

**Division 27: Justice — Services 1 to 7, Attorney General —**

Mrs M.R. Marshall, Chair.

Mr J.R. Quigley, Attorney General.

Ms K. Maj, Acting Director General.

Dr J. Byrne, Equal Opportunity Commissioner.

Ms J. Stampalia, Deputy Director General, Court and Tribunal Services.

Ms K. Kraszlan, Commissioner for Victims of Crime.

Ms G. Hill, Acting Deputy Director General, Strategic Reform.

Ms J. Kingston, Executive Director, Strategy and Engagement.

Mr T. Clark, Deputy Director General, Corporate Services.

Ms H. De Brito, Director, Legal Aid.

Ms Y. Zhou, Manager of Strategy, Budgeting and Reporting, Legal Aid.

Mr M. Hainsworth, Executive Director, Advisory Services.

Mr R. Montilva, Acting Executive Director, Finance.

Mr J. Lee, Principal Policy Adviser.

[Witnesses introduced.]

**The CHAIR:** The estimates committees will be reported by Hansard and the daily proof will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with those details. Some divisions are the responsibility of more than one minister. Ministers shall be examined only in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by noon on Friday, 31 May 2024. If a minister suggests that a matter be put on notice, members should use the online questions on notice system to submit their questions.

I give the call to the member for Vasse.

**Ms L. METTAM:** I refer to page 423 and the government's goals about safe, strong and fair communities. Why is there no funding in the budget for today's announcement about the stop-and-search laws?

**Mr J.R. QUIGLEY:** The stop-and-search laws?

**Ms L. METTAM:** The knife laws that were announced today.

**Mr J.R. QUIGLEY:** Firstly, no stop-and-search laws are being introduced. There is a proposal to introduce a law to enable police to wand people in designated areas to see whether they are carrying metal. That may then give rise to a reasonable suspicion, which could require a further search, such as turning out someone's pockets. There is no funding in the budget because there is no law at this stage—only a proposal. The proposal will entail some officers having wands. We cannot put a line item in the budget for a law that does not exist. We have announced the intention. In any event, it will not be an expense borne by the Department of Justice. It will be a policing matter.

**Ms L. METTAM:** Given that the proposal is for these wands, surely that would be in the budget. The Attorney General stated that it would be a police matter. When the Attorney General referred to such matters in 2009, he was explicit that it would be in the province of the Attorney General. Why is there no reference to the proposed knife laws in the budget, whether under the Attorney General, the Department of Justice or another area?

**Mr J.R. QUIGLEY:** I do not know what was said in 2009. That was to do with the Liberal government's failed attempt to introduce stop-and-search laws, which the conservative-controlled Legislative Council rejected. What is being proposed now —

**Ms L. METTAM:** But the Attorney General rejected it too.

**Mr J.R. QUIGLEY:** May I finish my answer, member? What is being proposed is an amendment to the Criminal Investigation Act, which is within the portfolio of the Minister for Police. I cannot go any further.

**Ms L. METTAM:** The Attorney General stated at the time that such laws would ordinarily be in the province of the Attorney General. Are we not looking at something very similar?

**Ms C.M. ROWE:** I have a point of order. Chair, this has nothing to do with the estimates that we are here to discuss today. There is no budget line item. The member is discussing a bill that is yet to come to Parliament.

**The CHAIR:** Thank you. I think that is correct. I ask the member to move on to a new question.

**Ms L. METTAM:** Further —

**The CHAIR:** We need a line item to further discuss.

**Ms L. METTAM:** Can I confirm that in relation to safe, strong and fair communities, there is no reference to what was announced today?

**The CHAIR:** I think the Attorney General already answered that question, but I will give him an opportunity to respond, if he would like.

**Mr J.R. QUIGLEY:** What was announced yesterday will build a safer, stronger community—full stop.

**Ms L. METTAM:** Will we see the legislation this year in Parliament?

**Mr J.R. QUIGLEY:** The member will have to ask the Minister for Police.

**Ms C.M. ROWE:** I have a point of order.

**The CHAIR:** A point of order has to be heard in silence. Member for Belmont.

**Ms C.M. ROWE:** There is no line item that the member is referring to that is relevant to this session.

**The CHAIR:** Thank you. I uphold that and ask the member to move on to a new question, please.

**Ms L. METTAM:** I refer to page 422 and significant issue 9. During the family and domestic violence estimates hearing, the Minister for Prevention of Family and Domestic Violence referred all questions regarding the tracking of perpetrators to this hearing. Why is there no funding for additional GPS ankle bracelets for perpetrators in either the FDV or the justice budget?

[3.10 pm]

**Mr J.R. QUIGLEY:** I will refer that to the acting director general.

**Ms K. Maj:** The legislation that is being worked on at the moment is in the Attorney General's portfolio. In addition to that, the department is preparing a funding submission for the associated costs. A lot of those sit outside that portfolio. The device is specifically for corrective services, but I can say that corrective services has sufficient devices and support services available at the moment to meet current demand. They are also arranged via a lease, so as soon as the submission is considered and funding is allocated, we will be able to scale that up. The submission will also cover associated costs, not just the devices. The member will recall from the evaluation that was tabled in Parliament last year that there were other components specifically around community supervision, services for victims and the like, as well as extra police. All of that will be considered in the funding submission. Until we have a draft bill, we cannot work out exactly the impact on resourcing. That is being done concurrently. My understanding is that the resourcing will be allocated and provided in time for the legislative reforms.

