambanis: That has happened to a lot of people.

Mr J.R. QUIGLEY: That is true, though—the member reviewed the case. He did not go in with a closed mind. The person did murder someone.

Mr P.A. Katsambanis: Fifteen years later, yes.

Mr J.R. QUIGLEY: He should have been out of Australia.

Mr P.A. Katsambanis: I am not sure that he has ever been prosecuted for it either. I do not think he had the capacity.

Mr J.R. QUIGLEY: Be that as it may, I did not say the judge said he went in with a closed mind; he said some things become obvious early and then you listen to everything that is put before you. I am saying the evidence bears that out because when one looks at the evidence, only one person has offended on one of these orders in 16 years. I certainly hope I am not tempting fate because we never want to see another victim. The system is working pretty well.

The member for Hillarys asked me about the relationship between me, the Director of Public Prosecutions and the State Solicitor's Office. Essentially, it is the same. Although the member might try to look for technicalities, the position is that once actions have been taken by the agency, I am not interfering with the agency and I am not giving them directions; it is up to the court to determine. If the decision is wrong, it is up to the agency to appeal, as it is now.

On Latimer, the shadow Attorney General urges an appeal, but he fails to suggest one ground on which the judge erred in law—one ground! All he said was, "The error was letting him out." He does not say, "This is what led to the error." The member for Hillarys knows, as a lawyer, that is what he would have to do on appeal. He could not go to the bottom line and say, "The order I seek is that the order of His Honour Mr Justice Derrick be vacated and that the prisoner be returned on an order of detention." That is what the shadow Attorney General wants. That is the order he seeks. But he cannot just go to court and say, "That is the order I seek." He has to tell the court where the judge went wrong, and identify it with particularity. The shadow Attorney General could not find his toothbrush in his own bathroom, let alone find a ground of appeal in that case!

The next point that the member for Hillarys raised with me is in what circumstances would the offender not be in custody? We have included this even though it is likely to be rare. It might apply to someone who has been released

from custody before proclamation, and who is a heinously dangerous person, or it might be, given the length and breadth of our state and the number of institutions and their remoteness, that someone has been released from the West Kimberley prison and slipped through the crack. Just because he got out the door, because someone in the West Kimberley prison was not aware of the determination by the intended application, that little technicality that he is out the gate will not forestall an application under this legislation—no way. Even though he is out of custody, the application for his detention can still be made. We say it would be a rare situation.

The member for Hillarys' contribution was good. I do not say this sarcastically because I am now turning to point 4. The member went through the legislation point by point. The member for Churchlands just gave it his general stamp of approval and then criticised the Minister for Corrective Services. He asked, "Why a 21-day time frame?" We have had situations in the past, such as DAL. DAL was going back to Geraldton but was too near a bus stop near a school or something like that. In the past, people have been assessed by the court as being suitable to be on a continuing supervision order so long as they do not live near a school or wherever. The department goes to Housing and asks, "Can we urgently locate a flat or house that is not near a school but in a suitable area?" Does the member know what I mean?

Mr P.A. Katsambanis: Yes, I know what you mean.

Mr J.R. QUIGLEY: And they say yes—this has happened, truly—but they cannot take up occupancy of the premises because they have to be held for 21 days. In the meantime, Housing is hit with another emergency and gives that house to someone else in urgent need—not a prisoner; it might be a domestic violence victim—and the whole order is frustrated because we were not able to put the prisoner in there. The court has been told in some cases, "We've found a place to put him. If we can get him there now, we can get him there. We can't guarantee we can hold it for another three weeks. That's what has happened because some woman has been bashed and she has to be evacuated from the house and put in an emergency house. There's a vacant place; put her there." Members know what the housing waitlist is like. We wanted that flexibility so that we did not lose that.

The member is quite right: the High Risk (Sexual and Violent) Offenders Board is not the board to triage prisoners to say who goes down to the Supreme Court for an application and who does not. That does not happen at the moment, as the member is aware. A unit within Justice identifies them. It goes down to the Supreme Court upon application. After that, the released person, subject to the detention order, is managed by the Department of Corrective Services. As the member for Hillarys has noted, there is virtue in having a board that brings all these different agencies together, not only to look at policy issues for the implementation of the legislation, but also to look at and get sight of the management of a particular offender, so we do not have situations such as one we had in the past in which the police were not aware that a particular offender had moved to the country near a school. Does the member for Roe remember that?

Mr P.J. Rundle: Yes.

Mr J.R. QUIGLEY: The police were not aware of that because the other department had not told them. The member will remember that; I think it was down near Dunsborough.

Mr P.J. Rundle: I thought it was out near Cunderdin.

Mr J.R. QUIGLEY: The member is right. The member for Roe remembers that. A dangerous sex offender ended up in the wrong place and was not watched or supervised because the other department did not tell the police that he had gone there. The idea of the high-risk offenders board, as the member for Hillarys has said, is to put the heads or delegates of these different agencies on the board so that they have vision, not of the policy of the act or the triaging of who goes to the Supreme Court, but of an oversighting, supervisory role so that that—I was going to use a word that would be entirely inappropriate—muck-up does not happen again. That is the purpose of the board.

The member for Hillarys also asked what the purpose was of the community members on the board, and what their expertise would be.

Mr P.A. Katsambanis: I didn't question that.

Mr J.R. QUIGLEY: No, I thought —

Mr P.A. Katsambanis: I said I recognise the skills required.

Mr J.R. QUIGLEY: The board is there to oversee the management of the offenders, and it will ensure that members of the board will have the expertise to be able to do that. That is what I said in my second reading speech, to which the member for Hillarys referred. Community members will sit on the board for the purposes of transparency and accountability, because they are not directing departments but they are there, listening to what —

Mr P.A. Katsambanis: How many do you intend to have?

Mr J.R. QUIGLEY: At least a couple.

Mr P.A. Katsambanis: Would any of them be representatives of victims, or victims' interests?

Mr J.R. QUIGLEY: I have not drilled down into that. I am a victim—not for the reasons the Leader of the Opposition is thinking, laughing over there! I am a victim in the sense that I was badly bottled outside the Windsor Cinema. A couple of drunks took to me with broken bottles and I got 90 stitches in my skull. The plastic surgeon did a pretty good job, do members reckon? He could not put my hair back, but anyway! I was a victim. That was some years ago, but lots of people have been victims of crime. Does the member know the Windsor Cinema? There used to be a rug shop right next door to it.

Mr P.A. Katsambanis: I think it's still closing down!

Mr J.R. QUIGLEY: Yes, the closing down sale. It was just outside there. A couple of bogans tried to close me down at that closing-down shop! So I am a victim, and I understand the humility, the disempowerment and the pain of the victim. I spent hours on an operating table while they dug it all out of my face.

The imperative is not to have victims on the board; it is to have alert community members who are there on behalf of the community to see that the agency heads that sit on the board act in the public's best interests. Of course, there will be reports to Parliament, and the public members on the board can make their contributions to this Parliament, so that at the end of the day we can all see whether this system is working better and that there are none of the muck-ups that led to the situation down in Cunderdin.

The sixth question from the member was about what the intention was with regard to the community members. I think I covered that in answering question five. Question seven was: how will the HROB work in practice? I think we have covered this, but I will do it in short form again. There will be the same expert committee in the Department of Justice going through the records of prisoners, as it does now, identifying those who should be or could be the subject of an application. The Department of Justice will refer those on to the lawyers for consideration of the preparation of an application, if one can be made under law.

The member's next question, the eighth question, was: if more applications are going to the Supreme Court, what additional resources will be provided? We are going to closely monitor this. When I say we will closely monitor the resources of the Supreme Court, I mean that I do everything I can as Attorney General to support the Supreme Court and its hardworking justices. One of the complaints I had from the former Chief Justice on coming to office was that the former government used to delay and delay appointing judges when a judge retired—in some cases for more than a year, and in other cases, not at all. I am happy to report that the McGowan Labor government has increased the resources of the Supreme Court back to what they should be. Through an accident of happy circumstance for the Supreme Court—although not for the Treasurer—it is at the moment one judge above what is normal. That accident of happy circumstance was that Justice McGrath had announced that he was going off to the Royal Commission into Aged Care Quality and Safety in Adelaide. We did not want to leave the court under-resourced, so we quickly jumped in and appointed another judge. Then Justice McGrath, for family reasons, had a change of heart and retired from the royal commission. That is how we ended up one judge up. That will come back with the next retirement to even stevens. We will closely monitor this. I have not spoken to him on this, so I am not revealing a personal conversation, but I have every confidence that the Chief Justice of Western Australia, the Honourable Mr Peter Quinlan SC, has confidence that I, as Attorney General, and the McGowan Labor government will closely monitor his court and see that it is appropriately resourced, unlike it has been for the previous eight years. We will watch this closely. We cannot tell the member how much extra resources are required, because that is up to the committee that makes the nominations to the court, but we will certainly have it covered.

The next question posited by the member for Hillarys was: who will supervise the offenders—the police or corrections officers? It will remain as is; that is, community corrections officers and police officers will continue to perform the function as and when required by this legislation. Members may recall the recent publicity when we set up the tag and monitoring centre at the police communications centre in Maylands, where corrections officers can electronically monitor these people and have police sitting at the desk next to theirs so that they can liaise very closely.

The next question that the member posited—it was a very good question—was: has the justice pipeline model been used? I hope that I can honour his question with a good answer. It is a truthful answer. Although the justice pipeline model has just been completed, it was not completed in time to be utilised for this scheme. We could not hold up all our law reform until the justice pipeline had been finished. As the justice pipeline model had not been completed, instead the Department of Justice modelled the impact of the scheme based upon the number of people released for offences eligible under this bill and applied to that the ratio of referrals to the Director of Public Prosecutions and successful applications to the Supreme Court. We are working on the current number of applications and those offenders who are currently being selected or designated for post-sentence supervision orders, which the previous government introduced. The pipeline model was not complete, but we have this data that has helped us model, and that gives us confidence that we will be well resourced.

Mr P.A. Katsambanis: Will you give us the data?

Mr J.R. QUIGLEY: On reasonable notice, yes—how many are on PSSOs and how many are eligible. I can give the member that on notice.

Mr P.A. Katsambanis: On notice? Okay.

Mr J.R. QUIGLEY: The member would not expect me to be carrying it around in my head. I have a lot between these ears; unfortunately, a lot of it is sawdust! I do not have those figures, but on notice I will. That is reasonable. Even the leader of opposition business in the house is nodding in assent.

Mr P.A. Katsambanis: That's reasonable.

Mr J.R. QUIGLEY: And the member says that it is reasonable. I am all for transparency and accountability; the member knows that.

In the last few seconds, I just say thank you.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clauses 1 and 2 put and passed.

Clause 3: Terms used —

Mr P.A. KATSAMBANIS: I am cognisant of the very strict interpretation of the standing orders by the Acting Speaker. Clause 3, "Terms used", defines "relevant agency" for the purpose of creating the new board, which we spent some time discussing. It indicates that "relevant agency" includes the Department of Justice; the department of the public service principally assisting in the administration of the Health Services Act; the department of the public service principally assisting in the administration of the Housing Act, and that is quite apt; the department designated as the police service; the police force of Western Australia provided for by the Police Act; and any other public sector body designated by the regulations as a relevant agency. What other public sector bodies are intended to be designated as a relevant agency for the purpose of membership of the High Risk (Sexual and Violent) Offenders Board?

Mr J.R. QUIGLEY: There are two parts to the answer. First, the Commissioner for Victims of Crime—it is not an office as such, because the former Attorney General did not set it up as a statutory office—will be included under the regulations. There is no agency. She is an office holder within the Department of Justice; she is not a head of an agency. She will be included under the regulations. The member asked what is intended. The Commissioner for Victims of Crime will be included under the regulations.

Also, we had to put in a regulation-making power because sometimes—it happened recently under the machinery-of-government review—departments change their names. Departments also changed their names under the previous government. We did not want to have to come back here and amend the act because a department had changed its name. I can remember when it was called the WA Police Force and then it changed to the WA Police Service, because Commissioner Barry Matthews did not like the idea of "force"—I like the idea of "force".

The ACTING SPEAKER: Attorney General.

Mr J.R. QUIGLEY: I think I am within time, Madam Acting Speaker.

Mr P.A. Katsambanis: You don't have to take it up. You're not being paid by the minute.

Mr J.R. QUIGLEY: Speak to my Whip!

Mr P.A. Katsambanis: I have more questions.

Mr J.R. QUIGLEY: The member can get his Whip to speak to my Whip. Then I will be whipped to different instructions! I like that thing in the British Parliament—a one-line whip, a two-line whip or a three-line whip. It is quite good, is it not? I have had a three-line whip. At school, I always got the three-line whip, let me give you the tip!

Departments do change their names and we did not want to come back here and have to re-legislate because some departmental head changed the name. We also wanted to include the Commissioner for Victims of Crime.

Mr P.A. KATSAMBANIS: I thank the Attorney General for his answer. The Attorney General gave quite a good response to my questions in his summing up. One question that I am almost certain I posed was about whether the Commissioner for Victims of Crime will be included on the board. I am very glad that the Attorney General indicates that that will be the case.

Mr J.R. QUIGLEY: Not only indicate, but also undertake.

Mr P.A. KATSAMBANIS: The Attorney General undertakes that; I thank him for that. I welcome the fact that the commissioner will be included on this board.

Debate interrupted, pursuant to standing orders.

[Continued on page 5280.]

GOMBOC GALLERY — RON AND TERRIE GOMBOC

Statement by Member for Carine

MR A. KRSTICEVIC (Carine) [12.50 pm]: I rise to herald the unique achievements of Ron and Terrie Gomboc, who founded Gomboc Gallery in the Swan Valley in 1982. It is one of the oldest private and self-established galleries in Western Australia. Since they opened their gallery, they have been strong supporters of emerging artists. Their gallery has been perfect for displaying the large-scale sculptures that are a Ron Gomboc trademark, as well as work from a host of talented and emerging artists of all disciplines from around the world.

