

40TH PARLIAMENT



Community Development and
Justice Standing Committee

Report 7

ANNUAL REPORT 2018–19

Presented by
Mr P.A. Katsambanis, MLA
September 2019

Committee Members

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Deputy Chairman	Mr M.J. Folkard, MLA Member for Burns Beach
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**Community Development and Justice
Standing Committee**

Annual Report 2018–19

Report No. 7

Presented by

Mr P.A. Katsambanis, MLA

Laid on the Table of the Legislative Assembly on 19 September 2019

Chairman's Foreword

I am pleased to present the 2018–19 annual report for the Community Development and Justice Standing Committee, which outlines the work we have undertaken during the past year.

Our primary focus for this year was completing our inquiry into the protection of crowded places in Western Australia from terrorist acts. Initial evidence gathered confirmed the complexity of the counter-terrorism environment within Western Australia and nationally. This complexity contributed to our decision to release an initial report in October 2018 setting out some of the issues uncovered in the inquiry to date so we could seek stakeholders' comments about, and possible solutions for, the subjects raised.

The initial report formed the basis for further discussions with stakeholders, and we were able to gather further evidence that provided important insights to the Committee's inquiry.

Evidence received from Australian stakeholders clearly identified the UK as holding significant expertise in counter terrorism. Based on this evidence, we undertook investigative travel to London, United Kingdom as part of our inquiry. We were able to gather evidence relating to national security, counter terrorism, the private security industry and the operation of crowded places that strengthen our findings and recommendations.

The Committee tabled its final report in March 2019. The inquiry showed just how important the entire community is in responding to the risk of terrorism. We made recommendations about increasing awareness and understanding of Western Australia's counter-terrorism arrangements, and the role that members of the community can play in reporting suspicious behaviour in public spaces.

We also found that strengthening crowded places requires additional direction, support and oversight. We noted a clear gap between community perceptions and expectations of the role of WA Police in protecting crowded places and the actual view within WA Police. We recommended that the Government review the oversight arrangements for counter-terrorism preparedness.

Since the completion of its inquiry, we have been undertaking a number of agency reviews and canvassed potential topics for our next inquiry. The Committee held hearings with the Mental Health Commission to discuss work-induced mental health issues, the Department of Local Government, Sport and Cultural Industries

to discuss the ongoing local government reforms and the contemporary music fund, and the Commissioner of Corrective Services to discuss a number of matters about the state of Western Australia's prisons.

In June, we also tabled a report that arose following an agency review hearing with the Road Safety Commission and Department of Transport. This hearing highlighted to the Committee the importance of the driver licensing system in promoting road safety. Although we have concerns about the driver licensing system and would have liked to investigate this area further, as the transport portfolio falls outside our oversight responsibilities we considered it would not be appropriate to further inquire into this area. The Committee wrote to the Minister for Transport and the Economics and Industry Standing Committee to suggest further work is done in this area.

During the period, the Committee also considered undertaking an inquiry into the use and regulation of remotely piloted aircraft systems (drones). We sought information for a number of federal and state government agencies regarding their use and regulation of drones. We identified a number of areas that are not regulated at a federal level, for which the state policy and regulation appeared to be lacking, including privacy, liability, nuisance and land use. However, we understand that a federal working group has been created, with a federal-state working group to follow, to develop policy on these same issues. Given the work that is taking place across various jurisdictions, we therefore decided an inquiry on this topic would be premature. However, we are keen to stay informed of developments in this area and particularly keen to ensure that the regulatory gaps are addressed.

I would like to thank my fellow committee members for their collaborative approach to Committee matters over the past year. Each member contributes his insights to robust deliberations and works with his co-members to achieve the important outcomes of the Committee.

On behalf of all members of the Committee, I would especially like to thank our hard-working committee staff for their continued assistance and support.



MR P.A. KATSAMBANIS, MLA
CHAIRMAN

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Chapter 1

Committee activities

Introduction

This report covers the works undertaken by the Community Development and Justice Standing Committee of the 40th Parliament during the 2018–19 financial year. During the period between 1 July 2018 and 30 June 2019 the Committee:

- completed the Inquiry into the protection of crowded places in Western Australia (WA) from terrorist acts
- held 27 deliberative meetings
- took evidence from 16 witnesses at six public hearings, and held one closed hearing
- met with 34 people at 19 briefings
- undertook investigative travel to London, United Kingdom in December 2018 as part of the Inquiry into the protection of crowded places in WA from terrorist acts
- was represented by one member at the Australian Fire and Emergency Management Conference in Perth in September 2018
- tabled four reports (including the 2017–18 Annual Report).

Table 1.1: Summary of activities of the Committee, 1 July 2018 to 30 June 2019

Description	Activity
Deliberative meetings	27
Hearings	7
Witnesses (public)	16
Briefings	19
Reports tabled	4
Report findings tabled	43
Report recommendations tabled	21

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Portfolios

The Committee is responsible for the following 21 portfolio areas:

- Aboriginal Affairs
- Attorney General
- Child Protection
- Citizenship and Multicultural Interests
- Community Services
- Corrective Services
- Culture and Arts
- Disability Services
- Electoral Affairs
- Emergency Services
- Environment
- Local Government
- Police
- Prevention of Family and Domestic Violence
- Road Safety
- Seniors and Ageing
- Sport and Recreation
- Veterans Issues
- Volunteering
- Women's Interests
- Youth

Public hearings

Pursuant to Assembly Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2018–30 June 2019, the Committee conducted six public hearings, taking evidence from 16 witnesses to assist with its investigations.