**Ms L. METTAM:** Can the Attorney General confirm that there will be additional costs? I guess that because it was left to this stage, there is no funding in the budget. Had the legislation been proposed sooner, it might have been included in the budget.

**Mr J.R. QUIGLEY:** I am advised that the cost of leasing one of these devices—they are not purchased; they are leased—is the equivalent of about three cappuccinos a day. That is about \$20 a day. I remind the member that GPS tracking devices in these circumstances are an initiative of the Labor government. They had never been used before. When the member says that they had been thought of before, as the member knows, we had to introduce a trial and wait for the return of the results of that trial. When the trial was completed, I tabled the report in this Parliament and the member saw it. We then moved on to the implementation of laws in other areas to utilise this. If the member's question is designed to say that we are ill prepared or it has not been properly funded, she is barking up the wrong tree.

**Ms L. METTAM:** We have heard much from different ministers throughout the estimates process who have provided line items for funds that they anticipate spending. Given that this trial finished in 2023, there has been a considerable amount of time since the trial started. I ask the question: why have we left this so late? Why is no funding allocated in this budget? It appears that it has not been a priority. The government has an understanding of the cost.

**Mr J.R. QUIGLEY:** The question is to me. The member's question was framed inaccurately. I will give it to her that she probably did not mean it and it was just slackness. However, when she said that the trial was completed in 2023, as I said to her in answer to questions in this chamber, there was another period after the trial had concluded for reporting, for compiling the report and for tabling in this chamber as soon as it was finished. We then made the decision that the trial had proven the equipment in circumstances of domestic violence tracking, so we put forward our proposal for a bill. There is no problem. It was all taken care of.

**Ms L. METTAM:** When can we expect to see the legislation in Parliament and why is there no reference to it in the budget?

**Mr J.R. QUIGLEY:** Imminently.

**Ms L. METTAM:** Imminently. Is the Attorney General concerned about how slow he has been to —

**Mr J.R. QUIGLEY:** Slow? We have been like greased lightning, madam! The Liberals were here for eight years and did not use GPS tracking. People were absconding on bail and committing crimes. I am not going to have it that it was so slow. I am not going to truck this nonsense in the middle of estimates. We did a trial to see whether it could be used and used effectively. A report came in and we tabled it in Parliament as soon as it came in. We then went about the business of preparing legislation to introduce mandatory imprisonment for removing a tracking device. One rooster was charged with that just last week. The bill made the devices mandatory for people who had been convicted of family and domestic violence offences. We have acted with speed that leaves the conservatives in the dust. They did not do anything for eight years!

**Mr D.J. KELLY:** I take the Attorney General to page 424 of budget paper No 2 under "Outcomes and Key Effectiveness Indicators". People who have experienced unlawful discrimination, harassment and victimisation have avenues for redress. The effectiveness indicator percentage of complaints finalised within 12 months has a footnote that states —

... the scope of complaints considered when calculating this indicator will include complaints where the Commissioner did not accept lodgement.

How many complaints are not accepted by the commissioner? How does this compare with complaints that are accepted? What are the reasons that complaints are not accepted? Why are they now being included in the number of complaints when calculating effectiveness and efficiency indicators?

**Mr J.R. QUIGLEY:** Thank you, member. I defer to the Commissioner for Equal Opportunity. I made an oversight: each year in the estimates committee in the Department of Justice division, members ask questions relating to equal opportunities first because the commissioner has a Hansard reporter with him. I ask members to deal with the Equal Opportunity Commission at this point. It is a convenient time because the question has been asked.

[3.20 pm]

**Dr J. Byrne:** I want everyone to know that I am profoundly deaf. I can hear nothing at all. I have been totally deaf since I was a child. I would like to thank the committee and the chair for the accommodations made for my disability.

In response to the question, the Equal Opportunity Act 1984 requires complaints to be in writing. In 2021–22, the number of written complaints that were not accepted by the commission was 278, compared with 554 accepted complaints. In 2022–23, written complaints not accepted were 166, compared with 469 accepted. For the current financial year to 30 April, 148 written complaints were not accepted and 331 were accepted. Complaints are not accepted if they do not disclose unlawful discrimination, harassment or victimisation. The majority of complaints not accepted relate to bullying, which is not conduct covered by the Equal Opportunity Act unless it relates to a ground and area that is covered. For example, a complaint of sexual harassment that involves bullying will be accepted. A minority of complaints relate to conduct that is not unlawful under the current act, but the Law Reform Commission review of the act recommended that these should be unlawful under the new act.

The higher number of complaints in 2021–22 was a result of COVID complaints. The complaints were not accepted by the commission due to emergency measures that disallowed complaints against the vaccine mandates. A significant amount of work is often required by the commission before it declines to accept a complaint. More information is often required from the person who lodged the complaint, and often the commission's legal officers need to assess whether the complaint is within the scope of the act. If the complaint is not accepted, the complainant is advised about other complaint-handling bodies that may be able to accept and address the complaint.

In the past, written complaints not accepted have been classified as inquiries and included in the inquiries section of the annual report. Some written complaints not accepted are quite complex and quite contentious with the complainant. This was particularly the case with COVID complaints. The Law Reform Commission in its review of the Equal Opportunity Act commented on complaints not accepted. In view of these points, as Commissioner for Equal Opportunity, I have asked the government to consider that accountability and transparency will be improved

if written complaints not accepted are included in complaints when reporting on complaints in the annual report and in reporting on the efficiency and effectiveness indicators.