Ron has participated as a cultural ambassador five times in China, twice in Japan, once in South Korea and once in New Caledonia as a distinguished invited artist representing Australia. All these countries recognise cultural awareness as being an important priority. The Australian flag was flying at all these events. Ron has won a plethora of art and community awards, including a WA Citizen of the Year Award for arts, culture and entertainment in 1993, and the Centenary Medal in 2003 for outstanding commitment to the community in raising awareness of art. Also in 2003, Ron and Terrie were awarded the tenth anniversary commemorative lifetime commitment award. Terrie's tireless voluntary work in support of sculptors was acknowledged in 2018 when she was inducted into the WA Women's Hall of Fame. Terrie was awarded a Medal of the Order of Australia in the Queen's Birthday Honours on 10 June this year for her four decades of contribution to Western Australian culture. Together, they are true entrepreneurs and a talented, generous and indomitable couple.

PARENTS AND CITIZENS ASSOCIATION DAY

Statement by Member for Wanneroo

MS S.E. WINTON (Wanneroo) [12.52 pm]: On 26 July, we celebrated the inaugural P&C Day in WA. I have the best schools in my electorate of Wanneroo. Why? That is because we have the best parents and citizen's associations that do incredible work in supporting our schools and our students. I thank the following people: from Pearsall Primary School P&C, Renanka O'Shea, Anjo Roach, Nicole Seath and Neil Crooks; from Wanneroo Secondary College P&C, Richard Moore, AnnMaree Miller, Jacquie Sargent and Emma Lamancusa; from Hocking Primary School P&C, Melissa Azzopardi, Clayton James, Grace Glass and Sarah Atkinson; from Wanneroo Primary School P&C, Jaylene Palmer, Kelly Carew, Sue Cowpe, Tarryn Smyth and Alison Grose; from East Wanneroo Primary School P&C, Belinda Davies, Jodie Cvitan and Lyn Spalding; from Tapping Primary School P&C, Cath Taylor, Pippa Gale and Bronwyn Hutchings; from Carramar Primary School P&C, Amanda Joseph, Jeya Jeybalan, Heidi Reiger, Stephanie Williamson and David Furmark; and from Spring Hill Primary School P&C, Laura Goodall, Chris Lambe, Kerryn McGirr and Sheena Fitzgerald.

To all of the office-bearers of my P&Cs and the army of parent volunteers who help them to do their awesome work, I thank you. It is our P&Cs that make our schools the heart of our community.

DAWSON BRADFORD — TRIBUTE

Statement by Member for Warren–Blackwood

MR D.T. REDMAN (Warren–Blackwood) [12.53 pm]: It is truly an honour to acknowledge a leader and significant contributor to the agricultural sector. After 20 years of service, Dawson Bradford recently retired as a director of the WA Meat Marketing Cooperative Ltd. Dawson was chairman of WAMMCO from 2000 to 2015. Under his leadership, the cooperative turned from one that was almost bankrupt to one with assets in both Western Australia and the eastern states, partnerships with New Zealand, and healthy financial returns to shareholders.

Dawson Bradford is a farmer from Popanyinning who is a recognised pioneer in improving heavy weight lamb genetics. He is a forward thinker, a relationship builder and a rare contributor to the whole industry supply chain. His integrity in business and his desire to see the industry flourish has earned him much admiration and respect. Dawson has always maintained positive and professional relations with agriculture ministers on all sides of politics, including Monty House, Kim Chance and me. The LambEx national conference was Dawson's idea. In 2010, he was the driving force in bringing together all sectors interested in the long-term viability of the Australian lamb industry.

In 2010, he was awarded an Honorary Doctorate of Science from Murdoch University; and, in 2014, he was inducted into the Royal Agricultural Society's Hall of Fame. These accolades are testament to his understanding and use of scientific data and genetics, and his contribution to the Australian prime lamb industry.

I applaud the tremendous contribution Dawson Bradford has made to agriculture, and wish him well as he retires from WAMMCO.

ELLENBROOK SECONDARY COLLEGE

Statement by Member for Swan Hills

MS J.J. SHAW (Swan Hills) [12.54 pm]: I would like to draw the Parliament's attention to Ellenbrook Secondary College's amazing recent achievement of being placed second in the choir division of the ASPIRE International Youth Music Festival, held on the Gold Coast. It was a massive achievement just to get into the finals. Entry into

ASPIRE's choir division was by audition only, and a mere five schools made the cut. Of the 11 schools across all competition divisions, ESC can be especially proud, being the only public school in the competition and the sole representative for Western Australia.

At the festival, the students debuted the beautiful piece *Nintirritj aku Nahnampah Noo rah-koo* (*Nintirrizyaku Nganampa Ngurraku*), composed by Ashlee Clapp and sung in seven Aboriginal languages. With the recent celebration of NAIDOC Week, and 2019 being the International Year of Indigenous Languages, it is wonderful that ESC showcased Indigenous languages within Australia and to the world.

I would like to congratulate Stuart Rhine-Davis and Warren Bracken for their passion and dedication to the choir. I would particularly like to acknowledge the hard work and sheer talent of the students. I unfortunately do not have time today to name all 35 of them.

As a member of the college board, I have the great privilege to hear many performances by ESC's specialist music program. We have a lot to be proud of in Ellenbrook, and we should really celebrate it. Congratulations, Ellenbrook Secondary College.

FLY IN, FLY OUT WORKFORCE

Statement by Member for Kalgoorlie

MR K.M. O'DONNELL (Kalgoorlie) [12.56 pm]: All the talk in my electorate of Kalgoorlie at the moment is about fly in, fly out. We understand that when used correctly, FIFO is a means of getting workers into really remote areas. It is also a safety measure to ensure that employees are not exhausted by having to travel home after a long shift. However, we are experiencing its impact in our established regional towns, both financially and community-wise. Families are separated, mental health issues are on the rise, and not only are moneys earned leaving town, but also are our people. I have even heard from constituents directly that companies that own mines nearby do not employ residents in the town. Instead, they want their workforce to be fly in, fly out. In just under one year, many businesses in several communities have closed their doors. Those businesses range from retail to eateries, homewares and so on. Last week, when our team was in Kalgoorlie–Boulder for the Liberal Party winter conference, the member for Darling Range walked along the main street in town and noted numerous empty shops, too many to count on her fingers alone. I have also heard that procurement officers for mining companies are usually based in Perth, which makes it easier for them to work with suppliers there. I am working in close partnership with Hon Robin Scott, MLC, and the chief executive officer and mayor of the City of Kalgoorlie–Boulder, to try to rectify this situation and increase the residential workforce.

I would also like to mention the passing of Don Colgan, a life member and stalwart of Railways Football Club of Kalgoorlie–Boulder for more than 50 years. He was a premiership player, property manager, committee member and bingo master. He will be sadly missed by the people of Kalgoorlie–Boulder and his beloved football club. Thank you.

BALDIVIS VOLUNTEER FIRE AND EMERGENCY SERVICE

Statement by Member for Baldivis

MR R.R. WHITBY (Baldivis — Parliamentary Secretary) [12.57 pm]: This year marks the fortieth anniversary of the Baldivis Bush Fire Brigade, established in 1979. Today it is known as the Baldivis Volunteer Fire and Emergency Service and plays an increasingly vital role in our community, dealing with structure fires, HAZMAT incidents, road crashes, searches, rescues and much more. It is amazing that this dedication, professionalism and teamwork is all provided on a volunteer basis. It is provided by local men and women of all ages, and from diverse backgrounds—retirees, plumbers, mortgage brokers, police, service personnel, electricians, and even former submariners—who share one thing in common: a dedication to serve at any time and in any circumstance.

Some volunteers have served for two or three decades, or more. I would like to acknowledge the service of Shirley and Graeme Oliver, who together have contributed more than 60 years of service. Shirley and Graeme were recognised for their incredible service at the brigade's recent fortieth anniversary celebration on 15 June. The award recipients included best new member, Steve Tatterson; most improved member, Shirley Oliver; peer award, Calum Blake; captain's award, Graeme Oliver; Chris Horton ICV award, Tony Brandt; and Pauline Lockwood award, Aaron Higgins.

Congratulations to all members of Baldivis VFES. You do much more than fight fires. You are the spirit of our community.

Sitting suspended from 12.59 to 2.00 pm

QUESTIONS WITHOUT NOTICE

VISITORS — NATIONAL VOLUNTEER WEEK AWARD WINNERS AND ASHBURTON DRIVE PRIMARY SCHOOL STUDENT COUNCILLORS

Statement by Speaker

THE SPEAKER (Mr P.B. Watson) [2.01 pm]: I would like to welcome some guests seated in the Speaker's gallery this afternoon. We have guests from the member for Jandakot's electorate, who were award winners at National Volunteer Week this year. Welcome. We also have student councillors from Ashburton Drive Primary School in the electorate of the member for Southern River.

JOONDALUP HEALTH CAMPUS — REDEVELOPMENT

587. Mr Z.R.F. KIRKUP to the Minister for Health:

I refer to the government's 2017 election commitment to provide $167 million in funding for the Joondalup Health Campus and the Premier's recommitment in March 2018 to —

> … the State Government's pledge to spend $167 million expanding and upgrading the health campus.

After three budgets, why has this government still not funded its election commitment as promised?

Mr R.H. COOK replied:

I thank the member very much for the opportunity to talk about one of our great infrastructure projects. I would like to welcome the member for Dawesville to the portfolio of Health. It is a very noble profession being the shadow Minister for Health—not one to which I aspire any longer. I also wish the member for Churchlands all the best. I have always said that the member for Churchlands' bark is worse than his bite. In the case of the member for Dawesville, it is more of a yap than a bark. However, I welcome the member to the portfolio and the noble pursuit around public health policy to improve the health of members of the Western Australian community.

The members of the Joondalup community in the northern suburbs are uppermost in our sense of priorities around this area. I reminded the chamber earlier that the last big spend at Joondalup Health Campus took place under Hon Jim McGinty as we started the process to redevelop Joondalup Health Campus. Here we are with another Labor government and another big commitment to improve the health services for people in the northern suburbs. Joondalup Health Campus is the jewel in the crown of our northern health services—I say that while admiring Osborne Park Hospital—and it provides vital health services to people in the northern suburbs. We put patients first. That is why we are investing in work to understand the needs of people in the northern suburbs around Joondalup Health Campus.

The 2019–20 budget included the announcement of a $160.7 million investment in Joondalup Health Campus, which funded the initial findings of a business case around the needs of that hospital. A project definition plan is currently being developed and worked on with Ramsay Health Care around the needs consistent with the findings of the Sustainable Health Review. That review identified the northern suburbs and the south-eastern corridor, including the Peel, as the outer metropolitan areas—or inner regional area—of Perth that will most need health infrastructure. North Metropolitan Health Service, in conjunction with Ramsay, is currently considering the matters around design and construction. The project business case has approved the funding of 12 emergency department bays and up to 30 new inpatient beds. We believe that there will be a need for more of that, certainly with the vast expansion of mental health services, including at least another 77 beds, an increase in parking bays and upgrades to associated services.

We need to understand the needs of the people in the northern suburbs, which is what this work is currently doing. The member for Joondalup grieved to me on this issue this morning. I have committed to her that we will have shovel in soil in 2020. We are getting on with the project to make sure that we continue to invest in the health care needs of people in the northern suburbs and put patients in the northern suburbs first.

JOONDALUP HEALTH CAMPUS — REDEVELOPMENT

588. Mr Z.R.F. KIRKUP to the Minister for Health:

I have a supplementary question. If I heard him correctly, the minister said that Joondalup Health Campus was his uppermost priority. If that is the case, why has he abandoned the people of Joondalup, Burns Beach, Ocean Reef, Kingsley, Kingsway and Hillarys by not honouring his—

Ms M.M. Quirk: There is no Kingsway!

Mr Z.R.F. KIRKUP: I said Kingsway—I am just getting ready for it. Why has the minister abandoned those people by not honouring the government's $167 million election commitment to Joondalup Health Campus?

Several government interjected.

The SPEAKER: Members!

Mr R.H. COOK replied:

We have over $160 million in the budget. I think it was in 2018 that I opened the new mental health observation area, the emergency department and the new 12-bed stroke unit at Joondalup Health Campus.

Ms S.E. Winton interjected.

The SPEAKER: Member for Wanneroo!

Mr R.H. COOK: We had been campaigning for that for many years. Of course, the campus had no chance of getting that under the previous government. The McGowan Labor government is investing in that hospital and we are putting patients in the northern suburbs first.

PERTH FREIGHT LINK FUNDING REALLOCATION — KAREL AVENUE UPGRADE

589. Mr Y. MUBARAKAI to the Minister for Transport:

I refer to the McGowan Labor government's upgrade to Karel Avenue that will ease congestion along this frustrating stretch of road and improve the travel time for the people of my electorate.

(1) Can the minister outline to the house how this job-creating project was made possible by redirecting money from the flawed and destructive Perth Freight Link?

(2) Can the minister advise the house how this builds on the McGowan Labor government's massive investment in improving roads in my electorate of Jandakot and across the southern suburbs?

Ms R. SAFFIOTI replied:

I thank the member for Jandakot for that question. Firstly, on behalf of the member for Willagee, I acknowledge the students and staff from Seton Catholic College.

(1)–(2) It was a great pleasure to be out there this morning with the member for Jandakot to deliver yet another McGowan Labor government commitment when it comes to roads. As we know, during the campaign before the last election, the member raised just what a bottleneck Karel Avenue is. We wanted to make sure that we could fix that bottleneck and reduce congestion. We have seen a saving in travel time of up to 70 per cent as a result of that work. We have changed the existing bridge to facilitate the Thornlie–Cockburn Link, as the member knows. It has been an integrated and joint approach by the federal government, the state government, the City of Cockburn and Jandakot Airport. This great project is being delivered using a collaborative approach. Jobs are being created, congestion is being reduced and safety is being increased. This project is a great win for the southern suburbs, together with all the other road projects that we are delivering, such as the Armadale Road duplication and the new Armadale Road–North Lake bridge that will delivered very soon.