Table 1.2: Witnesses who provided evidence at public hearings of the Committee, 1 July 2018–30 June 2019

Date	Witness	Position	Organisation
22 August 2018	Mr David Kerslake	Electoral Commissioner	Western Australian Electoral Commission
	Mr Chris Avent	Deputy Electoral Commissioner	
	Mr Louis Gargan	Manager Legislation, Communication and Human Resources	
10 October 2018	Ms Caroline Spencer	Auditor General	Office of the Auditor General

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	Mr Jason Beeley	Assistant Auditor General	
13 February 2019	Mr Simon Grieve	A/Commissioner of Road Safety	Road Safety Commission
	Ms Teresa Williams	Director, Strategy, Policy and Legislation	
	Mr David Slack-Smith	Manager of Data and Intelligence	
	Mr Iain Cameron	A/Managing Director	Department of Transport
3 April 2019	Ms Sue Jones	Assistant Mental Health Commissioner	Mental Health Commission
	Ms Judi Stone	A/Director, Prevention Services	
10 April 2019	Mr Duncan Ord	Director General	Department of Local Government, Sport and Cultural Industries
	Ms Narrell Lethorn	Director, Industry and Sector Regulation	
26 June 2019	Mr Tony Hassall	Commissioner of Corrective Services	Department of Justice
	Ms Janette Allen	A/Deputy Commissioner, Women and Young People	
	Ms Cheryl Clay	Deputy Commissioner, Community Corrections and Offender Management	

Closed hearings

As part of its Inquiry into the protection of crowded places from terrorist acts, the Committee held one closed hearing.

Briefings

In addition to gathering evidence during the formal hearings, the Committee received two briefings in Perth. The Committee obtained information at the briefings in relation to the Inquiry into the protection of crowded places from terrorist acts.

Table 1.3: Briefings provided to the Committee in Perth

Date	Name	Position	Organisation
15 August 2018	Mr Rob Hunter	Executive Manager	Parliamentary Services Department
	Mr Tony Paterson	Security Manager	
13 November 2018	Mr Ben McDevitt	Consultant	

Investigative travel

As part of its Inquiry into the protection of crowded places from terrorist acts, five Committee members and one staff member undertook investigative travel to London, United Kingdom. The United Kingdom is recognised as holding a strong position regarding counter-terrorism preparedness. An independent review of London’s preparedness stated that the ‘quality and effectiveness of the work done by the intelligence agencies and the counter-terrorist police is amongst the best in the world.’¹

During 3 December to 7 December 2018, the Committee held 17 briefings and met with 31 people who provided the Committee with evidence relating to national security, counter terrorism, the private security industry and the operation of crowded places. The information gathered during these meetings was highly valuable to the Committee in conducting its inquiry. References to the evidence received are made throughout the final report, and influenced the findings and recommendations made to the Western Australian Government.

Conference attendance

The Deputy Chairman attended the Australian Fire and Emergency Management Conference in Perth on 7 September 2018. Emergency services is one of the portfolio responsibilities of the Committee. Attendance at this conference provided the Committee with the opportunity to remain up-to-date with fire and emergency management services issues.

The Deputy Chairman attended a presentation by the keynote speaker, visited exhibits, saw equipment demonstrations and spoke with those who work in the field in WA and across the country. The Deputy Chairman shared his experiences at the conference with the rest of the Committee at a subsequent Committee meeting.

¹ Lord Toby Harris, *An Independent Review of London’s Preparedness to respond to a major terrorist incident*, London, United Kingdom, October 2016, p. 3.

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Reports tabled

The Committee tabled four reports during the period 1 July 2018–30 June 2019:

- Report 3 – *Annual report 2017–18* (20 September 2018)
- Report 4 – *Near enough is not good enough: An initial report on the protection of crowded places in Western Australia* (18 October 2018)
- Report 5 – *No time for complacency: Final report for the inquiry into the protection of crowded places in Western Australia from terrorist attacks* (21 March 2019)
- Report 6 – *Test and Re-test: The driver’s licence roundabout* (27 June 2019)

Inquiry into the protection of crowded places from terrorist acts

The Committee’s Inquiry into the protection of crowded places from terrorist acts was its primary focus during the 2018–19 financial year. The Committee’s initial report, tabled in October 2018, set out some of the issues uncovered during its investigations, and sought further comments from stakeholders about the matters raised in the report, including possible solutions to identified issues.

The Committee received more than 40 further submissions, including supplementary submissions. These further comments, together with the Committee’s investigatory travel to London, United Kingdom in December 2018, informed the Committee’s final report, tabled on 21 March 2019.

