



# Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT  
FIRST SESSION  
2017

LEGISLATIVE COUNCIL

Thursday, 29 June 2017

# Legislative Council

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THE PRESIDENT (**Hon Kate Doust**) took the chair at 10.00 am, and read prayers.

## DEPARTMENT OF THE LEGISLATIVE COUNCIL — ANNUAL PERFORMANCE SURVEY

*Statement by President*

**THE PRESIDENT (Hon Kate Doust):** Members, on Tuesday, 20 June 2017, copies of the annual performance survey for the Department of the Legislative Council were circulated to all members. This survey is critical in assisting the department to provide better services to you and the results will be incorporated into the department's 2016–17 annual report. If you have not had a chance to complete the survey, it would be appreciated if you would take a few minutes to complete the survey and return it to one of the Legislative Council officers in the chamber before the end of today's sitting. For your convenience, a link to the online version of the survey was also sent to each of your emails this morning.

## PUBLIC SECTOR COMMISSIONER—INFORMATION COMMISSIONER— PARLIAMENTARY COUNSEL — LUNCHTIME SEMINAR

*Statement by President*

**THE PRESIDENT (Hon Kate Doust):** My second statement relates to a lunchtime seminar that will be held today in the Centenary Room to enable members to meet with the Public Sector Commissioner, the Information Commissioner and the Parliamentary Counsel. If you have time to attend that seminar, I encourage you to do so.

## PAPERS TABLED

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

### STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

*105<sup>th</sup> Report — “Statutes (Minor Amendments) Bill 2017” — Tabling*

**HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition)** [10.03 am]: I am directed to present the 105<sup>th</sup> report of the Standing Committee on Uniform Legislation and Statutes Review entitled “Statutes (Minor Amendments) Bill 2017”.

[See paper 325.]

**Hon MICHAEL MISCHIN:** The report that I have just tabled advises the house of the committee's findings and recommendations regarding the Statutes (Minor Amendments) Bill 2017. It is this committee's first report in this fortieth Parliament.

The bill proposes amendments to 11 acts. The committee examined the bill according to its terms of reference and has considered the policy principles set out in Premier's Circular 2010/01, “Statutes (Repeals and Minor Amendments) Bill”. The committee takes no issue with the amendments effected by the bill.

I draw members' attention to clause 2 of the bill, which is the commencement provision. Clause 2 provides that part 1 of the act will come into operation on the date of royal assent, and that part 2, which contains the substantive provisions, will come into operation on a day or days fixed by proclamation. This affects the Parliament's sovereignty, as the commencement dates will be controlled by the executive. It is conceivable that the proclamation may never be made and the will of the Parliament, in passing a bill, would be frustrated. Although the committee concedes that that is unlikely in relation to this bill, it has occurred in the past with respect to other enacted bills. Although there are circumstances in which it is prudent, if not necessary, that all or some of the substantive provisions of an act should be brought into operation by proclamation when considered appropriate by the executive, general provisions such as clause 2(b) should not be utilised as a matter of course and without good reason.

The committee raised this issue with the Attorney General. His response was to point out that the bill contains in clause 12 some amendments to the Sentencing Act 1995 relating to provisions in part 3 of that act about post-sentencing supervision. Part 3 of the Sentencing Legislation Amendment Act 2016 comes into operation on 1 July 2017. The Attorney General advised that at the time of drafting this bill, it was possible that it may have been enacted prior to 1 July 2017; that is, if this bill had received royal assent before that date, clause 12 would have come into operation before the 2016 amendments came into effect, which clause 12 is to amend. Consequently, it was considered that this bill's commencement provisions should enable a day on which, for

example, clause 12 was to come into operation to be fixed by proclamation. The committee notes, however, that the executive discretion in this bill regarding a commencement date extends beyond clause 12—something for which no reason has been given. Notwithstanding this, the committee is pleased to note that, given the bill will now not be enacted before 1 July 2017, the government intends to move an amendment to the bill during Committee of the Whole to have all clauses come into operation from its receiving royal assent. I commend the report to the house.

### **ABORIGINAL PEOPLE — GOVERNMENT PROGRAMS**

#### *Motion*

**HON COLIN TINCKNELL (South West)** [10.06 am] — without notice: I move —

That this house notes —

- (a) the extent to which current state government programs and funding intending to assist Aboriginal people in the areas of education, training, employment and health have been successful in addressing disadvantage; and
- (b) other approaches that may more effectively improve outcomes for Aboriginal people in these important areas of public policy and service delivery.

The whole idea of this motion today is to have a debate in this house, so I am very keen to hear from all members to discuss this issue. One thing that is fairly obvious to me and to my party is that all sides of politics would like to see Indigenous people in this country, particularly in this state, share in the full life that most of us in this house have been able to share in our time. Unfortunately, it has been a rough old journey, and we would like to see improvement. I have some suggestions and would like to open up the debate.

I would like to inquire into and report on all circumstances surrounding the effectiveness of government Aboriginal programs, particularly those that relate to health, education, training and employment. The typical old-school program does not work in Aboriginal communities. A lot of different methods have gone in and out of Aboriginal communities, remote communities and even capital cities. In so many ways, these have not worked. One of the reasons that education programs run by government generally have not worked or had much success is that they do not take into account Aboriginal life and traditions. Consultation with and involvement of Aboriginal people in those programs have been left wanting. If we were to look at Europe and we wanted to design a program for Sweden, would it work in Spain or the Ukraine? There is a good chance that it may not. People from different nations have different attitudes and customs. Aboriginal people right across Australia have those same differences. I think the one-size-fits-all model has not served us well in the past, or served Aboriginal people well in the past.

Many agencies are doing fantastic jobs. This should not detract from that. This should highlight the current service delivery model and the standards that are not working. I will give one or two good examples. The Children's Charity Network is an organisation that gets involved. It has private sponsorship. It gets next to no government support, yet it has been able to do some marvellous things in remote communities and in Aboriginal communities in big towns. That charity identified that when Aboriginal children go to school, they have trouble hearing because of hearing problems that exist in those areas. It has been able to help that situation. It has been getting involved in their health and education, and it is working. Everyone involved in that organisation has reported that it has been successful. That charity will be looking for more government funding. Recently, I have had a bit of experience with an organisation called the Murlpirrmarra Connection. It also identified a weakness in the northern goldfields. In certain towns, young Aboriginal kids were not graduating. They were finishing school at the ages of 12, 13 and 14. Kids were not going on to graduate from school. It put a program together that has really assisted in that area. In most cases these organisations are fighting against government schools, because government schools put these kids down as numbers to help with their funding, yet these kids are not attending school. I would like to see more assistance given to those organisations that identify a need, are having success and have private funding but very little government funding. I think the answer for government programs lies in partnerships with industry, companies and private donors. I really think that the one-size-fits-all model that the government can deliver will never be the answer for Aboriginal people.

Bourke in New South Wales has a youth truancy program. This program started because Bourke had a massive problem with incarceration rates. The program is called Just Reinvest NSW. It involves a reinvestment in the town of Bourke. Every year around \$4 million was being spent on incarcerating mainly young people and children in that one town. The program decided to consult very closely with the community. Now that that \$4 million is reinvested, those kids are not going to jail any more. That money has been reinvested into many programs that are helping with preventive measures—that is, helping kids to do better at school, helping people with their health, helping people to get training and into employment, and keeping those kids out of jail. Once again it was a whole-of-community approach. Government is not good at that. We need to work out ways to work with industry and private people so that we can work a lot closer in partnerships.

The disparity between Aboriginal health and non-Aboriginal health is very clear for all of us to see. It is increasing in certain areas. We are on top of some areas, but when we look at the gap, we have not done a good job in that area. I think that is distressing to all of us. As a person who sits in this Parliament, I would like to see us change that gradually over the next few years and turn that disgusting figure around. It is something that all Australians should be ashamed of.

There are higher rates of drug and alcohol dependency in Aboriginal communities. There are also increasing rates of Aboriginal suicide in regional areas. In Leonora in the northern goldfields, there have been up to six suicide-related incidents in the past 18 months. That outstrips even the much-publicised stats that we have heard from the Kimberley recently. That is not a situation that any of us can tolerate. Youth suicide, and suicide in general in Aboriginal communities, is going through the roof. It is not just a case of people being affected by drugs and alcohol; these people do not see a future. It is not as simple as a case of drugs and alcohol. These people do not see a future for themselves so they are ending their life prematurely.

Recently a young lady by the name of Breanna Taylor won the Goldfields Girl, an Aboriginal modelling contest, for her speech that was dedicated to suicide prevention. She is a great example of a young lady we should be using as a role model to enhance those programs, yet we see these things pop up and then they are forgotten. The government needs to embrace these sorts of initiatives and use these people as role models. We see football role models and a few others, but there are not enough in the areas of education and suicide prevention. We should be picking up on that. My observation is that there are more suicide prevention seminars than there are programs. We are certainly talking about it, but we need programs. In the instance of Leonora, there is no suicide prevention professional in that town, yet for the past 18 months to two years it has been one of the suicide hotspots.

I am moving along. There are appalling rates of sexually transmitted diseases amongst adolescents, especially within remote areas. I am really questioning what the respective agencies are doing about it. Sometimes people are too scared to ask the hard questions. That is one thing that One Nation will never be accused of. We are asking questions of those agencies. We want to see the results of what they are doing about these problems. One Nation is also seeking a full review of all Aboriginal medical services, including mental health. I listened to Hon Alison Xamon when she talked about mental health recently. It is a major problem, especially in Indigenous life. We need to really look into that to see what is happening. It is not just good enough to throw money at it. Money is not the answer. It is about having effective programs that engage with each community one on one, face to face. That is hard work. We need to put those resources into the hard work of engagement. Programs work when there is proper engagement with those communities. The results are that much better because we have buy-in from that community. Not enough of that is happening.

The former Minister for Aboriginal Affairs is in this house. I would be very interested to hear what he has to say about this. From all accounts, he was a very good Minister for Aboriginal Affairs. It is hard. The state government has only so much control. A lot of these programs are funded by the federal government, but I need the state government to take leadership. It needs to instigate the encouragement of change. The state government needs to say to the federal government that it will not keep going in that direction; it is not working.

I will now refer to the area of Aboriginal drug and alcohol services. People usually take to drugs and alcohol for a reason. We need to get behind those reasons and find out more. It is no good putting in resources after the damage is done. We need more preventive programs. Recently, a lot of cutbacks to preventive programs were made by the federal government. That it is the first mistake; we need to increase those services. We also want to strip directors' sitting fees from public funding. I am talking about the directors of Aboriginal groups and certain groups who sometimes get into the bad habit of holding meetings to get paid because they are short of money. That should not come out of the public purse. That is where we get private industry involved in the government's programs to support these organisations. Those fees could still be paid, but we need to look into that and make sure that directors are held accountable. As I mentioned, when we have more talkfests and meetings but fewer programs, there is only so much money and it needs to be accounted for in the right areas.

I have been involved with Aboriginal training and employment for the last 20 years. I have worked for private companies during that time and I had a lot to do with the community development program, including all the agencies that receive funding from that program. Unfortunately, in my experience, the programs fail at around 97 per cent of their duties. It is just a box-ticking exercise. The people who work in those agencies do not have the skills to even engage with the communities and, if they did that—their first responsibility—they would have a lot more success. They are running around trying to find people to work for the dole. The Work for the Dole program is a complete failure. I want people to be responsible for receiving their dole but Work for the Dole has put those agencies under pressure. The agencies spend their whole time running around trying to find Work for the Dole organisations. They have forgotten about their main responsibility, which is to find work for Aboriginal people and put them into training programs that result in work, not training for training's sake. Over the years, we have all learnt from experience that that will not work. We need to find positions in industry and government, and then train people to fit those spots. Training for training's sake will not work. Aboriginal training and employment has to be sustainable and not just a cash grab by those organisations. There are government incentives and sometimes organisations just tick the boxes so they can be eligible for the funding.

We also require an inquiry into Aboriginal training and employment initiatives and other entities that operate under similar Aboriginal employment program models. We need to review the training and employment payments to these entities. To my knowledge, these programs are not working very well and a lot of money is going missing. When I talked to Aboriginal people in those communities and towns, that was exactly their feeling. They feel like they have no say and that a whole bundle of whitefellas are making a whole bundle of decisions, so no wonder it does not work. Aboriginal programs should not be dictated. They should be community-led programs and have community buy-in. If the community does not buy in to them, the programs will not work, so do not do them. The government should not spend that money because it will be saying, “We’re putting all this money in and it should be working” but if it cannot get community buy-in, it needs to look at and alter the program.

We support Aboriginal affairs; however, we seek higher standards and outcomes. We believe that Aboriginal affairs deserve quality services, not sustained initiatives. If I had the opportunity to call for a select committee, I would, but I do not have that opportunity in non-government business time. I ask members in this house to look at how we are going and how much better we could be.

In the three minutes I have remaining, I want to mention some news reports. I mentioned the high suicide rate up in the Kimberley, which has been reported on a lot lately. There is talk of an inquest. We know what the problems are and they are not just drugs and alcohol. These people do not have a future. There are no jobs. There is nothing to keep the youth busy. We are not talking about kids who have great role models in their own families. They come from a background that may be different from what we are all used to, so we have to apply a different model that works for those kids. I also mentioned Leonora. It used to have a person who was dedicated to suicide prevention in the town, but they were transferred to a town up the road, Laverton, which does not have as many incidents of suicide. I do not know how that decision was made. In New South Wales, we can look at the Just Reinvest NSW organisation in Bourke, which has been an absolute success story. There are models out there and, generally, they come either from the community or well-meaning people who have business interests in areas that speak to the community. It seems to me that those programs work successfully. The reason they work successfully is that those people are invested in the community and they are talking to the local people. I am questioning the way we do business in Indigenous affairs.

I had a few meetings with the Minister for Aboriginal Affairs, Hon Ben Wyatt, and he has been very open. When he first took over the role, he questioned whether we really need an Aboriginal Affairs minister. At the moment, it seems that we do, but I would like to think that one day we will not have an Aboriginal Affairs minister and that all these programs are based on need and not on the First Australians because of the disparity we currently have.

I encourage all sides of politics here to debate this issue and try to make change, and work closely with industry. The most important thing is that we need to engage with the local community. We must remember they are all from different nations and different people. They all have different ideas and having one size to fit all will not work. I thank members.

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [10.27 am]: I thank Hon Colin Tincknell for this motion. I think it is a really well-crafted motion and a really useful example for newer members of how to use this time. We will not get to take a vote. It is a debating tool so it is good to frame a motion in this way to encourage us to effectively ask a question. If we put paragraph (a) of the motion another way, it will pose the question to ask ourselves: to what extent can we say that existing programs are working well? The answer would have to be that programs are working well to a very patchy extent. I think it is a good way to frame the debate and I want to make some comments about paragraph (b) of the motion, which is about other approaches that might be effective. Inevitably in this debate, that is where the rubber hits the road and people seem to take kind of fixed and sometimes extreme positions on what we can and cannot talk about as being other approaches.

I have limited time but I will list some of the programs that this government is going to pursue. I want to make some initial comments to agree with much, although not all, of what Hon Colin Tincknell just said. For whichever program we choose to evaluate and look at, the key characteristic of a successful program is that the community leads the program. Community leaders must be engaged in the development of the program, they must take ownership of the program and they must be deeply and heavily engaged in its implementation. An example of that working well and becoming an internationally recognised success is the work of June Oscar and the women of the Fitzroy Valley in the north west. They took on the issue of the sale of alcohol in the community. They took it on with risk to their own safety at various points. June said to me that at one point people were trying to get around the ban on the sale of alcohol in her community by driving around in their cars with rifles in the boot, and people like June were at serious risk. That was a great example of the women of a community standing up and saying that enough was enough. As a direct result of her work, which has now been internationally recognised, presentations in the emergency department dropped and attendance at the school increased dramatically—almost immediately. Despite all of the fuss and objection, and there was much from people seeking to make money out of the sale of alcohol, the work that June and her team did fundamentally changed that community for the better. When looking at how to have success in this area, that is the model that needs to be engaged. That was the point made by the honourable member in his contribution.

We need to recognise that although governments of all persuasions have implemented programs and some have been more successful than others, there is still a huge gap in life expectancy, economic status, educational outcomes and health outcomes. By any measure, there is still a disproportionate disadvantage to being born Indigenous in this country and we need to do more and be ever vigilant about how we tackle it.

I will come back to some programs, but I want to touch on the second part of the motion, which refers to other approaches. When the Labor Party was last in government, I was Minister for Child Protection. This was in 2007–08 and there was a national debate about cashless welfare and how real carrots and sticks could be put in place to address serious neglect of Indigenous children in particular, but not only Indigenous children. The proposition was put that when a state agency is aware of ongoing neglect of a child related to the consumption of alcohol in a household, some agreement ought to be entered into by which the state could share the information about the neglect of the child with the federal government and the federal government could take steps to quarantine a certain amount of welfare payments. A lot of people took umbrage at my point of view, which was that, as Minister for Child Protection, I would not stand by and watch children not be fed and be neglected because of alcohol and take no action to do something about it in the short term. I completely accept that in the long term so much more than a cashless welfare program needs to be put in place, but in the short term if it means that that family is spending money on food and that child is being fed, I felt I would not doing my job properly if I did not say that it needed to be looked at, and so I said that. The reaction from some people, which I suppose is not surprising in one sense, was as though I had suggested that we cut off people's heads or something. There is a fundamental difference between a program like that, which is directly linked to evidence of neglect, and what I call the postcode version of cashless welfare by which a program to quarantine welfare is applied to a whole postcode irrespective of how people are living and managing their finances. I do not subscribe to that at all. I think these are very blunt instruments and people are being punished with no evidence that they have done anything wrong or that they are not able to manage their money. If welfare quarantining could be linked to making a direct improvement to a child's life, I was prepared to engage in conversations with the then federal government about how it might proceed.

On Monday night I was at a function and I was talking to Nicola Forrest and the people from the Minderoo Foundation, and Matt O'Sullivan in particular. One version of welfare quarantining that "Twiggy" Forrest had proposed was related to school attendance. We were having a debate about whether that was a good idea. My view was that an enormous amount of alternative infrastructure would need to be put in place for a program like that. If welfare payments were stopped or quarantined because a child did not attend school, it would need to be ensured that the kid was getting fed. Often when children with poor school attendance do turn up, they are the ones who turn up to the breakfast program, they are the ones fed by the school at lunchtime and they are the ones for whom the school has a spare set of uniforms. I would not want a blunt instrument used due to the child not attending school to mean that none of those measures to look after the child were in place and I would not want to see a version of welfare quarantining based on postcode. Something like that would need to apply when there was demonstrable evidence that it would make a difference. I do not subscribe to the proposal that Twiggy Forrest is talking about as it sits now, but I think that we need to have a conversation about how we do things better. Twiggy Forrest has some great relationships with Indigenous people, but he is not an Indigenous leader. The work needs to be done and owned by Indigenous leaders if it is going to have any real success. I think there are conversations to be had, but this government would not support a blunt-instrument approach to that kind of policy and we would want to make sure at the end of the day that the child was at the centre of the policy, that we knew things would be better for the child and that the child's community was seriously engaged in owning any policy that went down that path.

This is a time-limited debate and I just want to touch on some of the good work I think has been, and is being, done by respective governments. One of the employment programs that the Minister for Aboriginal Affairs is engaged in talking to local communities about, which we took to the election and is being implemented, is the WA Indigenous ranger program to protect the environment and leverage jobs, and subsequent social and economic success will come out of those jobs for Indigenous rangers in regional and remote WA. We have committed an additional \$20 million over the next five years for the program to look after the WA state parks, Indigenous protected areas and Indigenous tenures. We have also announced a commitment to an Aboriginal procurement policy to award three per cent of all government contracts to Aboriginal-owned businesses by 2020. If that program is not implemented in a way that ensures that there are real jobs as a result, it will not be successful, but there is a genuine commitment to ensuring that the procurement process is real. A whole range of measures in the health portfolio in particular have been successful. One of the things that happened under the previous government—so, giving credit where credit is due—was the review of existing Indigenous health programs undertaken by former Minister for Health Kim Hames to see to what extent they were successful. The results were pretty good. The results were that 90 per cent of the state's Aboriginal health programs were outstanding, very good or good, but that a small number of them were not performing. The report from that review informed the programs that will continue to be funded by the state. That was the 2015 Holman report. If the honourable member has not seen a copy of it, I direct his attention to it to look at which programs were working well in the health space and which ones were not.

There have been a number of key developments in the education space—for example, ATAR achievement. The number of Indigenous kids who are successfully completing ATAR with a qualification to get into a university is increasing; that is a good thing. Literacy levels are improving and that is a good thing, but the gap is still huge and attendance remains a serious issue. All the research shows—in fact it is commonsense—that the greater amount of time a person spends not attending school, the worse their educational outcome will be. It is still the case that Indigenous kids are way too disproportionately overrepresented in that group. We really need to focus on ways of engaging those families so that they see the benefit of getting their kid to school. There was a fantastic little story on the ABC this week, I do not know whether members saw it. It was about the school at the remote community at Punmu, which I visited about two years ago. It is fantastic. It has this little train, made up of cut-up 44-gallon drums, that goes around, collects the kids and takes them to school. It is a gorgeous little story, but it is an important initiative about making sure that those kids attend school regularly to get the benefit that they need to improve their education.

**Hon Colin Tincknell:** It has been an outstanding school for many years now.

**Hon SUE ELLERY:** Yes, it is a great school. I had a great visit when I went there. But there is a lot more work to be done in that space.

I am going to run out of time. I could talk about this issue a great deal more, but I want to thank the member for putting up the motion today. It is a really important conversation to have. We need to come at it with open eyes and ears and we need to do two things. We need to engage with the community, so that all the programs are community led and community owned, and we need to put the kids at the centre of them.

**HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [10.42 am]:** Unfortunately, with only 10 minutes I do not have much time to speak on this motion, but I thank Hon Colin Tincknell for bringing it to the chamber. It is a very important motion. I think the member will find it will have unanimous support; I thank him very much for that. Having said that, I addressed a lot of the issues within this motion in my Address-in-Reply speech and I spoke about this for about three quarters of an hour. If the member would like to see my more expansive views on some of these issues, I draw his attention to my Address-in-Reply speech. Having said that, once again, I thank the honourable member for bringing this motion to the chamber.

He is quite right. We spend a lot of money on Aboriginal affairs—about \$5 billion annually—yet why in the twenty-first century have we still got such appalling outcomes for Aboriginal people compared with their non-Aboriginal brothers and sisters? I said that in my Address-in-Reply speech—it is just unacceptable. I said exactly what the honourable member alluded to. When I spoke anywhere as Aboriginal affairs minister I used to say that, ideally, I would like a situation in which we do not need a minister for Aboriginal affairs and that the quality of life and outcomes for Aboriginal people are identical to, if not better than, their non-Aboriginal counterparts. As the original Australians, they deserve that. Even with \$5 billion—it is a lot of money—the outcomes are still no good in a lot of areas. That is why we need to do things better.

I will move to some of the areas that we addressed in government and that I personally took great interest in in my six and a half magnificent years as Aboriginal Affairs minister. I loved that role. I have said that I am not an Aboriginal man, but I grew up with the Wongi and have a deep personal affection for Aboriginal people. I thought: we have to do something different; we have to direct the money differently. We need to have different management of the ways in which we deliver services with Aboriginal communities and for Aboriginal people so they can have better outcomes. With that said, we established the Aboriginal Affairs Cabinet Sub-committee to ensure that there was much more coordination between departments. That worked particularly well; we did not have a silo effect in decision-making but, in effect, government decision-making was a collective approach. That was working well. I understand that is not happening with the current government. I strongly recommend that the government reinstitute that, because it really works well. We will go back to that same old adage of the departments just doing what they like. We reinstated the WAAAC—the Western Australian Aboriginal Advisory Council. That is a part of the statute but had been dormant for many years and we re-established it in 2009. In 2014, I held a summit and all the mobs, right throughout Western Australia, came. It was a great feeling of unity of purpose. By the time the election came, I still had not had recommendations from the WAAAC on that summit, and I would like to think that Hon Ben Wyatt will follow up on it. As I have said previously, I have great respect for Ben and I think he is a good man in that position.

Regarding what we could do for long-term outcomes, alluding to the motion, of course any education system should best prepare its students for life beyond compulsory education to ensure that they can move seamlessly into employment. Unfortunately, that has not been happening for generations for Aboriginal people. It just has not been happening. That is why, as training minister, I instituted the Training Together–Working Together program. We went all over the state, consulted with Aboriginal people and asked them what they wanted: what is the best way we can provide better outcomes for Aboriginal people? That Training Together–Working Together program was phenomenally successful from which we can see some tangible positive results. We established five Aboriginal workforce development centres, one each in Broome, Geraldton, Bunbury, Kalgoorlie and Murray Street. We have now seen tens of thousands of Aboriginal people go through those Aboriginal workforce

development centres. Those centres act as a conduit between Aboriginal people—not just those leaving school, but generically Aboriginal people—and employment, with mining companies, retail outlets and other employment facilities, and tertiary education. I would like to ensure that all Aboriginal people have that assistance on that pathway. They are provided with assistance and advice on their CVs and for job applications. They have been phenomenally successful and I am delighted that the current government is retaining them at this stage. I really hope that it continues in that field.

In addition, as Minister for Education, one of the things that came out of working with the universities in the Higher Education Council was a higher education plan. One of the pillars of that plan was better outcomes for Aboriginal people. If members look at that plan, they will see that the universities are now specifically generating opportunities for Aboriginal people. I talked and met with all the student bodies and also the alumni to develop mentoring programs to assist Aboriginal people. It is easy enough to open the doors for them to go to universities, but if they do not have those support mechanisms, often it is very, very difficult for them. When they come in from the lands or from the north, the midwest or the goldfields, in a lot of instances they just want to go home, so having those support mechanisms is important. That job of work has started and at this stage it has been very successful. I like to think that the minister will continue working with the universities in that field.

We have talked about the exit level. Of course, if we get the entrance level right, the exit level will take care of itself. That is why as a government we worked very, very hard to assist Aboriginal people and families to improve literacy and numeracy standards. We opened 37 Aboriginal kindergartens, spread throughout Western Australia, to provide early intervention literacy, numeracy, speech therapy and parenting workshops. As I said in my Address-in-Reply speech, I would like to think that they will ultimately become much more like child and parent centres, providing more of those wraparound services, because that is very important. We have to empower the families and make sure that they also are part of the child's education. Ultimately, I am convinced that if the KindiLink program and those Aboriginal kindergartens are retained, we are going to have a net benefit in the years ahead of improved literacy and numeracy standards, attendance at school and outcomes. Then when they get to secondary school, there will be motivation to stay at school and succeed and that, of course, provides great foundations for employment post-compulsory education. In addition, I introduced the Aboriginal Cultural Standards Framework within the Department of Education. As I mentioned, a line has been drawn in the sand in our schools nowadays to ensure that Aboriginal culture is inculcated within the curriculum throughout Western Australia. We were the first state to do it. We did it, and I am very pleased with that.

Another big area of reform that is important to me has occurred in the Aboriginal Regional Services Reform Unit. Its work is based upon the appalling quality of life in a lot of remote communities. This is a sensitive issue, as members would be aware, and I was really offended when the Minister for Regional Development made false accusations about me in this area. I will continue to follow that up and if by the end of today things have not worked out quite how I want them to, I will follow up the matter after the recess. Suffice it to say, the regional services reform unit is working very well. I spent almost three years working with my colleagues Terry Redman, Helen Morton and Kim Hames to make sure that we consulted with Aboriginal people in those communities so that they could be a part of the solution. Service delivery within that unit is very much targeted to empower Aboriginal people to make decisions so that it is not the white fella coming in and imposing decisions on those communities; they are part of the decision-making. That is why that reform unit is so vitally important. That is very, very important to me and that is why I took the minister's comments personally.

Unfortunately, we have a limited time to speak, but I want to talk about the Kimberley Schools Project. That is one area of the reform unit that I launched about eight months ago. That is going to be terrific. Twenty-two schools have decided to opt in and be part of a very targeted education program on attendance, literacy and numeracy, and empowering families to ensure positive outcomes in those communities. But the important point is that we are not going in and telling those communities what is good for them from an educational perspective; communities are going to be part of the decision-making process. I am absolutely convinced that program will expand across the Kimberley and the Pilbara and as a direct result the quality of life in those communities will be enhanced and improved. The current situation cannot continue whereby dozens of Aboriginal children have taken their lives.