I was quite shocked that, yet again, federal ministers and federal members of Parliament want to use these types of announcements for petty political pointscoring. We are delivering on projects. This is the third time that when we have been out there highlighting the benefits of what we will deliver across the suburbs, lies have been spread about what will happen in relation to Roe 8 and about how much the commonwealth will contribute. That happened yet again this morning. I do not choose to participate in that type of pointscoring on the side of the road. Western Australians want us to get on with it. Western Australians want us to get on with building roads and delivering on our commitments, and that is what I intend to do. Federal members cannot get over the fact that we are a democratically elected government, delivering our election commitments. I am sorry about that. They should get over it. They should work with us to create jobs, reduce congestion and deliver projects. That is what we are doing and that is what we will commit to do.

LOCAL GOVERNMENT — RESPONSIBILITIES

590. Mr W.R. MARMION to the Minister for Local Government:

I refer the minister to his speech at yesterday's Western Australian Local Government Association conference. Can the minister please explain in more detail his comments that local government responsibilities should be expanded and, in particular, his reference to them having greater responsibility in connectivity?

Mr D.A. TEMPLEMAN replied:

I thank the Deputy Leader of the Opposition for his question because it gives me a great chance to makes some comments. I am very pleased to have a debate about local government in Western Australia, because if members recall, my comments yesterday referred very clearly to the range of services and programs that are delivered now—currently—in Western Australia by local governments, including in the area of the member for Nedlands and the Leader of the Opposition. Yesterday I highlighted the award-winning Kaleidoscope program, being operated by the City of Stirling, which does not fit within the roads, rates and rubbish definition, but certainly sits within the definition of community service and delivering quality outcomes focused on putting people into work. We need only look at the electorates and local government areas around Western Australia to see where that is happening. For example, in Halls Creek the local government is working very closely to ensure young people who might normally be out on streets during the evening and potentially in vulnerable situations, are now engaged very closely with and linked back to family, agencies and services. That is a very important program. If the member, as he highlighted in his criticisms of local government, wants to go back to roads, rates and rubbish, those sorts of programs will be at risk. I put to the member for Nedlands: Does he wants those programs to cease? Does he want the sorts of programs that are delivering outcomes for young and older people to cease? I think the general view is no. It is recognised that local government now plays a critical role that is different from the role it played 30 or 50 years ago. The nature of community has changed.

We are going through a review process with the legislation because we want a modern piece of legislation that reflects the roles and responsibilities local governments will need in the future. We are working closely with the sector. It would be very good were the member, as the opposition spokesperson for local government, to engage with

and talk to local government about the challenges they are facing, because they are real challenges. We know that the former government in 2016—I think the member for Nedlands actually took part in the debate—imposed upon local government the responsibility of providing and creating local government health plans in the 2016 legislation. He was part of the government that passed the Public Health Bill 2014, which passed in this place in 2016. What does that act say? Division 2, section 16 is very clear about the functions of local government. It states —

> A local government has the following functions in relation to the administration of this Act —
>
> (a) to initiate, support and manage public health planning for its local government district;

That is an important role for local government.

Ms J.M. Freeman: He's on the committee.

Mr D.A. TEMPLEMAN: Yes, he is on the Education and Health Standing Committee. I do not remember a disputing minor report with recommendations being proposed by the member for Nedlands. Let me read recommendation 26 of that committee's report. Better still, let me read recommendation 25 of the committee that the member for Nedlands was a member of. It recommended —

> The Department of Health liaise with the Department of Local Government, Sport and Cultural Industries regarding changes to the *Local Government Act 1995*, which would empower local governments to enable restrictions on unhealthy food and beverages in their facilities and on advertising materials.

He was part of it! He was part of it and now he is stepping away. We should be having a very good debate about local government because the role of local government is now more complex than ever before. We, the McGowan government, want to support local government so it can continue to do the great things it needs to do throughout the community of Western Australia. Yes, they make mistakes. Yes, quite often they do things that make us ask why and how; but, fundamentally, local governments play a critical role in how society is shaped and, indeed, how we face the challenges that society will face going forward.

Mr F.M. Logan: How'd you like that, "Sprinkles"!

Several members interjected.

Mr W.R. MARMION: Point of order.

The SPEAKER: No. Sit down. Minister for Corrective Services, I call you to order.

Mr F.M. Logan: No, it was sport and rec.

The SPEAKER: It was sport and rec, was it? Sorry.

Withdrawal of Remark

Mr Z.R.F. KIRKUP: Mr Speaker, are you asking the minister to withdraw his comment; and, if so will he?

Several members interjected.

The SPEAKER: Just hold a minute, please. What was that? When you stand up for your point of order, you keep standing so I can hear it.

Mr Z.R.F. KIRKUP: I was clarifying whether you were asking the Minister for Corrective Services to withdraw what he said about the member for Nedlands; and, if so, will he do so?

The SPEAKER: No, it was the Minister for Sport and Recreation, I think.

Mr Z.R.F. KIRKUP: No, it was not.

The SPEAKER: It was him?

Several members interjected.

The SPEAKER: The honesty rule is really going well here today!

Several members interjected.

The SPEAKER: I did not hear what the comment was; I just heard the comment. Is there anything you want him to withdraw? No.

LOCAL GOVERNMENT — RESPONSIBILITIES

591. Mr W.R. MARMION to the Minister for Local Government:

I have a supplementary question. Given that the Minister for Local Government, through his answer, is encouraging an expansion of the responsibilities of local government, how much additional funding will he provide local governments to deliver those services and does he expect Western Australians to simply pay more rates to fund those extra programs.

Mr D.A. TEMPLEMAN replied:

We know, of course, that the Deputy Leader of the Liberal Party is the protector, because he told us so. He said, "My role is to protect Liza"—the Leader of the Opposition. He said, "My job is to protect her." Then he went on to divulge, very interestingly, the way that he operated as minister. I will quote from *The West Australian* of 21 June, just after he became Deputy Leader of the Opposition, under the headline, "Marmion's bizarre claims on his job, his staff and 'fire insurance'", he said —

> "When I was a minister I was telling all my staff—your job is to make me look good. You are the ones that do all the work and you have to make the call on what you think is the best thing that will make me look good."

If he is protecting the Leader of the Opposition, who is protecting him?

Point of Order

Mr Z.R.F. KIRKUP: I draw your attention to the answer. It needs to be relevant to the supplementary question.

The SPEAKER: You will get to the point, minister.

Questions without Notice Resumed

Mr D.A. TEMPLEMAN: We are conducting a very important generational review of the Local Government Act. It is the responsibility of the member for Nedlands, as a member of this Parliament and indeed as a person who should take a deep interest in that review, to make appropriate and critical comments based upon facts and appropriate thinking, not just make glib, off-the-cuff comments. That is the problem that the member for Nedlands has fallen into.

The government will keep working with the sector and the community because it recognises that many of the communities that local governments serve are feeling pressures, be they economic pressure or budgetary constraints and concerns. The key is engagement and, of course, to make sure that they remain focused on doing the good things that they do and to create jobs in their communities. Why would we not want a local government to actively engage with state and federal governments in job creation? I am talking about creating opportunities for people, and that is what I will keep talking about. The government is focused on reform. Do not forget that when the Liberal Party was in government, it did nothing in the local government sector. This government has already passed legislation and it is developing a new local government act for Western Australia. The member should get on board, rather than making glib and cheap shots at everyone because the opposition does not have a policy and is not doing its homework and research.

IRON ORE ROYALTY REVENUE ASSUMPTIONS — 2019–20 STATE BUDGET

592. Ms C.M. ROWE to the Treasurer:

I refer to the responsible financial management of the McGowan Labor government that has delivered an upgrade to WA's credit rating and the first budget surplus in five years.

(1) Can the Treasurer outline to the house why this government has taken a cautious approach to iron ore royalty revenue assumptions?

(2) Can the Treasurer advise the house whether he is aware of any alternative approaches being proposed that would wreck the state's finances?

Mr B.S. WYATT replied:

I thank the member for Belmont for that very good question.

(1)–(2) As a government, we have been very keen to have a conservative set of assumptions that underlie the budget because, as a state, we are vulnerable to very volatile commodity prices and therefore a very volatile revenue source for the state. Of course, we are also seeing something of an escalation of trade disputes that will have an impact also on Western Australians. Nowhere has that been more highlighted in the last week, member for Belmont, with a dramatic fall in the iron ore price. Last Tuesday, the price was $US121.15—now, it has fallen to $US92.80. I want to highlight that this is a 23 per cent fall in six days—one of the largest falls in the history of the iron ore benchmark spot price. That is incredibly significant.

That volatility is something we have sought to protect the state government and therefore the people of Western Australia from. I recall quite clearly the Pavlovian response from colleagues on the other side of this chamber not long after the budget was tabled, which highlighted that we had assumed an iron ore price of $73. We saw a Pavlovian response to spend and do what the former government had done—assume high prices and spend the lot. The member for Carine, who used to be in tax—who would have thought—had this to say, "They are flush with money. They're going to get $3 billion extra just this year from the iron ore royalties." Of course, only a few days after the budget, the shadow Treasurer, my friend the member for Bateman, was very active on Twitter, and said, "Every one dollar increase per annum in iron ore adds $80 million royalty to WA. Every one cent reduction in exchange per annum adds $100 million. This is worth $4.5 billion to WA." That is what the shadow Treasurer had to say in this Pavlovian response to go out there and spend, spend, spend.

Mr D.C. Nalder interjected.

The SPEAKER: Member for Bateman!

Mr B.S. WYATT: That is perhaps why the Leader of the Opposition has been making commitments to freeze fees and charges, to increase public sector salaries and to fund roads or part thereof that may or may not be funded by toll roads. That is why the Leader of the Opposition has been spending money that the shadow Treasurer is already assuming is there. He said that we have $4.5 billion a year, apparently. That is why we are determined —

Mr D.T. Redman interjected.

The SPEAKER: Members!

Mr B.S. WYATT: Stepping on his toe—causing some pain!

That is why we are determined to protect the state against that volatility. We subscribe very strongly, member for Belmont, to the principle that we are a government that wants to get back in black. I suspect it is a principle to which the member for Kalgoorlie also subscribes, I note!

Several members interjected.

Mr B.S. WYATT: My eyes are just drawn to the member for Kalgoorlie; I cannot get past it.

We are determined to get back in black because we know that when we are back in black we can ensure that debt starts reducing and we can start to protect Western Australians from the sorts of things we saw happen under the former Liberal government.

BIOMASS PLANT AND SOLAR FARM — COLLIE

593. Mr D.T. REDMAN to the Minister for Energy:

I refer the minister to the McGowan government's latest backflip from a $60 million commitment to fund a biomass plant and solar farm in Collie.

(1) Why did he not take the projects to market so see whether there was private sector interest?

(2) Is he satisfied that he has done enough to meet his election commitment?

Mr W.J. JOHNSTON replied:

(1)–(2) Firstly, the decision not to proceed with those projects was made before I was minister. As the member knows, he asked me about this in estimates and I asked him to put the question on notice.

Mr D.T. Redman: You didn't answer the question.

Mr W.J. JOHNSTON: I pointed out to the member that I did not know the details of the issue he was raising and told him that he should put the question on notice so that I could provide him with an answer. For some reason, since May, he has decided not to do that. He asked the question again today in the exact same form of the question I answered on that day. Go and look at *Hansard*. When he puts the question on notice, as I asked him to do, I will be able to respond to him.

Mr D.T. Redman: I have done a question on notice and got the response two days ago.

Mr W.J. JOHNSTON: In respect —

Mr D.T. Redman: I did put a question on notice.

The SPEAKER: Member for Warren–Blackwood!

Mr W.J. JOHNSTON: He is now saying that two days ago, he put the question on notice, so in a month's time —

Mr D.T. Redman: No; I got the response two days ago.

Mr W.J. JOHNSTON: Let me make it clear. We are very satisfied with the way we have approached this issue. We never made a commitment to these projects. We said there was a capital subsidy available to these projects. Quite frankly, that is still true. If a proponent comes forward with these projects, the cash is still available. We have not walked away from this commitment. The whole problem here is that the member did not understand the commitment we made. We did not say that Synergy would build a biomass plant or a solar farm. We said that a capital subsidy was available if a project comes forward. That continues to be true.

BIOMASS PLANT AND SOLAR FARM — COLLIE

594. Mr D.T. REDMAN to the Minister for Energy:

I have a supplementary question. Does the minister agree that he has effectively killed off his renewable energy commitment in Collie by reducing the $60 million commitment that was in the member for Collie–Preston's media release to what is now, at best, a $2 million grant that they can access?

Mr M.P. Murray: Absolute rubbish!

The SPEAKER: Member for Collie–Preston, I call you to order for the first time. You have lost your credit.

Mr W.J. JOHNSTON replied:

No; the member for Warren–Blackwood does not understand. Let me make it clear. The money is still available.

Mr D.T. Redman: Yes—$2 million, not $60 million.

Mr W.J. JOHNSTON: No; the member is simply wrong.

Mr D.T. Redman: No; it's not; it's in your response from Tuesday.

The SPEAKER: Member for Warren–Blackwood! I call you to order for the first time. You do not run this show, funnily enough.

Mr W.J. JOHNSTON: This is one of the most extraordinary behaviours of a member. He asks a question and gets an answer and then tells me that the answer is not true. Let me make it clear again. If a proponent comes forward for this proposal, the cash is still available. Firstly, I do not expect it would need the amount of money we had as a limit for these proposals because the cost profile of these proposals has dramatically fallen. Even over the last two years, the cost profile of these projects has fallen. I am in active discussion with the Minister for Regional Development and her team, which is looking at the biomass resource in the Collie region to see whether there can be a conversion of any opportunity to use biomass in that region. In fact, I spoke to a company last week about its opportunity to use biomass for its energy needs. The idea that this project is dead is wrong.