**Mr D.J. KELLY:** Thank you.

**The CHAIR:** Thank you, Dr Byrne. Are there any other questions for the Commissioner for Equal Opportunity?

**Mr J.R. QUIGLEY:** Are there any questions in the equal opportunity space?

**Ms M.J. DAVIES:** One further question, Attorney. Could the commissioner perhaps outline the program of works for the next 12 months in terms of priorities for the commission and around reports being considered and the work it will turn its mind to?

**Mr J.R. QUIGLEY:** I will refer to the commissioner if he heard the question sufficiently.

**Dr J. Byrne:** We are continuing our work on sexual harassment following the excellent work done by the *Enough is enough* report and the federal *Respect@work* report. I am on a national committee that is implementing some of those findings. I am not representing myself; I am representing the Australian Council of Human Rights Authorities. That remains a significant focus, and there are indications already that the number of complaints to the human rights bodies are declining, but it is not clear yet whether the decline is statistically significant. That is one of my major focuses. The other one is that the government has indicated that a new Equal Opportunity Act will come in some time after the next election if the government is re-elected. We are gearing up and working towards the education program. We have funds for that. We have people working on the new brochures and information sheets and information program for when that new act comes in.

**The CHAIR:** Are there any further questions for the Equal Opportunity Commissioner?

**Ms C.M. TONKIN:** I have a question through the Attorney General, of course. On page 425 of the budget papers, I note the Equal Opportunity Commission's indicator of timelines of complaints finalised. Noting the Equal Opportunity Commission transitioned to the Department of Justice several years ago, may I have an update on the outcome of the transition and any impact on the commission's ability to deliver its services?

**Mr J.R. QUIGLEY:** Could I defer to the Commissioner for Equal Opportunity, please, Dr Byrne.

**Dr J. Byrne:** Thank you for the question. The Equal Opportunity Commission transitioned to the Department of Justice on 1 December 2020. This machinery-of-government change was initiated by me as commissioner to improve access to corporate services and reduce the risk of noncompliance with the many requirements placed on independent agencies. I am very grateful that the then director general and corporate services people accepted my request to join them. I am eternally grateful for that! The minister also supported that, too. The Equal Opportunity Commission was experiencing difficulty in providing its own payroll, finance services, information technology and procurement to its 20 staff and was seeking economies of scale from the transition. The transition has been successful. Among other things, the EOC no longer relies on its own legacy systems for managing complaints and it has a secure access to the Department of Justice integrated court management system. There is still one small legacy system for management of external training. A project is underway to transition this system to a product managed by the Department of Justice.

The transition has eliminated many risks of system failure and noncompliance that were of concern when the EOC was a standalone agency and has facilitated significant improvement in productivity and job satisfaction. Productivity improvements have been applied to the public-facing functions by increasing staffing of the external training function and the conciliation function and has allowed us to gear up and get ready for the new act—so that we will not be seeking funding, at least initially, for that purpose. The transition has shown that an independent statutory office holder can remain fully independent in the performance of the statutory functions under relevant legislation, but does not require the cost and risk of being the CEO of a small independent agency. That risk, frankly, is really quite high.

**The CHAIR:** Thank you. Any more questions?

**Mr J.R. QUIGLEY:** May the Commissioner for Equal Opportunity be excused?

**The CHAIR:** Yes.

**Mr J.R. QUIGLEY:** Thank you, members.

**The CHAIR:** Thank you, Dr Byrne. I call the member for Vasse.

**Ms L. METTAM:** I refer to service 1, "Court and Tribunal Services", on page 424. I note that the budget was \$464 million, but the estimated actual was \$42 million more. How can the Attorney General be confident that the forecast for 2024–25 will come in lower and fall in subsequent years when it increased so much last year?

**Mr J.R. QUIGLEY:** The increase in the total cost between the 2023–24 budget and the 2023–24 estimated actual of \$41 million is primarily due to the higher than expected criminal injuries compensation payments of \$38 million and increased workers compensation insurance of \$4 million. The increase of \$41 million in the total cost between the 2023–24 budget and the 2024–25 budget year is primarily due to higher than expected criminal injuries compensation payments of \$13 million; increased costs of \$7 million for items including services and contracts due to cost and demand factors; \$2 million for accused cost grants in the courts of petty sessions; \$2 million for building rentals; \$1 million for court security and custodial services; and \$1 million for costs associated with the implementation of the new Criminal Law (Mental Impairment) Act 2023. Courts and tribunal services in particular are facing higher demand and numbers of complex multiple-accused trials. These big drug trials are resulting in increased service costs right across the department.

[3.30 pm]

**Ms L. METTAM:** I refer to the same page, 424, and the target for the time to trial for District Court cases. I note that the reason for the 2023–24 estimated actual being higher than the 2024–25 budget target is an ongoing increase in the demand for trials and pre-trial determinations and an increase in the number of multiple-accused trials and the complexity of cases. I imagine that these issues are not going away. Given that, how can the Attorney General ensure that the 2024–25 target will be achieved?