A number of other matters I would like to draw attention to are youth services reform, the Aboriginal business directorate and a number of other services. Suffice it to say, we were proactive and always consulted with Aboriginal people, because we wanted to ensure that the ultimate outcomes for Aboriginal people either mirror or are better than the outcomes for their non-Aboriginal counterparts.

**HON ROBIN CHAPPLE (Mining and Pastoral)** [10.52 am]: I would like to thank Hon Colin Tincknell for moving this motion because it discusses issues and presents ways forward rather than makes observations about other political parties.

I take on board the very important point that Hon Colin Tincknell made at the outset, that in many cases we are dealing with up to 95 Aboriginal nations in Western Australia with different cultural directions, pursuits and

outcome drivers. We also have to remember that that can be broken down into three subsets: urban Aboriginal people, rural Aboriginal people and remote Aboriginal people. I go to the Tjuntjuntjara community, but nobody there speaks English. Luckily, I speak Yindjibarndi and they speak pidgin Jarra and we have a bit of a conversation. We have to get away from the idea that Aboriginal people are one people; they are not. Even in Roebourne there is a great difference between the Ngarluma, Yindjibarndi, Mardudhunera and the Wong-Goo-tt-oo. We should be starting from the premise of catering for individual Aboriginal nations rather than Aboriginal people. A report into the effectiveness of supplying services into one community found that 100 services were going into that community. One of those services was teaching people how to knit and another was teaching people how to use a washing machine. Does any member know anyone who knits these days? As for having washing machines in that community, it was not likely. Also at the cost of several thousand dollars a website was to be set up but it ended up being only a Facebook page; it did nothing else.

We have to be mindful about services that we put into Aboriginal communities. The one-size-fits-all approach is out. We really need to focus on two major issues—glue ear and the foetal alcohol spectrum disorder—if we want to increase educational levels and address the issue of incarceration. For those members who are not aware, glue ear is a problem for many children in those communities because when they go to school they cannot hear and they become disruptive in the class and are not engaged. Therefore, a peer process results and it all falls down. We need good health inputs into these communities. Members have already heard about a community nurse who has been trying to do her best to cope with all the issues in one community. She works 24 hours a day—there is no backup or support—and because of a lack of services she has to run a power cable from the nursing quarters to her home so that she can get her fridge in her home to work. They are the sorts of conditions facing people who are put out there to help those communities.

I have listened to every member so far and the majority of what they have said is right on the money. We need to go back to community development employment programs. They were one of the best programs and helped people by providing education, jobs and income streams, and they lifted the cleanliness and the betterment of Aboriginal communities. The moment they were taken away, many communities literally started to fall apart. I was very pleased to hear the Minister for Regional Development talk about contracts. In 2002 and 2003, when we had the good old Homeswest contractors in Derby, Aboriginal-run businesses were contracted to maintain government housing. They were allowed a 10 per cent increase to assist in their ability to tender. In my hometown of Derby, after going to competitive tendering quite a few years ago, and because regional employment dropped off, those houses are now being maintained out of South Australia and many of the young men who had jobs, a future, a pathway forward and respect in the community are now sitting on the pavement. We have to look at big-picture economics, not just the microeconomics, because big-picture economics recognises the implications of bad health outcomes, social disadvantage, criminality, and how they are rolled into one package.

It is also rather interesting that we, as a bunch of wetjalas, are having a debate about Aboriginal people in here. It would be rather good if we could have a three or four-day forum in this place, with Aboriginal leaders on one side of this place, telling us what they want, not us telling them what we want to give them.

I turn to some of the many reports over the last 20 years written by eminent legal people who have articulated what Aboriginal people want. I turn to the “Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice” of May 2001, which articulated many of the things Hon Colin Tincknell and Hon Sue Ellery have outlined. We can also go back to the “Hear Our Voices: Community Consultations for the Development of an Empowerment, Healing and Leadership Program for Aboriginal people living in the Kimberley, Western Australia: Final Research Report” of March 2012. “Hear Our Voices” is a report on Aboriginal people asking, “Listen to us; we have a way forward; we know the answers.” But no; consistently, we, as white fellas, say, “We are in government, we are in power, we are here and we are saying we know what is best for you.” We have got to get away from that. I might sound a little more passionate than I usually do, but this is an area I have worked in. I worked for Gough Whitlam in the outstation movement in the 1970s, which put people back on country. Understanding the cultural connections, the strength of culture, where that comes from and how that can be used to drive advancement in communities is something that we have to acknowledge. It is all well and good to sit here in these lovely red chairs and make observations, but we need to get out there, sit on the ground in a community for a couple of months and listen to what the community wants.

I remember an incident when a minister came to community and said, “I want to give you this, I want to give you this and I want to give you this.” The community said, “Yes; lovely. Great.” The minister did not ask what they wanted so they got a bunch of houses in the wrong place, which sat there for about 20 years and were demolished two years ago. Nobody ever lived in them. It is about listening. This idea of having a conversation or consultation has to be about listening to what Indigenous people aspire to and what they understand that individual nation and that individual community can provide for the betterment of their community. Top down does not work. Every single report, including the mental health report of March 2013, the “Elders’ Report into

Preventing Indigenous Self-Harm & Youth Suicide” of 2014 and the “Close the Gap—Progress and priorities report 2014” have all indicated time and again that we need to listen to people. Engagement is about listening. Consultation usually involves walking in and saying, “I’ve got a great idea. What do you think about it?” That does not work because in the end, Aboriginal people are very, very respectful of us. They see us as their leaders. They will acquiesce to whatever we put forward. Quite often we say, “Oh, isn’t it great?” because we put forward an idea and everybody said yes. But they are being polite because that is the very nature of Aboriginal people—to be polite and to listen.

It is a great motion. I have tried to encapsulate a lot of my thoughts in a very small amount of time. I would dearly love to see this chamber talk to the Bunuba people from the Kimberley. There is even a difference between the people from the West Kimberley and those from the East Kimberley.

**HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the National Party)** [11.02 am]: I thank Hon Colin Tincknell for bringing the motion to the house today. It is exceptionally important and timely as the government prepares to deliver its budget and looks at what areas of Indigenous affairs it seeks to support. I know that the government will support areas of Indigenous affairs and I congratulate it for that. In listening to the minister speak on this issue today, I know that it is an important area of investment for all of us in this house. Sometimes the way we approach policy development and how we like to see outcomes delivered and the way we do it tend to be a little different. It is good to have this debate because it brings to light different ways of approaching the issue and certainly different ideas on how we can engage with Aboriginal people to move forward.

Maybe it was me, but I heard a couple of mixed messages in what Hon Colin Tincknell said about how we should move forward to support Aboriginal people. One of the common themes of the speeches made by members in the house today is that this matter is about discussion and consultation. Sometimes it can take a frustrating amount of time to achieve that, but in Aboriginal affairs it is exceptionally important to gain the trust of Aboriginal people, understand their issues internally and understand how they work with ideas so we can move forward while also working with their culture. Unfortunately, sometimes those things can be deemed talkfests, which the member referred to today. That can frustrate the issue. But it is fundamentally important in how we move forward to ensure that the program that we are seeking to introduce to try to improve outcomes for Aboriginal people is driven and owned by Aboriginal people.

I concede that some of the conversation that the member mentioned around sitting fees and things like that is a separate issue from what we are talking about today, but it is something that comes up. I am sure that the Minister for Aboriginal Affairs, in his comments to the member questioning whether we need a Minister for Aboriginal Affairs, would have been saying that in questioning where Indigenous affairs are going in the state. I am sure that he knows more than anybody that we need a department for Indigenous affairs and we need a Minister for Aboriginal Affairs because, after all, Aboriginal people are the First Australians. I hope they play a role in any level of government moving forward and how we represent the interests of First Australians.

The key—I think all members have talked about this—is community leadership and Aboriginal leadership. Many programs have gone into this space. In my limited time, I want to talk about a couple that I have been exceptionally pleased to be involved in, being in government previously, although not as a minister. I have not had the privilege of having that title but I have certainly worked with my colleagues in trying to find a solution and consulted with Aboriginal people I know in my electorate. I want to highlight some of those programs that have predominantly been funded by royalties for regions. I am pleased that the minister is listening to the debate. I know that she will consider where these programs go in the budget.

The Mowanjum irrigation trial that is currently underway is a Water for Food initiative in the Kimberley. It is a partnership between Aboriginal people and the state government that seeks to deliver a project on the ground to develop opportunities to gain training and employment where people live. I fundamentally believe that education and training and employment can provide a change in the direction in which we are heading at the moment in Aboriginal affairs. Mowanjum is a well-known, well-renowned and often talked about project. I have spoken about it many times in this house. All programs in this area have achieved really fantastic outcomes. There is no doubt that there is still work to do. We have a long way to go. It is multigenerational; it is not something that we can turn around in one generation.

The Ord–East Kimberley expansion project received an enormous amount of funding from royalties for regions—some \$333 million. This national project has really turned the Ord around and is something that we are all very proud of. Part of that expansion included the Knox Plain Aboriginal development package agreement between Kimberley Agricultural Investment and the Miriuwung Gajerrong Aboriginal Corporation. It is a fantastic program. A fundamental principle of that agreement is the jobs and opportunities for local Aboriginal people. The Ord expansion has already delivered more than 200 direct jobs for Aboriginal people, about 100 jobs outside the Ord project, almost 300 nationally accredited training certifications and support for 14 Aboriginal-owned businesses. It is early days and there are early starting points, but it is a change in the direction of what we are doing in the Kimberley.

The Aboriginal justice program has received funding from royalties for regions for the enhanced driver training program in Roebourne, Lombadina, Kalgoorlie, Broome, Derby and Kununurra in particular. The program aims to overcome difficulties associated with obtaining a driver's licence in remote and regional communities and to stop that circle that Aboriginal people find themselves in when they are charged for driving without a licence and then go to jail for not paying the fine. We are not teaching anybody anything; the program was instigated to try to put a stop to that and enable people to get their driver's licence so they can get a job. That has been quite successful. The Clontarf Foundation has been a very successful and major foundation. Royalties for regions money has been spent on improving water quality in remote Aboriginal communities. Remote Aboriginal health clinics have been exceptionally welcomed by the community. The previous state government provided services, particularly through royalties for regions, to try to enhance the lives of Aboriginal people and provide opportunities for jobs, education and training. I fundamentally believe that is the way to change direction of opportunity.

I want to touch on the Aboriginal Regional Services Reform Unit because as does my colleague, Hon Peter Collier, I believe it is a very important program for remote communities in WA. It was never about the closure of Aboriginal communities; it was brought together as a unit purely to ensure that we worked together as a state government—I hope the current state government will continue to invest in this area—so that we can work directly and in consultation with Aboriginal people about what they want to see changed, what opportunities they want to develop and what educational opportunities they want to see their children take advantage of. Much is happening in the regional services reform unit but it is early days. When traveling with my colleague Hon Terry Redman, the Minister for Regional Development at the time, we took a real grassroots approach to how we engaged with Aboriginal leaders and communities. I have to say that in all my time dealing with Aboriginal people, this has been an area in which Aboriginal people and their families do not want to see the status quo continue. They want to be the drivers of change. The embracing I saw of the Regional Services Reform Unit by community leaders throughout the Mining and Pastoral Region was astounding. I hope that the belief Aboriginal people have in that unit continues to be supported by the current state government along with the aspirations Aboriginal people are trying to achieve in working with government, because they need government to do that on their behalf.

**HON KYLE McGINN (Mining and Pastoral)** [11.12 am]: I thank Hon Colin Tincknell for bringing this motion to the chamber. I want to touch on a few areas from my experience as a young person. I have come from the Northern Territory, which has experienced the same sorts of issues that seem to be happening here in Western Australia. In the Northern Territory we worked very closely with the Larrakia and Gurindji. I am very interested in the history of that area and the involvement of the Maritime Union of Australia, which I was with and which was involved in the Wave Hill walk-off, and how people got behind the community and supported the Indigenous people. When I came to the Pilbara region of Western Australia, I was saddened to see the issues we were seeing in the Northern Territory replicated in the north west region. As a young person, throughout my schooling, I saw no education on Indigenous culture. We had to learn about it ourselves from experiences and from Indigenous friends whom I grew up with.

It was disheartening to see how a lot of the friends I grew up with in the Northern Territory were treated differently when they were trying to get work. One of the main issues I do not think state or federal governments have understood is the need to focus on ensuring that when they get a job, they are supported the whole way through it. One of the great initiatives in Western Australia came about during the boom times at the Australian Marine Complex in Henderson. Eighty-three Indigenous men and women were employed, which was 20 per cent of the workforce. Support programs were put in place to ensure they were supported throughout. At the time, it was a high-wage industry. It was disheartening at the start to hear from people involved that an employer commented that Aboriginal and Torres Strait Islander people should be put on trainee wages because they would not be used to the high wages and that could have a negative effect. It is shameful to think that the first step of the proposal was to reduce their wages rather than put in place counselling and financial counselling services. Those services should be delivered by elders within their culture and government should assist that. That their wages should be reduced should not be the first thing an employer says. That is an insult when we are attempting to get them into the workforce. As I said, the AMC was very successful in employing Indigenous workers, who made up 20 per cent of its workforce.

As a seafarer with seven years at sea, I ran into one Indigenous seafarer in seven years. That too is a real shame. That industry was vibrant when I was working in it but there did not seem to be programs aimed at getting Indigenous seafarers to sea. Through negotiations, the Kimberley Ports Authority took on board the need to increase Indigenous employment. People in the workplace at the port authority took a stand to make sure conditions were in their enterprise agreement to increase Indigenous employment because a lot of Indigenous people were out of work. This is the sort of key industry that should be driving Indigenous employment, supported by government and the local community. When I was working in the Pilbara region as a union official, there were fewer Indigenous wharfies than I can count on my hand. Three years ago there were well over 250 stevedores working between Port Hedland and Exmouth. In that time, I ran into fewer than five Indigenous

employees. It was hard trying to get engagement. Hon Jacqui Boydell mentioned the Clontarf Foundation. It struck me that Clontarf offers great programs that help people to become disciplined and organised, but what happens after that? Industries in the Pilbara are major industries. Why are we not harnessing opportunities for people ready to take the next step into the workforce? We should be grabbing them and companies should be saying, “Okay, if you’ve missed out on the sporting side, we can offer apprenticeships and training.” We should get them in the early stages, before they get into job lines and find themselves struggling. We need to capitalise on programs that are doing well and then move them onto other programs. It seems that once a program plays out, there is no transition to the next step. That seems to me to be where we are failing the most.

I want to also mention East Kalgoorlie Primary School, which I have had the pleasure of visiting twice in the last month. The teaching there, the way the programs are being run and the respect at that school is phenomenal. Judith King, the principal, and Bernadette Delaney, the deputy principal, are doing a phenomenal job. They work tirelessly on ensuring that the kids’ needs are met, and they go above and beyond. They pick up kids in the morning and take them to sports training and to games. They try hard to adapt to the challenges the kids have when they come to school. Hon Robin Chapple referred to Indigenous kids with ear infections. They are disadvantaged in a lot of ways when they get to school. East Kalgoorlie Primary School goes that step further and homes in on those disadvantages and ensures that the kids feel as though they are part of their fellow student groups. I am really happy to say that they drive many things such as healthy eating. I think sport is another really important part of it. These teachers are not being recognised. A lot of the work they do is volunteer work and they do it after hours, day in and day out. They are not after someone saying that they are doing a great job; they are after change and they want to see change.

I am looking forward to getting out in my region. I feel that the Mining and Pastoral Region faces many issues, particularly in the Indigenous sector. I am looking forward to seeing what programs are in place and how we can improve on them. I thank the honourable member for moving this motion.

**HON CHARLES SMITH (East Metropolitan)** [11.19 am]: I want to congratulate my colleague Hon Colin Tincknell for raising this issue and, particularly, Pauline Hanson’s One Nation for raising this issue. I hope that we three One Nation members are slowly changing perceptions about who we are and what the WA One Nation Party stands for.

I want to briefly raise a few issues and discuss Aboriginal incarceration in not only Western Australia but also the whole country. As everyone is doubtlessly aware, there is an overwhelming disparity between Aboriginal and non-Aboriginal people in custody, and this should be of significant concern to members in this house. The disparity in incarceration rates really comes down overwhelmingly to two things: violence and reoffending. More than 50 per cent of Aboriginal prisoners are imprisoned for violent offences—that means assault, murder, sexual assault and robbery. According to recent data I have been examining, Aboriginal people make up just three per cent of the population but they make up 43 per cent of those imprisoned for assaults, and 18 per cent of those are imprisoned for murder and sexual assault.

Aboriginal people are also disproportionately victims of murder and assault offences. Family violence has a huge part to play in these offences. From personal first-hand experience, I can relate to the house that 99 per cent of police work in the bush is dealing with Aboriginal domestic violence. More often than not, both parties will be highly intoxicated, with a woman being the victim of an assault of some nature. However, women frequently do not wish to make a complaint to the police or provide a statement. This is just another issue we have in the bush with bringing Aboriginal men to account for domestic violence issues.

Recent data from the Australian Institute of Criminology’s national homicide monitoring program between 1989 and 2012 found that 67 per cent of the Aboriginal murders were classified as domestic violence murders, compared with 26 per cent of non-Aboriginal homicides. The report also found that 70 per cent of Aboriginal murders involved alcohol, compared with only 22 per cent for non-Aboriginal murders, despite drinking rates among Aboriginal Australians being overall no greater than those for non-Aboriginal people; in fact, a higher proportion of Aboriginal people are non-drinkers compared with non-Aboriginal people. The report also found those who do drink are more likely to drink harmful amounts. Family and community violence thrives in socioeconomic disadvantage and its bedfellows—social dysfunction, alcohol abuse, unemployment and sit-down money.

Another major factor in disproportionate Aboriginal imprisonment rates is reoffending. Of the 2015 prison population, 77 per cent of Aboriginal prisoners had a prior sentence, compared with 50 per cent for non-Aboriginal prisoners. Believe it or not, members, there are known factors to indicate whether reoffending is likely. One important factor is having accommodation available to offenders post-release; one would think that would be pretty simple to solve. The report shows that reoffending is likely if accommodation is not secured within 48 hours of release. Another important factor is getting drug, alcohol and mental health issues under control, and the offender not reconnecting with the same networks of associates post-release. Changing one’s network can be very, very difficult if one comes from a small community or close kinship group, but that issue has to be addressed.

Comprehensive and targeted rehabilitation is the only way to tackle reoffending. It needs to start as soon as a person walks into the gates of detention. If rehabilitation programs start only after conviction, some offenders may never receive assistance. In my experience, many offenders never receive any assistance or access to programs, even in detention. Rehabilitation should include helping secure a job. The best programs work with willing employers, and enable the employer and the offender to get to know each other before release. There are some great programs out there, some of which Hon Colin Tincknell has already referred to.

Finally, governments and commentators must move past the narrative that Aboriginal offenders are victims of racism, colonisation and intergenerational trauma, and that they deserve pity rather than the consequences of their actions. Mr Warren Mundine AC states that it does not help those offenders and it certainly does not produce good policy. We will never get anywhere unless we respect Aboriginal people, recognise their difference, and let them take control of their lives. Targets for closing the gap between Aboriginal and non-Aboriginal incarceration rates miss the point entirely. Incarceration rates are a symptom of the more fundamental problems that I alluded to earlier. I strongly urge the government to focus on these issues, and imprisonment rates will start to drop.

Motion lapsed, pursuant to standing orders.

### **MISUSE OF DRUGS AMENDMENT (METHYLAMPHETAMINE OFFENCES) BILL 2017**

#### *Second Reading*

Resumed from 22 June.

**HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition)** [11.27 am]: I rise as the lead speaker for the opposition on the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017. The opposition will support the bill. It is allegedly a component of what was described during the election campaign by the now Minister for Police as the government's "overarching methamphetamine action plan". Plainly, the government has a mandate to do what, in broad terms, this bill plans to do, and the idea of increasing the maximum sentence available under the Misuse of Drugs Act for those who traffic in methamphetamine is in accordance with the Liberal Party's policy in the lead-up to the last election, so the opposition will support the bill.

Having said that, I have some observations to make on something the government also committed to that it is not doing, and I have a number of questions on the operation of the bill, which I suspect will need to be explored, in due course, when the chamber convenes as the Committee of the Whole. Although of some length, the purpose of the bill can be shortly stated. It is to increase the maximum penalties for offences of so-called "meth trafficking" from 25 years' imprisonment to life imprisonment, and to increase the current maximum fine under the Misuse of Drugs Act for those types of offences—indeed, for drug offences involving trafficking generally, and by that I also include possession with intent to sell or supply and the manufacture of drugs—from \$100 000 to an unlimited fine in the case of meth offences. The intention to do this was announced by the then opposition as its get-tough-on-crime policy before the last election. The Labor Party falsely claimed that the former government had done nothing for eight years to address the problem of methylamphetamine use in the Western Australian community. Of course, that is the usual exaggeration—if not downright lie—that one expects during the course of election campaigns and politicking but it is the sort of thing we have come to expect from the Labor Party, especially when it is in campaign mode.

The former government introduced specific offences, for example, that deal with clandestine drug laboratories, among other measures, and certain presumptions as to penalties for those who manufacture drugs, particularly when they would endanger others through their activities, such as children. The Labor Party expressed reservations at the time regarding anything that even had a hint of mandating or requiring threshold sentences for those sorts of offences. But I leave that aside. The commitment from the Liberal Party to further address the meth problem involved several elements, including greater penalties for those guilty of trafficking in the drug. I will come to those in a moment.

The second reading speech delivered by Hon Stephen Dawson representing the Minister for Police—whose bill this is—makes some large claims. It states in part —

The community quite rightly expects tough action against methamphetamine dealers and traffickers.

I digress to point out that a trafficker is a person who deals in or trades in something illegal, so I would have thought that a dealer and a trafficker amount to the same person. Perhaps that can be explained in due course.

The second reading speech also states that the legislation implements Labor's commitment "to reduce the supply of methamphetamine by increasing penalties for drug traffickers" and that the penalties "will be some of the toughest in the country". In that regard, it proposes that a drug dealer caught with 28 grams or more of methylamphetamine will now be subject to a maximum penalty of life imprisonment—an increase on the current maximum penalty of 25 years' imprisonment—and that unlimited financial penalties can be imposed on methylamphetamine traffickers. The penalty for conspiring to commit a methylamphetamine trafficking offence will also increase from a fine of up to \$75 000 or imprisonment for up to 20 years, or both, to a maximum of life

imprisonment. Penalties for conspiring to commit an offence involving a non-trafficable amount of methylamphetamine will be increased to a fine of up to \$100 000 or imprisonment for a term of up to 25 years, or both. Attempts to commit a methylamphetamine trafficking offence will be subject to the same maximum penalty as an incitement to commit methylamphetamine trafficking offences—14 years.

There is also a proposed consequential amendment to change the jurisdiction of the District Court of Western Australia. The second reading speech claims that this is necessary “to ensure the new proposed increased penalty framework operates effectively”. I would like that explained to me in due course. It seems to have nothing to do with the effective operation of the penalty regime. What it seems to deal with is not suddenly imposing an enormous amount of additional work on the Supreme Court. By way of explanation in that regard—it is touched on in the explanatory memorandum—the District Court of Western Australia has, under its founding legislation, jurisdiction over all indictable offences save those punishable by life imprisonment. It deals with these sorts of drug offences now as a matter of routine. However, to increase the penalty to life imprisonment it will, all other things being equal, result in the jurisdiction to try or to sentence these cases residing in the Supreme Court. That will result in an enormous new workload. Trafficking offences and drug offences generally may, as often as not, also involve other peripheral offences. They may involve, especially in the case of methylamphetamine, not only possession but also possession with intent and other consequential offences that have resulted from the use of that drug, such as assaults and the like, and it would mean that the Supreme Court would be burdened with an enormous amount of work that ought to routinely be dealt with by the District Court or a lesser jurisdiction. The government proposes, by this bill, to amend the jurisdiction of the District Court so that it can retain the jurisdiction over these sorts of cases. It is a convenient solution to the problem but it does tend to raise the question of the perception of the seriousness of the offences concerned.

Currently, the Supreme Court deals with the most serious offences in the criminal calendar—a very limited number of those. They include homicides, but also manslaughters, as a result of amendments that the former government introduced, I think in its first term, in order to take that level of homicide back to where it originally was, which was in the Supreme Court, and carrying a life penalty. That indicated the seriousness with which an unlawful killing, even one without intent to kill or do grievous bodily harm, is regarded by the community. The Supreme Court’s jurisdiction also includes armed robberies and arsons. Penalties for arson and manslaughter were increased to life imprisonment to reflect the seriousness with which those offences were viewed by the former government and to reflect community concern about their gravity. Arsons involve harm to property by way of fire, but fire is a very volatile means of causing damage and endangers life as a matter of routine. The purpose was to elevate the status of that offence and the gravity with which it was perceived by the community and by offenders. However, these offences, albeit carrying life imprisonment, will not be dealt with by the Supreme Court. Having said that, there is, or was, an offence under section 233B of the commonwealth Customs Act 1901—it may have changed over the last several years—that involved the importation of drugs, and also carried life imprisonment. That was being dealt with by the Supreme Court. Not many of those cases arose, but those that did were being dealt with by the highest court in this state. These offences in the bill will not be.

The second reading speech claims —

This bill sends a strong message to drug dealers and traffickers: they will feel the full force of the law. If they traffic methamphetamine in Western Australia, they will now face the prospect of a life sentence.

I emphasise “full force of the law” and “the prospect”. The minister will no doubt be able to explain what is meant by “the full force of the law”. Do they not face the full force of the law as it is presently framed? What will change to make them face the full force of the law should these amendments be passed? Is it simply rhetoric or will it make a difference? If it does make a difference, I am keen to learn what that difference might be.

The “prospect” of life imprisonment and what that means in practical terms is more interesting. I will ask the minister about that to determine what substance there is to that proposal. I stress that it is a “prospect”. These offenders are regarded at the moment as being the most serious offenders because, as has been phrased, they trade in misery, chaos and the like, and I will come to a bit of that. They face the prospect of 25 years’ imprisonment, but it is “a prospect”; it does not happen. A major question about this bill is that if these amendments are passed, what substance is there to the rhetoric that offenders will face the prospect of life imprisonment? Is it any more realistic, and what evidence supports the proposal that any significantly greater penalty will be imposed on offenders than is being imposed on those who are sentenced at the moment? Nevertheless, this reflects the sort of stuff in the media release that supported this bill when its introduction was announced on 16 May. On that occasion, the Premier bravely said, and I quote —

The community expects meth traffickers to be locked up for a long time.

By increasing the penalty for meth traffickers to life imprisonment, we are acting to significantly reduce the supply of meth in WA.

I accept the first part of that statement about the community's expectation. A lot has been said about how Western Australia has the worst record in the country for methylamphetamine use and abuse. It has been said that Perth is the meth capital of the world, or at least of Australia. Some figures came out relatively recently that suggest the police felt that they were making some inroads into that problem but, nevertheless, there is legitimate community concern that has been made apparent over the last several years, particularly by the then opposition regarding the subject. I accept the proposition that the community expects meth traffickers will be locked up for a long time, whatever that might mean. The minister will, no doubt, be able to inform us of the tariffs, thresholds and mean and median sentences that are currently imposed for the various categories of offences so we can judge what the government expects this bill to achieve once the amendments are passed. We accept that the community expects meth traffickers to be locked up for a long time but I have a question about what evidence supports the proposition that simply increasing the penalty to life imprisonment will "significantly reduce the supply of meth in WA" while 25 years' imprisonment has not.

At the media event, the Minister for Police chimed in that this proposal was part of the "overarching Methamphetamine Action Plan." We have not seen any of that yet, but we will give the government the benefit of the doubt for the moment because it has been in office for only three months and it has to deal with an enormous number of issues. I have no doubt the government has prioritised the importance of the various commitments it has made in the past; I will come to some of them in a moment that are relevant to this bill. We will wait and see. At the media event, the Attorney General then said, I quote —

"Today we are attacking supply by introducing the harshest regime of penalties in Australia.