BUNBURY HOSPITAL

595. Mr D.T. PUNCH to the Minister for Health:

I refer to the McGowan Labor government's investment in hospitals across regional WA, including more than a $22 million commitment to upgrade Bunbury Hospital.

(1) Can the minister outline to the house how this redevelopment will ensure the hospital can continue to provide high-class health care to the fast-growing communities of Bunbury and the south west?

(2) Can the minister advise the house how this investment will ensure more patients in the south west can be treated closer to where they live?

Mr R.H. COOK replied:

(1)–(2) I am delighted to provide this answer to the member for Bunbury because there has, seriously, never been a better champion for the people of Bunbury than the member who currently sits in this place.

Several members interjected.

Mr R.H. COOK: Our commitment to Bunbury Hospital is yet another example of the infrastructure spend that is going on in our country health service. It is going to a hospital that richly deserves it. Bunbury Hospital is one of the busiest sites in regional WA, particularly during the school holiday periods, and it has a long tradition of providing high-quality health care to the people of Western Australia. The Premier recently announced an additional $11.8 million for the Bunbury Hospital redevelopment, adding to the $11 million already committed in the state budget, delivering on the important election community to grow the Bunbury regional hospital. This announcement goes some way to addressing one of the recommendations of the sustainable health review to address pressure at Bunbury Hospital.

The additional funding will deliver construction of an additional operating theatre, reconfiguration of the emergency department fast-track area, establishment of an acute medical assessment unit, implementation of a mental health observation area, expanded capacity of the ICU, increased parking bays for the site, and improved Hospital in the Home and telehealth capability at community locations. There can be no more deserving country health service facility than Bunbury Hospital. It provides outstanding service, along with St John of God Bunbury Hospital, which is part of the partnership with the public health facility on that campus. It has been operating since 1999 and reflects the increasing demands upon the health services at the hospital, which are expected to grow not only in line with population forecasts, but also as tourism continues to expand in the south west. I am very proud to be part of a McGowan Labor government that continues to invest in country health services and country hospitals. We will continue to put patients first.

Mr S.A. MILLMAN: Mr Speaker.

Mr A. KRSTICEVIC: Mr Speaker.

The SPEAKER: Member for Mount Lawley.

Mr S.A. MILLMAN: My question —

The SPEAKER: Sorry, I got it the wrong way around. Member for Carine.

HOMELESSNESS

596. Mr A. KRSTICEVIC to the Deputy Premier:

Thank you, Mr Speaker.

Several members interjected.

The SPEAKER: Members, please! I do not want to seem biased in any way. The member for Mount Lawley did stand up first but I know he is a gentleman and will let the member for Carine, who was slow to his feet, speak.

Mr A. KRSTICEVIC: Given it is Homelessness Week, what example is the Premier of Western Australia setting by refusing to meet the homeless in his own electorate and refusing to visit the Salvation Army's Beacon facility that fulfils such an important role in helping those who are down on their luck?

Mr R.H. COOK replied:

Thank you very much for the opportunity to answer this question. Member, how do you know he has not?

Mr A. Krsticevic: He said he hasn't.

Mr R.H. COOK: When?

Mr A. Krsticevic: He said he hasn't visited the shantytown.

Several members interjected.

The SPEAKER: Members!

Mr R.H. COOK: Mr Speaker, I sit next to the Premier during question time and he has never said he has not visited those facilities. Member, how do you know he has not been?

Government members interjected.

The SPEAKER: Members on my right, your acting Premier is on his feet.

Mr R.H. COOK: Not only is the premise of the question wrong, but I guess we should ask the member what sort of example he thinks he is setting the Western Australian community by trying to provide some sort of rank political advantage out of a complex and difficult issue like homelessness? What sort of example does he think he is setting the people of Western Australia, through the comments of the Leader of the Opposition, that somehow homelessness is linked to meth zombies? What sort of example does the member think he is setting the people of Western Australia by using Homelessness Week to undertake the cheapest form of political campaigning I have ever seen? What the member should do is read the book that the Leader of the Opposition and the Deputy Leader of the Opposition have in front of them now. That will tell the member that homelessness is a complex issue. It is an issue that governments everywhere have continued to apply themselves to over many years. This government spends in excess of $90 million a year around issues to do with homelessness. We heard Minister McGurk this week talk at length about the sort of work that we are doing to not only tackle people who are tipped into homelessness and provide them with some crisis support, but also what we are doing in places like Foyer Oxford to put people back on their feet, allowing them to overcome complex issues that brought them to homelessness in the first place and help them on a pathway to being safe and having a roof over their head. We know that homelessness is a complex issue. The Premier meets frequently with people in his community from disadvantaged backgrounds, including the homeless. I have them in my community. We all have them in our communities, member for Carine. It requires leaders in our community and all members assembled here to be a bit more understanding and a bit more sophisticated to set a better example than the one the member is providing.

HOMELESSNESS

597. Mr A. KRSTICEVIC to the Deputy Premier:

I have a supplementary question. Considering the Premier is too mean-spirited to visit these establishments, will the Deputy Premier come down to the shantytown in Rockingham and to the Beacon in Northbridge —

Several members interjected.

The SPEAKER: Members, please! Start again.

Mr A. KRSTICEVIC: Thank you. I have been to both of these locations —

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen!

Mr A. KRSTICEVIC: — and they have told me the Premier has not been there. I am asking the Deputy Premier, on behalf of the state government, whether he will come with me —

Government members interjected.

The SPEAKER: This is not a question; it is a supplementary question. It is a follow-up to the Deputy Premier's answer.

Government members interjected.

The SPEAKER: Members on my right!

Mr A. KRSTICEVIC: Will the Deputy Premier come with me to visit the homeless in Rockingham and the Beacon in Northbridge?

The SPEAKER: It is not a supplementary.

Mr R.H. COOK replied:

I think commentary like "shantytown" really writs large the attitudes on the other side of the chamber in relation to homelessness.

Mr A. Krsticevic interjected.

The SPEAKER: Member for Carine!

Mr R.H. COOK: Has the member for Carine ever opposed extra social housing going into his community?

Several members interjected.

The SPEAKER: Members!

Mr A. Krsticevic: I support it.

Several members interjected.

The SPEAKER: Member for Carine and Minister for Transport, I am on my feet. I call you both to order. Are you finished?

Mr R.H. COOK: Yes.

TOURISM — TWO-YEAR ACTION PLAN

598. Mr S.A. MILLMAN to the Minister for Tourism:

I refer to the McGowan Labor government's commitment to supporting small businesses and creating jobs through its record investment in tourism and the implementation of its two-year action plan. Can the minister advise the house how this government's efforts have attracted a record number of holiday-makers to Western Australia and can the minister outline to the house what this record number of tourists has meant for the WA economy?

Mr P. PAPALIA replied:

I thank the member for his well-delivered question! We could never get enough good numbers around tourism, but I was very happy to hear other good news about tourism in the member's electorate—the opening of a new wine bar and restaurant, Le Rebelle. It is great to see a new small business opening on Beaufort Street under the much more flexible and supportive regime that the McGowan government implemented a couple of years ago. Speaking of numbers, that accords with the fact there are now more small businesses in Western Australia than there were last year and the year before and the year before that, all the way back to 2014, according to data from the Australian Bureau of Statistics. I thank the member for his optimism—that is a good thing. There is not much of it from the other side of the chamber.

With respect to tourism numbers, I was delighted to see payback returned for the taxpayers of Western Australia—a return in the form of visitor numbers in direct response to the two-year action plan that was launched a little over a year ago, in 2018. The latest data for the 12 months to March this year confirmed that, looking at the National Visitor Survey and the International Visitor Survey combined, there were a record-breaking 2.66 million out-of-state visitors to Western Australia up until the year ending March 2019. Spending by these visitors increased by 7.6 per cent to $3.9 billion. That is another record spend. WA had 11.1 million international and domestic overnight visitors, who, together with daytrippers, spent $10.1 billion in the state. Good news for the National Party—which is always in search of good news; it does not get much inside its own ranks!—46 per cent of that record spend was in the regions. That is an extraordinary return.

The survey showed that growing numbers of Western Australians are holidaying at home, too. It is not our main focus because I really want to grow outside visitation—the visitors from outside the state so we get an added economy; new people coming in and spending money. Local people are holidaying at home in record numbers. That figure increased by 16.3 per cent to 3.6 million, and their spend was up 21.7 per cent to $2.2 billion. Western Australians are responding to holidaying at home, the road trip campaign and other campaigns like the affordable flights to Broome, Exmouth, Albany, Esperance, Monkey Mia and Carnarvon, and it is working. All of the state's regions have recorded, year on year, increases in domestic overnight visitors. The two-year action plan is working. There is more to be done. The good news is that, on 1 September, as part of the two-year action plan to go after new direct routes, All Nippon Airways will commence flights seven days a week for the really valuable Japanese tourism market. It is a great opportunity that was lost under the previous government. I do not know whether the Leader of the Opposition was the minister then, but maybe. In the six and a half years during which I have had responsibility for talking about tourism on behalf of the Western Australian Labor Party, I have had

six opponents. I now have a new critic of tourism, a new pessimist, a new person responsible for talking down tourism and attacking the City of Perth. I am waiting for her question, but I do not expect her to be there long; I expect there to be a leadership change at the end of the year, and we might be up to number seven.

COASTAL EROSION

599. Mr R.S. LOVE to the Minister for Transport:

I refer to the report "Assessment of Coastal Erosion Hotspots in Western Australia", which was recently released by the Department of Transport. Has the minister sought royalties for regions funding for urgent remedial works in the regional areas noted in the report including in my electorate, the shires of Gingin, Dandaragan, Irwin and Northampton?

Ms R. SAFFIOTI replied:

I thank the member for that question. The release on Monday of the report on the 55 hotspots is a very positive thing for the state, because we can all work together to address the priority areas. I met with the Shire of Gingin yesterday morning, and it was a very, very good meeting at which we discussed some of the issues facing the Shire of Gingin. I learnt, for example, that it had sought funding from the commonwealth government through the national disaster relief arrangements because of the infrastructure damage the shire had sustained. The shire said that it was surprised to have been knocked back by the commonwealth.

Mr D.J. Kelly: Which government was that?

Ms R. SAFFIOTI: It was, I think, the Liberal–National government that knocked it back.

Several members interjected.

The SPEAKER: Member for Moore!

Ms R. SAFFIOTI: The national guidelines do not allow it.

Mr R.S. Love interjected.

The SPEAKER: Member for Moore, do not ask the question and then answer it. I call you to order for the first time.

Ms R. SAFFIOTI: The national guidelines do not allow it. That is why —

Mr R.S. Love interjected.

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

Mr R.S. Love interjected.

The SPEAKER: I call you to order for the third time, member for Moore.

Ms R. SAFFIOTI: The national guidelines do not allow it, so the Premier is going to raise this matter at the Council of Australian Governments. We believe the issue of coastal erosion is something that needs to be addressed nationally, and having new rules under the national disaster relief arrangements would assist us in doing that.

All that said, we had a very productive meeting with the Shire of Gingin. The shire gave me some feedback about its pressing issues, particularly with regard to tourism accommodation, and I intend to work with it. I take this issue seriously. In case the member did not realise it, there has been erosion for a while and the previous government ignored it. I am happy to have —

Mr F.M. Logan interjected.

The SPEAKER: Minister!

Several members interjected.

Ms R. SAFFIOTI: Members opposite fixed it? Then why are they complaining about it? Of course they did not fix it.

I take this issue very seriously, as I said. There are differing views about what we should be doing at different locations, but there is a different approach for every location, particularly when we recognise some of the infrastructure, both private and public, that is in danger. The two highest priority spots outlined are Thomson Bay—we are working with the Rottnest Island Authority on that—and Port Beach. I have been talking to both the member for Fremantle and the member for Bicton. The City of Fremantle has done some work on assessing different options, funded previously through state government grants. It will be going out to the community with that very, very soon. That includes engineering options and, of course, the retreat option. I would always support an engineering solution in that case because of the significant amount of infrastructure near the coast.

That is the work we are doing. We take it seriously. We have talked to the Shire of Gingin, and we are very keen to continue to work with it on a national level to try to get a loosening-up of those guidelines to allow these sorts of things to be assessed through the federal government. It is a federal government program; we just administer it.

COASTAL EROSION

600. Mr R.S. LOVE to the Minister for Transport:

I have a supplementary question. I thank the minister for making that trip to talk to the Shire of Gingin; I appreciate it. Given the fact that the minister's government allowed $320 million of royalties for regions funding to return to Treasury last year, why does she not have a discussion with the Minister for Regional Development about saving the town's erosion problems immediately?

Ms R. SAFFIOTI replied:

I met the Shire of Gingin at the Perth Convention and Exhibition Centre, just to be clear. It was a Western Australian Local Government Association conference, so we had a meeting beforehand just to —

Several members interjected.

Ms R. SAFFIOTI: What is wrong with that? How is the Homeswest property that the member bought?

Several members interjected.

The SPEAKER: Members!

Ms R. SAFFIOTI: Is the member going to buy it? Has the member tried to buy it.

Mr P.C. Tinley interjected.

The SPEAKER: You will get it in a minute, Minister for Housing. I call you to order for the first time.

Mr F.M. Logan interjected.

The SPEAKER: Minister for Corrective Services, I call you to order the second time.

Ms R. SAFFIOTI: We are working to identify a national approach. Of course we are going to work to try to secure some funds, but this is all about making sure that we get the right solution. As the member for Moore outlined, there has been some funding in the past and it sometimes just pushes the problem a bit further down the coast. In the past, some solutions have actually made matters worse. I think Two Rocks is an example. Some work was undertaken but it moved the problem and took out the stairs down to the beach, as I recall. We are very keen to get the right solution and work with councils. From a tourism perspective, I think it is a really significant issue. People like to be able to holiday near the beach. I have been to the caravan parks at Lancelin and Ledge Point in the past, and it is —

Mr P. Papalia interjected.