**Mr J.R. QUIGLEY:** I will refer this to Ms Stampalia.

**Ms J. Stampalia:** As the member can see from the budget papers, the target is 32 weeks. We know that we are unlikely to meet the target in 2024–25 because we are operating at a projected number of 67 weeks in accordance with the budget papers. We are working very closely with the judiciary on how we manage listing practices within the courts to maximise the number of trials that can be dealt with. Given the complexities that were outlined in the variation explanation, it will remain a challenge.

**Ms L. METTAM:** Can the Attorney General explain what he means by the complexity?

**Mr J.R. QUIGLEY:** Sorry?

**Ms L. METTAM:** I refer to the complexity and the challenges that are leading to longer times to trial. What sorts of complexities are we talking about that were not there before?

**Mr J.R. QUIGLEY:** One of the complexities is what the previous conservative government did with the David Malcom Justice Centre. It put all these courtrooms in, but the government of the day forbade criminal trials, family court trials or anything to do with persons. It can deal only with civil matters. We have this tower that could accommodate more trials if it were not for the silly lease that the previous government entered into that banned criminal trials being held there.

One of the complexities is that when there are trials involving homicide or drug trafficking offences that carry a life penalty, they have to be tried in the Supreme Court. The previous government did not think about this and did not provide any hearing rooms for the Supreme Court. On an ad hoc basis, it has to displace the District Court to have trials in the building. It is always hard to predict what that demand is going to be. We have a limited number of courts that can hold big trials. What I mean by “big trials” are those with multiple accused and multiple counsel. They cannot be held in little hearing rooms; they need the big hearing rooms. The Supreme Court has to sit in the District Court and bump the District Court. That is one of the complexities.

**Ms L. METTAM:** What is the Attorney General doing to address those complexities so that the target can be met?

**Mr J.R. QUIGLEY:** I will deal with that. The complexity is the error made by the former government in building a huge courtroom in which it could not hold a criminal trial. The member will recall that about two budgets ago, there was an allocation for a business case for a new court building to see what we could do about this. The business case has been worked up and the department is looking at possible solutions on an ongoing basis.

**Ms L. METTAM:** When was the business case completed?

**Mr J.R. QUIGLEY:** It is before the cabinet at the moment for consideration.

**Ms L. METTAM:** We are in the second half of the year and are about to go into the winter recess. If this is such a big issue, is the funding in the budget?

**Mr J.R. QUIGLEY:** The funding for?

**Ms L. METTAM:** The funding for what the business case proposes as a solution to these significant issues. We are in the second half of the last year of this term.

**Mr J.R. QUIGLEY:** There are a number of potential solutions. They remain very confidential because there are landowners involved. They are commercial-in-confidence until the required processes are complete, including the

cabinet processes. The member would appreciate the need for confidentiality around those. Work is underway and is funded by the allocation from before. It is a big problem for government.

**Ms L. METTAM:** Like the GPS trackers, will the Attorney General commit to this funding before the end of Parliament this year?

**Mr J.R. QUIGLEY:** I am not prepared to say when cabinet will land upon a solution.

**Ms L. METTAM:** Are any other solutions being worked on to address these complex problems? We are talking about a significant reduction in the target.

**Mr J.R. QUIGLEY:** Yes, there are other solutions. They are being led by our wonderful Chief Justice. He leads by example. He is a wonderful Chief Justice. Although he is the Chief Justice of Western Australia and sits in the Supreme Court, he allocates some of his time to do District Court trials to set an example for other judges of the Supreme Court to do District Court trials to try to work away at this time-to-trial issue.

I am sure the director of court services might have something to add on these matters. I turn to Ms Stampalia.

**Ms J. Stampalia:** I will just elaborate a little bit more on the complexity. Part of the complexity that comes from outside the Department of Justice is around offending and some of the technology presenting around alleged offending. The other element is police investigations, which bring a lot of extra features to the number of matters that are dealt with by the court, particularly around pre-trials. We are looking at innovative ways to work with others within the system.

The other things that the court has been doing relate to scheduling longer circuit sittings to maximise the possibilities in some of the regions and increasing the number of weeks when required in those particular locations. Over the last few years, when we know that a judicial officer is retiring, we have had support to advance the replacement and have an overlap of about six months. That assists in the resourcing for the court as well. As the Attorney General outlined, we also have other courts assisting to provide facilities. We also have two courts in Central Law Courts that are made available to the District Court for sittings. They have had a significant increase in usage in more recent times.

[3.40 pm]

**Mr J.R. QUIGLEY:** I might add that this government has been appointing so many judges to try to solve the problem where we have accommodation, we now have a lesser pool of senior counsel because so many seniors in the profession have now been appointed. That means that accused people may have selected their counsel but counsel might not be available that month. I have seen instances in which the court has refused to accommodate an appropriate accused getting senior counsel. That has led to dreadful messes and appeals and everything. The profession itself, at the upper levels, is being tested because we have appointed so many judicial officers.

**Ms L. METTAM:** How much additional funding has been allocated to ensure that this target is achieved? We are going from an actual of 67 weeks down to 32 weeks. The target is amongst these challenges. The Attorney General said there is a business case but there is no allocation of funding. The Attorney General has talked about a range of challenges. Is the Attorney General confident that the target will be achieved?