"We are cracking down on the evil people who spread misery and chaos in our community.

"The object here is to —

I stress this —

substantially lift the penalties that apply to drug traffickers dealing in meth.

"This is the strongest message that we can send to the judiciary that the community expects an uplifting of the penalties to the wholesalers of this drug and I am absolutely confident that they will respond."

It is tough talk indeed. But I would like to know why it was said that this is the strongest message. It may be the most reasonable approach and we could be persuaded of that. It may be that nothing else is possible within the framework of the law. But I suggest that it is hardly the strongest message that can be sent to the judiciary. Implicit in that statement is an acknowledgement or, at the very least, an assertion that the sentences that are being imposed at the moment for these sorts of crimes are so inadequate as to require legislative intervention. I am prepared to accept that they do not meet community expectations but, again, is this the strongest message that can be sent to the judiciary to lift its game for these offences?

Sadly, I fear that that is exaggerated because, from the position of the opposition and its pre-election policies and undertakings, this bill is pretty lame stuff. I will come to the detail of that in a moment. A first-year law student, having studied criminal law, would be able to point out that increasing the maximum penalties for offences does not necessarily lead to an increased sentencing tariff for offences, or increased sentences. As I have mentioned, the penalty for armed robbery in company is life imprisonment. I have yet to see any offender, even a recidivist—there may have been one instance but I do not recall it—receive life imprisonment for armed robbery in company. To my recollection, no-one has ever received anything like that. In fact, as I recall, the tariff for a simple run-of-the-mill armed robbery about 10 years ago was in the range of four to six years' imprisonment—so much for life imprisonment. The penalty for aggravated burglary of a home, if armed, is 20 years' imprisonment—something I would have thought, and I have argued on occasions, is akin to an armed robbery. That is someone going into a person's home without their consent, perhaps in company, perhaps threatening them with a weapon, and perhaps even assaulting them and harming them. They may be charged and sentenced for the assault and the like but there is no way they would ever receive anywhere near 20 years' imprisonment.

Increased penalties can make a difference if the sentencing range is inadequate. If, for example, an offence is punishable by 10 years' imprisonment and it is thought that that gives the courts an inadequate sentencing range, if we want to significantly increase the tariff by signalling that the Parliament regards the offence far more seriously than the then penalty might indicate, we can double it to, say, 20 years, as was done at the end of last year with the so-called one-punch homicide law. Under section 281 of the Criminal Code, I think, for homicide or unintended homicide—let us say accidental homicide—we would expect that doubling that tariff from 10 to 20 years' imprisonment would make a difference to the sentencing practices of the courts. That is an unusual sort of an offence because it can cover a whole range of possibilities, but at its most serious may warrant something more than 10 years' imprisonment. However, increasing a sentence from 25 years to life is hardly likely to do that. I may be wrong, and I look forward to the minister providing sentencing tariffs for the various categories of drug offences that will be affected by this and the sentencing practices generally for these so that we may be able

to judge whether it is likely to make any material difference and how that is going to be determined. I am not for a moment convinced that there will be any significant difference in sentences or the tariffs; there may well be some, but nowhere near what the Premier recognises is “the community expectation”.

Ordinarily this might not matter much, but the puffery increases the public’s expectations that this is somehow a crackdown and it is the strongest message we can send to the judiciary, which is simply a fraud on the public; it is patently not. Of course, more can be done, and that brings me to what was promised to the public and which this bill deliberately falls short of doing. That requires some context against what was proposed by the Liberal Party in the lead-up to the last election, some of which was adopted, as the public understood, by the then Labor opposition and the then Leader of the Opposition, the now Premier. It will be recalled that the ALP announced this particular initiative to try to convince people that it was serious about crime in the community, the sort of crime that unfortunately is high volume, insidious and might be encountered by the man or woman in the street through misadventure while minding their own business. They might come across someone affected by methylamphetamine, with their violent and unpredictable behaviour. We have had some horror stories over the last several years of parents harming their children or people harming innocent bystanders. Unfortunately, it is the sort of offence that anyone minding their own business might come across.

The Labor Party had no substantive law and order policy at the 2013 election. As I recall, there was something about setting up a sentencing council and a complaint system against judicial officers, and I think that was it. The Labor Party knew it needed to find something to show that it was not a friend of crime and so there was a “no body, no parole” idea, which is a winner as far as it went. I do not want to downplay the importance of that sort of thing for secondary victims of people killed, but fortunately it is not the sort of consideration that most people in the street are likely to encounter in the course of their lives, whereas, on the other hand, meth dealing and the consequences of meth abuse are. To address the daily concerns of citizens faced with the potential of violent meth addicts, we had this trotted out: life imprisonment for meth traffickers, or should I say the prospect of life imprisonment without the slightest guarantee or likelihood of it. The Liberal Party came out with a more considered policy addressing not only the subject of punishment and deterrence, but also rehabilitation and assistance—addressing the supply and demand. I accept entirely that people will disagree with elements of this as a matter of profound philosophy, and I refer to the Greens. I understand that the Greens do not like the idea of mandatory sentencing, and I accept that, and there are others. But it was part of a package to try to deal with the issue to reflect community concern and to address what were said to be desperate circumstances—a serious problem. We did that by announcing a comprehensive \$190 million package not only to take meth off the streets but also help addicts reclaim their lives. I stress “take it off the streets” to try to get those who deal to understand the certainty that they will not have their liberty for a time. One of the greatest deterrents is certainty of not only being caught for committing an offence, but also the consequences of being caught, and there have been a number of studies over the years on that. Certainty in the criminal justice system is in itself a powerful disincentive to breaking the law.

I will deal first with the idea of how addicts and those who have fallen prey to methylamphetamine abuse were to be assisted. We promised to legislate to provide for compulsory rehabilitation for meth and other drug abusers because there are other insidious drugs in the community and they should not be forgotten. It is all very well to focus on methylamphetamine, and yes that is the drug of the moment, but there are others that have been serious in the past and of great concern, and there will no doubt be others in the future. Cannabis now is a far more potent drug because of its synthetic production than it was in the past. It tended to be regarded, even by the courts, over time as a relatively benign drug, but we have found the potency of the drug over the last 20-odd years is increasing, and its deleterious effects have become increasingly apparent—the triggering of psychoses, the deadening of emotions and intellectual function and the like—and it remains in the system for a long time. When I first started prosecuting back in the 1980s, heroin was the major concern, not so much due to its effect on the user as the cravings that it built up and the offences that were a result of that—spikes in armed robberies, thefts and burglaries to obtain funds to obtain the drug. Cocaine became the drug of fashion sometime after that and now we have methylamphetamine. I have little doubt that once it goes out of fashion, as I suspect it will at some stage, some more harmful drug that will cause greater concern—perish the thought—will be found and used. We need to cover those possibilities in the future. In any event, we were to legislate to provide for compulsory rehabilitation for meth and other drug users, backed by funding of some \$39 million, both capital and recurrent, over four years to establish an appropriate facility and support services. We committed \$20 million—both capital and recurrent expenditure—over four years for a meth and other drug rehabilitation infrastructure and support fund to increase by 85 the number of residential rehabilitation beds across the state. They were to include five in the midwest, 10 in the goldfields, 20 in the south west, 10 in the great southern region, 10 in the north west and 30 metropolitan beds. It would something like double the number of beds across the state, although I do not recall precisely. I readily agree that possibly more would be required but at least it was a start.

We committed to legislating to create meth intervention orders for low-level first-time offenders to help them get off drugs and avoid reoffending. Our drug courts have been particularly successful, and we expanded the operation of those in the last term of government. The idea was that an individual who successfully completed

the order would not receive a conviction, hence not affecting their employment prospects and leaving them to get on with their lives if they reformed. I stress another element of all this. I do not want to digress from the point too much but it is important to understand some of these elements of the drug problem and the limits of what the courts can do about it and what the justice system can do about it. People have to want to get off the drug. We might compulsorily send them off to rehabilitation but they may choose to go back to it. There is only so much that providing the resources and the opportunities will achieve. Sometimes we have to use the stick as well as the carrot. The meth intervention orders that we were contemplating were to be based on our successful cannabis intervention requirement scheme in which some 78 per cent of people successfully completed the scheme.

We committed to introducing the ability for the courts to issue community corrections orders for low-level second-time offenders to require them to complete intensive rehabilitation as part of their order. We committed to an additional \$3 million to continue to provide specialist drug and alcohol nurses at hospital emergency departments over four years. We committed to continue to provide, at a cost of \$1 million over four years, the new Next Step programs—a specialist meth clinic in East Perth, which provides rapid assessment, early intervention and treatment. Consideration was also to be given to extending clinics to other locations. We committed to providing an additional \$2 million over four years to enable meth addicts to receive access to home-based withdrawal services, including necessary clinical support. We committed \$900 000 to continue the meth helpline over the next four years.

We committed to introducing a trial mentoring and peer support fund, investing \$1 million over four years for non-clinical support for addicts, families and significant others in the lives of addicts, at times of crisis. We committed to providing \$24 million over four years for additional drug treatment programs in prison to ensure that every addict would receive treatment before being released. I should add that the funding was not simply to go into government agencies; funding was to be provided to non-government organisations to deliver programs in prison and for follow-up support services after release. The funding was to be subject to a tender process and contracts were to incorporate incentivised payments for providers if prisoners remain drug free for two years after parole because we as a government recognised that not everything could be as flexibly, as responsibly and as well provided by government agencies as those that had experience in the community. There are many non-government agencies that set themselves up, work on a particular project and are dedicated to that, and they do not go home at five o'clock in the evening. I mean no disrespect to the public servants but it is a job for them. It tends to be a vocation and a commitment on the part of non-government organisations specialising in that. Having said that, many non-government organisations have their hand out for government funding to keep them going so we need to have some means of judging whether they are doing a good job, and we need to review these things, which is why, rather than set up permanent initiatives, four-year periods are a good assessment process.

That was the demand side that we were trying to address. Of course, as time goes on—after six months or a year in government—we might have changed all that and worked on something new that came up in order to develop and tweak that program, expand it or, if it was not working as expected, cut it back. That was our commitment to what we were going to do to address the problem. That was based on our experience over the last eight years of various other programs involved in the drug and rehabilitation spheres. It was done in consultation with not only the Department of the Attorney General but police, corrective services and the health authorities, including the work of Hon Andrea Mitchell, MLA, who was the then Minister for Mental Health. That was the demand side.

Then we come to the supply side. Here is where the stick part comes in. We proposed measures to take meth off the streets. We committed to providing \$23 million over four years to continue funding the WA Police meth teams to combat the meth trade across the state. You will recall, Mr Acting President (Hon Robin Chapple), that towards the end of last year, I think, we also passed legislation to empower the police to intercept transit routes for drugs, something that was supported by the transport companies, which did not like their services being misused by traffickers. They were quite happy for police to have the ability to search their depots and intercept shipments of drugs that were coming in from interstate or elsewhere. We committed to providing \$200 000 over 12 months to fund Meth Stoppers, an anonymous support line operated by Crime Stoppers, for the public to report information on the use, trafficking and supply of meth in WA. To ensure that drug cases were dealt with quickly, we were to provide an additional \$30 million for more state prosecutors, more judges and more magistrates. It is often forgotten that there are more elements to the criminal justice system than simply passing offences; we need the personnel to carry out the law. We need not only police officers and judges, but also more prosecutors. Albeit the trend over the last 15 or 20 years has been for more members of the bar to be recruited and briefed to prosecute for the Director of Public Prosecutions, it requires some particular skills to present a case in a manner that will achieve proof beyond reasonable doubt. We were looking at that element as well in order to expand the capability of our criminal justice system to prosecute these cases and deal with them. Of course, we were hoping to get more convictions out of that for those who deserve it. To deal with the increased prison population, we committed to two new wings at Casuarina Prison, to be built at a cost of \$35 million. I note, in contrast, that none of that will happen under the current government. It will “repurpose”, whatever that means, existing facilities somehow, but I wait to see just how it will deal with any additional prison population. We have had instead the idea of some sort of triaging unit being set up whereby courts, having sentenced someone to

imprisonment because they deserve it, would be asked to reconsider whether they ought to be sending those people to jail. Quite curiously and uniquely, I think the idea was floated that prosecutors would be going back to court and saying, “Hey judge, you’ve just sent this person to jail because they deserve it”—a sentence of last resort and the like—“but won’t you give it a bit of thought? There’s not enough room there and we want to get them out of jail.” Is that not an odd thing? We do not need legal aid in this state; we are going to have the prosecution doing it! That is astonishing stuff.

Apparently, there is no money for prison expansion; public safety has to be put aside for other things. But no doubt the government has its priorities on those things. It could not find \$35 million for those expansions, but it has managed to find money to employ more public servants. We committed to providing \$2 million over four years to roll out an intensive drug use reduction strategy in prisons. This, allegedly, is from a government that had done nothing over eight years to address the problem. Of course, prisons are where we are likely to find the most people who are likely to still be subjected to the cravings for those drugs and to meet up with those who will satisfy those cravings in the future. This was not simply an idea. The strategy had already been the subject of successful trials at Bunbury Regional Prison and had seen positive drug tests fall from 10.5 per cent to 0.6 per cent. The funding was to be used to resource the strategy, such as the cost of drug testing. I do not know whether that is going to be continued, but it seemed like a pretty good idea and it seemed to have worked, but we will wait to see the other elements of the government’s overarching methylamphetamine strategy

Of course, we committed to increasing the punishment for drug traffickers. That brings us full circle to this bill, because we proposed, like Labor, to increase the maximum sentence for meth dealing to life imprisonment and an unlimited fine from the current maximum of 25 years’ imprisonment and a \$100 000 fine. We see nothing wrong with that. It is a question of how it is implemented and what other things are grafted onto it that is important. With respect, I do not think that the implications of what is being proposed in this bill have been thought out entirely. It seems, with respect, a rushed job to show that an election commitment has been ticked off and has been done—another great success!

The Premier came out, shortly after the election, with his tail up and full of hubris, saying that he expected Parliament not to impede the passage of all this important legislation. Labor won an overwhelming majority in the house that forms government, so no-one should stand in the way of the passage of its election commitments. I have news for him, and it is all bad. He does not dictate to this house. A Premier of the day could not dictate to this house under the last government and did not presume to. We had vigorous and lengthy debate on many issues that our government thought important and, on our side of politics, we had some people who were prepared to cross the floor from time to time or abstain from voting. We did not take this place for granted. The idea that the Premier thinks that because he can squash all opposition in the other place, but refuse to answer questions in this one, he can ride roughshod over the dignity of this place and we will simply raise our right hand and say, “Yes, sure, let’s wave this legislation through, because it’s an election commitment” is simply wrong. It is the most profound arrogance. Unlike some of what happened in the last session of Parliament, we will not impede the passage of bills. However, we will examine them, and this is one that calls for it, because the public needs to know the metes and bounds of the commitments that were made, the claims that are being made for this legislation, whether it meets those claims and whether it will have the effect that is asserted for it. I have very serious and reasonable doubts that it will do so, and I will come to some of those in a moment. But, as a matter of principle, and it being part of our policy as well before the election—although we never had the chance to implement it or explore some of the implications of what was being done and address those in the bill—we will support the bill, and the government can wear the consequences of it. If it does not meet the expectations being raised by the Premier, the Minister for Police and Attorney General Quigley of it being a crackdown that will take meth off the streets because it is not part of a full package, and if it is not the strongest message that can be sent to the judiciary, it will be on their heads. We will not impede it, but we will ask questions about it. I would like to know upon what those expectations, assertions and rhetoric were based and what the bill will actually achieve. We support that element of it. But that was not all, because we recognised that that alone would not make any material and significant difference. That was our view. We may be wrong about that, but that was our position, for the reasons I have already touched on.

We also promised expanded powers for the police and the Director of Public Prosecutions to dismantle the operations of high-level dealers. Much of this was already in the Misuse of Drugs Act 1981 anyway, but we would tighten up the legislation to ensure that anyone convicted of being a drug offender or a drug trafficker—that is, anyone who had 28 grams or more of meth—would automatically have their property confiscated and their assets seized. I digress momentarily to talk about unlimited penalties. Seriously, someone is being sent to jail, potentially for life, and there is an unlimited monetary penalty, which then raises the question: what if they cannot pay it? Are they going to be subject to the regime and the Fines, Penalties and Infringement Notices Enforcement Act 1994, and cut it out at \$250 a day concurrently with their life sentence in prison, or is it going to be something on top of their 10, 20 or 25 years or life in jail? How is that going to work? The most significant element of it is not imposing fines which people cannot pay and which the current government has repeatedly said ought not to be imposed, because people ought not go to jail for failure to pay fines. When it comes to drugs, it is the seizure of assets. Most of the dealers we are dealing with—we keep hearing about the so called “Mr Bigs”; there is no Mr Big—are medium-sized players. There are a few major

players. The government will never get them. They are comfortably overseas. We keep hearing about how we ought to have sympathy for the mules. No; they are the ones who are the key to the transit of these drugs.

The drug trade is far more sophisticated than there being simply one shadowy person behind it and if only we devoted the resources we could get them and it would all stop. We have seen enough of *The Godfather* movies to know that if we get rid of one Godfather, an awful lot of others are prepared to take over the family. Likewise with the drug trade; enforcement is focused on the Mr Bigs. When we think about getting rid of drug use, we recall some theories that have been floating around about how to get rid of prostitution not by punishing the provider of the service but by focusing on the user of the service. If people who want to use meth were sent away for 10 years because they had some and intended to use it, that would be a pretty big disincentive for experimenting with it, but that is an argument for another day. A parliamentary inquiry into other strategies for dealing with drug trafficking might be worthwhile one of these days rather than getting into the mythical Mr Bigs in the business.

It seems that the seizure of assets will be far more effective, particularly if someone is gambling with everything they have ever owned being taken away, whether it be something acquired as a result of drug trafficking or something they have worked hard for all their life. When people gamble with being a drug trafficker, they put everything on the table. They might win over a period but, ultimately, the chances are the numbers will be against them and they will lose. When they lose, they lose the lot, not simply the stake they have put on the table. We have had a lot of criticism of that over the years. I still think in the circumstances of the sorts of problems that are being dealt with, it is a legitimate way of punishing and deterring people. That too is an argument for another day. Significantly, the Liberal-National government planned to introduce what would be Australia's toughest penalties for adult meth dealers—I stress adult; children are a different category and we did not go down that path. Other things may be done in the future to address that problem. It must be remembered that juveniles approaching the age of 18 can be quite astute, cunning, street hardened and ruthless. One need only look at the experience in some of the inner cities in the United States and gangs that use juveniles for their nefarious purposes.

We focused on adults by mandating minimum sentences of imprisonment for traffickers based on the amount of drug in their possession. This served two purposes: first, it sent to the judiciary guidance on how seriously Parliament regarded this type of offence; and, second, it provided certainty, so a person knew that if they had 10 grams, in the order of 100 hits of methamphetamine in their possession, they would go to jail for up to five years. We did it in a tiered fashion. The low-level tier 1 offences, those with possession of up to 10 grams, would get a minimum of one year's imprisonment. If they were caught with up to 10 grams, they knew what would happen to them. Tier 2 offenders, with more than 10 grams and up to 50 grams, would get a mandatory minimum of five years' imprisonment. Tier 3 offenders, from 50 to 200 grams, would get a mandatory minimum of 10 years' imprisonment. The most serious, tier 4 offenders, those with more than 200 grams, would get a mandatory minimum of 15 years' imprisonment.

As I indicated, we entirely accept that some members of this place and others have a philosophical and understandable—I can see the arguments—opposition to mandatory punishment. I have spoken also at length in the past about the rationale for them and the purpose they can serve. I touched today on the certainty and understanding of the consequences. However, it was a strategy calculated to impress upon the courts, the community and the potential offenders that they could not only face up to life imprisonment, but also face certain consequences should they be trafficking in certain amounts of the drug. To allay concerns as much as one could from those who have reservations about mandatory minimum terms of imprisonment, we proposed that the legislation contain a sunset clause of five years. That would enable focused monitoring of the effect of those laws and allow the Parliament of the day to continue with them, but if it were thought they were of value or had any concerns about eroding judicial discretion that might have emerged, and that led to injustices, it could end the legislation or address those problems. That is not to say that amendments could not be made in the meanwhile, of course, if problems arose, as they almost inevitably do with some legislation. It could be changed to include different drugs. It could be allowed to lapse. It would require timeliness on the part of the government of the day and, after a review of the effectiveness of the laws, to reconsider the position. If, in five years' time, it were thought they were inappropriate, they would simply fall away. All that seemed to be pretty reasonable.

That was recognised by the Australian Labor Party because immediately afterwards, the then Leader of the Opposition, now our Premier, Mr Mark McGowan, decided he needed to play catch-up and, as is typical of what we have experienced to date, he chose to mislead the public in his enthusiasm and desperation to win power. At a media conference after our announcement, he was asked by a journalist, and, according to my notes, I quote —

How do you react to the Liberal policy of minimum mandatory sentencing? Has Labor been wedged on this?

He responded —

I'm fine with what they're saying. I'm fine with what they're saying. But what I will say is this: do they support our life imprisonment approach and do they support having an activist Attorney General who will actually go and appeal inadequate sentences? I'll bet you they don't.

Well, that bet did not take long to lose because only the day before, we had adopted the idea as part of our package of including the increase in penalties for life et cetera. As for an activist Attorney General who will actually go and appeal inadequate sentences, whatever that might mean—one who politically interferes in the criminal justice system, presumably—and notwithstanding that we have an independent statutory authority called the Director of Public Prosecutions to ensure that political interference does not occur, Mr McGowan should know better. He was supposedly a lawyer by profession; he should know the metes and bounds of the ability of the state, through the Attorney General, to go off and appeal things that he does not like, when the independent statutory authority has already decided, on behalf of the state, that it will not. As I recall, at one point Hon Peter Foss tried that when he was Attorney General and it ended in tears.

Anyway, I have not seen any appeals by our activist Attorney General to date. I have seen some crocodile tears shed for bereaved families of victims who have suffered loss, and I have heard some large talk about how, for example, a penalty imposed on a reckless driver was not good enough and that we need to do something about it, but I have not seen an appeal on that, certainly not one instituted by our activist Attorney General, so that seems to have been worthless as well. I look forward to seeing some appeals by the new activist Attorney General and we will see how they go—not very far, I suspect. He has had three months to institute appeals against sentences that he thought were inadequate, and one concludes that either they are adequate or he thinks they are, or he has suddenly realised that the rhetoric needs to be matched with action, and he cannot do it as simply as he said it. We never made any pretence of taking political control of the system in the manner that is being proposed and we have not seen it since; it was all nonsense to mislead the public.

We now come to the good bit of that media conference. According to my notes, the journalist asked the Premier, then Leader of the Opposition —

Would you implement mandatory sentencing?

He answered —

I've said I support what they're doing.

Another sneaky answer, but not an answer to the question, and we have seen a lot of that over the last three months also. The journalist, to his credit, persevered and asked —

So would you do it?

The then Leader of the Opposition said —

I'm saying yes, that's what I'm saying.

The journalist asked —

So you would implement ...?

Mr McGowan said —

I'm saying yes.

Forgive me; I missed the bit in the second reading speech about how he was going to “do it”. I certainly have not seen it in the bill before the house. No doubt that is an oversight, but one that the minister will be able to correct when we go into Committee of the Whole; or perhaps the minister can point out to me where in the second reading speech it was said and where it appears in the bill. I cannot see it. Maybe the problem is that it is not in the bill; maybe the problem is that the strongest message that this government can send is not the strongest message. Maybe the problem is that the self-professed honest, accountable, open Premier—the one who insists on high standards for himself and his government—lied to the public to grab a vote. He wanted to play catch-up and said, “Yeah, I'll do that, too.” He was pressed on it—he had to be—but he was not going to be left behind, so he agreed to it. The question arises: Was he genuine when he said, “Yeah, we'll do that, too”? Did he mean it, although he was reluctant to agree to it? Was he defeated by his caucus and so could not get it through? Did friends of crime lean on him to say, “No, you're not gonna get that through cabinet or the caucus”? Why has he reneged on that? All he has done is simply renege on an election commitment, and I would like to hear more about that. Perhaps he reneged on it because he does not need it anymore, just as he has reneged on a number of other things, and I am sure we will see more of them.

There are no other options; he either lied, or he has chosen to renege for some reason that he has not disclosed, or he has been stopped. Whatever the explanation, he has refused to give it. Perhaps the minister might be able to help out in that regard and enlighten us.

It is not as though I have not given him the opportunity to explain; I thought it only fair even though, having regard to my experience to date, I had no confidence I would get a sensible, let alone an informative and frank, response from him. Members will recall that yesterday I asked, specifically with a view to giving the Premier an opportunity to explain his failure to honour that commitment —

Did the Premier, when Leader of the Opposition, say that Labor would match the mandatory jail terms proposed by the Liberals on Sunday, 5 February 2017, as reported on page 9 of *The West Australian* of Monday, 6 February 2017?

I stress that the question had several parts, and perhaps I overstepped the standing orders, but the point was, firstly, to give the Premier the opportunity to explain whether he actually said those things or whether it was misreporting; and, secondly, to ask why, if he did say those things, he had not done them.

*The West Australian* article referred to is headed “Libs pledge ‘misery’ for meth crooks”. It was written by Gary Adshead and Dylan Caporn. So there is no doubt about the context, what was said at the time and what was being adopted by the then Leader of the Opposition as part of his platform going into the election, I will read it out in full. It is not very long. It states —

The Barnett Government yesterday trumped Labor’s pledge to punish dealers of methamphetamines by promising a suite of mandatory prison terms including a minimum 15 years for anyone caught with 200g of ice.

Even getting caught with an amount up to 10g—which equates to about 100 “hits” of ice—could result in a mandatory 12 months behind bars.

“My message to drug traffickers and drug dealers in WA is clear,” Police Minister Liza Harvey said. “You have been dealing out misery to thousands of West Australian families and if re-elected, this Liberal Government will deal out misery to you.”

Yesterday’s \$190 million Liberal Party announcement came after Labor’s promise last week to increase the maximum sentence available to the courts for drug trafficking to life in prison.

This is the good bit —

In a sign of how crucial it is to be seen to be tough on crime during the election campaign, Labor leader Mark McGowan said his party would match the mandatory jail terms and the Liberals said it would adopt the new life term as a maximum.

He said it would match, and the bits I quoted earlier were verbatim from that commitment. I asked about this yesterday to see whether the Premier was prepared to say, “Yes, I did say that”, or “No, I was misquoted”, or “I didn’t understand the context”, or some sort of explanation. It seems pretty clear to me, but he does not answer.

The article continues —

The Liberals said two new wings would be built at Casuarina Prison to cope with the rise in those jailed under its tough new sentences.

“To ensure that the courts are reacting in a way the Government wishes them to do so, and the community expects, we’ll be imposing certain minimum mandatory sentences for trafficable quantities of drugs,” Attorney-General Michael Mischin said.

That is me, folks, in a previous life. I am now a shadow of my former self! But who knows what evil lies in the hearts of ministers? The shadow knows! I go on to quote —

“This is dealing with those with drugs in their possession with intent to sell or supply or in trafficking in those drugs. Anything up to 10g will result in a minimum of 12 months imprisonment.”

Anything from 10g to 50g could mean five years jail. If caught with 50g to 200g, there would be a 10-year minimum and 200g or above would mean an automatic 15-year minimum jail term.

“This is a no-tolerance approach, particularly directed at drug traffickers and drug dealers,” Premier Colin Barnett said.

The Government also promised to go ahead with plans to force ice addicts into rehabilitation, regardless of whether the person was before the courts on a drug-related matter.

So much for that. Members will recall that I framed the question with a view to hopefully finding out whether what the Premier had said had been misunderstood when he recognised the importance of getting tough on meth but came up with his insipid life-sentence approach.

But there is more. An article in *WAtoday* headed “WA Labor match Libs’ tough stance with mandatory jail for meth dealers” was published on 6 February 2017 at 7.18 am. I will read that out; it will not take long. It emphasises the importance of and what the public was meant to understand by then Leader of the Opposition Mark McGowan’s commitment to deal with meth. It commences —

Tough penalties for methamphetamine dealers are proving a central theme in the WA election campaign, with the major parties backing and matching each other’s plans.