The Committee found that strengthening crowded places requires additional direction, support and oversight. The final report set out some of the measures needed to make sure all stakeholders are aware of their roles and responsibilities, including the public. The Committee also praised the Government for setting up the Security and Emergency Committee of Cabinet to direct agencies on ways to increase security in WA.

The Committee made recommendations to increase awareness and understanding of issues, to review how counter-terrorism preparedness is overseen in WA and to boost the state’s regulatory regime for security personnel training and licensing.

Government response

The Government tabled its response on 25 June 2019. Of the 19 recommendations the Committee made, the Government agreed to three, agreed in principle to a further five, and noted 11.

Agency reviews and inquiry scoping

In addition to conducting inquiries, key functions of the Committee include to review and report on 'the outcomes and administration of the departments within the committee's portfolio responsibilities' and 'the adequacy of legislation and regulations within its jurisdiction' (see Appendix One).² In accordance with that function, throughout the year the Committee conducted hearings with representatives of several agencies to discuss matters of interest.

Road safety and driver licensing

The Committee held a public hearing with the Road Safety Commission and the Department of Transport to discuss the relationship between road safety and driver licensing. The hearing reinforced that road safety is a broad issue, and no one agency is responsible for all aspects of it. It also confirmed that the Department of Transport's driver licensing system is an essential element of promoting road safety.

Although the Committee considers that this is an area worthy of further investigation, as the transport portfolio falls outside the oversight responsibilities of the Committee, it decided that it would not be appropriate to inquire further into this area. Therefore, the Committee prepared and tabled a report outlining its concerns arising from its initial investigations, and suggesting that the Minister for Transport and/or the Economics and Industry Standing Committee further investigate this matter.

Work-induced mental health conditions

The Committee met with representatives of the Mental Health Commission to discuss work-induced mental health conditions, in particular the management of post-traumatic stress disorder across emergency services personnel in WA. Based on the evidence received at the hearing, information received from relevant government agencies, and the recentness of other inquiries into the topic, the recommendations of which are currently being acted upon, the Committee decided not to conduct an inquiry on this topic at this time.

This important issue remains of keen interest to the Committee, and it will continue to monitor the progress of other inquiries, and how the Government is responding to the various recommendations arising from these inquiries.

Local government and the contemporary music fund

The Committee invited representatives of the Department of Local Government, Sport and Cultural Industries primarily to discuss current matters in the local government

² Western Australia, *Standing Orders of the Legislative Assembly of the Parliament of Western Australia*, 30 November 2017, SO 287

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portfolio. The Committee was updated on the ongoing review of the *Local Government Act* and how the Department manages the dual roles of regulating, and providing advice and funding to local governments. Also discussed was the Auditor General's role in auditing local governments, and how the Department responds to findings from these audits. The Committee was also interested in understanding how the contemporary music fund operates.

Corrective Services

At its last meeting of the financial year, the Committee held a public hearing with representatives of the Corrective Services division of the Department of Justice. The hearing canvassed a range of corrective services matters including the prison accommodation capacity, the management of prisoners with mental health concerns, and drug testing of corrective services officers.

The Committee will consider outcomes of this hearing in the 2019–20 year to determine if it should take any further action.

Remotely Piloted Aircraft Systems

The Committee undertook some initial research to determine whether it would conduct an inquiry into the use and regulation of remotely piloted aircraft systems (drones). The Committee wrote to a number of federal and state government agencies to gain an understanding of how drones are used and regulated in Western Australia.

The information received supported the Committee's concerns that drone policy and regulation was uncertain in a number of areas, including privacy, liability, nuisance and land use. However, the Committee was also informed that the federal Department of Infrastructure, Transport, Cities and Regional Development is currently leading the development of a national drone policy or policies. As part of this, a federal agency working group has been formed, and federal-state agency working group will shortly be formed, to consider all of the areas the Committee had identified as requiring further investigation.

Given the work that is taking place across various jurisdictions, the Committee decided an inquiry on this topic would be premature.

Chapter 2

Financial statement

Committee expenditure

The Committee does not have its own formal budget and is funded out of the budget of the Legislative Assembly. Approval for major expenditure is required on a case-by-case basis and is entirely at the discretion of the Speaker.

The Committee's expenditure for the financial year 1 July 2018–30 June 2019 (in accordance with Standing Order 276) is detailed in Table 2.1.

Table 2.1: Expenditure items of the Committee, 1 July 2018–30 June 2019

Expenditure item	\$
Printing	2,100
Member and staff amenities	628
Inquiry Travel – December 2018*	77,954
Conference	640
TOTAL	81,322

* includes formal gifts and all associated travel costs

Notes:

- Figures rounded to the nearest dollar.
- Note that salaries of committee staff are not included, nor are the costs of shared administrative expenses, including lease costs for committee accommodation.



MR P.A. KATSAMBANIS, MLA
CHAIRMAN

Appendix One

Committee's functions and powers

The functions of the Committee are to review and report to the Assembly on: -

- a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;
- b) annual reports of government departments laid on the Table of the House;
- c) the adequacy of legislation and regulations within its jurisdiction; and
- d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

Whenever a committee receives or determines for itself fresh or amended terms of reference, the committee will forward them to each standing and select committee of the Assembly and Joint Committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.



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