**Mr J.R. QUIGLEY:** No. Have a look at the previous year, member. The previous year was 69 weeks with a budget of 32 weeks and then it was 67 weeks with a budget of 32 weeks. That is a target that we ask the court to work towards achieving. We do not want to lift that up. We do not want Your Honours to think they have hit easy street or anything like that. I have to tell the member that the feedback I get from recently appointed judges who were barristers is that they did not anticipate that they would be working so hard, so continuously. The Chief Judge tries to get to this target by having rolling lists and double listing trials on the anticipation that one will fall through and the other one will be taken up. This causes a problem for not only the courts but also the next division, the Director of Public Prosecutions. They are thrashing themselves to try to get this work done. We are not going to lift the target. We have a target and we say, “Work harder.”

**Ms L. METTAM:** I know the Attorney General cannot identify the site at this stage or confirm whether it will be before the end of the year, but can the Attorney General clarify what the business case is for? Is it for another court?

**Mr J.R. QUIGLEY:** I have said publicly before that what this city needs is another building—a tower.

**Ms L. METTAM:** In the city?

**Mr J.R. QUIGLEY:** Yes. It needs it. With the tower that we are locked into, we have the courts but we are not allowed to use them.

**Ms L. METTAM:** Excuse my ignorance here, but what is the anticipated value for this?

**Ms C.M. ROWE:** The member has not identified any line item.

**The CHAIR:** I think it is still relevant. I will allow the Attorney General to make up his mind about whether he will respond.

**Mr J.R. QUIGLEY:** Was the question: have we anticipated what we need?

**Ms L. METTAM:** Yes. Is there an anticipation of the value of the additional infrastructure that will be required?

**Mr J.R. QUIGLEY:** No. There are so many different options to try to get the outcome that no, I cannot. That would be for cabinet consideration.

**Mr D.J. KELLY:** I take the Attorney General to the significant issues impacting the agency on page 422 of budget paper No 2. Paragraph 10 is about the Office of the Commissioner for Victims of Crime and the National Redress Scheme. In reference to sexual violence reform and the Law Reform Commission of Western Australia's *Project 113: Sexual offences: Final report*, could the Attorney General explain what the government is doing to improve outcomes for victim-survivors and to progress the 134 recommendations contained within the final report?

**Mr J.R. QUIGLEY:** The member might recall that it was only last week, on 15 May, that I tabled the Law Reform Commission's project 113 report to which the member referred. In February 2022, I asked the commission to review chapter XXXI of the Criminal Code Act Compilation Act 1913 as well as sections 186, 191 and 192 of the code, and to provide advice on possible amendments. The report made a total of 134 recommendations aimed at enhancing and updating sexual offence provisions in Western Australia so that they reflect community expectations regarding sexual offences. These recommendations were informed by consultation with a broad range of stakeholders, including legal and judicial stakeholders, other organisations and individuals, including victim-survivors. The commission's report provides a framework for legislating an affirmative action model of consent. Key recommendations include amending the definition of "consent", improving the directions given to juries in sexual assault trials, restructuring offences and increasing maximum penalties. The government has provided in-principle support to modernising Western Australia's laws on sexual offences and legislating an affirmative action consent model to better reflect community standards, support victim-survivors and deliver just outcomes. The Law Reform Commission of Western Australia recommends substantial amendments to the law that raise very complex issues that require careful consideration. Work has commenced to carefully consider each of the 134 recommendations in detail. Further consultation with stakeholders will need to be undertaken once the government arrives at draft laws in this area.

The reform of Western Australia's criminal laws is complemented by other important initiatives being implemented by the government to improve outcomes for victim-survivors of sexual offences. These include the development of a sexual violence prevention and response strategy that will take a whole-of-government approach to preventing and addressing the impact of sexual violence in the community and will guide prevention, intervention and service delivery. Another review, separate from project 113, is being undertaken by the Office of the Commissioner for Victims of Crime. The commissioner is leading a review into the experience of sexual violence victim-survivors in the criminal justice system. The review will examine the complete process, from a victim reporting an offence to the police through to the time the offender is released from custody—that is end to end, member. The experiences and needs of diverse groups of victim-survivors will be considered to identify opportunities for improvements in the system.

[3.50 pm]

**Ms M.J. DAVIES:** I am not sure where this goes, but I will give it a burl. I refer to services to government under outcomes, services and key performance information on page 423 of the *Budget statements*. My question is about the legislation governing the Corruption and Crime Commission, so the act, which I understand falls under the Department of Justice. Is there work being done on reviewing, updating or amending the CCC legislation?

**Mr J.R. QUIGLEY:** Yes—within the department.

**Ms M.J. DAVIES:** How is that progressing?

**Mr J.R. QUIGLEY:** It is progressing well.

**Ms M.J. DAVIES:** Are we likely to see it before the end of this term of Parliament?

**Mr J.R. QUIGLEY:** I do not think so because it will then have to go to the committee. I think it will be a new committee.

**Ms M.J. DAVIES:** So is it highly unlikely that we will see any updated legislation for the CCC in the remainder of this parliamentary term?

**Mr J.R. QUIGLEY:** Does the member mean the legislation or the review?

**Ms M.J. DAVIES:** I mean the legislation.

**Mr J.R. QUIGLEY:** No, the legislation book is full.

**Ms M.J. DAVIES:** So there will be no more legislation.

**Mr J.R. QUIGLEY:** There will be heaps more legislation, but I do not have the report to get the drafting instructions to get the legislation in. There is lots of legislation that the member will get to review before we both retire from this chamber.