The opposition has focused on maximum sentences and targeting wholesalers rather than street dealers, ...

I interrupt to repeat “wholesalers rather than street dealers”. The majority of the drug that is causing the problem in the community is not coming from wholesalers; it is coming from those down the chain who distribute it. Anyway, I continue quoting —

... wholesalers rather than street dealers, promising life for 28 grams or more.

“Promising life” is not right; “promising the prospect of life” I think is probably more accurate. But we move on. The article continues —

The Liberals have gone hard on minimum sentences, pledging to jail anyone caught dealing even small quantities of the drug.

Police will have discretion to determine whether someone found with just 1g is a dealer or not, looking at factors such as whether it had been divided up into bags or the offender had scales for weighing the drug.

Again that is not quite right. That is evidence that may be sufficient to establish an intent to sell or supply, maybe an indicia of it. It is not a question of police discretion; it is what they would do to determine whether that drug was intended for personal use or otherwise. But the theme is there as to the important element, which is the then opposition’s commitments and the reason that those commitments were made. I continue quoting —

Police Minister Liza Harvey also says they Libs will match Labor in lifting the maximum sentence from 25 years to life.

Under the Liberal plan, mandatory time behind bars would start at one year, rising to a minimum of 15 years for more than 200 grams.

That is something like 2 000 hits. That is a lot of drugs. Those drugs would be divided up and sent out to other people—the retailers. Continuing to quote —

“Anybody who is dealing in quantities of meth deserves to be behind bars,” Ms Harvey told reporters.

“In other countries, they’ll get the death penalty.”

She had no sympathy for “mules” who sometimes commit the offences out of desperation.

“I say it’s too bad for them. Give us the evidence we need to get the Mr Bigs. We need to disrupt these supply chains.”

She said the policy would result in “a lot more” people in jail.

Corrective Services Minister Joe Francis insisted mandatory sentences worked, citing lower assaults on police officers as proof.

I do not want to get into an argument about what “worked” means and other elements of it; focus on this is as a means of getting dealers off the street and making it plain that a person runs enormous risks with their liberty if they are planning to dispense this drug, like any other serious poison that can kill or drive people nuts; that they will be taken out and that there will be certain consequences for a time. I go on —

Judges would not be happy, given mandatory sentencing removes their discretion, Attorney-General Michael Mischin conceded.

Surprisingly, opposition leader Mark McGowan said he supported the Liberal plan, which Labor would also implement.

“I’m fine with the policy but what I would say to the government is it’s too little, it’s too late,” Mr McGowan said.

“They’ve had eight-and-a-half years.”

Labor doesn’t often support mandatory sentencing.

No, it does not—and it still does not. Notwithstanding the commitment, alarm bells rang at the time about whether it would actually be done or whether it was just another piece of electioneering to mislead the public, to get office and then to fudge its way out of it. But I await the explanation from the minister. The article continues —

During the 2015 Canning by-election, it was a key differentiation between the meth policies of Liberal Andrew Hastie and Labor’s Matt Keogh.

Mr Keogh, an experienced lawyer who later won the neighbouring seat of Burt, said he was strongly opposed to forcing set penalties on the judiciary.

What’s certain is law and order will continue to raise its head during the 2017 campaign.

Ms Harvey said the proposed legislation announced on Sunday would be the top priority of a third-term Barnett government.

Mr McGowan also flagged a tougher approach to other serious offenders along with softer punishments for fine defaulters, who he doesn't believe should be jailed.

"We're going to ensure that our prisons are used more appropriately and people who commit serious crimes—dangerous sex offenders, drug dealers, domestic violence perpetrators—are in prison for longer," he said.

We will see. I presume if someone is fined \$100 000, that person would be regarded as someone who is not suitable to be in jail for drug trafficking. The minister can no doubt explain how that is meant to work.

So much for the first question I posed yesterday. I think the answer to that would have been a simple, "Yes, I did say those things." But I will get to the answer in a minute. The second question I asked was —

Did the Premier, when Leader of the Opposition, offer support to the proposal as reported by the ABC news on Sunday, 5 February 2017; and, if not, what did he mean when he said that he was "fine with what they're saying" when asked about the Liberal commitment?

He said it twice, actually. That was from the media conference that I quoted at some length a little while ago. My third question was —

Did WA Labor match the Liberal promise as reported by then Channel Nine news reporter Josh Jerga on 7 February as one of the "Promises BOTH Liberal and Labor have committed to so far"?

Before that, I had asked a number of questions about journalists in the employ of ministerial offices and, by happy chance, the same Josh Jerga is now a senior policy adviser at the Premier's office, but apparently the Premier cannot bring himself to tell us anything about him other than his name appears in a ministerial staffing or resourcing report. It is too hard. The Premier will not answer questions on anything.

Anyway, getting back to it: on 7 February, Josh Jerga put out a tweet, Josh Jerga@josh\_jerga, headed "Promises BOTH Liberal and Labor have committed to so far @9NewsPerth". I will read it out, but not in order. They were —

- Thornlie to Cockburn rail line
- Joondalup Health Campus expansion
- ...
- Ocean Reef marina
- Out of hours child care at primary schools
- Upgrades to Balcatta SHS / Mt Lawley SHS

It also includes —

- Maximum life sentence for meth dealers

And, guess what?

- Minimum mandatory sentences for meth dealers

He uses brackets because he felt the need to highlight this —

(Labor matched the Liberal promise on Sunday)

It was such an important announcement for members of the public to consider in the lead-up to the election that everyone emphasised it. It was considered unprecedented that the Labor Party would commit to something like this, which was a matching of what was seen to be a stronger message than the Labor Party had advanced at the time—otherwise there would be no point in trying to match it—and the Premier came out and made that commitment.

**Hon Simon O'Brien** interjected.

**Hon MICHAEL MISCHIN:** I am sure that is right, Hon Simon O'Brien, but we may never know because apparently the sort of information as to what Josh Jerga was doing before he joined the Premier's office is not readily available. He is not able to tell us who offered him the job, or when. He is not able to tell us anything about the man. He is also not able to tell us anything about any other journalist employed in the ministerial office. It is a matter of public record, apparently. We can go down to the public records office and look up where these people came from—all this information that I ought to seek from the ministerial resourcing report, although it does not actually provide any of it. It is very sneaky stuff—as sneaky as the commitment.

Any of those three questions, of course, could have been answered, “Yes; I did make those comments and this is what I meant by them.” The fourth questions I asked was —

If the Premier, when Leader of the Opposition, was not committing to matching the proposal for mandatory minimum sentences of imprisonment, why did he not correct those reports and any misunderstanding that might arise from such incorrect reportage, or was he content to mislead the public about his intentions in the lead-up to the election?

The fifth question was —

If he did so commit, why has he reneged on that commitment?

The answer that was given was, I quote —

As the honourable member should be well aware, questions in this place must relate to actions taken following the swearing in of a minister, not before.

Taken to its logical conclusion that means questions cannot be asked about election commitments. I wish I had known that because we could have refused to answer anything about the Ellenbrook rail line over all those years. Next time in government, I will bear that in mind.

Having said that, and having said that questions need to be based on a minister’s portfolio, we are talking about the head of the government. We are not talking about the good old “Burkie” days when ministers would answer questions literally in order to trap members because they may have infelicitously phrased a question. We are talking about this allegedly open, accountable, transparent, keen to be subject to high level scrutiny—type government with high standards. One of the questions, however members read it, did relate to the Premier’s portfolio and to him having been sworn in as a minister. It was: “If he did so commit, why has he reneged on that commitment?” That question relates directly to something that was done after he was a minister and the first minister among alleged equals in this government. Did the Premier answer it? No. That is the end of it; he is not going to answer. Perhaps the Minister for Environment on behalf of the Minister for Police, who is the sponsor of this bill, will be able to enlighten us, either in his second reading reply or during Committee of the Whole, on why the Premier of this state and this government, whether it agrees with mandatory minimum sentences or not, has so blatantly reneged on an election commitment that the Premier considered was essential. He considered, at the time, that it was essential and he was prepared to compromise the Labor Party’s position in the past and make that commitment to the public to show he was being tough on meth dealers. Was it a lie? If it was not a lie at the time, why has it not been done now? Why is it not in this bill?

I am also disappointed that the Leader of the House, bearing in mind that she was the conduit for this prevarication—this refusal—was prepared to be a party and complicit to it by delivering something like this. I think I can say with confidence that it is not something that Hon Peter Collier, as Leader of the House, would have been a party to. There may have been legitimate exception to some elements of what was being asked as being contrary to standing orders, but I know that Hon Peter Collier would have endeavoured to give an answer to those parts that were legitimate in the spirit of accountability to this place. I can speak from personal experience from when, as a minister, I was given stuff that I thought could be improved upon and I refused to deliver an answer until it was improved. Members who were on this side of the house at the time, I think could—they could; I do not know whether they would—endorse that that was done. We took it seriously. I admit that some members, delivering their answers on behalf of some ministers in the other place, may not have done that. Some ministers in the other place at the time may have been rather economical with information, but this has become a habit for members on the other side. I am not looking at Hon Stephen Dawson as one responsible for that. I hope I will not be disabused of it but I have taken the view that he has endeavoured to deliver information when he can. I do not know what he does behind the scenes but I would not be surprised and I have assumed that when he is given an answer that he considers, in his experience in this place over the last four years, to be incompatible with or inconsistent with the responsibilities of a member of this place as a house of review, and having regard to the standing orders and the conventions of the place, he has endeavoured to give us information. Unfortunately, that has not been reflected by some other members. It is disappointing that the Leader of the House has chosen to take a dissembling, prevaricating and concealing approach to questions and not to insist on getting something a little better from the Premier, having regard to the alleged high standards that he claims his government is living up to.

Hon Peter Collier has mentioned some of this in the past in the context of speeches and the thin gruel that we are proffered from a government that has been around for only three months. What will happen over the next three and a half years if hubris and arrogance has set in so early? We will see. I know that Hon Norman Moore would not have countenanced an approach like this, nor would Hon George Cash, nor I suspect would a number of previous leaders of this place from the Labor side, although they were before my time. They would have endeavoured to provide informed information to the opposition, especially if there is nothing to hide. What is being hidden here? Honest admissions are being hidden. That is the only conclusion I can draw, and likewise with the other questions

that have been asked, whether they were about commitments on the federal goods and services tax, who is employed in ministerial offices, or any one of a dozen things that have been raised in this place. I can only suggest that there is something wrong behind the scenes if the information is not being provided. The significance of it and its relevance to this bill, and other bills, is that I have no confidence that any information that will be provided to me can be taken at face value because of the concealment that has taken place.

*Sitting suspended from 1.00 to 2.00 pm*

**Hon MICHAEL MISCHIN:** Before the luncheon adjournment, I had been indicating my disappointment with the quality of the answers that have been provided by some ministers in this place, and by most of the ministers in the other place, through the conduit of the ministers in this place who represent them, and my lack of confidence in being able to get pertinent answers that will disclose information and can be relied upon. This is particularly relevant because of the fact that the government's first minister, the Premier, is also setting such an example. Therefore, we will be seeking to go into Committee of the Whole to ask questions, and seek answers, about some of the issues that have not been addressed to date.

I have mentioned some of the matters that can usefully be addressed by the Committee of the Whole in the consideration of this bill. Some of those matters involve statistical information about the sorts of sentences that are currently handed down by our courts of competent jurisdiction in the sorts of cases that will be covered by these amendments. We need that information to help determine the tariffs that are currently in place, if there are such tariffs, the mean and median sentences, the frequency of the offending, and, essentially, how matters are disposed of, so that we can determine, if that is possible, what effect the government's supposed "crackdown", or supposed "strongest message to the courts", is likely to have. There are also some technical issues that I have touched on, such as the interplay between the increase in fines to an unlimited amount—assuming one ever gets anywhere near that under the fines enforcement regime—and the potential for sentences of life imprisonment. Another issue is why the trafficable quantity of methylamphetamine that will attract this increased penalty has been set at only 28 grams, having regard to the potency of the drug and the harm it can do, and the desire to discourage, deter and punish offenders. It has been widely acknowledged, at least as a rule of thumb, that even one gram of meth can amount to 10 hits of the drug. It will be interesting to know the following things. Why has 28 grams remained the threshold for a trafficable amount of methylamphetamine that will bring into play these vastly increased sentences that are supposed to make a difference to the way in which the courts deal with the trafficking of this drug? How many people who have been convicted of possession with intent to sell have been in possession of 28 grams or more of this drug, and what sentences have been handed down to those people? How many cases in the past several years would have fallen within the scope of what is proposed in this bill? How will these amendments make a material difference to the sentences that are imposed?

Another issue is the relationship between life sentences and the parole regime. A person given a life sentence, other than for murder, would be eligible for consideration for release on parole after seven years, with reviews after that time. However, a person who is sentenced to 10 years' imprisonment would be eligible for consideration for release on parole after eight years. I would like to know whether the government has given any thought to how that might work.

As I have said, we will support the bill. It is broadly consistent with part of the policy that our government announced before the election. Equally, if not more materially, we consider that the government has a mandate to pass this legislation. However, in the course of consideration by the Committee of the Whole, perhaps we can encourage some improvements to the legislation. I doubt that those improvements will be agreed to by the government. I doubt that the government will take the initiative to improve the bill through examination in Committee of the Whole, let alone bring the bill further into line, or anywhere into line, with its pre-election commitments, which it has reneged on. I suspect that what will be revealed—I hope to be disabused of this—is that this bill will achieve nothing significant and will certainly fall short of the strident rhetoric that heralded its introduction by this government. I suspect that this bill will certainly fall far short of the commitment made by this government when it was in the anxious and desperate position of trying to make some impact on the community and gain some trust from the community that it would deal ruthlessly and in a determined fashion with the problem of meth trafficking in our community.

**HON RICK MAZZA (Agricultural)** [2.07 pm]: I rise to make a contribution to the debate on the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017. It is evident from the bill and the explanatory memorandum that the bill provides for an increase in the penalty from 25 years' imprisonment to life imprisonment, and an increase in the fine from a maximum of \$100 000 to an unlimited amount. The bill also provides that the District Court can hear the case and impose a life sentence rather than the case having to go to the Supreme Court.

We all know that methamphetamine is a scourge on our community. We read about it almost every day in the paper. It causes domestic violence, violence in the streets, and physical, mental and financial hardship. It destroys families. About six months ago, I was listening to 720 talkback radio and a father, who was very distressed, said that his four sons were all addicted to methamphetamine and it was tearing his family apart.

There are many similar stories about the effect of methamphetamine. Methamphetamine is indiscriminate. It affects lower socioeconomic families, people in business and middle-aged people. Methamphetamine seems to know no bounds, unlike other drugs. People from all walks of life have found themselves addicted to methamphetamine. We had a very good motion this morning from Hon Colin Tincknell regarding Aboriginal communities and Aboriginal affairs. Methamphetamine has a devastating effect on many Aboriginal communities. I have been told that when a shipment of meth arrives in one of those communities, it causes mayhem. Police and health services go into damage control mode to try to sort things out. Meth is a devastating and damaging drug.

It was interesting to read some statistics about methamphetamine around Australia in today's *The West Australian*. Considering what we are looking at here, a trafficable offence is 28 grams, which is around 280 hits. It has a street value of around \$10 000. It was disturbing to read that the consumption of methamphetamine in Western Australia is around two tonnes. I do not have a calculator on me at the moment, but that is a massive number of doses of methamphetamine in this state. That report stated that Western Australia is one of the worst affected states for methamphetamine use. Of course, there have been tests on wastewater, which I first heard about in budget estimates. Wastewater has been tested to find out where methamphetamine hotspots are. Unfortunately, my home town of Bunbury seems to be the capital for methamphetamine. Shire councils in many country towns have told me that their towns are suffering from methamphetamine. They are country regions, where people probably would not usually expect it to happen. Methamphetamine puts a lot of pressure on those communities. It is a major issue.

The article stated that nationally there was a 12-tonne haul. The federal authorities have managed to seize 12 tonnes of methamphetamine, with eight tonnes in New South Wales and three tonnes in Victoria, and 618 kilograms being destined for WA, which would have a street value of about \$600 million. The authorities have clamped down. During the briefing I was advised that we are starting to get on top of the importation of the drugs a little bit. I was also told that domestic production of the drug has dropped off; police have really clamped down on that. Most home labs these days are used by people trying to produce enough methamphetamine for their personal use. Drug labs have a large effect on state housing. Some state housing properties that were used as meth labs have ended up having to be completely detoxed at a huge cost to the state. I suppose that private rental owners have a similar problem in trying to make sure that properties that have been used as meth labs do not end up causing health issues for others later.

Last year, law enforcement authorities prevented 800 kilograms of meth from reaching WA, which is fairly good news. As I understand it, the 280 grams that is the threshold for trafficking has to be pure. I am not quite sure how that will be scaled out or whether it is tested or not tested.

**Hon Michael Mischin:** It doesn't have to be tested.

**Hon RICK MAZZA:** It does not have to be pure?

**Hon Michael Mischin:** No, and it is 28 grams.

**Hon RICK MAZZA:** So it is just 28 grams; it can have other things in it and still be 28 grams. That has been described to me as being a Ziploc bag with about that much in the bottom. It is not terribly large but it is a lot of hits. It is unlikely that the average user would carry that amount, which is worth about \$10 000. This is a way of clamping down on drug traffickers.

This bill will change the penalty from 25 years in prison to life imprisonment. I commend the government on tackling this issue. Unfortunately, changing the penalty from 25 years to life might add only a couple of years to someone's sentence. Only time will tell whether that or changing the maximum fine from \$100 000 to an unlimited amount will have a deterrent effect. We already have proceeds of crime laws in WA, so anyone who is caught trafficking could have all their assets seized and sold off anyway. That is the contribution that I make. I support the bill and look forward to other members' contributions.

**HON PIERRE YANG (South Metropolitan)** [2.14 pm]: I would like to speak on the issue of meth and the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017. I thank Hon Michael Mischin and Hon Rick Mazza for their contributions. Methamphetamine is also known as ice, speed or crystal meth. I looked at the PerthNow website today and saw the article that Hon Rick Mazza mentioned. The article stated that there had been a seizure of 600 kilograms of meth in WA, which was the third highest seizure of this substance across the country. It has a street value of \$600 million. That is a lot of money. With money involved, there is a lot of temptation for people to try to profit from trafficking the drug. Obviously, that will cause a lot of mayhem and struggle in the community. It is a major problem and, as a state, we have been dealing with this issue for quite some time. In the 2015–16 financial year, a survey of wastewater in Perth showed 2.1 tonnes of meth going through our sewerage system, which would have a street value of \$2.1 billion. The latest survey, which came out in April, showed a reduction of 25 per cent to 1.5 tonnes, which would have a street value of \$1.5 billion. That drop is certainly a welcome sign. The concern is that we do not know whether people have stopped using it or moved on to other substances. In any event, in isolation, this is a good trend. But this is still a huge issue. Despite the drop seen from the detection of wastewater, we are still faced with a major problem.

Personally, I believe that when dealing with law and order and crime issues, we cannot simply come down really hard or simply go very soft. We need to provide law enforcement agencies and relevant court jurisdictions with an appropriate legislative framework that will enable them to do their jobs and, at the same time, provide the community with rehabilitation and support networks so that when people want to get off drugs, they have the support that they need. I commend the government for addressing part of that equation by increasing the penalties for drug traffickers, who, as a matter of fact, profit from other people's misery. They can make money only when people buy drugs. When people take drugs, their families fall apart, their health is affected and their mental health suffers. As I mentioned to the house yesterday, a lot of people become homeless partly because of drug issues. I will speak a little more on that at a later stage of my remarks.

As honourable members of this place may know, I served as a councillor for the City of Gosnells for three and a half years. As a councillor, I received numerous complaints from local residents about suspicious activities going on in their neighbourhoods. In a number of cases, people told me that there was a particular residence that was very much concealed so that people could not see what was going on from outside. Sometimes the windows were sealed so people could not see through or there was a big fence so people could not see what was going on inside. However, there was a lot of human activity. Cars were coming and going; people were moving in and out. People were worried. The neighbours in the area told me words to the effect, "You report the situation to the local police. Sometimes it takes some time for the police to arrive; sometimes they come pretty quickly. But the problem is you deal with one problem in one house that may be a drug lab and after that another one is popping up. There is no end to the issue. What are we supposed to do?" As a local councillor, I had to say that the only way to deal with this issue is to keep on reporting it by calling the city and the police to get them to attend these drug labs in their neighbourhood. I must also say that the concerns that people were raising with me in the City of Gosnells were all state issues and that that is what prompted and motivated me to become involved in state politics.

I also want to mention something Hon Rick Mazza mentioned about rental properties in Perth. Properties are being rented out to seemingly innocent people but are being used as grow houses—to grow marijuana and all sorts of other drugs. Soon after I was sworn in I received a phone call from a constituent in the South Metropolitan Region. He told me that he had a rental property and that he had rented it out to this seemingly lovely couple—they were seemingly lovely at the time. As a matter of fact, they paid rent above the advertised amount and made a sizeable advance payment to my constituent. A few months later the house was raided by the police and to his horror and shock he realised that the house, which was his investment property, was being used as a drug lab to manufacture drugs—I was not told the specific drugs that were being grown or manufactured at that place. As we have seen in the horrible stories in the media, ceilings were pulled out, the floorboards were ripped up and the tenants had racked up a huge amount of utility bills—water and power bills. Those people who owned that investment property are mum and dad investors. They have worked hard, saved a bit of money and used that money as their down payment to buy an investment property. They were hoping that with their investment activity they would have something to rely on in their retirement, which is commendable. They were doing something that would, if they were successful in their investment endeavours, take the pressure off the government in their retirement. Not only are they facing huge repair bills and paying a couple of thousand dollars on water consumption by the people who rented the property, but also are facing a \$7 000 electricity bill. Can I just say that it is entirely tragic that this is occurring in the community. Those people, who were trying to do the right thing, by putting their money aside, were doing the right thing by themselves, by the government and by the people, the taxpayers, and now they have this trouble, this problem. I feel for those people. This is not an isolated case. As we have heard, we have heard stories like this across the metropolitan region. Those drug traffickers and growers should be duly punished.

As I mentioned at the beginning of my remarks, I am going to touch on homelessness issues. I would like to thank members opposite and on the crossbench, especially those more experienced members, for the courtesy and respect that they have extended to new members. Thank you for being patient with us and for not interrupting or interjecting during new members' speeches. I have observed that and I would like to express my appreciation for that. The interjection from Hon Martin Aldridge yesterday was absolutely fine. It was in good humour and, so, I thank Hon Martin Aldridge for his interjection yesterday—and, no, I will not table my beanie, by the way.

I mentioned in the house yesterday the SBS program *Filthy Rich and Homeless*. I actually watched the two episodes that were available online last night, and one more episode is coming up tonight at 8.30. It also can be watched on the website SBSOnDemand. What has touched me about that program is its humanity. Rich people, in privileged positions in society, are willing to experience the difficulties that homeless people face every day. The common preconception among those participants, which is probably something that is not alien to us, was that they would make the most out of the situation. However, what happens once a person is in that situation? They had no money and no place to sleep; all they had was a bag with a sleeping bag inside, and if they were lucky they found a piece of cardboard. Some of the participants tried to find employment. Who is going to employ someone dressed like that? It is a vicious cycle. If a person cannot be presentable, and it gets more and more difficult to gain employment and they have no money, they go further down the spiral of that vicious cycle and cannot get out.

One of the participants went to a shop—he was hungry and had probably not eaten for two days—and asked for some help. He asked whether there was any food that was going to be chucked away and whether he could have it. The shop owner said that he could buy it at the discounted rate of \$3, but he said that he had no money at all. The shop owner gave a wrap to him. That was really heart-warming. In any event, it shows us that until we are in the shoes of people like that, we do not know how hard it is. I am glad to see that so many good people in the community are helping them. Obviously, my remarks are about the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017 before us. Further in the program, people were talking about how to help homeless people. We cannot just provide them with housing, because drugs and alcohol are involved, and it would not solve the core problem of homelessness. I think the bill is tackling one element of that; it is targeting those who are trafficking drugs. I also note the Palmerston Association. Its purpose is to prevent or reduce the harmful effects of drug and alcohol on people and communities by offering tailored services and responses to people's desired goals. One of the organisation's centres is located in Thornlie, in the City of Gosnells, just outside my electorate. Nonetheless, it is in my neighbourhood. I would also like to mention that the CEO of that organisation is Hon Sheila McHale, a former minister in the Gallop and Carpenter governments and a former member for Thornlie.

Having read the *Hansard* of the other place, I totally agree with what was said when we started our term: I think this chamber will have the parliamentarians. That is demonstrated in a very clear way by the way members of the different parties of this place interact. On that note, I conclude my remarks and commend the bill to the house.

**HON MARTIN ALDRIDGE (Agricultural)** [2.32 pm]: It is great to get on to a bill of some substance rather than the filibuster that we saw from government members yesterday afternoon on the Supply Bill 2017.

**Hon Alanna Clohesy** interjected.

**Hon MARTIN ALDRIDGE:** Hon Alanna Clohesy has not filibustered yet, but I am sure it is coming.

**The ACTING PRESIDENT (Hon Matthew Swinbourn):** Order! Can you indicate whether you are the lead speaker for this bill?

**Hon MARTIN ALDRIDGE:** Yes, I am.

**The ACTING PRESIDENT:** Thank you.

**Hon MARTIN ALDRIDGE:** We are dealing with the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017 and I rise to speak on behalf of the Nationals and indicate from the outset that we will support the bill. In doing so, I wish to make a few comments and pursue a few issues that we have not been able to resolve through the briefing process that has been ongoing over the last month.

**Hon Simon O'Brien:** Why do they call it a briefing when it goes on for so long?

**Hon MARTIN ALDRIDGE:** There were a number of questions taken on notice, Hon Simon O'Brien, which I thought the government would have the answers to before it drafted a bill of this nature. Clearly, though, from the response I got from the advisers, they were not able to answer those questions and it would appear in the last four weeks that they have still not been able to answer those questions. Perhaps some of those things will be teased out during the Committee of the Whole stage of the bill.

It has been interesting to hear the experience of a number of members who have talked about the impact of methylamphetamine from a personal perspective. I think all representatives in this place also have an experience from a constituency perspective through supporting families who approach us looking for support services or assistance for dealing with a loved one who is suffering from drug addiction, particularly from methylamphetamine. I want to talk briefly about some of the statistics around methylamphetamine. Members would be aware of a couple of articles published in the last two days. One was in *The West Australian* today, which reported on the quantity of ice that has been taken off the streets in the last four years, some 600 kilograms. Yesterday, ABC news online published an article with the headline "Ice addiction treatment demand surging, but alcohol still Australia's biggest problem" that quotes data that was released by the Australian Institute of Health and Welfare. I have that information here and will draw some comparisons to put this debate into context with the challenges that we face from not only illicit drugs such as methylamphetamine, but also legal drugs such as alcohol that have a significant—in some cases, greater—impact on our community.

The Australian Institute of Health and Welfare is an Australian government body. According to a document it released —

**2.1%** (or 400,000 people) had used meth/amphetamines in the last 12 months

...

**7.0%** (or 1.3 million people) had ever used meth/amphetamines in their life

I want to talk a little about some of the statistics on alcohol. The same document states —

**1 in 5**

... people consumed alcohol at levels placing them at lifetime risk of an alcohol-related disease or injury.

**One-quarter**

... of people had consumed alcohol at levels placing them at risk of harm on a single occasion, at least monthly.

**1 in 4**

... of Australians aged 14 and over reported being a victim of an alcohol-related incident in 2013. This has declined from 29% in 2010.

**32%**

of drug treatment episodes in 2015–16 were primarily for alcohol, making it the most commonly treated drug in Australia.

**4 in 10**

... people thought that excessive use of alcohol is the drug issue that is of the most concern to the general community in 2013 ...

I have attended quite a few community forums within my electorate, and they generally have good turnouts because people are quite concerned about a meth addict banging their door down and doing terrible things to them. But I find there is always somebody who stands up in these community forums and reminds people about some of the health effects and impacts on families that drugs such as alcohol and tobacco have on Australians. That puts the debate back into perspective a little, although sometimes we do not see in the media, or more generally, the acute results of methylamphetamine addiction, which is obviously something that we see reported quite regularly. I want to reflect on a whole range of services that are provided for people with drug addiction and drug and alcohol addiction. Often in a regional context, some of those services are more difficult to access and sometimes the demand can be greater. We have only to look at some of the statistics, which I think Hon Rick Mazza mentioned, about our wastewater monitoring. Although we are seeing a decline in drug use in those testing regimes, some of our regional centres in particular are amongst those who struggle the most from these issues.