Ms R. SAFFIOTI: Cervantes—that is a good one. I have been there in the past and we need to work to get a good solution to secure tourism spots and make sure that our solutions are long-term and will not be washed away.

ABORIGINAL LEGAL SERVICE — FUNDING

601. Ms M.M. QUIRK to the Attorney General:

I refer to the commonwealth government's decision to merge from July 2020 the funding streams for Legal Aid, community legal centres and the Aboriginal Legal Service.

(1) Can the Attorney General outline to the house what risk this approach poses to legal support across the country?

(2) Can the Attorney General advise the house what steps he will be taking to ensure that these important services remain adequately funded?

Mr J.R. QUIGLEY replied:

I thank the member for Girrawheen for her insightful question, and I note her commitment to justice.

(1)–(2) This is not Labor–Liberal ideology; everyone in this chamber who has some sense of or concern for justice should be concerned with what the federal government is doing here. The Aboriginal Legal Service was inaugurated in Redfern back in 1970, and then in Western Australia in 1973. It was serviced by brilliant lawyers such as the late John Toohey, QC—a High Court judge—Peter Dowding, QC, who went on to become WA Premier, and the late Henry Wallwork, QC. They were all committed to the cause of trying to deliver justice to Indigenous people. I have already noted that 38 per cent of our prison population is Indigenous. For the first time ever, the federal government intends to withdraw funding from the Aboriginal Legal Service, give it to the Legal Aid Commission, quarantine it for two years for the Aboriginal Legal Service and, after that, it is on its own. The Aboriginal Legal Service will then have to fight with other people who need money from Western Australian Legal Aid for funding.

I note that the federal government has already run down the Aboriginal Legal Service to the point at which for Port Hedland, Broome and Karratha, Western Australian Legal Aid has to do 80 per cent of Indigenous representation because of the withdrawal of funding. This is a disaster for First Nation people.

As we know from the Gene Gibson case, a lot of these people intersect with the justice system with English as their second or third language. It is imperative that they have access to good legal services. This patch of history will be written harshly about when up to 40 per cent of our prison population is drawn from the Indigenous two per cent of our general population. We know that if they are represented, they have a better chance of getting community service or other alternatives to being taken away from their families, put in prison, and the whole cycle just repeating. The federal government commissioned an inquiry and it recommended keeping the separate funding program, noting that Aboriginal young people were 25 times more likely to be incarcerated and that the community rates of child removal and contact with police far outweighed those for other Australians. The federal government's own inquiry recommended the continuation of separate funding for the Aboriginal Legal Service. Now we have no funding for the community legal services. That money will run out and it will go into legal aid. What is propping up the community legal services—members on the other side of the chamber would know about these services—is the drug confiscation money that I have been sending to them to keep them afloat. I get questions from the shadow Attorney General in the other place about why I am doing this. I am doing this so that there is reasonable access to justice for those people in the suburbs who need legal advice. We have a crisis of assistance to people who deserve representation before the courts. No-one is more deserving than a First Nation person in our country who goes before the court with English as their second or third language. They do not stand a chance. This is appalling. The federal government's own report recommended maintaining separate funding for the Aboriginal Legal Service, yet, two weeks later, the federal government brought down its budget and said that it was junking its own report, the Aboriginal Legal Service could get quarantine funding with the Legal Aid Commission for two years and then it would be on its own. It is just shameful.

Mr P. Papalia: Homelessness.

Mr J.R. QUIGLEY: That is right. It is just a disgraceful situation that has taken society back 40 years. This government will do everything it can to urge the federal government to change its mind and join with all Aboriginal legal services around the country and the Legal Aid Commission of Western Australia to make sure that we maintain the Aboriginal Legal Service for First Nation people.

SMALL BUSINESS — SHOPLIFTING

602. Mrs A.K. HAYDEN to the Minister for Small Business:

Given the impact of shoplifting, as outlined in *The West Australian* today by Vince Garreffa, owner of Mondo's butcher, and a string of small retail businesses that have been plagued by out-of-control shoplifting, what protective action is the minister taking to stop these attacks on our struggling small retail businesses?

Mr P. PAPALIA replied:

That is an interesting angle. I would normally expect that type of question to be properly addressed to the Minister for Police or perhaps the Attorney General—I do not know. There is a remote link to small business. I know that small businesses are part of the community and are subject to crime in much the same way as is every other sector of the community. What I am doing is promoting small business in Western Australia. I am taking action to protect small businesses from the challenges that they confronted under the previous government. Members opposite would be very familiar with—they might have read about it at the time, but they did not do anything about it—the damage inflicted on subcontractors across Western Australia when they were in government. Construction contractors with government funding caused small businesses to go bankrupt and people lost their houses and their marriages broke down, and, sadly, some people ultimately took their own lives through despair because the ministers of the day said that there was nothing they could do to assist them.

We have introduced legislation to Parliament—I look forward to the opposition supporting and engaging on that bit of legislation—to give the Small Business Development Corporation and the Small Business Commissioner far more expansive powers to assist small businesses than was the case under the previous government. They already assist small businesses in all manner of endeavours. They provide mentoring and advice and free legal services. That is something that could assist the businesses mentioned in the bizarre question the member asked me. That aside, I am very proud of the fact that we have assisted small businesses through the continuation of the liberalisation of liquor licensing. We heard about Le Rebelle earlier. That has resulted from the removal of a lot of red tape that existed under the previous government that prevented small businesses from growing and operating.

We are massively growing the number of visitors to Western Australia. They are coming into the city, which I am very proud of and defend and promote around the world. I am appalled at the negative attacks on the beautiful City of Perth by those opposite, intending to drive down visitor numbers to the centre of the city and intending to hurt small businesses. I think that is shameful behaviour. I am appalled by it, and I will defend small businesses right across the state but particularly in the centre of the beautiful City of Perth. In the 12 months to 2019, our state has attracted more visitors than ever before. We are getting into our restaurants, bars, cafes and hotels and getting out to the regions and tourism businesses and feeding the opportunity for small businesses to grow their profits and employ more people and grow jobs.

SMALL BUSINESS — SHOPLIFTING

603. Mrs A.K. HAYDEN to the Minister for Small Business:

I have a supplementary question. Given that the minister says that he is defending small business, has he discussed this matter with the Minister for Police and what additional —

Ms S. Winton interjected.

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

Mrs A.K. HAYDEN: Has the Minister for Small Business discussed it with the Minister for Police and what additional police resources has he requested of the minister to stop this unacceptable attack on our small businesses, given that there has been a 37 per cent spike in the last 12 months?

Mr P. PAPALIA replied:

I am a bit baffled by the line of questioning. Nevertheless, I am proud that we, as a government, are taking action to ensure that people whose businesses go out of business and do not pay subcontractors and then phoenix themselves will not be able to do that again. We will stop that crime. I think that the police minister and the police are normally on the case of people who do not pay for petrol and drive off. We will always try to stop that crime. I am sure that the police are aware that it is their responsibility to take action to attempt to identify people who shoplift, arrest and prosecute them and make them pay for the crimes that they have committed. The last time I looked, there was nothing in the Western Australia Tourism Commission Act about drive-offs and failing to pay for fuel at the petrol station or phoenixing companies and not paying contractors. There is plenty of experience on the other side of the chamber with those matters. There is plenty of knowledge on the other side of the ledger about the good guys versus the bad guys in that regard. But pursuing this bizarre line and suggesting that somehow the tourism minister or the small business minister should be responsible for running down the street after shoplifters is just extraordinary. I know that the opposition is doing it tough. I know it is hard, because when things are going pretty well, it is bereft of ideas. This one is not a good one, so I say drop it and look for another angle because this one is not going to work.

The SPEAKER: That is the end of question time.

WA COUNTRY HEALTH SERVICE

Question without Notice 576 — Supplementary Information

MR R.H. COOK (Kwinana — Minister for Health) [2.57 pm]: I rise under standing order 82A to clarify and add to the information I provided in the house yesterday in response to a parliamentary question. I was asked by the member for Central Wheatbelt about a directive to the WA Country Health Service as reported in the *Kalgoorlie Miner* of 1 August. In response, I advised the house that I did not recall the date of the directive and also that I would endeavour to get the information to the member in due course. I can confirm that even though the *Kalgoorlie Miner* did report that I issued a "directive to boost efforts in staff attraction and retention", there was in fact no official instrument issued from me to the department. I did verbally discuss this matter with the WA Country Health Service and, as such, I do not have any documentation to provide to the member regarding the directive. However, I am happy to provide a briefing from the department to the member on strategies on staff attraction and retention in regional Western Australia.

HOMELESSNESS

Question without Notice 596 — Supplementary Information

MR R.H. COOK (Kwinana — Deputy Premier) [2.58 pm]: I have a further item to deal with under standing order 82A. In relation to the question asked today by the member for Carine, I am advised that in July the Premier visited the Rockingham camp that the member referred to. This was a visit that treated those sleeping there with respect and privacy. Unlike the member for Carine, the Premier did not make it into a political stunt.

POLICE — STOLEN FIREARMS
POLICE — METHAMPHETAMINE — SOUTH WEST

Questions on Notice 5208 and 5266 — Answer Advice

MR D.T. REDMAN (Warren–Blackwood) [2.59 pm]: Pursuant to standing order 80(2), I ask the Minister for Police about the responses to questions on notice 5208 and 5266, which have not come in on time.

MRS M.H. ROBERTS (Midland — Minister for Police) [2.59 pm]: I understood that the answers would be lodged on Tuesday, but they were not. They were lodged either yesterday or today, so the answers will be with the member for Warren–Blackwood very shortly.

WATER LICENCES — ALLOCATIONS

Question on Notice 5250 — Answer Advice

MR D.T. REDMAN (Warren–Blackwood) [3.00 pm]: Pursuant to standing order 80(2), I also have a question that is outstanding from the Minister for Water. Can the minister provide a response to question on notice 5250?

MR D.J. KELLY (Bassendean — Minister for Water) [3.00 pm]: I am not aware of where that question is up to in the system, but I will find out and get back to the member for Warren–Blackwood.

HIGH RISK OFFENDERS BILL 2019

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 3: Terms used —

Debate was interrupted after the clause had been partly considered.

Clause put and passed.

Clause 4: Term used: community —

Mr P.A. KATSAMBANIS: Clause 4 defines the term "community" for the purposes of this bill. It is quite an interesting clause, and I seek an explanation of it. I can surmise why it might be in the bill, but I would rather get an actual explanation from the Attorney General. The definition of "community" is —

> A reference in this Act to the ***community*** includes any community and is not limited to the community of Western Australia or Australia.

Again, at first instance this seems to be an attempt to have extraterritorial impact. I do not think that is the case, but I seek an explanation from the Attorney General for the record as to why it is defined so broadly.

Mr J.R. QUIGLEY: This is to make sure that when considering the word "community", the court, the board or, for that matter, the triaging committee must consider the world community. This originally comes from the case concerning Greer, which the member for Hillarys will recall. The question was whether the parole board, in taking into account community safety, was limited to the community of Western Australia or whether it included the community into which Greer was to be knowingly released, which was the United Kingdom. It was held that it was only in relation to Australia. We wanted to broaden it to make sure that it does not matter what community the person is going into. There was a recent one that I just knocked back involving Mr Mate Perich, who had shot his wife through the windshield of the car after he had abused her for about 20 years. He has now inherited some family money in Croatia and wants to get out of prison and go home to Croatia because he has served his minimum term. I am saying, "No, hang on. What about the safety of the community in Croatia?" We have included this definition to make sure that it is the safety of all people that comes into consideration.

Mr P.A. KATSAMBANIS: I think it is a valid consideration. We know, and I have some experience myself in dealing with it in a different capacity, that some people, upon completing their sentences in Western Australia, are likely to be candidates for deportation by the department of immigration. The usual process is that they complete their sentence and go into immigration detention, where they may choose to avail themselves of certain rights that they have under the immigration laws, and then they are eventually shipped back to where they came from. I had experience, as I said, in the decision to shift one of those people off to the United Kingdom, which went all the way to the High Court. The decision was affirmed, which was great for the community. Clearly, in those instances, there is really no risk to the Western Australian community, other than to people who may come into contact with this person in immigration detention or the court system. Whether it is Mr Perich, who wants to go back to Croatia, or other people who may have no option but to go back to another country where they may be citizens and never set foot in Australia as free people, it is quite clear from what the Attorney General said and what this clause does that our system needs to take into account how they may act anywhere in the world. Otherwise, we would feel pretty bad if we let somebody out and they went off and hurt somebody. Obviously, we cannot always predict how people will behave, as we said in an earlier interchange.

Mr J.R. Quigley: And these people are not any people—they are high-risk people.

Mr P.A. KATSAMBANIS: These people are deemed to be high risk. It is not someone who is a cleanskin and for whom there is no evidence whatsoever of any criminal offence—even a drink-driving offence—and who might come up before somebody. In that case, there might be black-letter law. The Attorney General referred to a man whom I dealt with once. The black-letter law clearly said that he had consent orders to visit a child of his in Australia. There was no option, other than on character grounds, than to allow that person to stay in Australia. I did so. There were no character grounds that were negative in that case. Later on, he unfortunately turned out to be an absolutely horrible person. That is not the case with high-risk offenders. These are people who have committed and been sentenced for a serious offence, be it a dangerous sex offence or another offence under schedule 1. They are about to be released. The impact of their potential behaviour in the future is not restricted to Western Australia and Australia—it is across the whole of the world. I think that this is good; I definitely support this clause.

Clause put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Term used: high risk offender —

Mr K.M. O'DONNELL: Greetings, Madam Deputy Speaker. I raised this issue while I was speaking before, but I did not hear the response when the Attorney General spoke. It provides that "the court must have regard to the following", but there is no mention at all about a victim submission or statement. I assume it will be included under "any other relevant matter". Clause 7(3)(a), (b), (c), (d) and (e) refers to the offender. Paragraph (f) of clause 7(3) refers to the offender's participation in rehabilitation, paragraph (g) to the offender's antecedents and criminal record, paragraph (h) to whether the offender would commit a serious offence, and paragraph (i) to the need to protect the community. Not one paragraph requires that the court must have regard to a victim statement. I will leave it with the Attorney General.