**Ms M.J. DAVIES:** I do not think there are enough days left!

Will the review be completed so the proposed changes can be made public prior to the end of this term?

**Mr J.R. QUIGLEY:** We are looking at updating and modernising the act. There will not be a review paper published. It is a review to see what we can do to update and modernise the act.

**Ms M.J. DAVIES:** When did that work start?

**Mr J.R. QUIGLEY:** It was sometime after Mr McKechnie came back, I believe. I cannot tell the member exactly when it started. It is a substantial body of work. I think it was after Mr McKechnie returned to the position.

**Ms M. BEARD:** The question I want to ask refers to page 421 of the *Budget statements*. I refer to the second last line item, “Temporary Regional Incentives”, which is obviously why it does not extend past 2025–26. Can the Attorney General give an explanation about what that relates to?

**Mr J.R. QUIGLEY:** I have it. It is \$595 million and goes to \$598 million in 2024–25. The department will spend an additional \$1.2 million over 2023–24 and 2024–25 to fund temporary regional incentives relating to temporary regional attraction and retention incentives for specific occupational groups in the hard-to-fill regional locations. For an expanded answer and more information on regional incentives, I ask Mr Clark whether he can contribute and improve my answer.

**Mr T. Clark:** The regional incentives were designed to spend money to attract and retain people in those hard-to-fill places. The places we looked at and that have been funded are as follows. In Kalgoorlie, we have nurses, youth justice officers and courts and tribunal occupations. They are getting incentives of around \$13 000 a year. In Derby, there are some courts occupations. In Halls Creek and Kununurra, there are youth justice officers. In Roebourne, Karratha and South Hedland, there are some courts occupations. In Broome, there are some nurses and youth justice officers. In Geraldton, there are nurses, youth justice officers and courts and tribunal occupations. We have criteria for those payments, and they are single retention payments following 12 months of service. They are to be paid only to occupations that include client-facing service delivery functions. They are identified as a separate benefit, do not form part of the employee’s contract of employment and are not paid to employees on extended leave such as long service leave. They are paid on top of all other employment benefits.

**Ms M. BEARD:** Is it envisaged that this will need to be extended beyond the funding that has been provided in the budget? Is there a big uptake on the incentive scheme?

**Mr T. Clark:** We have the \$1.2 million funding. This is obviously designed to attract people to those areas. I think the government would look at whether there needs to be an extension, and it would be based on assessment. We went through quite a vigorous assessment of occupations for which we find it hard to attract and retain people. If there were an extension of that payment and extra money, we would go through exactly the same process and identify where we really need forward-facing, client-focused occupations with attraction and retention problems.

**Ms M. BEARD:** Is there a big uptake? Is the budget being exhausted or is the incentive not attracting people? Is it effective?

**Mr T. Clark:** The staff receiving these payments are extremely happy that they are receiving them. As far as we have seen, they have had a positive effect on staff we currently have. We are only part way through this program, so it would be something we identify and report back to government about. We have reporting requirements back to government. We will report back and at that point I would imagine we would know whether the program had been successful. As the member is aware, some jobs in regional areas are particularly hard to staff, especially in courts, and that has a big impact on the service provided. I expect these payments will be made and we would then be in position to assess whether we would go back to government and request that the program be extended. But we have only \$1.2 million at this stage.

**Ms M. BEARD:** The premise of my question is that some people have given me feedback that although they value the \$13 000, the cost of living in the locations they are going to is such that the payment is not enough of an incentive. Is there scope to look at changing that?

**Mr T. Clark:** As I said, it is really for government to make a decision once we have reviewed the process. However, there are a number of incentive payments for different groups of staff in regional areas either covered by the industrial agreements or district allowances, for instance, or certain regional incentives. For example, Government Regional Officers’ Housing is provided to people who work in the regions. There are other incentives and payments



like travel payments. There are special payments for people to come back to the Perth metropolitan area if they need specialist medical treatment. As I said, we will have to see whether these payments have been successful. We are certainly aware that it is difficult to recruit people into certain regional jobs. We have been through a considerable time in which it has been difficult to recruit people generally, and there has been a relatively high turnover of staff because of the market we have had. As the member said, these payments have certainly been very welcome by the people who have received them.

*Meeting suspended from 3.59 to 4.09 pm*

[Ms M.M. Quirk took the chair.]

**The CHAIR:** Who has the call? The member for Belmont.

**Ms C.M. ROWE:** I refer to page 422 of the budget papers. It recognises the department's focus on Closing the Gap outcomes. How does the successful long-running Aboriginal justice open days program, which we had recently in Belmont and were hugely successful, contribute to the Department of Justice's responsibilities under the National Agreement on Closing the Gap?