I want to turn to the bill. The headline feature of this bill—the threat of facing life in prison—has been commented on quite widely in the debate so far. I will talk about that briefly today and go over old ground to remind members of the result of being found in possession of 28 grams or more of methylamphetamine under this bill. I am told that 28 grams is about 280 hits. I am happy to stand corrected, but I am told that that is what 28 grams of methylamphetamine equates to. Unless they like buying in bulk, generally, if a person is carrying 280 hits, they will most likely be seeking to supply that drug to others. Currently, as I understand it, the maximum penalty for drug trafficking is 25 years' imprisonment, and this bill creates an opportunity for a sentence of life imprisonment. One of the questions I have, which is probably not dissimilar to those in previous contributions, is how well that will act as a deterrent. I think that the common perception out there, although it is a wrong perception, is that 25 years is life. When it comes to using a sentence as a deterrent to committing a crime, I question how effective that will be. There is probably no harm in it, but I wonder about the extent to which it will be effective in deterring somebody who is thinking about peddling methamphetamine—whether that might make them think again if they might get 25 years' imprisonment under the current regime or life imprisonment under the amendments in this bill.

I want to turn to the Labor Party's election commitment. In preparation for making my contribution today, I thought I would go and download the comprehensive Mark McGowan plan for methamphetamine. It is interesting that this plan, released in January this year, makes no mention of the matter that is before the house today. This surprised me, because on the inside cover of the document there is a personally signed picture of Mark McGowan, accompanied by the words —

I will implement a state-wide, coordinated and targeted Methamphetamine Action Plan to help tackle the devastation that Meth is having on our community.

Somebody else might have a more careful eye than mine, but I have studied this nine-page document, which I must say contains some good initiatives, and I am struggling to see where the position embodied in the bill today comes from. Nevertheless, maybe the minister might point out my mistake, in his second reading reply. I think the Labor Party was a bit tricky with this announcement during the election campaign. When I listened to the media reports and looked at the words being used, I thought that the Labor Party had had an epiphany and had all of a sudden decided to support mandatory sentencing. That is certainly the reporting that I heard, and I think that was the message that the Labor Party was trying to get out to the community—a new Labor government was going to lock these drug traffickers up for life and never let them out. Even the second reading speech of the minister uses a very careful selection of language. I refer to a media statement put out by Mark McGowan. I have sourced this media statement from [markmcgowan.com.au](http://markmcgowan.com.au), which I am surprised is back online again, because it was taken down for a short period after the election. I assume that was to cleanse some of the things that the Labor Party did not want us to print.

**Hon Michael Mischin:** Is it the same one that they had before, or has it been sent to the ministry of truth to be rewritten?

**Hon MARTIN ALDRIDGE:** Or to the Public Records Office. This media release was issued on 3 February, which is pretty close to January, and is headed “Life in prison: WA Labor unveils toughest action on meth traffickers”. The second dot point reads —

Meth traffickers will face a maximum life sentence in prison in a plan to cut the supply in WA

I can see how the government will argue its way out of that and say that traffickers will face a maximum life sentence. They could face a maximum life sentence, obviously, if our courts were to choose that sentence. It is interesting that this was issued on 3 February, yet the methamphetamine action plan issued in January had no reference to it. Maybe it was an omission.

**Hon Stephen Dawson:** Don’t political parties make a multitude of announcements on different days during election campaigns?

**Hon MARTIN ALDRIDGE:** But this is the comprehensive plan. Is the minister saying that this is the comprehensive plan, minus a plank?

**Hon Stephen Dawson:** It is not hypocritical. We made different announcements on different days. We made a great announcement, and that is why we have this bill in front of us. Didn’t the National Party do that?

**Hon MARTIN ALDRIDGE:** We did not release a comprehensive plan and then add to it three days later. When the Labor Party took down markmcgowan.com.au and cleansed it, I would have thought that it would just add it to its comprehensive action plan, and then the one that I printed would have been the right one. The second reading speech states —

The amendments provide that a drug dealer who is caught with 28 or more grams of methamphetamine will now be subject to a maximum penalty of life imprisonment. This is an increase on the current maximum penalty of 25 years’ imprisonment.

Again, it is a very careful selection of language, still not spelling out to the public that the reality is that if somebody is in possession of 28 grams of methamphetamine, the minister will not be able to stand up during his second reading reply or during the committee stage and tell us that that person will be sentenced to life imprisonment. This is where some of my questions went during the briefing, and they have been unanswered since 25 May. On that date I was briefed by the minister’s office and the relevant advisers, and I asked a range of questions about possession charges, convictions and sentencing. I would have thought that the minister would have asked these questions in the process of preparing a brief for cabinet. I would have thought that these are questions that the cabinet would have asked when considering the approval to print this bill, yet after the bill had been introduced, a mere backbencher attending a briefing on 25 May, asking a pretty simple set of questions about some historical data about what had been going on in WA Police and the courts, still cannot get answers to those questions one month later. As I said previously, I do not think we will see a single offender convicted and sentenced differently following the passage of this legislation. The government should be up-front about that. It should have been up-front about it in its election commitment and in the second reading speech. I hope the minister representing the Minister for Police will be up-front about it when he gives his second reading reply. I think the government is giving a false sense of hope to the community about what this bill will deliver.

**Hon Stephen Dawson:** You are far too negative, member.

**Hon MARTIN ALDRIDGE:** Maybe the minister can convince me with the data that his department has not been able to provide.

**Hon Stephen Dawson:** Are you supporting the bill?

**Hon MARTIN ALDRIDGE:** I have said from the outset that we are supporting the bill. If the minister wants me to repeat my comments, I said that the bill will not do any harm, but it will have no effect.

Several members interjected.

**The ACTING PRESIDENT:** Hon Martin Aldridge has the call.

**Hon MARTIN ALDRIDGE:** Thanks, Mr Acting President.

I want to turn to some of the questions I asked. To be fair to the minister who has responsibility in this house, he has done his best to try to get me some information, but I note that he is not the minister responsible for this bill. He is not as aggressive as some of the other ministers; he is not channelling his Kim Jong-un. Some of the questions that I thought were relatively straightforward—I apologise if these have been canvassed previously—in thinking about the effectiveness of legislation like this, were related to charges laid by police: how many offenders were they charging; what type and quantity of drug did the offenders have in their possession; how

many successful prosecutions had taken place; and how were the courts dealing with sentencing? Ultimately, the bill before us relates to sentencing. I would have thought that those would be the things that the minister, the Attorney General and cabinet would have had at their fingertips when making decisions about this matter. How have those people who have been convicted of possession of 28 grams or more been treated under the current laws? Perhaps we have reached the threshold whereby every offender who goes through the court and is charged with carrying 28 grams or more of methylamphetamine is getting 25 years, and the courts have run out of room for harsher sentencing. Perhaps that is the position we have got to—I do not know. That question cannot be answered, apparently. I am sure it can be, because the two organisations that are most data driven in this state, probably beyond the Department of Health, are the Department of the Attorney General and Western Australia Police. They record everything, which leads me to another briefing that I had recently about the Sentence Administration Amendment Bill 2017, which, to be honest, is heading in a similar direction, but I will save that contribution for when we deal with that bill. Is that the minister's bill as well?

**Hon Stephen Dawson:** No.

**Hon MARTIN ALDRIDGE:** Whose is it?

**Hon Stephen Dawson:** I think that the Leader of the House will be dealing with that.

**Hon MARTIN ALDRIDGE:** I am sure that she will not be as nice as the minister.

We are now dealing with the maximum sentence that is applied. This bill does nothing more than allow a judge to sentence a convicted offender to life in prison. Hon Michael Mischin put the following notion quite well in his contribution before we broke for lunch: why would the courts sentence someone to life in prison for carrying 28 grams of methylamphetamine when there are more serious offences for which an offender gets nothing like life in prison? We only have to think about people who are convicted of homicide or some of the offences against the person whereby offenders are not convicted to life in prison. However, I guess they could be, and they should have been the words used in Mark McGowan's media statement and in the minister's second reading speech; that is, that a convicted offender could be sentenced to life in prison. Another interesting point about sentencing from my perspective, and I acknowledge that I have not had as much experience with these types of criminal matters as many others in this place, is whether this law is consistent and measured, particularly with the other offences that I talked about earlier. That is the crux of some of the issues that I immediately raised in the briefing I had with the minister's office and his advisers on 25 May. It is now 29 June, we are still dealing with the matter and we have not got long before the winter recess. I assume that this bill will probably not pass before the recess, but you never know. We may enter into the committee stage quite rapidly. Obviously, I have not canvassed the issues with the potential amendments that might be considered by this place during the committee stage of the bill. However, I still have a number of questions that have not been answered adequately about the application of this bill once it receives royal assent. It is incumbent upon the minister when he rises today, or after the winter recess—members may have other questions—to try to address some of those concerns. I would have thought that four weeks is a reasonable time frame in which to get a response from the departments.

**Hon Alison Xamon:** Six weeks.

**Hon MARTIN ALDRIDGE:** Six weeks! Is the member still waiting? I will stop whingeing now.

That is a reasonable time frame given that these are basic questions that cabinet would have asked. At the end of the day, if we are incarcerating someone for life for the possession of 28 grams of methylamphetamine, it will have a range of consequences for government, including our corrective services, because we have to incarcerate these people for life. I would have thought that that information would have been part of the submission put to cabinet when considering the merits or otherwise of this proposal.

The minister with responsibility in this house tried his best to provide me with some information. From the answers given to my questions, the best we could work out is that we are talking about 200 offences a year when someone is convicted for carrying 28 grams or more of methylamphetamine. My understanding is that that was an answer to a question provided in the Legislative Assembly by the Minister for Police; I maybe incorrect. Another figure provided was that in 2016 there had been more than 170 cases of proceeds of crime confiscations involving more than 28 grams of meth. Obviously, data was used from another act to work out how many people might get caught by the provisions in this bill. We have been told that between 170 and 200 potential offenders could face life imprisonment for carrying 28 grams or more of methylamphetamine.

I do not want to speak for too much longer because others want to want to make a contribution, and we have also foreshadowed some amendments. However, they are very serious questions about this bill that need to be answered. It is important that we at least come clean with the community because it is very concerned about this issue. I agree with the comments made about the need for a response on a range of levels. This is not simply a law and order issue, although law and order has a role to play. We need a multifaceted response to this, and that is widely recognised. However, the government has misled the community of Western Australia into believing that the grandmas and grandpas will be safe once this bill passes. I do not think that that will be the case.

**HON ALISON XAMON (North Metropolitan)** [2.57 pm]: I rise to speak on behalf of the Greens on the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017. As a mental health advocate and someone who has worked particularly closely with people who have co-occurring mental health and alcohol and other drug issues, I loathe the manufacturing of drugs and those people who choose to make a profit from distributing them. They basically peddle in misery and take advantage of people who are often very unwell with a background of trauma. Those people are better placed for getting support within a well-funded mental health system, but for a range of personal circumstances find themselves caught in the cycle of drug addiction. A shared aim of everyone in this place is to make it as unappealing as possible for people to make the life choice to make money out of drug trafficking. I acknowledge that general deterrence is a paramount consideration when considering drug trafficking penalties.

The Greens, like the alcohol and other drugs sector, support a tough approach to drug traffickers and, particularly, high-end drug dealers. We acknowledge that it is very important to try to target the Mr and Mrs Bigs of the drug trade and these are people who choose to thrive on human tragedy. Where I suppose I disagree with Hon Michael Mischin is that I do not think it is a futile exercise to try to target the high-end organised crime level of drug trafficking. I absolutely recognise that there is always the very high likelihood that should someone be imprisoned, someone else may take their place. But I do not necessarily think that that means we do not look at pursuing this. I am not suggesting that that is what Hon Michael Mischin was suggesting. But my concern is that I do not think it is futile. I think it is really important that we keep our eye on looking at penalties for very high end traffickers.

**Hon Michael Mischin:** Do you mind if I clarify that? I was not suggesting it's futile. I think it's an important exercise, but it shouldn't be the sole focus. If you focus just on that level, you are ignoring those who are actually part of the distribution process which needs to be interrupted.

**Hon ALISON XAMON:** I will get to that, because I suspect that is where Hon Michael Mischin and I have some differing opinions on people who are caught up in the cycle of drug distribution. But before I get to that, I think that it has to be acknowledged that methamphetamine has a devastating effect on people's lives, their families and the community. Quite simply, it is ruining people's lives. It is devastating for those of us who have been working in this area to watch the rise of methamphetamine, particularly over the last decade, and the devastating trail that it leaves for people. It is really indiscriminate. It is not true to say that only certain people fall foul of this drug. We find that people from right across the socioeconomic spectrum are becoming addicted to methamphetamine because it is a particularly insidious and addictive drug. One of the problems in trying to address the issue of ice usage is the sheer level of addictiveness of this drug.

Unfortunately, one of the effects for the community is that a side effect for people who are caught within the cycle of ice addiction is that it tends to be a significant driver of crime and also an escalator of violence that is often really irrational. I am sure I am not the only member in this place who has spoken to family members who have been caught in the cycle of ice addiction with a loved one. Those family members will talk about how their loved one has almost irreversibly changed as a result of this addiction. From directly speaking to ice users who are in recovery, I have heard them reflect on how they were as people under the grip of ice and how they feel that it completely changed who they were.

It really is a pretty awful drug and that is why I am standing here today to talk about the impact of methamphetamines specifically. We are talking about a drug that is about misery and despair. It is understandable that the community expects that when we are talking about methamphetamine traffickers, we are talking about dealing with harsher penalties. Come election time, the appeal lies in rolling out the sorts of legislative responses that we are now discussing. However, like the comments made by some of the previous speakers, the Greens are realistic about what we think this legislation will accomplish. We have some reservations about it and, more importantly, where it is intended realistically to fit within the overall strategies to address ice usage.

The bill aims to increase the maximum penalty for the offence of possession of methylamphetamine with intent to sell or supply from 25 years' imprisonment or a fine of \$100 000 to life imprisonment. It is simply looking to increase the scope of sentencing options that potentially will be available to a judge. The increased maximum penalty will apply to offenders who are convicted of possession with intent to sell or supply an amount of meth equal to or greater than the amount specified in schedule 7 of the Misuse of Drugs Act. The relevant quantity of methamphetamine that we are talking about is 28 grams. I will talk a bit more about that amount and the status of that schedule.

The bill also is increasing the maximum penalties for other related offences when they relate to a trafficable quantity of meth, including attempting to commit an offence, conspiring with another to commit an offence, inciting another to commit an offence and becoming an accessory after the fact. These attempts and conspiracies also have the potential to attract the maximum penalty of life imprisonment. Inciting another to commit an offence or becoming an accessory after the fact will attract a maximum penalty of 14 years. I note that the bill incorporates an amendment to the District Court of Western Australia Act, which allows the District Court to

retain jurisdiction over all drug-related offences. Presently, the District Court has jurisdiction over all criminal offences apart from those that carry a maximum penalty of life imprisonment. To ensure consistency of where the appropriate court would be, I understand that amendment needed to be incorporated in this legislation.

I acknowledge that this legislation is fulfilling an election commitment made by the Labor Party. Therefore, it was always going to be presented. However, it would have been good if prior to this legislation being introduced, there had been the opportunity to have broader consultation, particularly with the alcohol and other drugs sector. I am aware that a number of people within the legal sector would have liked to have taken a more holistic view of this legislation. That is always the best way to try to bring about these sorts of changes and the government has the resources to do that. I recognise that this had been put forward as one of the ALP's tough-on-crime initiatives for the election and, as I understand it, it was part of a commitment to be introduced within the first 100 days; hence, the bill has been introduced without the government going through a level of consultation that would have been useful. It is important for legislation of this sort to be evidence based and, ideally, the result of rigorous consultation and research. I abhor putting forward legislation that is simply populist, but here we go.

Although I acknowledge that general deterrence should be the paramount consideration in setting penalties for drug trafficking, as I have already said, there is a real question about whether arbitrarily increasing sentences, as this bill proposes to do, will have an impact on general deterrence. That is particularly the case given that this is an arena in which quite hefty sentences are already being imposed.

We know that for a long time, the penalties imposed for drug dealing have been more severe than the penalties imposed for the majority of criminal offences. The concern is that at some point, the sheer length of time that drug offenders spend in custody may not have the deterrent effect that people hope it will have and may not be the principal factor in a person's decision about whether to engage in drug dealing. I note that no evidence has been presented to demonstrate that the proposed increase in penalties will be an effective deterrent.

During my briefing on this bill, I became aware that there is going to be a review of the Misuse of Drugs Act 1981. That review is long overdue. I welcome the fact that this review will be undertaken, because we know that some of the penalties contained in the Misuse of Drugs Act are very out of date. The new penalties that are proposed to be introduced may be appropriate. However, the new penalties may be inconsistent with or disproportionate to the existing penalties. This is, therefore, a good opportunity for us to get some consistency in how we address the issue of illicit drugs. If the act is not reviewed regularly, we run the risk that the legislation will become ineffective or have unjust effects. I am concerned when people tinker around the edges simply to fulfil election commitments and demonstrate to the community that their party is not soft on crime. That is by no means best practice when it comes to drafting legislation. I suspect that if the Misuse of Drugs Act had been reviewed in a timely manner and if any relevant recommendations had been implemented, many of the concerns I am raising today would have been addressed.

The policy of the Greens provides that we will support legislation that decriminalises the use and possession of currently prohibited drugs so that users do not face criminal sanctions. The Greens believe that criminal sanctions should apply to people who manufacture, sell and supply currently prohibited drugs. As such, this bill is not inconsistent with Greens policy. Good alcohol and drug policy involves a balance between reducing the supply of drugs and reducing the demand, and reducing the harmful consequences of alcohol and other drugs. As has already been mentioned, this bill will not do anything to address the demand for methamphetamine, nor will it do anything to address the harmful consequences of methamphetamine abuse. The bill deals with only one component, the issue of supply—or at least we hope it does. It is critical to acknowledge that this legislation will not be a fix-all for the harm that methamphetamine causes in our community. I am keen to see what other initiatives that address the issue of demand and the consequences of methamphetamine abuse will be rolled out in the future.

I will now get back to schedule VII of the Misuse of Drugs Act and the amount of 28 grams of methamphetamine that has been set as the threshold for the purposes of drug trafficking. The Greens do not want to see any unintended consequences as a result of the passage of this legislation. We do not want to see further criminalisation, marginalisation or stigmatisation of people who are caught in the cycle of drug addiction but are doing no harm to others. We do not want to see legislation that imposes a risk to users. I maintain strongly, as do other members of the Greens, that our approach to people who are caught in the cycle of drug addiction but not engaging in other offences should be a public health approach and not a law and order approach. We want to ensure that people who are caught in the cycle of drug abuse are able to find every pathway out of that cycle of abuse.

The reason for the thresholds that are set in the schedules to the Misuse of Drugs Act is to filter out drug users from drug dealers and traffickers. Schedule VII, headed, "Amounts of prohibited drugs for purposes of drug trafficking", is the critical schedule for the purposes of this bill. That schedule has not been updated with respect to the threshold amount of methamphetamine since it was put into the legislation in December 1990. Schedule V, headed, "Amounts of prohibited drugs giving rise to presumption of intention to sell or supply", has never been updated. The threshold for a person to be presumed to be in possession of methamphetamine with intent to sell or supply is two, or more, grams of methamphetamine. There is a real chance that as a consequence of the failure

to review and update the Misuse of Drugs Act, the quantities specified in the schedules do not reflect the current patterns of drug use and distribution. That is a real problem in light of the fact that the community is very concerned about the broad issue of the misuse of illicit substances. I note that these concerns have also been expressed by service providers within the alcohol and other drugs sector.

I want to draw members' attention to some research that was funded by the Criminology Research Advisory Council and published in 2014 by the Australian Institute of Criminology. That research makes interesting reading. The authors of that research note that the use of minimum thresholds is controversial. They note also that many countries are avoiding the use of minimum thresholds, and that only a minority of countries—that includes Australia—specify actual quantities. The authors note also that there is a risk that users who possess large quantities of an illicit drug will be presumed to be selling or supplying the drug and as a result people may be erroneously penalised or imprisoned.

The study evaluated the capacity of the drug trafficking thresholds in Australian jurisdictions to deliver proportional, fair and just sanctioning of drug offenders. The authors found that in Western Australia regular methamphetamine users consumed, in a heavy session, quantities that were greater than the current schedule V threshold amount. In Western Australia, possession of two, or more, grams of methamphetamine gives rise to the presumption of intention to sell or supply. It was acknowledged in the research that users are at minimal risk of exceeding the threshold when they follow typical use and purchase patterns; however, users may exceed the threshold if they use or purchase high doses. This has been explicitly said by the alcohol and other drugs sector. The comment has been made in the public arena by some of these providers that some of the people they are assisting now, who are not traffickers, would have in the past potentially been in possession of this amount of meth. The concern I have is that this is a very great risk. Frankly, we should not be locking up people who are simply drug users as opposed to drug traffickers. The legislation we are considering today does not refer to amounts specified in schedule V of the Misuse of Drugs Act, but rather to the higher amount that is specified in schedule VII; nonetheless, it is an important issue that needs to be addressed as a priority and I certainly hope it will be part of the review of the Misuse of Drugs Act.

I looked very closely at reversal of the onus of proof, which is obviously a breach of the rule of law and one of the reasons that we need to be careful to make sure that the threshold quantities are current and appropriate, particularly for the intent to sell or supply drugs. The Misuse of Drugs Act as a whole already reverses the onus of proof. Under this bill, possession of drugs above the quantities scheduled in schedule V constitutes a presumption of intent to sell or supply. This places the onus on the alleged offender to prove that the amount they possess was not for the purposes of selling or supplying. As I said, it is a fundamental principle of the rule of law and our system of justice that the prosecution bears the burden of proof in criminal trials. This principle is fundamental with the presumption of innocence. However, as I said, in the case of the Misuse of Drugs Act, the legal burden is placed on the defendant to prove they did not intend to traffic the drugs. I recognise that there are reasons that this bill reverses the onus of proof, because without it the prosecution would have a pretty formidable task trying to secure convictions. At the very least, the threshold quantities need to be reviewed. By not updating the schedules, or at least regularly reviewing them to ensure they are appropriate, we are running the risk of catching users in provisions that are supposed to deal with dealers and suppliers. By no means do I profess to be an expert in this area and, as such, I am in no way qualified—neither is anyone in this place—to say what the threshold should be, whether it is 21, 28 or 42 grams. I have no idea. It is important that any review is informed by sector experts. These are people who are experts in the legal profession, in policing and, of course, in the alcohol and other drugs sector. I am very clear about that. But it is important we review the amounts and make sure the amounts in these schedules, in this case schedule VII, are fit for purpose. Again, because the Misuse of Drugs Act will be reviewed later this year, in part to fulfil a statutory requirement from earlier amendments, I hope there can be broad consultation with people who know what they are talking about regarding the amounts stipulated within the schedules. Given that we are halfway through the year already and this is a significant piece of legislation, I am not sure it will be possible for a thorough review of the whole act to be undertaken and tabled before the end of the year. I urge the government, however it decides to progress the review, to ensure some consideration of the schedules are undertaken as a matter of urgency. I suggest that if this is not done in the review of the act, perhaps this would be an appropriate project for the Law Reform Commission, which, of course, could undertake that upon the recommendation of the Attorney General.

I want to comment on mandatory sentencing, because it keeps coming up in this place. I have to say how pleased I am that this legislation contains no mandatory sentencing components, because if there had been mandatory sentencing components in this legislation, I would be standing up to make it clear than under no circumstances would the Greens support this bill. However, as judicial discretion has been maintained within this legislation, I am able to look at the bill on its own terms and give consideration to whether what has been proposed is reasonable and is likely to contribute to the outcome it hopes to achieve. I note that a previous contribution from Hon Martin Aldridge referred to comments made by the Labor Party within the election period supporting mandatory sentencing as an epiphany. I beg to differ. I consider it more of a thought bubble. It is not a particularly enlightened approach to be talking about the need for mandatory sentencing at all. I am glad that

the Labor Party has decided to back away from the comments that were made that appeal to certain parts of the community, but not to all—I want to make that clear—calling for mandatory sentencing. I do not understand this almost pathological need to bind our judiciary and prevent fair decision-making to occur. I for one have more faith in our courts than perhaps some members in this place. I am glad that the Labor Party did not proceed with any commitment to introduce a mandatory sentencing component to this legislation; it makes it better legislation.

Mandatory sentencing is not effective. It is just a political tool, and it is time people started owning up to that and recognising that the reason it is put forward is that it is politically popular and not because it helps in the service of justice. I am pleased that mandatory sentencing is not included in this bill. All mandatory sentencing does is make it impossible for judges to have regard for individual circumstances such as ongoing mental health issues and prospects of rehabilitation, and I have already spoken about concerns around the quantity of 28 grams. It may be that sometimes a judge, being able to weigh all the evidence in front of them, is able to make a decision that perhaps a hefty sentence is not necessary, or maybe that it is incredibly necessary. This bill extends the scope of potential options available to magistrates. We also know that mandatory sentencing has been seen time and again to have a disproportionate impact on Aboriginal people. As has been previously pointed out in a briefing note by the Director of Public Prosecutions, mandatory sentencing removes the incentive for people to plead guilty, which is a bad outcome. It increases the prison population and the cost to the community, and we do not necessarily get justice. Effectively, there is no benefit whatsoever. I am glad that the Labor Party chose not to go down that path so that we could have a proper discussion about this. In our overall approach to drugs, we cannot underestimate the enormity of the impact of the meth issue within our community. I note that Chief Justice Wayne Martin has stated that given the significant number of cases in our courts pertaining to meth, he is of the view that it is likely to be only the tip of the iceberg. He thinks that there must be hundreds of thousands of families who have been profoundly affected by this terrible drug. We need to be realistic and recognise that a purely law-enforcement approach does not work and is not working. It is abundantly clear that where there is a strong demand for drugs there will always be supply. Legislation particularly around penalties is only ever going to be a minor part of how we realistically address the ice issue. We know that we need a three-pronged approach to deal with the issue of drugs. That will include reducing supply. Again, the bill at least is a small part, potentially—who knows—towards that approach. It also includes reducing harm, which is about treatment, support and decriminalisation, which is recognised as a significant way of reducing harm; and, reducing demand, which is about education and prevention. Part of that prevention is also about making sure that we have well-funded, community-managed mental health services so that people who are drawn to drugs in order to self-medicate, in particular, are able to get that early support with their mental health issues so that perhaps they do not go down that path in the first place. But, of course, people also have to be educated about why it is not a good idea—because it ruins lives.

Drug treatment needs to be treated like any other part of the health system. The concern is that we should stop treating people who are caught in the cycle of drug addiction as being an adjunct to the criminal justice system merely for having a drug addiction, as I have said before, as opposed to people who may offend while they are on drugs. If a person commits other offences, then obviously they need to be part of the criminal justice system. But the mere fact of a person simply having a drug addiction should not in and of itself mean that they should automatically be part of the criminal justice system as opposed to the health system. We need to view illicit drug use primarily as a health and social problem, and we need to fund it accordingly. I reflect on a comment directed to me in this place yesterday about the cost of these services, to which I respond: it is far more expensive to not deal with the cost of drug addiction before it becomes a problem in people's lives. It is just good, basic commonsense.

Reducing demand is also about making sure that we understand the drivers of drug use. I cannot stress enough the importance of a public health approach—education, prevention, treatment and support. I understand that that is not a simple response; it is a complex issue, so it requires complex responses. I will draw members' attention to my notice of motion on the notice paper—it is a wonderful motion and I look forward to everyone supporting it—in which I will call for the establishment of a committee to start looking at the different ways that we can look at this drug use issue. What we do know is that what we are doing now is not working, clearly. There has been, however, success in other jurisdictions around the world, and I think that we really need to look into alternative approaches to reducing illicit drug use. My motion calls for the establishment of a select committee to simply examine these issues. I will obviously be giving my contribution when we finally bring that on. I hope members think about that because I think it is important that we are able to have an intelligent examination of the issue. We have seen that in countries that reform drug laws and instead decide to emphasise the health and social interventions and expand and improve on treatment programs that problematic drug use declines. Importantly, demand declines and outcomes for people in the community, generally, are improved. There are considerable benefits associated with the diversion of offenders into community residential drug and alcohol rehabilitation services instead of always looking at incarceration. Diversion is also associated with financial savings, as well as improvements in health and mortality.