Mr J.R. QUIGLEY: The court may have regard to the victim's submission under clause 62. Clause 7(3) requires the court to have regard to certain things in deciding whether it is satisfied that it is necessary to make a restriction order to ensure the adequate protection of the community. Clause 7(3)(i) refers to the need to protect members of the community from the risk that the offender will commit a serious offence. That is already in clause 7(3). The court must also have regard to any other relevant matter under clause 7(3)(j). A victim's submission may or may not be relevant, depending on what is in the submission. For that reason, it is appropriate not to include the victim's submission in clause 7(3) as something to which the court must have regard in deciding whether it is necessary to make a restriction order to ensure the adequate protection of the community. Clause 7(3)(i) and (j) and clause 62 are sufficient to ensure that appropriate regard is had to victim submissions. It is to be remembered that this process is not the sentencing process. This process is being applied at the end of the sentence. Under the Sentencing Act, the judge has to have regard to the victim's submission—we all know that—and the victim impact statement is always handed up. At the point of striking the sentence, all regard is had to the victim's submission. Then that all expires with the end of the sentence. As I have said, the judge hearing the application must then do those things needed to protect members of the community, which includes the victims.

Mr K.M. O'DONNELL: Prior to my joining Parliament, the Attorney General was our police lawyer and he did a very good job. Also, he stood up for various victims, people who were hard done by, and he championed them. I believe that victims should be included in this bill and the courts should be directed that they must have regard to victim impact statements. If we leave it as it is under clause 62—I am not being disrespectful to the Attorney General—it provides that the court "may" have regard to any victim's submission. Many times over the years I have seen Parliament legislate for certain offences and then when people are put before the courts, there is outrage that a certain penalty is not given. I have seen politicians stand and say that this is not what was intended. I believe that in this bill we have lost sight of the victim completely and utterly. If we say to the court that it "may regard", it means it does not have to read it. It does not have to look at it or do anything. I firmly believe that the court must have regard to a victim's submission. It makes the judges and the courts accept it, read it and then do with it what they want.

The word "may" allows the courts to completely and utterly ignore it. The community would thank the Attorney General if he implemented the provision that the court must have regard to a victim's submission. The bulk of the community would agree with the Attorney General. Clause 7(3)(a) to (h) refers to offender on every line. We talk about these high-risk offenders—murder. What if the victim of the Birnies who escaped submits a victim submission? The courts do not have to listen to it. They do not even have to read it. However, if the court is directed that it "must" have regard, it must read it. If that lady who escaped the Birnies submitted a victim submission and then found out the judge did not even read it, it would be a complete and utter disgrace. Imagine if that was your daughter, your niece or your granddaughter. This also includes people who rape women—serial rapists. We allow rape victims to submit a victim submission, but the court does not have to do anything with it—nothing. We need to support women in our community. We need to support the victims. I am not talking about a shoplifter, but about these heinous offences that have taken place over the years. It would take hardly anything from the government to include that the court must have regard to the victim submission.

Mr J.R. QUIGLEY: The only reason that I am perplexed is that for eight years the Liberal Party did not do that. For the eight years that it was in government, why did members not do that?

Mr K.M. O'Donnell: I was a policeman during that time.

Mr J.R. QUIGLEY: Did the member write to the government saying that it should do that?

Mr K.M. O'Donnell: No, because as a police officer we were not allowed to —

Mr J.R. QUIGLEY: I will ask the member for Hillarys. He was here and all the time he has been here, why did he not put —

Mr P.A. Katsambanis: I did. It was partly my noise that led to those changes in 2016.

Mr J.R. QUIGLEY: It is the same. We are copying the provision as it was.

Mr P.A. Katsambanis: I hear you. There are other provisions —

Mr J.R. QUIGLEY: Excuse me. What we are putting before Parliament today is the Liberal position for the last eight years.

Mr P.A. Katsambanis: But the member is allowed to express his own personal view.

Mr J.R. QUIGLEY: He is allowed to. At the end of the day, this Parliament will vote not on a conscience vote, but on what the parties decide. I am holding up high the provision that was the Liberal Party's position for the last eight years it was in government. Let us read it. It does not say "must"; it says "can". We use the word "may". I do not mind if we amend it to "can", which is what the former government had for eight years. Let me read out section 17A(7) of the Dangerous Sexual Offenders Act 2006 —

> Subject to subsections (8), (9) and (10), in considering an application to which this section applies, the court can have regard to any victim submission made.

The word in this bill is exactly the same as the word that the previous government had for eight years. However, I will accept an amendment to change "may" to "can" if the opposition wants the exact word that the Liberals had in its legislation for eight years. I have put before the Parliament exactly what I said I would. I said that I would lift what was in the Dangerous Sexual Offenders Act and put it in the High Risk Offenders Bill 2019 and that I would keep all the dangerous sexual offenders stuff in that bill and broaden it. The provision that the court "may" have regard to the victim impact statement is the same as the court "can" have regard to the victim impact statement. If the member wishes to move an amendment to change "may" to "can", the government will accept it.

Mr K.M. O'DONNELL: I know I am in this party and they were in government for eight years.

Mr P. Papalia: Eight and a half.

Mr K.M. O'DONNELL: Eight and a half years—thank you. I have sat here and listened to various comments about what we did or did not do, but I disagree with the word "can".

Mr P.A. Katsambanis: It was also the same legislation that was introduced by Hon Jim McGinty, which the Attorney General was talking about so highly of in his wrapping up earlier today.

Mr K.M. O'DONNELL: Thank you.

Mr J.R. Quigley: Which you supported back then and supported for eight and a half years in government.

Mr K.M. O'DONNELL: I am not trying to cause waves here. Rather than "can", can I put forward to the Attorney General, who is a champion for victims, an amendment that the court "must" have regard for a victim's submission because that would make the court read it. If the word "may" remains, they will not have to do anything. They will not have to accept it; they can just do nothing. We should show victims that the courts must have regard to a victim's submission. As I have said, the court should have regard to the statement of the victim who escaped the Birnies—she should be dead like the others. As I say, I am not trying to be a smart alec here. I have dealt with many victims over the years. The Attorney General has dealt with victims who have been hard done by and wronged. I just ask that the Attorney General consider using the word so that the victim's submissions "must" be regarded by the court.

Mr J.R. QUIGLEY: As I have said, the legislation since 2006 states —

> … in considering an application to which this section applies, the court can have regard to any victim submission made.

That victim's submission might not be relevant to a consideration of going out—does the member follow what I mean?

Mr K.M. O'Donnell: Yes.

Mr J.R. QUIGLEY: It might be relevant to anger and a whole lot of things; it might not be relevant to the issue of a high-risk offender's declaration. Therefore, the court must take into account all relevant matters. It has to turn to clause 7(1), which states —

> An offender is a ***high risk offender*** if the court is dealing with an application under …

Clause 7(1) deals with high-risk offenders. Then clause 7(3) states —

> In considering whether it is satisfied as required by subsection (1), the court must have regard to the following —

It is "must". Then at the bottom of the clause —

> (j) any other relevant matter.

Therefore, if the victim impact statement contains material which is relevant to the application before the court, the court "must" have regard to it. The government does not intend to further amend the bill.

Mr K.M. O'DONNELL: I accept what the Attorney General has said, but I will finish by saying this: governments have brought in mandatory sentencing. The courts, judges and lawyers will try to find every way possible to circumvent and not follow what the bill intends. Eight of those paragraphs apply to offenders. I know that it states "any other relevant matter", but if the victim's submission is not relevant, what will happen? If we say that the court "must" have regard to a victim's submission, the Attorney General would be sending a message to victims that they will get a say. Using the words "any other relevant matter" will not hit home. I am aware that the word that was used previously was "can". I know the Attorney General may not be interested in what I am saying —

Mr J.R. Quigley: I am. I was looking at the time. What you said was I know the word was "can". I am listening to what you're saying.

Mr K.M. O'DONNELL: I agree that that should not have been there.

Mr J.R. Quigley: What do you mean it should not have been there?

Mr K.M. O'DONNELL: I believe it should not be the courts "can" or "may".

Mr J.R. Quigley: Your government administered this act for eight and a half years. They didn't have any problem with it.

Mr K.M. O'DONNELL: Yes, and you have brought that to my attention. I would not have accepted that. I would have stood up in the same way as I am doing now.

Mr J.R. Quigley interjected.

The SPEAKER: I am sorry. We need one person on their feet and then a response for Hansard. Would you like to finish your question, member for Kalgoorlie?

Mr K.M. O'DONNELL: I do not think this section is giving regard to victims. I thoroughly agree about high-risk offenders. I think it is very good how this is being sorted out, and I am for it, but we could be sending a clear message to victims right across this state if the bill were to say that the courts must have regard to a victim's submission. That is sending a clear message that they will have a say. The words "any other relevant matter" is not sufficient. Only a couple of words need to be inserted. I think that would show that the Attorney General is saying, "We are for the victims." I will not say any more; that is just my opinion.

Clause put and passed.

Clause 8 to 17 put and passed.

Clause 18: Community members of Board —

Mr P.A. KATSAMBANIS: I know that the member for Kalgoorlie has some questions on this clause so I will leave that to him. Clause 18 relates to the community members of the board. It provides for the minister to appoint a community member who has one or more attributes. It states that the office of a community member may be held on a "full-time, part-time or sessional basis" and indicates that the community member can be remunerated "from time to time on the recommendation of the Public Sector Commissioner". In his summing-up, the Attorney General indicated in his eloquent turn of phrase that he intended to appoint at least a couple—I think was his term; I do not want to put words in his mouth—of community members. I seek a bit of clarity of the Attorney General's intention because he has clearly turned his mind to this. Does he intend to appoint these community members on a full-time, part-time or sessional basis or a combination of them? Has he had any further thought about how many he is likely to appoint at first instance?

Mr J.R. QUIGLEY: This will largely follow the same pattern as the parole board, and the appointment of community members to the parole board has been uncontroversial in both the member for Hillarys' Liberal government and our administration. What usually happens is they are paid as sessional members and their appointment lasts for five years. We have stipulated that they have some understanding of risk assessment and management frameworks appropriate for Aboriginal people. An officer briefed us the other day—not a police officer—that if we measure the current static risk assessment across the population, before we look at their crime, the Indigenous are already high on the risk assessment. We want to include someone who knows something about their culture but we will do it sensibly, as the member's government did for the parole board.

Mr P.A. KATSAMBANIS: I agree. As I have said in the past in here, and I do not resile from the comment that, unfortunately, the rate of incarceration of Aboriginal people, especially in this state, is a statewide and national disgrace.

Mr J.R. Quigley: I agree. Thank you, member.

Mr P.A. KATSAMBANIS: Obviously, we all want to reduce it as much as possible, so we are all working together on that.

Mr J.R. Quigley: Thank you.

Mr P.A. KATSAMBANIS: Is the Attorney General intending to publicly advertise for community members of this board in the same way as members for the Prisoners Review Board are advertised for or does he intend to make appointments without a public advertising process?

Mr J.R. QUIGLEY: Sometimes they do advertise and sometimes they do not. I do not have a set rule there. I think we are just in the process of appointing a new Indigenous person to the Prisoners Review Board or considering a woman. She has come through academia. People have said it is a really sensational Indigenous person with high academic qualifications; she is a standout. We have not advertised. I will make a recommendation to cabinet based on her CV. If there are no standouts, we will advertise. It will be exactly the same as what the previous government did with the Prisoners Review Board. I want to keep relaxed about it.

Mr P.A. KATSAMBANIS: From my perspective, I will wait and see what happens in practice, I guess.

Mr J.R. Quigley: That's right.

Mr P.A. KATSAMBANIS: I understand that very occasionally, especially for specific skills, there might be only a very small group of people who are well known. But for other ranges of skills, there is a bigger pool and advertising sometimes produces people who may also fit the criteria of highly skilled and be great at doing the work that they will be charged with doing, but perhaps we in the system did not know about them. I hope that in most cases the Attorney General will err on the side of publicly advertising and making the positions open to as many people as possible to apply. The member for Kalgoorlie has a question on this as well.

Mr K.M. O'DONNELL: Greetings; thank you. Clause 18 refers to community members of the board. It provides that the minister must consider one or more of certain attributes to meet the criteria to sit on the board. I have not been able to find anywhere in the bill where it states that people of Aboriginal descent can be a community member of the board. All it says is that a person must have a knowledge and understanding of Aboriginal culture local to this state or a knowledge and understanding of risk assessment and management frameworks that are appropriate for Aboriginal people. In having knowledge, I or other people could fit that category of non-Aboriginal descent. I do not believe that the spirit of this clause is that Aboriginal people are not on the board. Would the Attorney General consider including in the clause that two or three people of Aboriginal descent be appointed to the board or that a person must be of Aboriginal descent? It would be quite easy under clause 18(a) and (b) for a person from the United Kingdom who has studied Aboriginal culture to fit that criteria as could anyone from Canada or New Zealand rather than an Aboriginal person. We have a shed load of Aboriginal people in our state who could meet this criteria quite easily. Thank you minister.

Mr J.R. QUIGLEY: No, member, we will not make race or gender a criteria for any job in this state. However, I say with some pride that in the legal system, for example, when we came to office, of the seven jurisdictions in Western Australia, one was headed by a woman. Now, of the seven jurisdictions, after two and a half years of Labor in this state, four are headed by women. All were chosen on merit; none was chosen on the basis of race or gender. I am quite happy with the wording of the clause describing people with an understanding of risk assessment and management frameworks that are appropriate for Aboriginal people and knowledge and understanding of the criminal justice system. If I put race as a criteria, would I then have to include a Muslim, a Chinese person and an Indian person on there?