**Mr J.R. QUIGLEY:** Yes. Could I ask my adviser Gina Hill to proffer an answer to the chamber?

**Ms G. Hill:** Aboriginal Justice open days promote access to government and non-government services for Aboriginal people who face difficulty in accessing or engaging with essential services. The open days program supports improved justice outcomes by helping vulnerable people with drivers' licences and outstanding fines and to access identity documents. This has resulted in a reduction in driving offences and fewer punitive actions taken due to outstanding fines and has assisted people to obtain documents, leading to improved education, employment and housing opportunities. This will have a tangible, positive impact on socio-economic outcomes, which will lead to lower rates of offending and assist the state government in progressing Closing the Gap targets and outcomes relating to education, employment, housing and, importantly, reduced rates of adult incarceration and young people in detention. Service providers that attend our open days include the Registry of Births, Deaths and Marriage; the Sheriff's Office of WA; the Department of Transport; the WA Seniors Card Centre; Legal Aid WA and other community legal centres; Curtin Tax Clinic; the Australian Electoral Commission; regional and metropolitan TAFE campuses; Westpac remote banking services; and Services Australia. The positive results are that 9 601 individual outcomes have been achieved during the first three quarters of the 2023–24 financial year. It is anticipated that, to the end of this financial year, 139 open days will be delivered. Key outcomes achieved in the 2023–24 financial year up to and including 31 March include 2 935 people being in attendance, 682 WA photo ID card applications being processed, 730 birth certificates being produced and 53 people being assisted with interstate birth certificate applications. Just over \$2.2 million in fines were converted; about half a million fines were paid; 271 licence suspensions were lifted; 422 time-to-pay arrangements were approved; 118 stay of executions were approved; 29 contacts were made, importantly, with the Office of the Commissioner for Victims of Crime; 228 contacts were made with community legal providers, including assisting 54 extraordinary licence matters, unlocking opportunities for those individuals to employment and access to other important services; and 109 queries were fielded in which pending court matters were discussed with 20 individuals.

**Mr J.R. QUIGLEY:** Thank you, Ms Hill.

**Ms L. METTAM:** I refer to services to government found in the table under the headings "Relationship to Government Goals" and "Outcomes, Services and Key Performance Information" on page 423. Those services are also listed in the costs of services. I note the budget target is higher than the estimated actual, mainly due to additional staffing for the Parliamentary Counsel's Office to meet the government's legislative priorities, the establishment of parole support for victims of crime, and the commencement of consultation on legislative responses to coercive control and family and domestic violence initiatives.

**The CHAIR:** Member, are you still on page 423?

**Ms L. METTAM:** It is found on pages 423 and 426.

**The CHAIR:** Where are you reading from?

**Ms L. METTAM:** I am reading from the table on page 423 that outlines the services to government, and I am also reading the budget items as well.

**Mr J.R. QUIGLEY:** From which page was the member reading the budget items? I lost the question, I am sorry, member.

**The CHAIR:** I, too, am lost, Attorney General.

**Mr J.R. QUIGLEY:** The member referred me to page 423, but the figures are not there.

**The CHAIR:** Exactly! We need the page for the figures you mentioned.

**Ms L. METTAM:** Page 423 references the timely legislative drafting and publication of services. The other reference is found on page 426—I am just trying to find it; it relates to the overall budget. If someone else asks another question, I can look for it.

**The CHAIR:** The member for North West Central can ask a question.

**Mr J.R. QUIGLEY:** It is okay. I do not mind. I will wait.

**The CHAIR:** Go ahead, member.

**Ms M. BEARD:** I refer to the Office of the Commissioner for Victims of Crime in paragraph 10 under significant issues impacting the agency on page 422. It notes that —

As the Scheme progresses, the Office facilitates an increasing number of requests for the State to act as a funder of last resort.

I am interested to know by how much the numbers have increased.

**Mr J.R. QUIGLEY:** I invite the Commissioner for Victims of Crime, Ms Kati Kraszlan, to answer the question.

**The CHAIR:** Mrs Kraszlan, we are referring to paragraph 10 on page 422. The member is asking about the increasing number of requests for the state to act as a funder of last resort. Is that correct?

**Ms K. Kraszlan:** That is correct. The National Redress Scheme made a change to the original funder of last resort arrangements. Previously, the state government had to have had an involvement with the organisation for the state to then act as funder of last resort. In the two-year review, there was a recommendation that that be expanded and the state take on a funder of last resort role for agencies and organisations when there was no involvement by a state government in the placement of the child in that area or organisation.

[4.20 pm]

**Mr D.J. KELLY:** Can the Attorney General give examples of what those institutions or organisations that are now picked up in that funder of last resort might be?

**Mr J.R. QUIGLEY:** I defer to the Commissioner for Victims of Crime.

**Ms K. Kraszlan:** A good example of how the government has acted as funder of last resort sits with Fairbridge as an organisation. Initially, the commonwealth and state governments placed young children at Fairbridge and, with Fairbridge subsequently unable to access the scheme, the government acted as funder of last resort. There were, however, children who were sent to Fairbridge who were not state wards or child migrants, so the government has now taken on the funder of last resort role for those children. Finally, there was a group of children whose parents placed their child in Fairbridge. There was no government or organisation involvement and the government has now taken on a funder of last resort role for those children. It has also been the funder of last resort for a large number of missions across the state of Western Australia whereby the religious organisation that ran the mission is no longer in existence and the government did not place any children at the missions, but the government has now become the funder of last resort.

**Ms M. BEARD:** Does the commissioner have numbers on how many children this would be assisting?

**Ms K. Kraszlan:** No, we would not have numbers on children at each of them, because the commonwealth has a lot of the data. We could not provide the member with an accurate number.

**Ms L. METTAM:** New question.

**The CHAIR:** You have given up on the last question?

**Ms L. METTAM:** No, it is the same question, with page numbers. I refer to both page 423, which refers to services to government, and page 430, underneath the heading “Explanation of Significant Movements” where the first note states —

The ... Budget Target is higher than the 2023–24 Estimated Actual, which is higher than the 2023–24 Budget, mainly due to additional staffing for the Parliamentary Counsel’s Office to meet the Government’s legislative priorities, the establishment of parole support for victims of crime, and the commencement of consultation regarding legislative responses to coercive control and FDV initiatives.