In 2012 Deloitte Access Economics produced a national Indigenous drug and alcohol community report that found that residential treatment not only cost less, but was also associated with better outcomes than sending

people to prison—it is good for the community and good for us as taxpayers. That report also found that total financial savings associated with diversion to community residential rehabilitation compared with prison was over \$111 000 per offender. There is your money; there is your budgetary crisis dealt with! More work needs to go into the provision of services to ensure that services are culturally appropriate and accessible, including for people living in regional and remote areas, because there are huge issues particularly in our regional and remote areas, as well as for at-risk and for identified marginalised groups. I keep saying, and I am going to keep saying, that we need to make sure that we are funding the mental health and alcohol and other drugs services plan because it maps out how we can ensure that we have the necessary mental health and alcohol and other drug services that will assist people with prevention and early intervention. The plan recognises the urgent need for increased access to alcohol and other drug withdrawal management and residential rehabilitation services, particularly in regional areas. We do not have enough. We are not keeping up with demand. People are hitting rock bottom and when they are looking to finally address their issues they are finding that the services are not there in a timely way for them to be able to address that. I also note that it is estimated that up to 50 per cent of people with alcohol and other drug problems also have a co-occurring mental illness. That is a huge number of people, so we need to make sure that we are producing specialised services that can deal with this. Addressing the issue and the problem of meth use cannot be done in isolation from the provision of mental health support services—50 per cent.

I also want to raise concerns about the spread of methamphetamine use to Aboriginal communities. I was in the Kimberley last year, speaking to people particularly on the issue of suicide and this matter was raised directly with me as being a massive increasing concern. I note that some community services are doing some really good work in harm reduction, but what was made clear to me, particularly from the elders, was that there are not enough resources being provided. Again, as I have said before, I do not think that it is about the federal government providing resources in this space. Instead, I think the federal government can hand the money over to us and we can manage that in a coordinated way, because we do it better than the federal government does—at least here in WA. What that really notes, though, with the increased use of meth, particularly within Aboriginal communities, and even in our remote communities, is that no part of the community is immune from the effect of methamphetamine. It is being felt right across the socioeconomic divide. Also I think it is fairly safe to say that parents who are methamphetamine addicts are often not particularly good at fulfilling their parental responsibilities, particularly as they decline into their addiction. The impact on families can be enormous, especially due to the increased rate of violence that often comes with this insidious drug. I am particularly concerned about the generational impact of this drug on children who are being raised in homes that are in the grip of addiction and on children who have needed to be removed from their homes as a result of addiction and find themselves in the foster system.

On a related note, I have spoken many times over the years about foetal alcohol spectrum disorder and how great a concern it is, particularly in Western Australia. The impacts on a child in utero of a mother consuming alcohol are lifelong and can be devastating. We need to know that drug use has very similar devastating consequences for unborn children. We still have a fair bit to learn in this area; a lot of research needs to be undertaken, particularly about methamphetamine use. We already know that methamphetamine use during pregnancy can cause significant physical and neurodevelopmental impairment. As with FASD, those impairments cannot be reversed. Again, although there are some excellent interventions to support people, albeit not available widely enough, prevention is far more critical to ensure that we address the intergenerational impact of methamphetamine use, particularly for children who are born to meth-addicted parents.

We need to improve the alcohol and other drug rehabilitation services in our prisons and at Banksia Hill Detention Centre. Our youth justice services deal with young people—I am talking about some as young as 11 years old—who are on methamphetamine. Their families and the people who they hang out with are all on methamphetamine; it is devastating. We need to urgently ensure that evidence-based support and treatment is available for these children and their families. I suggest that the community will want this as well. I keep saying it, but we will have to start addressing the social drivers of methamphetamine use. What are the reasons that people take up this drug in the first place? Is it due to mental health issues? Is it boredom? Is it a culture within a particular work environment? We need to start addressing that.

My final comment on strategies moving forward is on the importance of our diversionary courts and how important it is to fund them. In my former professional life as a lawyer, I had clients who went through the Drug Court. It is tough. It was tough for those clients but it helped them to turn their lives around. Evidence shows us that people who go through diversionary courts rather than the regular court system have a higher rate of success in avoiding recidivist conduct. It is always money well spent and helps to turn people's lives around. These might be people who engage in offending behaviours that arise from their addictions. There is no excusing that offending, which is why people who steal or whatever need to go to court. The reality is that if their drug addiction is the reason that they offend, the one thing we want them to do is to change that. The diversionary courts play an essential role in stopping that recidivism. They are good for the community and good for those individuals. Having spoken to the parents of young people who have gone through the Drug Court, I can tell

members that it becomes a lifesaver for them. Those parents have probably watched their child go out of control for several years and have not had the ability to help them. It means that they are finally able to turn their lives around. That is money well spent. I acknowledge that the previous government looked at investment in diversionary courts and it gets to take credit for the establishment of the Specialist Treatment and Referral Team Court, which is fantastic. But we still have a long way to go. We have to look at far more investment in these courts, particularly in the regions, because people in the regions are missing out on the opportunities available with our diversionary courts.

I recognise that the early introduction of this bill as part of the 100-day commitment reflects how important people feel it is to address the issue of methamphetamine use. People in the community—I will put my hand up and say that I am one of the people with this view—are sick of the effect that methamphetamine is having on the community. I am personally sad about the effect it is having on individuals and their families. It is a horrible drug—it is just horrible. It changes people and is one of the ugliest drugs that I have ever seen. Its devastating impacts are found right across the community. Having said that, I wonder how much effect this bill will have in dealing with the landscape of the meth scourge. It increases the range of options that are available to judges. It does not bind them with stupid ideas like mandatory sentencing, so that is good. I think that there is a shared understanding that no-one feels much sympathy for the bigwigs of the drug trade, people who choose to make God knows how many millions of dollars out of peddling in absolute misery, destroying people's lives and making the community miserable. The reality is that so much more still needs to be done to address the issue of meth use in our community. That is the main game. Reducing demand means that there will be no market. Assisting people to get out of the cycle of meth addiction within the health system and making sure that services are available as soon as people get to the point of realising that they have to do something about their addiction is the main game where we need to focus our energy. I hate to think that anyone could think that passing this legislation will have a major impact on addressing the issue of meth use. I look forward to the Misuse of Drugs Act as a whole being reviewed. I will urge the government to prioritise looking at the schedule and undertaking a process of community consultation, particularly with experts in this space, to ensure that the next time that amendments to this act are presented to this house, all members can have full confidence that it is the best possible legislation that we can contemplate.

**HON CHARLES SMITH (East Metropolitan)** [3.49 pm]: I offer my congratulations to the government for introducing the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017, which is designed to curb the trafficking and distribution of methylamphetamine. Naturally, One Nation supports this bill in its most basic form. Indeed, we will support any legislation that increases sentences for drug trafficking. We support any legislation that will make things tougher for drug traffickers to ply their trade in our state.

Amphetamines were first synthesised in the late nineteenth century. However, no medical use was found until the 1920s, after which amphetamines were made available as over-the-counter drugs. The modern amphetamine epidemic really started in the 1950s. Users began to see their recreational potential, and the rise in use around the world caused many countries to ban or restrict production. Today, amphetamines, as we all know, are prescription-only medicines. They treat various disorders, including attention deficit hyperactivity disorder, narcolepsy, and sometimes depression and obesity. Currently, according to the available data from the Australian Criminal Intelligence Commission published last year, Western Australia's use of illicit amphetamines is more than 1.5 tonnes annually, or more than 56 million doses. Drug abuse costs the Australian community around \$4.4 billion a year in lost productivity and providing front-line services, including health care, policing, prisons and the court system. It was also reported that 78 per cent of meth users in Western Australia use the stronger form, called ice. This has led Justice Philip McCann to conclude that Western Australia has the unenviable position of being probably the worst jurisdiction in the civilised world for methamphetamine offending.

I understand that the government wants to appear to be tough on crime. I think we all get that message, and that is the message that has come up from the community. It is one of the government's pre-election promises. However, the fact is that this is the worst type of wishy-washy, namby-pamby, fake, tough-on-crime bill I have ever seen. I believe we shall soon see another bill before this house. It is a whole lot of hot air. Police, judges and the community know that and, of course, organised criminal gangs know that. If we really want to get tough on organised crime, we should look at the proceeds of crime and unexplained wealth legislation. That is how we deal with these people. One of the reasons that drug manufacture, distribution and trafficking are so rife in Western Australia is the vagueness or ambiguity of the law surrounding this issue. Honourable members need to understand that traffickers know that if they get caught, they have a very good chance of having a minimal punitive sentence imposed on them, and they see that as a legitimate business risk. In a nutshell, giving the judiciary the ability to extend sentences here and there is all this bill entails. That is it. Is the minister aware of how many convicted traffickers have actually received the maximum term currently available? My understanding is that no-one in the last decade has received a 25-year sentence for the kind of offences that this bill deals with. However, the Attorney General has repeatedly claimed that recently a few people have received some tough penalties. I applaud and welcome those penalties, and I understand that this bill will give further scope to increasing the relative custodial sentence.

In many people's experience, and what members of the community talk to me about, magistrates and judges already consistently fail to meet community expectations in their sentencing. This is not really news; everyone knows it. How is offering a potential life term going to make any difference? Until the culture of the way that we deal with the end-user changes, the war on drugs will stay exactly the same. This bill will just maintain the status quo. Perhaps we need a mature debate on perhaps legalising possession. I do not know; I am just thinking on the run. Perhaps we need to make sure there are real consequences for people who break the law. Perhaps we should go back to public shaming and the reintegration of people who have broken the law. I do know that we as a society need to encourage greater personal responsibility.

Meth trafficking is a lucrative business for traffickers and dealers. According to the Australian Criminal Intelligence Commission's 2014 annual report, one kilogram of methamphetamine can be purchased in China for around \$6 500 and sold in Australia for \$600 000. That is nice business; that is a great mark-up. Western Australians spent more than \$2 billion on their methamphetamine habits and used more than two tonnes of the drug in 2016. Meth syndicates make a lot of money in this filthy business. The common law we use in Australia is quite vague and ambiguous, and it is open to interpretation. This ambiguity allows criminals to take advantage of our legal system. Honourable members might want to ask themselves what justice is. I think justice is fairness to all. The current system is skewed towards criminals, and the only way to make it fairer is through, in this case, mandatory sentencing. I know some members are concerned about trampling on the independence of the judiciary. Members may note that the nation's confidence in our judiciary is at an all-time low. They are simply no longer the guardians of the rule of law. We have vigilante groups popping up all over the place, even in charming Ellenbrook, as people go around the streets trying to find criminals.

The impact of the availability of methamphetamine can be clearly seen in the increase in psychosis and violence. Additionally, meth is increasingly being linked to domestic violence, sexual assaults and other crime. Available data indicates that WA Police has experienced a 40 per cent increase in amphetamine arrests in 2013–14. Meth and other drugs were a factor in up to 20 per cent of serious and fatal vehicle crashes in 2015. Evidence also reveals that meth users are 1.6 times more likely to commit a robbery, 1.8 times more likely to commit burglary, 2.1 times more likely to arm themselves with weapons and 1.5 times more likely to commit property offences than non-users. Criminals who manufacture, distribute and sell drugs know with a high chance of certainty that they will be dealt with leniently, and see a short term of imprisonment or a fine as a legitimate business risk. This has to stop. Those who traffic meth and other drugs—I am talking about organised criminal gangs such as outlaw motorcycle gangs, for example—need to know with certainty what their risks are. These people know that the law is not a level playing field. They know that the odds are stacked in their favour. That is how our criminal justice system works. There is only one way to level the criminal playing field in this case, and that is by the introduction of sentences with a minimum mandated in the legislation. Only mandated minimums carry certainty. Someone who is caught with a trafficable amount of ice and found guilty will receive a minimum of, for argument's sake, five years' imprisonment with no parole. I will be moving an amendment to this legislation to give effect to that. By doing this, society will level the playing field so that everybody who plays this game will know exactly what the rules are and there will be no ambiguity. That is what we have to do to get properly tough on crime and not make meaningless political bills that are just sound and fury and signify nothing. When it comes to budget time, we expect the government to allocate additional funds to policing resources and recruitment. We expect the government to continue to fund rehabilitation and education and information programs to help addicts and their families get the help that they need, and we expect this support to extend to regional communities as well as the metropolitan area.

**HON DIANE EVERS (South West)** [4.00 pm]: I have just a few words to say on the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017. I feel quite concerned about this. I feel that we are trying to play a game of how many people can we lock up, as if the more people we have in prison the safer we will be. However, United States statistics show that it has the second highest incarceration rate in the world, yet it still has one of the highest crime rates. Putting people in prison does not make us safer. If we take one person out of prison, the space gets filled. It is a bit like what happens with feral cats; a person can go out in the forest and shoot a feral cat and within no time at all another cat will occupy that territory. If an unruly child is moved out of a classroom to another class or school, another unruly child will fill that space. My concern is that we do not just lock up people, because locking them up will not make us safer. It has been said in this house that we need to find things to keep people out of that situation. We need to give them something else to do. The criminal element will always try to make a dollar out of this, but we need to change things so that users do not turn to ice but, rather, to some other recreational drug or activity that is acceptable. As we heard, it is currently alcohol for the most part, and that is not very good. We need to ensure that these people have another opportunity so that they do not end up being drug users, buying drugs or travelling overseas to get drugs. As my colleague Hon Alison Xamon said, there is a financial side to this—I have to add that too. I feel quite emotional about it but I would rather talk about the rational side. It costs \$130 000 to lock up somebody for a year. The front page of *The West Australian* last week stated that it costs \$288 000 to keep somebody on the dole for life. If we can keep them off drugs, they will be able to live and contribute to the community through community service work, if they are interested, or

volunteering time. It costs \$6.5 million to lock up a person for life, and that is just my estimate based on \$130 000 over 50 years. It could be more than that given that we have to provide for their medical care as well. The best bet is to keep these people out of prison. Any way we can do that and still maintain a safe community is the way that I would like to consider.

I want to leave members with a story that comes to mind when I think of mandatory sentencing. I have some young kids. I imagine that other members in here have some young kids around 19 or 20 years of age too. Some of us might have a daughter or a niece, or a friend with a daughter or a son who is a good kid—not a problem. Let us say that their daughter has finished high school but she is not really sure what to do next. She cannot get a job after being knocked back a few times. Maybe she has just lost her boyfriend or girlfriend and is kind of on her own and not sure what to do. This daughter goes out with some friends, who have also been good kids. Everything is fine and they never get up to trouble. They are 19 or 20 years old and they do what kids do, but they are good kids. They end up going to a party and meeting up with some other people, as you do. I do not know about the parties up in Perth, but they can get pretty wild down in Albany. This daughter goes to the party and meets up with some other people and becomes friends with them. These people encourage her to try some drug that she has not tried before, and she has a great time and thinks, “Wow, this is good.”

Over the course of the next couple of months the daughter starts to hang out with these people and one of them asks her to take an envelope down to a friend of theirs. We are talking about 28 grams; four grams of sugar is one teaspoonful, so the size would be comparable to that of about seven teaspoons of sugar—not much. On the way there, she is stopped for one reason or another, the police pick her up and there you go; this daughter of a good friend of yours has now been picked up for carrying 28 or 30 grams of ice that she did not even know was in the envelope. She will now be sentenced to a minimum of five years for making a stupid mistake, for being in the wrong place at the wrong time, for having low self-esteem and for having the inability to say no to somebody who is pushing something on her that she should not be doing—off she goes. Do members think that her life after five years in prison might be a little different? Do members think that she might have learnt a few things that we would rather she did not? Things might have happened to her while she was in there that we prefer did not happen. Yet, that will be a part of her life, her family’s life and our lives for a long time. I first thought, “Gee, this would never happen to my kids, but even if it did, I’m a member of Parliament so surely they wouldn’t do that!” But that is illegal; sorry, guys, we do not have that sort of privilege that our children will not be caught.

**Hon Stephen Dawson:** We do not.

**Hon DIANE EVERS:** No, we do not. I imagined how that could change the life of somebody who was in the wrong place at the wrong time and made a few mistakes. They are not the dealers that we are looking out for. They are not the traffickers who carry around 100 kilograms of drugs at a time. They are not dealing in millions of dollars. They are someone just like one of our kids, and it just shows that this sentencing provision does not work for everyone. I agree that the traffickers—the big ones—who bring this stuff into the country or manufacture it here have no empathy for the people whose lives they are ruining, in the same way that white-collar criminals today who take financial savings from hundreds of people at a time have no empathy. Just because they wear a collar and tie, they seem to be subject to a different sentencing regime, even though they are also devastating the lives of many people. However, we want to get these drug traffickers off the street. The chances are that the people we are after are not even on the street. They are so many steps removed from it and so hard for us to find. As we heard, no-one has received a 25-year sentence in the past 10 years. We just do not catch those people, but they are the ones we need to catch. In the meantime, let us not lock up our kids. Let us treat them for their addiction and give them the opportunity to have an education and employment, and to develop their self-esteem so that they can be contributing members of our society. Although I support the bill as it is, I could never accept mandatory sentencing for this sort of offence because a bad situation or some stupid mistakes could end up ruining the lives of people and their families.

**HON MARTIN PRITCHARD (North Metropolitan)** [4.08 pm]: I was not going to talk on the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017 because many people in the house would understand the bill and its consequences much better than me. I was looking to get some guidance from them about the proper approach to the bill and any amendments that might come forward. I have had some personal experience with ice affecting a person in my extended family. I am intimately aware of the consequences of using ice. Ice is a completely different drug from that with which I have ever had any experience. I was born in the late 1950s, so my heyday was in the late 1970s when the drug of choice was marijuana.

I would be happy to admit it even if I had, but I have never tried marijuana. I was one of the people at parties who went off to the booze room and got drunk instead of going off to the room that had all the smoke coming out. That is not to say that I was a saint. I may have driven home after going to those sorts of parties. It certainly was not through any sainthood on my part. It just was not something that attracted me. But marijuana seemed to me to obviously have consequences for the people whom I met at that time. It obviously had some effect on their lives, but certainly not the same sorts of effects of ice that I have witnessed and had to cope with. Ice has

a devastating effect on the people who take it and the families who are involved with it. It completely takes away a person's empathy. A person whom we know and like and have as part of our family could just as easily take an axe to us as they could give us a glass of water. They have no empathy whatsoever and no idea of the consequences of what they do. We need to do everything we can to try to rid our society of this scourge.

As I mentioned, the impacts on the family when a person is in the grip of ice are terrible; nobody knows what that person will do—again without any real thought to the impact on their immediate family, their extended family or any person. As I said, I have personally witnessed that behaviour and it is to the nth degree. In more recent years I have had to make a number of visits to hospitals with my parents. On one occasion I was not there at the time, but my wife was with her mother at the emergency department and a person came in who was obviously affected by ice. In my wife's words he was not overly well-built, but it took seven people to hold down that person when he went into a rage in the cubicle next to my mother-in-law. The fear that it caused in my wife and my mother-in-law was palpable even weeks after when they spoke about it. When we expect our frontline responders to have to cope with that, we should all feel a responsibility for trying to solve the problem.

Coming back to this bill, I have no expertise to suggest that the drafting is fantastic or whatever. I do not claim to have that sort of expertise. People in the chamber and the department have that sort of expertise. But I do know that this bill is something. I have heard in this chamber that the legislation may not have the impact that people are suggesting that it will have. With my limited understanding of sentencing, I think judges look at the amount that they can sentence and then apply discounts for certain things, such as pleading guilty or having a clean record. That is the limit of my understanding of sentencing. I assume that having a higher starting point will have an impact on what sentences end up being after the discounts have been applied. But putting aside my limited understanding of sentencing, people have suggested that society, our constituents, are crying out for something, and they believe that this legislation may help. At this very early stage in a new government, even if that was all that we achieved, it is a good first step. There are many, many more steps to go for us to deal with this scourge, but if that is the first step so early in the new government, it is well worth our support. I am pleased that people around the chamber have indicated that they support the bill.

Debate interrupted, pursuant to standing orders.

[Continued on page 2074.]

*Sitting suspended from 4.15 to 4.30 pm*

### QUESTIONS WITHOUT NOTICE

#### ABORIGINAL REGIONAL SERVICES REFORM UNIT

#### 336. **Hon PETER COLLIER to the Minister for Regional Development:**

I refer the minister to her response to question without notice 165 of which some notice was given, asked on Wednesday, 14 June 2017. In particular, I refer the minister to her claim within her response that, and I quote —

... after the disastrous attempts by the then Minister for Indigenous Affairs to close scores of Aboriginal communities without consultation with those communities. He was offered a bit of money by Mr Abbott and, given the parlous state of the budget, he wanted to take that money upfront, no strings attached, and he subsequently announced that various communities would be closed down.

- (1) Will the minister acknowledge that these claims are false; and, if not, why not?
- (2) If yes, will the minister apologise to the house; and, if not, why not?

#### **Hon ALANNAH MacTIERNAN replied:**

I thank the member for this question.

- (1)–(2) A large part the community could be forgiven for thinking this person is a self-indulgent narcissist, because he has spent so much of his time defending his hurt honour! I mean, where are the questions about his community?

*Withdrawal of Remark*

**Hon DONNA FARAGHER:** Madam President, I think you know what I am going to say. I believe the comments that the honourable minister has just made with respect to the Leader of the Opposition are unparliamentary, and I would ask that she withdraw them.

**The PRESIDENT:** I note that. I am sure the minister was going to correct her words about the Leader of the Opposition and continue with her response.

**Hon ALANNAH MacTIERNAN:** Thank you, Madam President. There are important issues at stake here. The member is so precious. Hon Peter Collier has come into this place time after time to raise this issue. I just make this point. No; I am not going to apologise. The reason I am not going to apologise is that the Leader of the Opposition was the Minister for Aboriginal Affairs when the former Premier made these statements that caused untold upset.

**Hon DONNA FARAGHER:** Madam President, I have raised a concern that the words that have been used to describe the Leader of the Opposition are unparliamentary, and I have asked that they be withdrawn. I took from what you said, Madam President, that you have suggested that the minister reflect on them, and maybe she would do so. I have not heard the minister withdraw those comments at this stage.

**Hon ALANNAH MacTIERNAN:** I will withdraw the comment that I made that people in the community might think that the member was a self-indulgent narcissist. I will withdraw that comment.

*Questions without Notice Resumed*

**Hon ALANNAH MacTIERNAN:** However, I do say that it is important to understand that the Leader of the Opposition was the Minister for Aboriginal Affairs during this disastrous time for those Aboriginal communities. Because the member has raised this now so many times, I have scoured the records. The member said nothing in Parliament at that time to distance himself from the comments of the then Premier. He said nothing, anywhere. There was no media statement. He said nothing to distance himself from those comments, which on his own acknowledgment recently in the house caused untold stress to Aboriginal people in remote communities.

I also want to address the claim made by the member—as part of his same grievance about how dreadfully he has been dealt with—that I have attributed the work of the Aboriginal Regional Services Reform Unit to the then Minister for Regional Development, Terry Redman. I want to reconfirm that. I have spoken to people to assess that I was right in saying that. I note this very document. This document was prepared by the former government in response to its disastrous proposition to close down remote Aboriginal communities. The former Minister for Aboriginal Affairs is not mentioned in this document. He is not an author of this document.

**Hon Peter Collier:** You don't understand the whole concept!

**Hon ALANNAH MacTIERNAN:** I understand! I understand that it was not the former Minister for Aboriginal Affairs. He was a waste of space as Minister for Aboriginal Affairs. Today, the member claimed in Parliament that the Kimberley schools project was his project. That project came out of the Kimberley Development Commission. The people in the Kimberley Development Commission drove that project. It was then championed by the then Minister for Regional Development, Terry Redman, and he got that project up. In fact, when we came into government, the Department of Regional Development was still the lead agency for that project, because it could not trust the then minister to do it in his role as Minister for Education. So, member, do not come in here and ask me to apologise for your parlous inaction as Minister for Aboriginal Affairs! You apologise to the Aboriginal community for failing it time and again!

**Hon Peter Collier:** Thank you, minister. That is just the response I wanted. So we will have something to do on day one when we come back.

**Hon ALANNAH MacTIERNAN:** Good! Spend more time talking about yourself! Start talking about the community instead of talking about your own hurt honour!

Several members interjected.

**The PRESIDENT:** Members, this is the last question time for this session. I appreciate that people may be a bit tired and keen to get out of here, but one person at a time. The member on his feet has the call.

COMMISSIONER OF POLICE — RECRUITMENT

**337. Hon PETER COLLIER to the Leader of the House representing the Premier:**

Thank you, Madam President. I am looking forward to day one.

- (1) What was the reason for expanding the number of applicants on the short list for the position of Commissioner of Police from six to 10?
- (2) Is the Premier aware of whether any ministers, including the Premier, members of Parliament or government staff spoke with any members of the merit panel prior to the short list being expanded to 10?
- (3) If yes to (2), who had those conversations; on what date; what was the nature of those conversations; and with which member or members of the merit panel were those conversations?
- (4) Did the Public Sector Commissioner initiate the expansion of the short list following conversations with any members of the merit panel?
- (5) If yes to (4), which merit panel member initiated the conversation, and what was the nature of the conversation?
- (6) What are the names of the interviewees who were notified that they were unsuccessful in progressing to an interview and were subsequently advised they would proceed to an interview?

**Hon SUE ELLERY replied:**

I thank the honourable member for some notice of the question. The Public Sector Commission advises as follows.

- (1) The initial short listing identified 10 candidates who met the criteria. The selection panel assessed and agreed that six of these candidates be interviewed.
- (2) Yes.
- (3) The Premier is aware that the Public Sector Commissioner sought a meeting to brief the Minister for Police on the progress of the recruitment process and to seek feedback on the priorities of the government to assist in the panel's interviewing. This meeting took place on 19 June 2017. The Public Sector Commissioner advised that an interviewee would be overseas on the scheduled interview date; accordingly, the process would be conducted over two non-consecutive days and there was scope to interview all the candidates who met the criteria.
- (4) The panel agreed to expand to all candidates who met the criteria at the suggestion of the Public Sector Commissioner.
- (5) Not applicable.
- (6) Recruitment processes are confidential and the names of candidates will not be released.

## PENALTY RATES — HOSPITALITY INDUSTRY

**338. Hon MICHAEL MISCHIN to the minister representing the Minister for Commerce and Industrial Relations:**

What plans does the McGowan government have to reform the penalty rate regime to make our hospitality industry more viable and able to respond to the demands presented by tourism and holiday trading?

**Hon ALANNAH MacTIERNAN replied:**

I thank the member for the question.

The McGowan government has no plans to cut penalty rates in the hospitality industry. Hospitality workers are some of the lowest paid in Western Australia and many of them rely on penalty rates to make ends meet financially. As members would be aware, the Fair Work Commission decided to reduce certain penalty rates and federal awards following the penalty rates case that was conducted after a four-yearly review of modern awards. In March, the McGowan government made a submission to the penalty rates case, expressing its clear opposition to this decision. It is a move that will disadvantage workers in Western Australia for little or no economic or employment benefit. Cutting the wages of low-paid workers is not a sustainable strategy for growing the hospitality and tourism industries. The income earned from penalty rates is income that is spent in Western Australia and not saved. To remove that disposable income from the state's economy would be detrimental to business and workers. The McGowan government is committed to growing the tourism industry in Western Australia. Tourism is a key economic driver for Western Australia and plays a vital role in diversifying the state's economy and creating new jobs. It is one of the few areas in which the state government can invest taxpayer dollars and get a positive economic return in business opportunities and jobs.

## EDUCATION — DEPARTMENTAL AMALGAMATION

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

I refer to the amalgamation of the Department of Education, Department of Education Services and School Curriculum and Standards Authority that will take effect on 1 July 2017.