Mr P.A. Katsambanis: What about someone of Greek Orthodox faith?

Mr J.R. QUIGLEY: Adonis speaks! It will not be by race, member, but we will be careful with the people we choose.

Mr P.A. Katsambanis: They were pagan worshipers, those ancients.

Mr J.R. QUIGLEY: We have almost gone full circle. That is another issue for later in the day, but I will not put race in there, member.

Mr K.M. O'DONNELL: I have no issue with the Attorney General's response. As the Attorney General and the member for Hillarys stated, the number of Indigenous who are incarcerated is abhorrent. Would the Attorney General hope that the board will have a person of Aboriginal descent? He is not dictating that it must, but is he hoping it would lean that way?

Mr J.R. QUIGLEY: All I can say is when we look for people, it will be similar to what we do for the parole board. The parole board has an Indigenous person on it but it does not say in the Sentence Administration Act that we have to put an Indigenous person on the parole board. I will not do that. I will look after their cause and advocate for Indigenous people and do what I can to protect them from the injustices that are visited upon them but I will not name them by race in legislation for a position.

Clause put and passed.

Clauses 19 to 29 put and passed.

Clause 30: Conditions of supervision order —

Mr P.A. KATSAMBANIS: Because these are very similar, in the main, to provisions in existing acts, I will not intensively interrogate the operative provisions in making orders, whether they are continuing detention orders, supervision orders or even post-sentence supervision orders. I note that clause 30(3) states —

> A supervision order in relation to an offender may require the offender not to make public any statement, information or opinion relating directly or indirectly to any victim of a serious offence committed by the offender.

The term "make public" is defined in clause 30(1). It is defined exclusively. It is not an inclusive definition; it is an exclusive definition. It states —

> In this section —
>
> ***make public*** means —
>
> (a) provide to any representative of the news media for publication or broadcast; or
>
> (b) make publicly available by means of the internet.

When I read that, I think that would probably cover off most cases of "make public". Obviously, if a person were to take out an advertisement in a newspaper, on radio or television or whatever, they would provide the advertisement to a representative of the news media for publication or broadcast. Most people today, if they want to make a general broadcast, might put something on Facebook or the like, or create a webpage or whatever. In that case, clause 30(1)(b) would be covered; that is, "make publicly available by means of the internet." But there are other means by which things can be made public. I am talking about the words "statement, information or opinion relating directly or indirectly to any victim of a serious offence committed by the offender". This is exacerbating harm to an existing victim. There are possibly other ways. Someone could produce a leaflet, photocopy it many times and distribute it in the general area where the victim lives or works. I wonder whether it was the intention of this definition to be narrowly limited to those two types of "making public" or whether we could perhaps add a subclause (c) that states "or make public in any other way" or, alternatively, we could possibly say "'make public' includes providing to any representative or making publicly available". That would cover off any potentiality of these very devious people somehow finding a way to circumvent the clear and good intent of this provision to protect victims from further harm.

Mr J.R. QUIGLEY: Thank you very much, member. I have the current act here. Has the member got the bill there?

Mr P.A. Katsambanis: I have the bill; I do not have the act.

Mr J.R. QUIGLEY: Just follow this. I will read from the act and the member can follow from the bill. Section 18(2A) states —

> If the court makes a supervision order against a person, the order may require that the person not make public any statement, information or opinion relating directly or indirectly to any victim of an offence committed by the person.

That is the same as what is in the bill.

Mr P.A. Katsambanis: Not quite the same words, though.

Mr J.R. QUIGLEY: It is no different from what I just read out.

Mr P.A. Katsambanis: Is there a definition?

Mr J.R. QUIGLEY: Yes, we will go there. Has the member got the definition section there?

Mr P.A. Katsambanis: Yes.

Mr J.R. QUIGLEY: Section 18 states —

> (1A) In this section —
>
> ***make public*** means —
>
> (a) provide to any representative of the news media for publication or broadcast; or
>
> (b) make publicly available by means of the internet.

That is the definition. This was passed twice by the previous government—in 2012 and 2016. The present government promised that it would not substantially change the Dangerous Sexual Offenders Act, which the Liberal government amended twice and twice voted for the definitional provision that we are now repeating. We are happy to leave it as the previous Liberal government amended it to be. We are happy to run with it—not a problem.

Mr P.A. KATSAMBANIS: We can play these sorts of games but at the end of the day we are here to make legislation that best protects the public, especially vulnerable victims of crime. It is easy to say, "Mr McGinty brought this in, the Labor government brought this in, the Liberals amended it, they did not seek to change it" or whatever the case may be, but when we are lifting provisions and putting them into a new act and we think we can make the protections slightly better, I do not think that is causing anybody any harm whatsoever, other than offenders who might be thinking about ways to circumvent this act. I do not want to do anything to protect those sorts of people. To be frank, it just strikes me as plain silly to continue to pass on, from year to year and from amendment to amendment of the substantive parts of the bill, something that clearly allows a very small window of opportunity—admittedly very small—for offenders to cause malfeasance. That is why I put it to the Attorney General. If he does not want to make the change, there is no point in me suggesting it because obviously it will be voted down on the numbers. As I said, it is plainly silly that we do not cover off any other potential means so that we are safe in the future.

Mr J.R. QUIGLEY: As I said, we have copied exactly word for word the definitional section of publication —

Mr P.A. Katsambanis: I accept that.

Mr J.R. QUIGLEY: Hang on—brought before the Parliament twice by the previous Liberal government and voted for by the Liberal government on those occasions. The previous Liberal government probably brought it forward in those terms because of the power granted to the court under section 30(5), which states —

> A supervision order may contain any other terms that the court thinks appropriate —
>
> (a) to ensure adequate protection of the community; or
>
> (b) for the rehabilitation, care or treatment of the offender subject to the order; or

Here is the kicker —

> (c) to ensure adequate protection of victims of serious offences committed by the offender subject to the order.

It is already covered. We are bringing in the same provisions. The previous government already had that covered off. We are satisfied that it is covered off.

Mr P.A. Katsambanis: Okay. Leave it on the record.

Clause put and passed.

Clause 31: Electronic monitoring —

Mr K.M. O'DONNELL: I spoke about clause 31(4) earlier. It states —

> A community corrections officer may suspend the electronic monitoring of an offender subject to a supervision order —
>
> (a) while satisfied that it is not practicable to subject the offender to electronic monitoring; or
>
> (b) while satisfied that it is not necessary for the offender to be subject to electronic monitoring.

That states that any community corrections officer—at the bottom of the pay scale; the lowest ranking person—can remove electronic monitoring without a direction. I tend to think, reading that, that it is giving an out to the corrections officer to say that person took the monitor off —

Mr J.R. Quigley: "Giving an out"?

Mr K.M. O'DONNELL: When I say "giving an out", I mean should a community corrections officer remove the electronic monitoring device illegally, they could then say as a defence, "I didn't think it was necessary for the offender to be subject to electronic monitoring." It is far-fetched, but I cannot see how, in this serious bill, a level one or two community corrections officer can do that, as long as they are satisfied. I could understand if it said, "A community corrections officer who has been ordered or directed by a senior officer may suspend", but in this instance the whole responsibility is down to any community corrections officer. Is that the intention—that any community corrections officer whatsoever, basic level, lowest level, most junior—can do that? The bill does not break down whether it is a senior community corrections officer or not.

Mr J.R. QUIGLEY: The critical part of clause 31(4) the member is missing out is "while satisfied that"—in both paragraphs. The community corrections officer, in the first instance, is not to remove the electronic monitor, as the member might have suggested, but to suspend the supervision and the electronic monitoring of an offender subject to supervision. Paragraph (a) states —

> while satisfied that it is not practicable to subject the offender to electronic monitoring;

That could be for a number of reasons. What if Telstra goes down? What if the leg bracelet goes wacky and off the air? Will they say, "Have we got to arrest him and put him into custody straightaway because his leg bracelet's failed?" They will say, "No. Why don't we just suspend the monitoring while we get this thing working again?" Secondly, what about a person subject to an order who is in a car crash? This is not far-fetched; go to the emergency

department of any of our major hospitals—they are chockers. The person has been in a car crash and is taken to emergency and diagnostics. He is fed through CT scanners and the like. They might have to temporarily suspend the monitoring whilst he undergoes such diagnostic tests. It might that be an Indigenous person who is subject to monitoring decides that he wishes to attend a family funeral—there is no law against that—and it may be in Laverton, Balgo or somewhere else on country. He wants to go to a family funeral and speaks to the corrections officer, who says, "There is no coverage out there, mate. How long are you going to be at this funeral?" They might say, "You're going out to Laverton for a few days. When will you be back? We'll suspend the monitoring whilst you're out of range. We require, as a condition, that you are back in range within four or five days." I do not know how long these funerals take; they go on for some days. What happens when they go to the dentist, even? There could be a number of reasons why. They are not removing the electronic monitor; it is the community corrections officer saying, "We're suspending monitoring; in other words, we're not monitoring, and we're not going to arrest because"—I go back to the operative paragraphs—"I am satisfied it is not practicable" or "I am satisfied it is not necessary." What happens if the offender has broken both legs and is laid up in hospital on monitors? Do we say it is necessary to monitor him when he cannot move out of the ICU and there is all this sensitive electronic equipment there? Is it necessary at that stage to run the electronic monitoring? The officer might say, "I am satisfied that whilst he's in ICU, we can suspend the monitoring." They do not have the power to take the leg bracelet off; that is put there by the court. I hope that answers the member's questions.

Mr K.M. O'DONNELL: I thank the Attorney General, and I thoroughly agree with all his examples, under the commonsense act. They are all good reasons—hospital, injury, funerals—but we are talking about high-risk offenders. What if subclause (4) were worded, "At the direction of a senior community corrections officer, a community corrections officer may suspend"? I have seen other bills, especially on the policing side of things, where the wording is "A senior police officer will direct". In the case of a community corrections officer, somebody within their first few days of employment could be coerced or whatever into removing the electronic monitoring device. Electronic monitoring is quite serious; we do not see electronic monitoring on the kid next door who has been caught shoplifting. We are talking high-risk offenders and I firmly believe that we should insert "At the direction of a senior community corrections officer, a community corrections officer may suspend the monitoring because it is not necessary". As I say, I agree with all those examples, and they are all proper examples, but we could be talking about somebody who has only just been employed.

Mr J.R. QUIGLEY: I will be brief in my response. I have given all the examples why. This provision was introduced in exactly these words by the Liberal government in bill 58 of 2012, when I believe Hon Christian Porter was Attorney General. If the member would be so kind as to look at his bill for a moment and follow it with me, I will read out the Liberal government's amendment. It states —

> (4) A community corrections officer may suspend the electronic monitoring of an offender subject to a supervision order —
>
> (a) while satisfied that it is not practicable to subject the offender to electronic monitoring; or
>
> (b) while satisfied that it is not necessary for the offender to be subject to electronic monitoring.

That was the Barnett government's amendment. We did not vote against it then. The Liberal Party brought it in and we thought what Mr Porter was doing was reasonable. I have given the member the same explanation. We do not intend to amend it; we intend to leave it as Mr Porter introduced it into this Parliament.

Mr K.M. O'DONNELL: This is my last one on clause 31. I understand that the Attorney General wants to leave it as it is. I was not here, but I have to take ownership, being part of the Liberal Party, of whatever it did before, but that does not mean I agree with what it did. As an example, the Attorney General has the chance to change it. Although it was a Liberal bill that went through, the Attorney General could stamp his authority on this. I will not go on anymore. I just cannot get over it; the lowest paid employee, a community corrections officer in their first week in the job, may suspend the electronic monitoring of an offender because they are satisfied that it is not necessary for the offender to be subject to it. They can just make that decision. That is what I am trying to get across. A senior community corrections officer should make the decision to have that ceased. I just wanted to say that one last time.

Mr J.R. QUIGLEY: The member and I are on common ground. He said that he was not here then but he takes ownership of the provision, and that he does not agree with everything the Liberal Party does. Neither do I, so he and I are on common ground.

Clause put and passed.

Clauses 32 to 50 put and passed.

Clause 51: Warrant because of contravention —

Mr K.M. O'DONNELL: Clause 51(1) states —

> A police officer … who reasonably suspects that an offender who is subject to a supervision order is likely to contravene … may apply to a magistrate for —
>
> (a) the issue of a warrant …

Anything could happen after hours on a weekend. On Sundays, there are no courts. It could be in the evening and the offender could be packing up their gear, ready to move on. Clause 30(2)(e) provides that a supervision order in relation to an offender must require that the offender not leave or stay out of the state of Western Australia without the permission of a community corrections officer. If police come across this and they contact the community corrections officer—officers in country towns tend to know who is who—and they verify that that is correct, they cannot do anything because it is out of hours. Under clause 31, a community corrections officer can suspend electronic monitoring, yet in this instance, police will have to let the offender go because they will have to wait for the court to open and then apply to a magistrate and then wait for the warrant to be issued. We are talking about a high-risk offender. A high-risk offender will bolt, and then we will have to expend resources trying to find him. The government might have to spend money on extradition should he make it to another state. Under clause 51, the police will have to wait. Surely the police could apprehend the offender because there is sufficient evidence that he is likely to contravene or is contravening a condition. If he had contravened a condition, yes, he should be arrested, but in any other scenario, if he is likely to contravene a condition, police will just have to sit back and wait for a court to open and wait for a magistrate. Surely police could apprehend the high-risk offender on the evidence and put it before the court the following morning and then let the court make a decision rather than just watch them drive off. It is just a scenario.

Mr J.R. QUIGLEY: The simple answer to that scenario is that if there is imminent danger, duty magistrates are available online. Warrants can be obtained in urgent situations. That is not a problem. I will conclude by saying that the wording chosen for this provision was introduced by the Liberal Party into Parliament in bill 3 of 2011, bill 17 of 2016 and bill 21 of 2017. This provision was worked over several times by the Liberal Party. What we are doing, as I promised the community, is expanding the Dangerous Sexual Offenders Act to bring into its orbit more dangerous offenders other than sex offenders. We are not materially amending what is there. We did not want to scare the public or the member or anyone else that we are turning the system upside down. There we have it. The Liberals brought in this provision three times. We are happy to run with the Liberals.