Can the Attorney General explain what the update is in relation to the coercive control legislation and the government’s legislative priorities, given we are approaching the winter break for the last year of this term?

**Mr J.R. QUIGLEY:** Did the member say before the winter break?

**Ms L. METTAM:** Before the end of the year. What are the legislative priorities?

**Mr J.R. QUIGLEY:** It had drafting priority OO, which means ASAP—exclamation, exclamation.

**Ms M.J. DAVIES:** How many of them are OO priority though?

**Ms L. METTAM:** When will coercive control legislation be introduced?

**Ms C.M. ROWE:** I have a point of order. What is the line item?

**The CHAIR:** The line item is on page 340.

**Ms C.M. ROWE:** But how does it relate to this question?

**The CHAIR:** Paragraph 1 talks about coercive control.

**Ms C.M. ROWE:** She is asking a question about legislation that is not even before Parliament.

**The CHAIR:** I will rule, member. Thank you very much. There is no point of order. The Attorney General was handling the answer quite well, I thought.

**Mr J.R. QUIGLEY:** Certainly. Thank you very much, chair. Coercive control is a form of abuse that undermines a victim–survivor’s autonomy and capacity to resist or escape family violence because they are under that control. It can have a lasting impact upon survivors. The Office of the Commissioner for Victims of Crime conducted a consultation process through 2023 on the adequacies of existing measures and to improve outcomes. The report, *Legislative responses to coercive control in Western Australia: Discussion paper*, was submitted to me for consideration and then released in 2023. The government agreed to recommendations of the report including a definition of coercion and control into the Restraining Orders Act. The government has indicated a phased approach to the introduction of any standalone criminal offence. The stakeholders made it absolutely clear that they did not want a standalone criminal offence at the outset, as the report identified. They wanted a staged approach so that there could be community education about what coercive control is.

The government will introduce coercive control as a criteria in the Restraining Orders Act to get a family and domestic violence order. If we can establish coercive control, like control of a bank account, or isolating them from their own family—I will not enumerate all the possibilities of coercive control—in the Restraining Orders Act, it will heighten awareness of perpetrators of coercive control—and it is not always the male in a relationship that exercises coercive control. It will heighten the community’s awareness of what coercive control is and, in the first instance, offer a civil remedy for it, being a violence restraining order. This has an OO priority. I will announce it from that chair as soon as I possibly can.

**Ms C.M. TONKIN:** I refer to page 422 and significant issue 10, which describes the role of the Office of the Commissioner for Victims of Crime, including providing access to counselling, psychological care and a direct personal response to the victims of crime. I understand the commissioner’s office also administers the homicide funeral assistance scheme. Can the Attorney General inform the house of the purpose of this scheme and advise how many grieving families have had funerals covered? Could the Attorney General further advise the amount that has been expended for this purpose since the scheme came into effect?

**Mr J.R. QUIGLEY:** Certainly. Thank you for the question, member. When the then McGowan Labor government was elected in 2017, it was becoming clear that families who had lost loved ones as a result of serious crime faced a further burden by having to pay for the funeral. Grieving families were turning to loans, sadly crowdfunding or going into debt to put their loved ones to dignified rest. It was on that basis that as Attorney General, I decided to introduce the homicide funeral assistance scheme into Western Australia. The scheme applies to those Western Australian victims of crime who have lost a loved one through murder, manslaughter or unlawful assault causing death—the most serious crimes in our state’s criminal calendar. It is of particular benefit in the worst cases—thankfully rare—when there is more than one victim from the same family. Before the scheme was introduced, a grieving family would have to pay for the funeral costs up-front and then apply down the track to the Office of Criminal Injuries Compensation to be reimbursed. They would have to go in the queue of applications, so it might take some time. As part of the scheme, the Office of the Commissioner for Victims of Crime pays the funeral directors on behalf of eligible families to reduce the burden on them as they are grieving so that the administration of it is taken over by the commissioner. When the McGowan government launched the scheme in 2018, it contributed \$8 000 towards the cost of a respectful funeral for eligible families. Since then, and being conscious of the cost-of-living pressures, the Cook government boosted this amount to \$10 000 a funeral last year. I can advise the committee that the homicide funeral assistance scheme has paid for 132 funerals since it was launched in 2018 at a total cost of \$1 059 906. The homicide funeral assistance scheme is part of a package of support measures for families of homicide victims, run from the Office of the Commissioner for Victims of Crime. Other services include biological forensic cleaning of crime scenes so that families do not have to clean the house where a loved one was killed, and the payment of ambulance costs for victims of homicide. These measures aim to ensure that families are not further impacted by organising and paying for the services and that they are supported by the justice system at this most tragic moment in their life.

**Extract from *Hansard***

[ASSEMBLY ESTIMATES COMMITTEE A — Thursday, 23 May 2024]

p366b-376a

Chair; Ms Libby Mettam; Mr John Quigley; Ms Cassandra Rowe; Hon Dave Kelly; Ms Mia Davies; Ms  
Christine Tonkin; Ms Merome Beard

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**The appropriation was recommended.**

[4.30 pm]