- (1) Will the functions of the chief executive officer referred to in the School Education Act 1999, including those referred to in section 156C and in sections under part 4, division 3B, "Registration of non-government schools", and division 4, "Inspection of registered schools", now be undertaken by the director general of the Department of Education, or will this be delegated to another officer within the department?
- (2) If there is to be a delegation of the functions referred to in (1), who will perform those functions?
- (3) What other procedures are being put in place to maintain the current level of separation between the government and non-government school sectors that was achieved through the functions of the Department of Education Services?

**Hon SUE ELLERY replied:**

I thank the honourable member for some notice of the question

- (1) The director general of the Department of Education will be the chief executive officer referred to in section 151 of the School Education Act 1999. Therefore, the director general will undertake the functions mentioned in the question.
- (2) Under the current interim structure, the director general will undertake the functions. These functions may be delegated when the final structure has been decided.

- (3) The current level of separation will continue to be maintained. I have made the point to representatives of the sector that I am currently the Minister for Education, which includes non-government and government schools, and that I will continue to be the minister for non-government and government schools. For example, under the act the minister will continue to make all decisions on funding for non-government schools, be the decision-maker in relation to advanced determination, and approve the standards for non-government school registration.

FAMILY AND DOMESTIC VIOLENCE — SPECIALIST SERVICES

**340. Hon NICK GOIRAN to the Leader of the House representing the Minister for Prevention of Family and Domestic Violence:**

I refer to the Generation Next conference held on 2 June 2017, at which it was stated that domestic and family violence against women is the largest driver of homelessness for women.

- (1) What specialist services are available to those escaping family and domestic violence?
- (2) Further to (1), what consultation mechanisms are in place between the Minister for Housing and the Minister for Prevention of Family and Domestic Violence regarding these specialist services?
- (3) What record keeping is in place to identify the number of women and children accessing homelessness services due to family and domestic violence?

**Hon SUE ELLERY replied:**

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

- (1) The Department for Child Protection and Family Support provides approximately \$36 million per annum for services to support women and children escaping family and domestic violence for accommodation and support services, outreach services and counselling and advocacy services.
- (2) Currently the homelessness accommodation interagency meetings provide a platform to discuss and coordinate the operational implementation of the government's homelessness policy, including family and domestic violence programs and projects. The Western Australian Council on Homelessness is an advisory council that reports to the Minister for Housing on homelessness-related matters.
- (3) The Australian Institute of Health and Welfare maintains a secure website entitled "Specialist Homelessness Online Reporting", where specialist homelessness services collection data is submitted by agencies.

GOLDFIELDS ARTS CENTRE — CLOSURE

**341. Hon JACQUI BOYDELL to the Minister for Education and Training:**

I refer to the imminent closure of the Goldfields Arts Centre.

- (1) Why did the minister not consult with the City of Kalgoorlie–Boulder prior to directing the centre to be placed into care and maintenance?
- (2) Why did the minister not consult with the Minister for Culture and the Arts to request that the responsibility for the Goldfields Arts Centre be transferred to his portfolio?
- (3) Does the minister think that the suggested \$250 000 cost for care and maintenance provides adequate budget savings to deprive the people of the goldfields of their arts centre?

**Hon SUE ELLERY replied:**

I am not sure from where the member got the figure of \$250 000 that she referred to in the last part of her question, but I will come back to that.

- (1) Firstly, I am advised—I was not the minister last year—that over the course of 2016 ongoing negotiations and consultation occurred between the Department of Training and Workforce Development and the City of Kalgoorlie–Boulder about the future of the lease. Bearing in mind that back in 2013 the former government put in place a four-year lease, the prime objective of that four-year lease was to ensure that the city had time to put the Goldfields Arts Centre business model onto a more sustainable future. I am advised that in 2016 there were extensive discussions—I was not part of them, but that is what I am advised—that resulted in an offer being made in late 2016 by the Department of Training and Workforce Development to the city to further extend the lease arrangement for another two years with some additional money; so, the original lease was \$300 000 a year. The proposal late in 2016 was for \$650 000 over two years, which would take the lease out to 2019. That was rejected. The city got back to the previous government, I understand, in January or February this year and said that operationally it would need \$750 000 a year and an additional \$8 million for capital upgrades. It rejected the offer put to it by the previous government.

That did not change the fact that the lease from 2013 was due to expire on 30 June 2017. The city wrote to me in late May and I responded. I rang the Mayor of Kalgoorlie–Boulder last week; there was an issue with his telephone and he did not get back to me until this week. I advised the following: that there would be no disruption to booked events through to June 2018 and there would be no

cancellations—all those events would proceed—and that I had instructed the Department of Training and Workforce Development to work with the centre on a smooth transition and to ensure that there was no disruption to booked events.

- (2) The entire government has to fix the financial mess left to it. I know the situation that the Minister for Culture and the Arts finds himself in; it is the same position that I find myself in. We are going line by line through our budgets to find ways of repairing the damage that has been done.
- (3) The final part of the member's question relates to a figure of \$250 000, I think. She should bear in mind that the original four-year lease was for \$300 000 a year. Late last year, the city was offered \$325 000 for a further two years. It came back and said that it needed \$750 000 a year. Today I was on radio with the CEO who indicated that what was needed operationally was \$1 million a year and between \$8 million and \$9 million for capital works. The amount of money has shifted considerably. I have to say that there have been very fruitful discussions between the department and the city today on how this matter will go forward.

#### SHARK DETERRENT DEVICES — SUBSIDY

#### 342. **Hon RICK MAZZA to the minister representing the Minister for Fisheries:**

I refer to part (3) of my question without notice 315 asked on Wednesday 28 June, 2017, which reads —

Given that this subsidy is highly indicative of the government's confidence in the effectiveness and reliability of these devices, has the government sought legal advice on the state's exposure to claims for compensation should a subsidised device prove ineffective in a shark attack event?

and to the Minister's response, which reads —

I understand the Department of Fisheries has sought legal advice on the rebate scheme.

- (1) Can the minister provide a copy of the legal advice provided to the Department of Fisheries on the rebate scheme?
- (2) If not, why not?

#### **Hon ALANNAH MacTIERNAN replied:**

I thank the member for notice of the question. The Minister for Fisheries has provided the following answer.

- (1) No.
- (2) The legal advice is subject to legal professional privilege.

#### CRIMINAL PROPERTY CONFISCATION ACT — REVIEW

#### 343. **Hon ALISON XAMON to the Leader of the House representing the Attorney General:**

- (1) Will the government review the Criminal Property Confiscation Act 2000?
- (2) If not, why not?
- (3) If yes, when?

#### **Hon SUE ELLERY replied:**

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

- (1) Not at this stage, but the Attorney General is not ruling out a full review in the future.
- (2) The government currently is considering proposals to amend some aspects of the Criminal Property Confiscations Act 2000. The government will introduce into Parliament in the spring sitting legislation to implement some of those proposals.
- (3) Not applicable.

#### NORSEMAN AIRSTRIP

#### 344. **Hon ROBIN SCOTT to the minister representing the Minister for Mines and Petroleum:**

- (1) Is the minister aware that a mining company has agreed to donate 250 000 tonnes of rock, which is necessary to raise the level of the Norseman airstrip, so that the Royal Flying Doctor Service and other operators can use the airstrip safely all year?
- (2) Has the minister received correspondence from the Shire of Dundas chief executive officer, Doug Stead, asking the minister to waive an expected royalty charge on the donated material?
- (3) Has the minister replied to the effect that rock used in the airstrip project will attract a royalty of 73c per tonne?
- (4) Will the minister reconsider and waive the royalty so that this necessary airport upgrade can proceed?

**Hon ALANNAH MacTIERNAN replied:**

I thank the member for some notice of the question. The Minister for Mines and Petroleum has provided the following answer.

- (1) The Shire of Dundas has indicated that a mining company has agreed to donate material for the airstrip project.
- (2) Yes.
- (3) Yes, under regulation 86 of the Mining Regulations 1981, when any of the minerals prescribed are obtained from a mining tenement, or from land the subject of an application for a mining tenement, royalties shall be paid by the holder of the mining tenement.
- (4) There is no discretion to waive these royalties under the state's mining legislation. The state government is already contributing \$1.75 million to this project.

**WOODSIDE ENERGY — BAY VILLAGE LEASE****345. Hon COLIN de GRUSSA to the minister representing the Minister for Lands:**

- (1) Has Woodside applied to the government to renew the lease over Bay Village in Karratha?
- (2) If yes to (1), how many accommodation units are planned?
- (3) What is the government's policy regarding large mining accommodation developments in regional towns, in particular the City of Karratha?

**Hon STEPHEN DAWSON replied:**

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

- (1) No.
- (2) Not applicable.
- (3) The government has not changed the previous policy in place under the former government. Aspects of the transient workforce accommodation policy for facilities constructed on crown land include TWA facilities are to be approved under leasehold only; the term of the lease is to be fixed; consideration of the impact on the local community while the TWA is in operation, as well as legacy benefits to the community after decommissioning; and TWA facilities on crown land are considered for approval on a case-by-case basis by the Minister for Lands.

**FLUORIDATION — KUNUNURRA****346. Hon ROBIN CHAPPLE to the parliamentary secretary representing the Minister for Health:**

- (1) Why has no survey been conducted in Kununurra regarding fluoridation of the town's water, as there has been in other regional towns targeted for fluoridation, including Bunbury, Hedland, Moora, Jurien Bay, Two Rocks and Yanchep?
- (2) Will a survey be conducted for Kununurra?
- (3) If no, why not?
- (4) Will there be any further consultation with the people of Kununurra regarding fluoridation of the town's water?

**Hon ALANNA CLOHESY replied:**

I thank the honourable member for some notice of the question. I am advised by the Department of Health as follows.

- (1) Community views have historically been gathered at community meetings and through formal communication with the relevant local government authority acting as the community's elected representative. During the period of consideration from 2010 to 2015 no information came from Kununurra, Newman, Dongara or Port Denison to indicate that the community was opposed to fluoridation.
- (2) No.
- (3) Community views are one part of the assessment process considered prior to a final recommendation. This assessment process has concluded, with the former Minister for Health directing in January 2015 that water fluoridation occur in Kununurra by December 2017.
- (4) Yes. The Department of Health has committed to conduct a community information session in Kununurra prior to the commencement of fluoridation in December 2017.

DEPARTMENT OF COMMUNITY SERVICES —  
ORGANISATION AND REPORTING ARRANGEMENTS

**347. Hon SIMON O'BRIEN to the Leader of the House representing the Minister for Community Services:**

My question was initially addressed to the Leader of the House in her capacity representing the Premier, but I understand it has been redirected to the Leader of the House in her capacity representing the Minister for Community Services. It is our number C383 and is in two parts.

- (1) Will the minister please table an organisation chart or other documentation showing the organisation and reporting arrangements that will apply within the new Department of Community Services?
- (2) Apart from the departmental organisation referred to in (1), to which minister or ministers will the department report in respect of operational and policy matters and internal administrative matters?

**Hon SUE ELLERY replied:**

I thank the honourable member for some notice of the question. I will give the honourable member the answer. If he thinks he needs further information from this answer, please see me behind the Chair and I will see what I can arrange, because I am not sure that it will give the member everything that he asked for.

- (1)–(2) The Department of Communities will comprise the following divisions: strategy and policy, commercial and corporate operations, child protection and family support, disability services, housing, commissioning and compliance, regulation and concessions, reform and transformation, and youth justice services—to transition over the next six months. The department will report to ministers with portfolio responsibilities relating to the functions of the department.

LOGGING — BARRABUP FOREST

**348. Hon DIANE EVERS to the minister representing the Minister for Aboriginal Affairs:**

I refer to plans to log in Barrabup forest near Nannup and question without notice 323 asked in this place on 28 June.

- (1) Will the minister table the seven previous heritage survey reports relating to the Barrabup forest area; and, if not, why not?
- (2) If no to (1), will the minister please list the title, author and date of all reports done?

**Hon STEPHEN DAWSON replied:**

I thank the honourable member for some notice of the question. The following information has been provided by the Minister for Aboriginal Affairs.

- (1) No. The heritage survey reports contain confidential personal information that will need to be redacted before they can be published. This is not possible within this time frame.
- (2) Yes. Please refer to the table below, which I seek leave to have incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

Report Title	Author	Date
An addendum to a desktop preliminary Aboriginal heritage Survey for Water Corporations proposed development of the Yarragadee Aquifer extending to the Blackwood Groundwater area	Goode, Brad	July 2003
An Aboriginal Heritage Survey of the Vasse Highway, Nannup to Busselton (0-58 SLK) & Nannup South (68-80 SLK); In the South West of Western Australia	Goode, Brad	July 2012
Western Australia Regional Forest Agreement Aboriginal Consultation Project. Vol.2. Nov.1997.	Centre for Social Research	Nov 1997
Western Australia Regional Forest Agreement Aboriginal Consultation Project. Vol.1. Nov.1997.	Centre for Social Research	Nov 1997
Warren-Blackwood Regional Planning Study. Report of an Aboriginal Heritage and Planning Guidelines Sub-Study. September 1995.	McDonald, Hales and Associates.	Sept 1995
Ethnographic survey of Vasse Highway, Nannup to Busselton, South West Western Australia	Goode, Brad	May 2002
Archaeological survey of proposed highway corridor and deviation, Vasse Hwy (Busselton to Nannup)	Greenfeld, Paul	February 2002
Warren-Blackwood Regional Planning Study. Report of an Aboriginal Heritage and Planning Guidelines Sub-Study. September 1995.	McDonald, Hales and Associates.	Sept 1995
Ethnographic survey of Vasse Highway, Nannup to Busselton, South West Western Australia	Goode, Brad	May 2002
Archaeological survey of proposed highway corridor and deviation, Vasse Hwy (Busselton to Nannup)	Greenfeld, Paul	February 2002

SEAWATER SUPPLY — COST PER KILOLITRE —  
SOUTH METROPOLITAN TAFE MARITIME CAMPUS

**349. Hon KEN BASTON to the Minister for Education and Training:**

- (1) Could the minister provide an estimate of what it costs the South Metropolitan TAFE Maritime Campus to obtain and release seawater per kilolitre?
- (2) What is the make and model of the seawater pumping and filtration system and when as it installed?

**Hon SUE ELLERY replied:**

I learn something new in this job every day, and I have with the answer to this question.

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

- (1) The total estimated cost to obtain seawater per kilolitre is 4.7c, based on electricity and seawater pump maintenance and replacement costs.

There is no cost to release the seawater as it flows via gravity to the outfall.

- (2) The submersible groundwater pumps used are Grundfoss series SP77-2 and they are replaced every two and half years.

The bores are 200 millimetres in diameter casing and 17 metres deep and were installed in 1996.

LOTTERYWEST — CHIEF EXECUTIVE OFFICER

**350. Hon TJORN SIBMA to the Leader of the House representing the Premier:**

I refer to the answer to question without notice 324, asked on 28 June, concerning the termination of Mr Andrew's tenure as Lotterywest chief executive officer.

- (1) Did the Premier have an opinion on the management of Lotterywest by Mr Paul Andrew in his role as CEO; and, if so, with whom did he discuss this opinion?
- (2) When was the last performance appraisal of Mr Paul Andrew's tenure undertaken by his employer, the Public Service Commissioner?
- (3) Did that appraisal raise any concerns relating to the management of Lotterywest?
- (4) If yes to (3), were they raised with Mr Andrew, by whom and when?
- (5) If no to (3), what led Mr Wauchope to understand the need to bring Mr Andrew's contract to an early end?
- (6) Will the minister table a copy of the last performance appraisal of Mr Paul Andrew?

**Hon SUE ELLERY replied:**

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

- (1) Questions in this place may not seek an opinion.
- (2)–(6) Performance appraisals and their contents are confidential and it would be inappropriate to either table it or reveal its contents.

COAL-FIRED POWER GENERATION — HON DARREN WEST'S COMMENTS

**351. Hon Dr STEVE THOMAS to the minister representing the Minister for Energy:**

I refer the minister to the comments of Hon Darren West in the Legislative Council yesterday, 28 June, when he said that we have to stop burning coal, and that is the first thing we should do.

- (1) Does the minister support the comments of Hon Darren West?
- (2) If so, by what date does the government intend to shut down coal-fired generation in Western Australia?

**The PRESIDENT:** Yesterday I made some comments about questions seeking opinions. We have just had another example of that earlier. Obviously, people did not hear me clearly enough, but I will leave it up to the minister to provide the response.

**Hon STEPHEN DAWSON replied:**

I thank the honourable member for some notice of the question. The following information has been provided by the Minister for Energy.

- (1)–(2) It should be noted that the comments of Hon Darren West in the Legislative Council yesterday focused on the confusion that reigns within the commonwealth government on climate change, and I support his right to critique the federal government in his comments. Hon Darren West's comments did not call for the wholesale closure of thermal generation assets in this state. He was not critical of the state Labor

government's commitment to ensuring a balanced mix of energy generation sources required in the south west interconnected system, given its isolation from other jurisdictions. It is no secret that a transition is occurring in electricity generation in WA and some coal-fired plants have been retired as they have been displaced by large and small-scale renewable generation entering the SWIS. The government's position remains to work with industry to ensure that this transition is undertaken responsibly to ensure reliability and security of electricity supply. As I stated on 5 May 2017, when announcing the retirement of Muja AB, this does not signal an abrupt end to thermal generation.

#### NATIONAL DISABILITY INSURANCE SCHEME — PREMIER'S COMMENTS

##### **352. Hon PETER COLLIER to the Minister for Disability Services:**

I refer the minister to the Premier's comment last weekend that, in terms of the National Disability Insurance Scheme, Hon Christian Porter is an enemy of the state.

- (1) Does the minister agree that Hon Christian Porter is an enemy of the state?
- (2) If yes, why?

##### **Hon STEPHEN DAWSON replied:**

I thank the honourable member for the question and his obvious interest in the National Disability Insurance Scheme.

- (1)–(2) Minister Porter and I have been having many discussions over the past few weeks and months about the future of the NDIS in Western Australia, and I believe it would be inappropriate to comment further about our private conversations. Suffice it to say, from 1 July this year, it is our intention to roll out the National Disability Insurance Scheme, as planned, under the previously signed bilateral agreement in the Kimberley, the Pilbara and the south metropolitan area. I believe that people with disability, their families, their carers and service providers in Western Australia will support our decision.

#### MAJOR PROJECTS CONFERENCE 2017 — LAVERTON HOSPITAL

##### **353. Hon ROBIN SCOTT to the parliamentary secretary representing the Minister for Health:**

- (1) Is the minister aware that at the Western Australian Major Projects Conference 2017, Department of Health director general David Russell-Weisz made mention of a proposed new hospital at Laverton to replace a 50-year-old deteriorating facility?
- (2) Does the minister agree that the people of Laverton and district need a new hospital with all speed?
- (3) Can the minister give an estimated cost for the proposed new hospital in Laverton?
- (4) Can the minister provide an estimated time frame for the proposed new hospital in Laverton?

##### **Hon ALANNA CLOHESY replied:**

I thank the honourable member for some notice of the question. I am advised by the Department of Health —

- (1) Dr Russell-Weisz gave a speech at the WA Major Projects Conference and was asked a question about Laverton Hospital. He stated that small sites like Laverton were important for the local community, and that he understood Laverton was due for redevelopment or refurbishment, but outlined this would be dependent on how this was prioritised by the government. Dr Russell-Weisz gave no indication of a commitment, priority or time frame.
- (2)–(4) The state government is reviewing all royalties for regions funding, including to Laverton Hospital, to ensure that a more strategic approach is taken. It is expected that the outcomes of the review will be known in time for the state budget in September 2017.

#### DEPARTMENT OF AGRICULTURE AND FOOD — RESEARCH AND DEVELOPMENT

##### **354. Hon COLIN DE GRUSSA to the Minister for Agriculture and Food:**

I refer to the minister's comments in *Farm Weekly* on 10 June —

There is a change in direction that has come with our government and we are very focused on rebuilding DAFWA and its research and development in deep collaboration with universities and industry ...

We believe that our primary industries department needs to be more than a regulatory function, it really has to bring that whole culture of R&D and long-term expertise that can feed into the rest of the supply chain.

- (1) How much funding will the minister cut from the 48 grower groups around the state?
- (2) How many research and development jobs in agriculture will be created in the new Department of Primary Industries and Regional Development?
- (3) How many of these positions will be based in regional WA and in which locations?

**Hon ALANNAH MacTIERNAN replied:**

- (1)–(3) I thank the member for the question, and I make the comment that repairing the department after eight years of slash and burn is really going to take some time. For example, the decimation of the department has compromised our ability to deal effectively with major plant biosecurity issues, as we have discovered recently, and resourcing this area must be our priority if we are to protect the industry. As the member is aware, the department is currently being restructured as we combine it with the Department of Regional Development, which, ironically, has virtually no staff in the regions. We are certainly aiming to correct that. In summary, this is a work in progress and it will take us some time to fix that department.

## INTERNATIONAL SCHOOL OF WESTERN AUSTRALIA — RELOCATION

**355. Hon ALISON XAMON to the Minister for Education and Training:**

I refer to the relocation of the International School of Western Australia from the City Beach high school site to the Doubleview Primary School site, and the government's announcement that City Beach high school will not reopen.

- (1) Does the need to relocate the International School of WA still exist?
- (2) If yes to (1), please outline those needs.
- (3) If no to (1), will the government consider renegotiating the agreement with the International School of WA?

**Hon SUE ELLERY replied:**

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

- (1)–(2) A contract was signed by the previous government to give effect to the relocation.
- (3) No. The government has committed to all aspects of the previous government's strategy, with the exception of building a high school at the City Beach high school site.

## TOURISM WA — ELECTION COMMITMENT

**356. Hon DONNA FARAGHER to the minister representing the Minister for Tourism:**

I refer to Tourism WA funding and management.

- (1) Given that the tourism industry is calling on the government to reconsider merging Tourism WA into a new mega-department, will the minister reconsider this decision; and, if not, why not?
- (2) If no to (1), will the promised election commitment of \$425 million over five years be directly appropriated across three budget lines for destination marketing, events tourism, and tourism infrastructure and investment, as outlined in the minister's election document; and, if not, how will it be appropriated?

**Hon ALANNAH MacTIERNAN replied:**

I thank the member for notice of this question. The Minister for Tourism has provided the following answer.

- (1) No. The placement of Tourism WA within the Department of Jobs, Tourism, Science and Innovation elevates tourism as a key economic industry and acknowledges the important role that tourism plays in job creation.
- (2) The McGowan government is focused on delivering its election commitments. The promised allocation of \$425 million for destination marketing and event tourism is part of the current budget process. Appropriations will be made public when the budget is announced in September.

## PUBLIC TRANSPORT AUTHORITY — RAIL, BUS AND FERRY SERVICES

**357. Hon JACQUI BOYDELL to the minister representing the Minister for Transport:**

I ask this question on behalf of Hon Martin Aldridge, who is absent on urgent parliamentary business. I refer to public transport services operated by the Public Transport Authority. What was the cost of providing Transperth rail services, Transperth bus services, Transperth ferry services, Transwa bus services and Transwa rail services in 2015–16?

**Hon STEPHEN DAWSON replied:**

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

I refer the honourable member to Legislative Council tabled paper 278.

**HON DARREN WEST**

*Question without Notice 351 — Coal-fired Power Station —  
Hon Darren West's Comments — Personal Explanation*

**HON DARREN WEST (Agricultural — Parliamentary Secretary)** [5.12 pm] — by leave: I just want to bring to the house's attention that a question asked today referred to comments that I made in Parliament yesterday, which I, of course, stand by. I draw to members' attention that that *Hansard* is uncorrected.

**MISUSE OF DRUGS AMENDMENT (METHYLAMPHETAMINE OFFENCES) BILL 2017**

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON MARTIN PRITCHARD (North Metropolitan)** [5.14 pm]: I will resume my comments with two points. I indicated that I was not going to comment on the Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017 but, having started, I will wrap it up fairly quickly. I am sure that members will appreciate that after my contribution there will be some very interesting members' statements. I hope that everybody will stay around to listen to what I believe will be very interesting members' statements.

In the debate on this bill it was mentioned that maybe we should target users. That got me thinking about my personal circumstances and a member of my extended family. It is a very complex issue. Somebody in my extended family used drugs and brought that chaos to his immediate family and the extended family who tried to help him. As a consequence of his drug use, he committed a crime to try to fund it and went to prison for the crime, not so much for using ice. All that did was to bring him out of prison more experienced and better trained than he was when he went in. When we come across users of ice, it is very easy to feel frustration, to feel the need for punishment and to blame the user because, of course, they made the choice to use in the first instance. It is very easy to feel that. It was very easy for me to feel that and I tend to be a fairly tolerant person. In one instance we might say, "Fantastic! Let's punish them. If we punish the user enough, then they'll stop using", but, of course, as I understand it, people use drugs in prison. Prison exposes them to other people who teach them. I agree with Hon Diane Evers that we have to try to deal with it in a compassionate way, even though it may be very difficult to do so.

This bill is well targeted but it is certainly not the whole story. I am pleased that the bill has gained support because it is a very early response being made by this government after being in office for such a short period. It was an election commitment that had community support and it has been delivered in a timely manner. But it is certainly not the whole story; it just is not. The concern about ice has been on the table for many years. In 2007, the then Premier, Hon Alan Carpenter, brought together 160 experts to give guidance on how we should deal with this issue. I believe that a number of the 28 recommendations that came out of that were implemented before he lost government. I believe that all sides of Parliament recognise this concern about ice and are working hard to try to deal with it. I will make no complaints about the last government except that the problem has not been resolved and the job needs to continue. As the government of the day, we need to take a lead in that and see whether we can resolve or substantially reduce the problem for the community during our term of government. Even though there are some criticisms about the bill—I understand that it is only a first step—I am pleased that a number of people around the chamber have expressed their willingness to support it. In government, I will do my best to ensure that further steps are taken along the line to make sure that ice does not remain as what I see as the major enemy of all reasonable constituents in this state. We have a job to do and this is the first step. I understand that the debate will go on and people will propose amendments. However, people must remember that this is the first step and that at least we have indicated to those Mr Bigs, or not-so-Mr Bigs, or whomever it is, that this will not be tolerated. This is the first step and it is a very timely step.

Debate interrupted, pursuant to standing orders.

**LORRAINE COOGAN — RETIREMENT**

*Statement by President*

**THE PRESIDENT (Hon Kate Doust)**: Tonight it is highly appropriate to acknowledge the departure and retirement of a very valuable employee of the Legislative Council, Ms Lorraine Coogan. Yesterday afternoon we had the opportunity to acknowledge her service with an afternoon tea and I want to put some words on the public record to thank her. As I said yesterday, Lorraine has been a very valuable employee and executive assistant to a number of past Presidents: Hon George Cash, Hon John Cowdell, Hon Nick Griffiths and Hon Barry House. I am sure that if Hon Clive Griffiths had had the opportunity, he too would have been grateful to have Lorraine's expertise to guide him. Last week we held a lunch with past Presidents to acknowledge Lorraine. They were all very positive and glowing about their work experience with Lorraine and wished her well. Lorraine has been able to work with Presidents from both sides of the chamber, which demonstrates her bipartisanship. We also note that Lorraine has always paid great attention to detail. She has certainly moved around this place with grace

and style—we will miss that. We can probably attribute Lorraine's great work to making past Presidents look very good and highly effective in their roles in this place. I want to put on record members' acknowledgement and thanks for her great service to the Parliament, the Legislative Council and certainly those past Presidents. We wish Lorraine well in the next chapter of her life and thank her very much for all the hard work that she has contributed to make this place and the role of the President operate more efficiently over the last nearly 20 years. Thank you very much.

Members: Hear, hear!

*Statement*

**HON SUE ELLERY (South Metropolitan — Minister for Education and Training)** [5.22 pm]: I will join with the President and thank Lorraine Coogan for her service on behalf of the government. She has completed nearly 20 years of service to the Parliament of Western Australia. I think that everybody would agree that in their dealings with Lorraine they have found her to be highly professional, discreet and always pleasant and cheery. I think it is worth noting that from time to time, members of Parliament and perhaps others would want to see the President because they were not very happy about something—whatever that something might be. To see the President they would go through Lorraine on many occasions, and whatever their particular grievance was, Lorraine would shepherd them discreetly to the President when it was appropriate and make sure that they got the message that she understood how urgent it was for them to speak to the President. She always handled herself with utmost professionalism and I want to thank her for that. Public service takes many forms. Being an executive assistant to the President of the Legislative Council of the Parliament of Western Australia is an important public service. Lorraine, you have conducted yourself in exemplary fashion and on behalf of the people of Western Australia and the government, I thank you for your service.