Mr D.R. MICHAEL: I would like to hear more from the Attorney General.

Mr J.R. QUIGLEY: Not one but two magistrates are on duty all night—24 hours a day. This government is taking a different attitude from that of the previous government. Someone cannot be let out on bail if no magistrate is available. We cannot have pregnant Indigenous young mothers held in custody, as Kearah Ronan was because she failed to attend on a witness summons as she was in hospital due to her pregnancy, and have them held overnight because there is no magistrate. If people are going to be taken into custody, magistrates have to be available. If we are to have terrorism legislation and legislation such as this, the people have to be available. There are two on-call magistrates.

Mr K.M. O'DONNELL: I understand now that magistrates are available 24 hours a day. I was not aware of that, but I go back to clause 31, which provides that a corrections officer can remove electronic monitoring without any —

Mr J.R. Quigley: We can't go back there. It's been passed.

Mr K.M. O'DONNELL: No, I am just referring to it.

The ACTING SPEAKER: We are on clause 51.

Mr K.M. O'DONNELL: I will go back to clause 51. Under clause 51, a police officer has to go before a magistrate to do anything, yet a corrections officer can just make a decision on his own about electronic monitoring. I am just saying that there is a complete imbalance there. I note that they are two different things. It was just a statement, not a question.

Clause put and passed.

Clauses 52 to 58 put and passed.

Clause 59: Terms used —

Mr P.A. KATSAMBANIS: Clause 59 is part of division 8 in part 4, and division 8 covers clauses 59 to 62. If it is okay with the Attorney General, I would like to ask questions about the four clauses in the division. This is in relation to victims' submissions. This is the provision that allows victims to make submissions and the court to have regard to them. As the Attorney General pointed out earlier, clause 62 is titled "Court may have regard to victim submissions".

Mr J.R. Quigley: It must have regard if it is relevant.

Mr P.A. KATSAMBANIS: Yes, of course. It must have regard if it is relevant, obviously, but that is not my question. My question is: In practice, how does this actually work? Who informs the victim that an application has been made so that the victim can then consider whether to make such a submission and then make it? Obviously, there is this internal review process that we spoke about earlier and there is a decision made to bring an application. Currently, it is done by the Director of Public Prosecutions and in the future it will be the State Solicitor's Office,

which is then instructed to bring the application. The preliminary application is made and we can move down the track from there. This is really a process question rather than a terminology question. How does the victim find out that the application process has started so they can then join in and participate if they so wish?

Mr J.R. QUIGLEY: It is a monster of a job. There are so many nooks and crannies in this department, and so many things it is doing for the community, that it stretches our mind get our heads around it. It is so busy and doing so much. In the department there is a victim notification register for all prisoners so that when a prisoner is to be released, a registered victim will be notified that that prisoner is about to be released. If the prisoner is coming up to the release date but the department has decided through its triaging team to make an application, the victim notification service will also include that information on the release of the impending release notification. If any prisoner is about to come out, the victim is put on notice that they are about to come out, so if they want to take any protective measures, move or whatever, they can. They will all know through the victim notification service.

Mr P.A. KATSAMBANIS: I just want to clarify. Does that work in relation to actively informing the victim who is registered on that service that an application for one of these orders is on foot and they have the right to make an application if they so wish under these provisions?

Mr J.R. QUIGLEY: The member is once again quite correct. That is why I say he should be the shadow Attorney General. He is once again quite correct. That is why when we read the judgements of the dangerous sex offender cases, the judges always refer to what the victim said. The victim notification register has said the dangerous sex offender is about to be released and there is an application that asks whether the victim wants to say anything. That happens in every case. I say again that this bill just extends the previous regime, which has been working, with only one sexual offence committed by a person on parole. We hope that the high-risk offenders board legislation is going to be as successful with the other violent offenders.

Mr P.A. KATSAMBANIS: I have just one more question in this area. With dangerous sex offenders, the victims are well known and they are alive. This regime is being extended to a broader range of prisoners, including people who have been sentenced for murder or manslaughter, in which case, ipso facto, if you like—I hate using the Latin terms—it is quite obvious that the primary victims are no longer alive.

Mr J.R. Quigley: They always contact the secondary victims.

Mr P.A. KATSAMBANIS: I just want to clarify that the victims register includes the secondary victims—the families of the victims. I just want that clarified just to make sure it is on the record.

Mr J.R. QUIGLEY: I can assure the member that they are. For example, every parole application that I see has the secondary victim's comments. There is quite some considerable effort by the Commissioner for Victims of Crime to locate those people, and I have seen the diary notes. Sometimes a person gets life with 20 years. Twenty years later secondary victims are looked for and sometimes it is pretty hard to locate them. I have seen the diary notes of the efforts gone to to try to locate these people. Every effort will be made. Also, under clause 60(2), another person may make a submission on a victim's behalf because of age, disability or if for any other reason the victim is incapable of making a submission and the court is satisfied that it is appropriate for that other person to do so. We have done everything we can and followed what was there.

Clause put and passed.

Clauses 60 to 123 put and passed.

Schedule 1 put and passed.

Title put and passed.

House adjourned at 4.17 pm

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QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FIREARMS LICENSING — RENEWAL

5162. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer the Minister to firearms licensing, and ask:

(a) How many enquires did the Firearms Licensing Services receive in December 2018 and January 2019 regarding firearms licence renewals;

(b) Following the Licensing and Registry computer system upgrade how many firearms license holders were discovered not to have received their renewal notice;

(c) Since the March audit how many firearms licence holders have now renewed and how many are still awaiting a response from Firearms Licensing Services;

(d) How many individual firearms license holders are there in Western Australia; and

(e) How many individuals hold more than one firearms licence?

Mrs M.H. Roberts replied:

The Western Australian Police Force advise:

(a) The agency is unable to provide an answer as a log of enquiries is not kept.

(b) 7688 renewals were re-sent to individual licence holders.

(c) As of 24 June 2019, 41 persons identified in the March audit were yet to pay their firearm licence renewal. Firearm Licensing have been contacting these persons via phone or email to ascertain if their renewal has been received and will continue to do so until all of those persons have been contacted and their renewal paid.

(d) 81430 individual firearm licences.

(e) 61,687 persons hold an individual firearm licence for more than one firearm.

POLICE — ABORIGINAL AFFAIRS DIVISION

5193. Mr K.M. O'Donnell to the Minister for Police; Road Safety:

I refer to the 2019–20 State Budget, Division 25; Western Australia Police Force, page 355, Significant Issues Impacting the Agency, point 5. The agency has established an Aboriginal Affairs Division and will continue to engage with Aboriginal communities to build better relationships and work together to achieve these outcomes, and ask:

(a) With the establishment of the Aboriginals Affairs Division, how many of these officers will be identified as Aboriginal or Torres Strait Islander;

(b) How many officers (sworn and unsworn) will be assigned to this unit, and will you provide an organisation breakdown chart showing position and title;

(c) Where within WA Police Force will these FTEs be drawn from to fill these positions; and

(d) How will this impact front-line servicing as forward estimates state the number of officers will continue to stay at 6350?

Mrs M.H. Roberts replied:

The Western Australian Police Force advise:

(a)–(b) The Aboriginal Affairs Division currently has 10 staff, including police officers and public service staff, with 5 identifying as Aboriginal. Three (3) positions within the Aboriginal Affairs Division (AAD), have been designated as positions where an Aboriginal or Torres Strait Islander background is a genuine occupational qualification under section 50(d) of the *Equal Opportunity Act 1984*. These positions include 1 x Superintendent and 2 x Inspector. The WA Police Force advises it does not publicly release operationally sensitive information, including organisational charts showing individual positions and job titles.

(c) The Aboriginal Affairs Division was created by the Commissioner of Police from the realignment of existing positions and roles within the WA Police Force.

(d) The creation of AAD will have a positive effect on frontline servicing by improving relationships between police and Aboriginal members of the community. The number of police officers will increase as the officers who participated in the VTSS are replaced and the ten additional officers for the Family and Domestic Violence monitoring unit are recruited.

POLICE — ABORIGINAL AND TORRES STRAIT ISLANDER STAFF

5198. Mr K.M. O'Donnell to the Minister for Police; Road Safety:

I refer to the 2019–20 State Budget, Division 25; Western Australia Police Force. In Assembly Estimates Committee hearing on the 22 May 2018, WA Police Force Commissioner Dawson stated that at that time there were 156 employees who identified as Aboriginal or Torres Strait Islander within WA Police Force and this number would be likely to increase, and I ask:

(a) What is the current number of employees identified as Aboriginal or Torres Strait Islander within the agency;

(b) With this number, how many are identified as front-line officers and reside within regional WA; and

(c) With the numbers likely to increase, can an explanation be given as to what strategies are put in place to achieve this increase?

Mrs M.H. Roberts replied:

The Western Australia Police Force advise:

(a) 167, as at 11 June 2019.

(b) Of the above 167 WA Police Force employees, 38 are sworn police officers deployed within regional WA.

(c) A number of initiatives have been implemented to attract more Aboriginal and Torres Strait Islander applicants to apply for employment with the Western Australia Police Force. These include strategies such as targeted attendance at key Aboriginal employment expos, advertising that reflects diversity, tailored recruitment information sessions and a dedicated contact within the Police Recruiting Team to support applicants through the recruitment process. The WA Police Force has a dedicated Police Preparation Program or Police Cadet Program for applicants from Aboriginal and Torres Strait Islander backgrounds. Successful applicants are engaged by the WA Police Force as trainees and provided with an opportunity to develop workplace skills and gain exposure to a range of unique policing activities, under the guidance of experienced police officers and supported through the program by mentors. Trainees receive both on the job training and formal class based training, provided in partnership with North Metropolitan TAFE.

PRISONS AND DETENTION CENTRES — ASSAULTS

5215. Mr Z.R.F. Kirkup to the Minister for Corrective Services:

I refer to Estimates Committee B, on Thursday 23 May 2019, and the statistics related to assaults, and ask:

(a) Will the Minister provide the information relating to "simple assaults, less serious assaults and serious assaults", broken down by prison and facility for the years 2017, 2018 and 2019 year to date?

Mr F.M. Logan replied:

(a) [See tabled paper no 2637.]

Please note, the Department of Justice has recently tightened its reporting standards, enhanced the software used to record incidents, and strengthened quality assurance processes around incident reporting and recording.

Because of the extensive nature and wide range of improvements made to the Department's systems, processes and technology, recent data is not comparable to preceding years with the exception of the serious assaults data.

POLICE — TECHNOLOGY CRIME SERVICES

5232. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer the Minister to the WA Police Force technology crime services, and ask:

(a) How many FTEs comprise the four business units of covert online operations, digital evidence operations, cybercrime investigations and strategic support development;

(b) What has been the FTE levels for each of the past five years of these four business units;

(c) How many FTEs are dedicated to financial investigations; and

(d) For each of the past five years how many cases specific to financial investigations led to criminal prosecutions?

Mrs M.H. Roberts replied:

The Western Australian Police Force advise:

(a)–(c) Specific information relating to staffing levels at individual business units is not publically released.

(d) Finance related offences are often part of larger police investigations and a range of specific offences may be considered as finance related. There is no specific recording of these offences.

POLICE — SLOW DOWN, MOVE OVER

5234. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer the Minister to the Slow Down, Move Over (SLOMO) laws, and ask:

(a) Since the introduction of the SLOMO laws in early 2018 how many infringement notices have been issued;

(b) How many injuries or deaths has there been involving people in emergency lanes or those working on the roadside for each year since 2015; and

(c) Of the injuries or deaths involving people in emergency lanes or those working on the roadside, how many or what percentage were on the Mitchell Freeway or the Kwinana Freeway?

Mrs M.H. Roberts replied:

The Western Australian Police Force advise:

(a) 76

(b)–(c) Western Australia Police Force's data holdings do not distinguish which crashes occurred in an emergency lane or roadside. Of the 143 pedestrians seriously injured or killed in WA since 2015, 1.4% of these pedestrians were on the Kwinana or Mitchell Freeway.

Caveats:

Statistics are provisional and subject to revision.

The 2019 year-to-date (YTD) is from 1 January 2019 to 16 July 2019.

Slow Down, Move Over (SLOMO) infringements were determined using section 137A of the Road Traffic Code 2000 (WA).

In the context of road crashes, WA Police Force defines:

a 'serious injured' as a person with a bodily injury of such a nature as to endanger life, cause permanent injury to health, or be likely to do so; and

'killed' as a person who has died within 30 days as a result of injuries sustained in the crash.

Figures exclude crashes which did not result in a pedestrian who was killed or seriously injured, or where the crash was caused by an 'act of nature', an act of deliberate intent, or where the injuries were a result of a prior event such as a heart attack.

POLICE — PROTECTIVE EQUIPMENT

5235. Mr P.A. Katsambanis to the Minister for Police; Road Safety:

I refer to the Government's announcement of new stab proof ballistic vests for frontline police officers and ask:

(a) What is the total amount committed to this initiative and the year by year breakdown of the funding allocated; and

(b) How many vests will it fund and how many will be rolled out in each financial year of the initiative?

Mrs M.H. Roberts replied:

The Western Australian Police Force advise:

(a) As published in *Budget Paper 3 – Page 137*, the amount currently committed to new police personal issue, multi-threat body armour vests is $15.4 million, with year by year spending as follows:

2019/20 $3.6 million

2020/21 $7.4 million

2021/22 $4.4 million

(b) Approximately 6,200.The final total cost and annual funding disbursement will be confirmed following the outcome of a trial and subsequent tender process. The number issued each financial year will be dependent on the outcome of the tender process, including the capacity of the manufacturer to deliver.

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