*Statement*

**HON PETER COLLIER (North Metropolitan — Leader of the Opposition)** [5.23 pm]: I too would like to make a few comments about Lorraine Coogan and her dedicated service for 20 years serving under four Presidents, as has been identified, and moving to a fifth. We need to remember that her position is a contracted position. At any time, any one of those Presidents could have chosen another executive assistant, but they did not. They decided to retain Lorraine. I am sure that that is testament to her character more than anything else and the fact that from a professional perspective she is absolutely meticulous. She has the art form of discretion and humility down pat. In saying that, of course, what a wonderful gatekeeper she has been for those four Presidents. As the Leader of the House suggested, sometimes there are difficult situations when members feel the necessity to speak to the President. To have someone in that role who is so amicable, approachable, understanding and compassionate is, again, testament to her character. I am privileged to have known Lorraine now for over 12 years. On a number of occasions when I had to access the President, or just in general everyday discussion, I have always found Lorraine to be not only the epitome, as I said, of professionalism, but also a wonderful, outstanding character. That is Lorraine on a professional level. As an aside, from a personal perspective, I remember a song from the 1970s that has stuck with me titled, *Born with a smile on my face*. If that song refers to anyone, it is Lorraine Coogan. Whenever you see Lorraine she always has a smile on her face. No matter how difficult the situation may be, she will always put you at ease and you know that the work or the task that you have asked Lorraine to complete will be done efficiently and effectively, but always with a smile on her face. To Lorraine, thank you very much for the work that you have done over 20 years. Your dedicated service is recognised.

Members: Hear, hear!

*Statement*

**HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the National Party)** [5.26 pm]: I rise tonight on behalf of the National Party to express our thanks to Lorraine for her support of not only past Presidents, and certainly you, Madam President, as the current President of the house, but also members of this house. Lorraine has provided that support to members of Parliament in their dealings in understanding the process of the Legislative Council, and certainly during my time here in managing some sensitive issues that this house has dealt with. Lorraine has been integral in managing those circumstances and I certainly thank her for that. Members of Parliament are so very fortunate to work in an environment in Parliament House in which everybody who works here works in the interests of Parliament House and the members of this house, and Lorraine is certainly no exception. As other members have said, her capacity to warmly welcome members every time we see her in the corridors and to kindly take on board our issues and prioritise those with the President of the day has been something I know that all the members of the house have appreciated. Serving with four Presidents and now with you, Madam President, is no mean feat. There would have been a lot of change in that time and a lot of intricacies developed within her role to ensure that Lorraine has been able to serve each President in the manner in which the President would like the Legislative Council to operate. It takes a particularly important and dedicated person to fulfil that role, because without that person the

Legislative Council could not operate to the best of its ability. Lorraine, I will certainly miss your sense of style and seeing you around the house. Thank you for being a friend to us as members of Parliament. We certainly hope it is not the last time we will see you at Parliament House and I wish you well for the future on the behalf of the National Party.

*Statement*

**HON RICK MAZZA (Agricultural)** [5.28 pm]: I also rise to echo the sentiments of other members in this place. Certainly, the fact that Lorraine always greets you with a smile and is always upbeat is something that we see day in, day out. I do not think I have ever seen a day when she has not been smiling. She has assisted me on many occasions with access to the President to discuss issues with him. I note that Lorraine would have made 20 years of service in October this year, having originally worked with Hon George Cash as President, and then later with Richard Court and four other Presidents, as well as the first female President in this place. After 20 years, I am sure that Lorraine has many memories of this place. She has dealt with 36 members of Parliament from different Parliaments along the way, so there has been a lot of work to do. There is always a touch of sadness when someone leaves after 20 years with all those memories that they take with them, but I am sure that as Lorraine leaves here to retire there will be many more adventures and experiences and many more memories. I wish you all the best for the future.

*Statement*

**HON ROBIN CHAPPLE (Mining and Pastoral)** [5.29 pm]: I, too, want to rise, on behalf of the Greens, to comment on Lorraine's smile! Lorraine is a non-smoker. She came to us from Queensland, where she had been working for Rothmans. One of the slogans on Marlboro cigarettes is, "Come to where the flavor is". Lorraine did that—she came to Western Australia.

Lorraine worked for Richard Court in the Department of the Premier and Cabinet between 1993 and 1996 as his executive assistant and transferred from the Department of Premier and Cabinet as a result of being asked by Hon George Cash to be the assistant to the President of the Legislative Council. From there, Lorraine served five Presidents, including our current President, Hon Kate Doust.

On 28 April 2017, Lorraine was awarded a Rotary Paul Harris Fellow by Hon Barry House. In December 2004, Hon George Cash said the following about Lorraine —

Both the President —

At the time Hon John Coddell —

and I thank Lorraine Coogan, the President's personal assistant, who has now served two Presidents, for the work she has done in a very professional manner. She is always smiling, and we obviously hope that that will continue.

Well, Lorraine, it did, and it has.

Lorraine has served two Labor and two Liberal Presidents and has carried out this role in the most bipartisan way, always with that endearing smile.

From an international perspective, Lorraine has been a great ambassador for our Parliament. She has represented us as a Parliament many times when meeting international dignitaries and members of other Parliaments. She was in many ways the face that met people—with that smile.

Lorraine loves her garden, and I am sure her plants will continue to appreciate her smile. Our loss will be their gain.

*Statement*

**HON COLIN TINCKNELL (South West)** [5.32 pm]: I rise on behalf of Pauline Hanson's One Nation Party to join other members in congratulating Lorraine on her 20 years at the Parliament. I am a brand-new member, along with many other members in this place, but in our short time in this place we have had the opportunity to witness the dedication of the parliamentary staff and other people in this place. I have not even met Lorraine, but I have seen her pass by and I have heard what other members have said about her over the last couple of days. Lorraine has dedicated 20 years of service to this place, it seems to me at a very high level. I congratulate her and wish her all the best for the future.

*Statement*

**HON SIMON O'BRIEN (South Metropolitan)** [5.32 pm]: I am delighted to rise on behalf of absent friends, who would be very cross with me if I did not do so. I am referring, of course, to the members who have come and gone over Lorraine's nearly 20 years of service to the Parliament. Each of those members would want to pass on their fond regards on this occasion, together with their thanks. I am sure they would associate themselves very closely with all the sentiments that members have expressed on this our last sitting day before Lorraine leaves the service of the Legislative Council.

On a personal note, I also want to say thank you, Lorraine, for our friendship. I think I am probably the only member of this chamber who was here when you arrived in this Parliament. Gee, it is a long time ago now. I think Hon Norman Moore probably thought you were the new work experience kid, or something. Nonetheless, it is very true that all members, past and present, rely a great deal on the fact that they can be proud to be members of our Parliament because of the professional demeanour with which it presents itself to the wider public, and you have contributed mightily to that.

I also offer, on a personal note, if it is not presumptuous, Madam President, a welcome to Tina O'Connor, who is probably thinking, "Gosh, what shoes I have to fill"! Those of us who know Tina—we have met before—know that she will continue a fine tradition, secure in the knowledge that only the first 18 or 19 years in the role of executive assistant to the President are the hardest.

To you, Lorraine, good luck in everything you do, and cheerio for now.

Members: Hear, hear!

*House adjourned at 5.35 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### DEPARTMENT OF PARKS AND WILDLIFE — BUNBURY OFFICE

**21. Hon Dr Steve Thomas to the Minister for Environment:**

I refer to the impending construction of the Department of Parks and Wildlife (DPAW) office building in Bunbury, and I ask:

- (a) will the Government complete the construction of the building;
- (b) how many DPAW staff members will the new Government house in this building;
- (c) which sections of the department will be represented; and
- (d) when will staff move in?

**Hon Stephen Dawson replied:**

- (a) The site development works commenced by the previous Government were essentially civil, landscaping and recreation works. Apart from a lookout tower and an open-sided education shelter, there are no building works being undertaken as part of the current works.

Building design works have commenced, however they are not yet finalised. All such projects are now being reviewed to ensure they comply with the McGowan Labor Government's whole of Government objectives for the State, are financially prudent, represent value for money and are operationally sustainable.

- (b)–(d) The operations and structures of Government agencies, including the Department of Parks and Wildlife, are being reviewed as part of the current Machinery of Government process. This will improve the effectiveness and efficiency of Government services and their delivery under recently announced agency arrangements. These matters will be considered in detail as part of strategic and operational planning for the new Department of Biodiversity, Conservation and Attractions.

#### MINES AND PETROLEUM — MINING LEASE APPLICATIONS

**27. Hon Robin Chapple to the Minister for Regional Development representing the Minister for Mines and Petroleum:**

I refer to all mining lease applications within Western Australia and the guidelines for applicants to supply the necessary requested information, and ask:

- (a) can the Minister please explain why, under the *Mining Act 1978*, the Department of Mines and Petroleum (DMP) insists when a mining lease is lodged, that at the same time, or within 14 days, a statement and mineralization report is also required to be lodged for assessment;
- (b) if no to (a), why not;
- (c) can the Minister please explain why the DMP insists that when a mining lease is lodged, that a mining proposal is also required to be lodged for assessment; and
- (d) if no to , why not?

**Hon Alannah MacTiernan replied:**

- (a) Section 74(1)(ca) of the *Mining Act 1978* provides that an application for a mining lease shall be accompanied by -
  - (i) a mining proposal; **or**
  - (ii) statement in accordance with subsection (1a) and a mineralisation report prepared by a qualified person; **or**
  - (iii) a statement in accordance with subsection (1a) and a resource report.

Where an application for a mining lease is supported by a mining proposal, instead of accompanying the application, Regulation 25AA of the Mining Regulations 1981 provides that the mining proposal may be lodged within 14 days from the date of application of the mining lease.

The purpose of the legislation is to ensure the bone fides of the application.

- (b) Not applicable.
- (c) Pursuant to Section 74(1)(ca) of the *Mining Act 1978*, the Department of Mines and Petroleum requires a mining proposal to be lodged if an application for a mining lease is not supported by either a mineralisation report or a resource report. If a mining proposal is not submitted to support a mining lease application, the mining tenement holder is required under the *Mining Act 1978* to submit a mining proposal prior to undertaking mining on the granted mining lease.
- (d) Not applicable.

## MINES AND PETROLEUM — EXPLORATION LICENCES

**28. Hon Robin Chapple to the Minister for Regional Development representing the Minister for Mines and Petroleum:**

I refer to the Department of Mines and Petroleum (DMP) guidelines for applicants appertaining to the section 58(1)(b) statement to accompany applications for all exploration licences within Western Australia, and ask:

- (a) can the Minister advise why the DMP insists that all the information data within the section 58(1)(b) statement must relate directly to the land comprised within the exploration licence application;
- (b) if no to (a), why not;
- (c) why are generic statements within the section 58(1)(b) statement not acceptable when the DMP Mining Registrar assesses all applications before the Minister grants or refuses each application;
- (d) can the Minister explain what is the functional purpose for the DMP insisting that the section 58(1)(b) statement must demonstrate to the Mining Registrar or Mining Warden that the full area is applied for as opposed to only part or various parts being effectively explored within the term of the licence;
- (e) if no to (d), why not;
- (f) can the Minister explain why is it so important that the section 58(1)(b) statement must specify the goals, the outcomes the exploration program of work intends to accomplish, the objectives, the steps the program will take to attain the goal, the activities including the specific activities to be undertaken to meet the objectives and ultimately fulfil the goal and how this is relevant with compliance with the *Mining Act 1978* when the Mining Registrar or Mining Warden looks at these before the Minister grants or refuses each application;
- (g) if no to (f), why not;
- (h) can the Minister explain why the DMP insists that for financial resources in terms of compliance with the *Mining Act 1978* that the applicant must have regard to their total annual commitment for all granted titles and all other pending mining tenement applications for which they are responsible either in their own name, the name of related entities or as a joint venture/farm in partner;
- (i) if no to (h), why not;
- (j) does the proposed exploration work program need to specify the estimated full amount of money to be expended in each respective year on each stage of the proposed exploration program for the full term of the exploration licence;
- (k) if yes to (j), can the Minister explain why;
- (l) if no to (j), can the Minister explain why not;
- (m) can the Minister explain why is it so important that the section 58(1)(b) statement must specifically contain and include the names, qualifications and experience of the personnel managing and implementing the proposed exploration work program being assessed as opposed to an application having no names, qualifications and experience of the personnel and how this is relevant for the DMP assessing compliance with each application under the *Mining Act 1978*; and
- (n) if no to (m), why not?

**Hon Alannah MacTiernan replied:**

- (a) Section 58(1)(b) expressly provides that the accompanying statement must specify the proposed method of exploration of the area in respect of which the licence is sought, and the details of the programme of work proposed to be carried out in such area, and the estimated amount of money proposed to be expended on the exploration, as well as providing the technical and financial resources available to the applicant.
- (b) Not applicable.
- (c) Generic statements are not acceptable in order to comply with section 57(3) of the Mining Act 1978. Section 57(3) expressly provides that the mining registrar or the warden shall not recommend the grant of an exploration licence unless he is satisfied that the applicant is able to effectively explore the land in respect of which the application is made.
- (d) This information is required in order to comply with section 57(3) of the Mining Act 1978.
- (e) Not applicable.
- (f) This information is required in order to comply with section 57(3) of the Mining Act 1978.
- (g) Not applicable.
- (h) This information is required in order to comply with section 57(3) of the Mining Act 1978.
- (i) Not applicable.

- (j) Yes.
- (k) In assessing the applicant's ability to effectively explore the land in respect of which an application is made, the mining registrar or warden must be satisfied that the exploration licence applicant proposes to expend at least the minimum annual statutory requirement on the exploration programme.
- (l) Not applicable.
- (m) Section 58(1)(b) expressly provides that the statement accompanying the application must specify (inter alia) the technical and financial resources available to the applicant. In giving consideration to recommending the determination of an application for exploration licence, section 59 expressly provides that the mining registrar or warden must be satisfied that the applicant has complied in all respects with the provisions of the Mining Act 1978. A non-conforming statement, one that does not specify the technical resources available to the applicant, does not satisfy the strict Mining Act compliance test that the mining registrar or warden must apply to the application.  
The purpose of the accompanying statement is to enable the exploration licence applicant to demonstrate that it has the methodology, programme, and commitment to expenditure, as well as the technical and financial resources available to effectively explore the land applied for.
- (n) Not applicable.

#### REGIONAL DEVELOPMENT — KURNALPI–PINJIN ROAD

##### 29. **Hon Robin Chapple to the Minister for Regional Development:**

I refer to the newspaper article titled, *Funds plea to fix bad road*, which appeared on page 3 of the *Kalgoorlie Miner*, dated Tuesday, 25 April 2017, concerning very bad road conditions on the Kurnalpi Pinjin Road, and ask:

- (a) is the Minister aware of the dangerous and deteriorating condition of the Kurnalpi Pinjin Road;
- (b) what, if anything, has been done to improve the condition of the road;
- (c) will the Government seriously consider allocating financial funds through Royalties for Regions or some other funding to improve the safety and operating conditions of the Kurnalpi Pinjin Road;
- (d) if no to , why not; and
- (e) if yes to , will the Minister please outline the Government's plans and funding commitments to improve the safety and condition of the Kurnalpi Pinjin Road?

##### **Hon Alannah MacTiernan replied:**

- (a) Yes.
- (b) Local governments (City of Kalgoorlie–Boulder and Shire of Menzies) are responsible for maintaining the Kurnalpi–Pinjin road.

At the time of the *Kalgoorlie Miner* article, the City of Kalgoorlie–Boulder was undertaking gravel resheeting on the road (\$420,000 funded by State Government Regional Road Group funding). These works have now been completed.

The City of Kalgoorlie–Boulder is undertaking a crest lowering program (\$500,000), funded by AngloGold Ashanti, the operators of the Tropicana Goldmine who are the main users of the road.

The City of Kalgoorlie–Boulder also has an ongoing maintenance program for the road, grading the 132km long road four times a year at a cost of approximately \$160,000 per year. CKB have maintained this level of funding for the last three years.

- (c)–(e) As the Member is aware, the State debt is projected to grow some \$4billion, and prospects of funding new projects in the near future is very limited.

#### MINES AND PETROLEUM — EXEMPTION APPLICATIONS

##### 30. **Hon Robin Chapple to the Minister for Regional Development representing the Minister for Mines and Petroleum:**

I refer to all exemption applications made with Western Australia, form 5 expenditure report obligations lodged with the Department of Mines and Petroleum (DMP) and the Wardens Court case *GMK Exploration Pty Ltd (applicant for exemption) and Glyn Thomas Morgan (objector) 2016(WAMW 14)* and the Government's stated position in terms of creating jobs and employment:

- (a) does the Minister strongly support that the holder of all mining tenements held should progressively each consecutive year continue to identify minerals and devise plans to optimize mineral wealth within the State of Western Australia;
- (b) if no to (a), why not;
- (c) if yes to (a), what are those specific reasons;

- (d) does the Minister strongly support, that in order for an applicant to avail itself for exemption under section 102(h) of the *Mining Act 1978*, that the legislation contemplates a nexus between work done on one mining tenement establishing a real or potential resource on other tenements within the combined reporting group and that this should involve a heavy emphasis/ process of exploration rather than merely mining to find the future mines of tomorrow rather than simply adopting administrative processes that support warehousing of tenements through exploitation with exemption applications;
- (e) if yes to (d), what are those specific reasons;
- (f) if no to (d), why not;
- (g) will the Minister with the DMP now proactively make sure that all tenement holders focus on exploration with physical on ground work with form 5 financial expenditure reports to create jobs and employment in the regions where the respective mining tenure is held and strongly discourage people who seek exemptions only to warehouse mining tenure at the expense of the *bona fide* miner and explorer against the best interests of the State;
- (h) if no to (g), why not;
- (i) if yes to (g), how is the DMP proactively going to achieve this in terms of administration;
- (j) does the Minister strongly support all legislative provisions under the *Mining Act 1978*, whereby it prevents the holder of multiple tenements, incurring significant expense, mining on one, or more, tenements and aggregating those expenses across tenements which are otherwise not in any way being actively explored;
- (k) if no to (j), why not; and
- (l) if yes to (j), what are those specific reasons?

**Hon Alannah MacTiernan replied:**

- (a) The Minister supports the principle that tenement holders should continue to identify and optimise the mineral wealth of Western Australia.
- (b) Not applicable.
- (c) To identify mineral resources for the benefit of the people of Western Australia.
- (d) The Minister supports the current provisions in the *Mining Act 1978* and will continue to review the legislation where appropriate.
- (e) Section 102(2)(h) of the *Mining Act 1978* allows for the progressive exploration of a project by the tenement holder to encourage the identification of mineral resources that will ultimately benefit the people of Western Australia. This provision recognises the need in some cases for mining companies that hold multiple tenements to apply a whole of project approach to their exploration activities.
- (f) Not applicable.
- (g) This is already the case.
- (h) Not applicable.
- (i) Applications for exemption from expenditure and Form 5 expenditure reports are administered, and will continue to be administered, in accordance with the *Mining Act 1978*. The Minister and DMP will continue to ensure compliance with the expenditure conditions under the *Mining Act 1978* and Mining Regulations 1981 to promote mineral resource exploration in Western Australia, and will continue to assess applications for exemption from the expenditure condition as prescribed under the *Mining Act 1978*.
- (j) Yes.
- (k) Not applicable.
- (l) The Minister, and the legislation, recognises the need in some cases for mining companies that hold multiple tenements to apply a whole of project approach to their exploration activities.

**MINES AND PETROLEUM — WARDEN'S COURT — EXEMPTIONS FROM EXPENDITURE**

**31. Hon Robin Chapple to the Minister for Regional Development representing the Minister for Mines and Petroleum:**

I refer to the Wardens Court case titled, *2016(WAMW 14), GMK Exploration Pty Ltd (applicant for exemption) and Glyn Thomas Morgan (objector)* and the Government's stated position in terms of creating jobs and employment:

- (a) can the Minister explain how the Department of Mines and Petroleum (DMP) over an extended period of time has managed to adopt policies on exemption from expenditure guidelines that are directly contrary to regulation 58A(2) of the *Mining Regulations 1981*, which is clearly not supportive of making tenement holders actively explore and mine tenements to find the mines of tomorrow creating jobs and employment;

- (b) if no to (a), why not;
- (c) prior to this Wardens Court decision, despite strong criticism from members of the public and Members of Parliament, can the Minister explain how the DMP itself has not been able to recognise that its own departmental policy guidelines on exemption from expenditure conditions suggest otherwise, are inconsistent with the *Mining Act 1978* and *Mining Regulations 1981*, resulting in them being void and should be disregarded; and
- (d) if no to , why?

**Hon Alannah MacTiernan replied:**

- (a) The policies and practices of the Department of Mines and Petroleum (DMP) have been developed and refined over time. Refinements have been informed through feedback from stakeholders, case law from the Mining Warden's Court and the Supreme Court and arising from internal reviews. The DMP is aware of a matter currently before the Supreme Court related to the application of regulations 58A(2) of the *Mining Regulations 1981*. DMP will review the outcome of that matter and identify whether further changes to policy and practice are warranted.
- (b) Not applicable.
- (c) Refer to (a) above.
- (d) Not applicable.

HEALTH — POSTHUMOUS COLLECTION OF GAMETES

**32. Hon Nick Goiran to the Parliamentary Secretary representing the Minister for Health:**

I refer to the approval by the Executive Director Public Health to establish a system of annual reporting by designated officers for the authorisation of the posthumous collection of gametes, and I ask, what was the total number of times that a designated officer authorised the posthumous collection of gametes between 1 July 2014 and 30 June 2016?

**Hon Alanna Clohesy replied:**

The Department of Health advises:

Less than five.

Due to small numbers, information on the number of cases of posthumous collection of gametes in Western Australia cannot be disclosed in keeping with the National Health Information Standards and Statistics Committee *Guidelines for the Disclosure of Secondary Use of Health Information for Statistical Reporting, Research and Analysis* (2015).

HEALTH — ABORTION — INFORMED CONSENT

**33. Hon Nick Goiran to the Parliamentary Secretary representing the Minister for Health:**

I refer to section 334(5) of the *Health (Miscellaneous Provisions) Act 1911*, and I ask, how is this section enforced?

**Hon Alanna Clohesy replied:**

The Department of Health advises:

Section 334(5) of the *Health (Miscellaneous Provisions) Act 1911* defines the requirements for medical practitioners to obtain informed consent.

The Western Australian Department of Health does not collect information that enables an active monitoring of consent.

A person who unlawfully performs an abortion is guilty of an offence, punishable under the *Criminal Code Act Compilation Act 1913 (Section 199)*.

HEALTH — PALLIATIVE CARE EXPENDITURE

**34. Hon Nick Goiran to the Parliamentary Secretary representing the Minister for Health:**

- (1) I refer to the May 2013–14 Budget by the then Liberal–National Government, which announced increased funding for palliative care services of \$19.513 million over the four year Forward Estimates, and I ask, what was the actual expenditure on palliative care services in the financial years:
  - (a) 2012–13;
  - (b) 2013–14;
  - (c) 2014–15; and
  - (d) 2015–16?

- (2) What is the anticipated expenditure on palliative care services in 2016–17?
- (3) Noting that \$10.22 million of the announced increased funding was to be directed to the expanded regional palliative care service:
- in which financial year was this increase provided;
  - what was the actual expenditure to this service in the financial years 2013–14, 2014–15 and 2015–16; and
  - what is the anticipated expenditure to this service in the 2016–17 financial year?
- (4) Noting that \$1.93 million of the announced increased funding was to be directed to the statewide pediatric palliative care service:
- in which financial year was this increase provided;
  - what was the actual expenditure to this service in the financial years 2013–14, 2014–15 and 2015–16; and
  - what is the anticipated expenditure to this service in the 2016–17 financial year?
- (5) Noting that \$3.79 million of the announced increased funding was to be directed to the palliative care services provided under contract by Bethesda Hospital:
- in which financial year was this increase provided;
  - what was the actual expenditure to this service in the financial years 2013–14, 2014–15 and 2015–16; and
  - what is the anticipated expenditure to this service in the 2016–17 financial year?
- (6) Noting that \$3.56 million of the announced increased funding was to be directed to the implementation of the Continuum of End of life Framework:
- in which financial year was this increase provided;
  - what was the actual expenditure to this service in the financial years 2013–14, 2014–15 and 2015–16; and
  - what is the anticipated expenditure to this service in the 2016–17 financial year?

**Hon Alanna Clohesy replied:**

The Department of Health advises:

- \$4,231,391
  - \$4,490,863
  - \$4,595,604
  - \$5,448,400
- \$5,135,331
- 2013/14.
  - \$2,383,757 in 2013/14; \$2,495,794 in 2014/15 and \$2,613,096 in 2015/16.
  - \$2,735,912
- 2013/14
  - \$450,210 in 2013/14; \$471,370 in 2014/15 and \$493,524 in 2015/16.
  - \$516,720
- 2013/14
  - \$880,000 in 2013/14; \$921,360 in 2014/15 and \$968,291 in 2015/16.
  - \$1,015,415
- 2013/14
  - \$776,896 in 2013/14; \$707,080 in 2014/15 and \$1,382,245 in 2015/16.
  - \$930,000

**WATER FOR FOOD WEST KIMBERLEY PROGRAM**

**35. Hon Robin Chapple to the Minister for Regional Development representing the Minister for Water:**

- Has a business case been prepared for each Water for Food project?
- If yes to (1), will the Minister please table the business cases for each Water for Food project?
- If no to (2), why not?

**Hon Alannah MacTiernan replied:**

- (1) Yes.
- (2) No.
- (3) The current Government does not have access to the Business Cases, as they are Cabinet-in-Confidence documents of the previous Government.

## MENTAL HEALTH — AT-RISK MINOR — KALGOORLIE INCIDENT

**38. Hon Nick Goiran to the Parliamentary Secretary representing the Minister for Mental Health:**

I refer to the article, *At-risk child 'turned away' from hospital,* published in the *Kalgoorlie Miner* on Saturday 29 April 2017, which details the case of a child being sent home from Kalgoorlie Health Service after openly admitting to attempt suicide, and I ask:

- (a) was the Mental Health Commission notified of this incident;
- (b) if yes to (a), when; and
- (c) if yes to (a), what steps were taken by the commission following notification?

**Hon Alanna Clohesy replied:**

The Mental Health Commission advises:

- (a) No.
- (b)–(c) Not applicable.

## HEALTH — AT-RISK MINOR — KALGOORLIE INCIDENT

**39. Hon Nick Goiran to the Parliamentary Secretary representing the Minister for Health:**

I refer to the article, *At-risk child 'turned away' from hospital,* published in the *Kalgoorlie Miner* on Saturday, 29 April 2017, which details the case of a child being sent home from Kalgoorlie Health Service after openly admitting to attempt suicide, and I ask:

- (a) was the Department of Health notified of this incident;
- (b) if yes to (a), when; and
- (c) if yes to (a), what steps were taken by the department following notification?

**Hon Alanna Clohesy replied:**

The Department of Health advises:

- (a) No.
- (b)–(c) Not applicable.

## POLICE — USE-OF-FORCE MEMOS

**79. Hon Charles Smith to the Minister for Environment representing the Minister for Police:**

- (1) How many Use of Force memos were completed by Western Australia Police officers in the last four years?
- (2) How many of them stated drug affected/weapon use or both in relation to the offender(s) subject of the memo?

**Hon Stephen Dawson replied:**

WA Police advise the following:

- |     |           |                            |
|-----|-----------|----------------------------|
| (1) | 2013–2014 | 883                        |
|     | 2014–2015 | 953                        |
|     | 2015–2016 | 1 216                      |
|     | 2016–2017 | 1 425 (as at 23 June 2017) |
| (2) | 2013–2014 | 131                        |
|     | 2014–2015 | 176                        |
|     | 2015–2016 | 292                        |
|     | 2016–2017 | 359 (as at 23 June 2017)   |
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