

CORRECTIVE SERVICES — FINE DEFAULTERS AND MINOR OFFENDERS —  
MEMBER FOR WARNBRO'S COMMENTS

**468. Mr J. NORBERGER to the Minister for Corrective Services:**

I note the recent comments by the member for Warnbro in which he claims we have filled our prisons with minor offenders and fine defaulters. Can the minister please provide some clarity on these comments?

**Mr J.M. FRANCIS replied:**

I thank the member for Joondalup for his question on this very, very important issue. I can only assume that the Western Australian Labor Party's policy to reduce the number of people in prison is to not lock up fine defaulters and not lock up minor offenders. That must be the policy, member for Warnbro; he has said it so many times. No-one has held him to account for his comments. He has said it so many times that it must be his policy. It is worth looking at exactly who these people are that the Labor Party alleges are filling up the prison system. To be perfectly clear, when it comes to fine defaulters, less than 0.04 per cent of the population in prison today are there for fine defaults alone.

Several members interjected.

**Mr J.M. FRANCIS:** That is less than 10 people out of five and half thousand people.

**Mr W.J. Johnston:** Tell the truth in the chamber occasionally!

**The SPEAKER:** Member for Cannington!

*Withdrawal of Remark*

**The SPEAKER:** Thank you. Withdraw that statement, please.

**Mr W.J. JOHNSTON:** I withdraw. He should tell the truth in the chamber.

**The SPEAKER:** Sorry?

**Mr W.J. JOHNSTON:** My interjection, Mr Speaker, was tell the truth in the chamber.

**The SPEAKER:** We know what that means; you have withdrawn it now.

Several members interjected.

**The SPEAKER:** I do not want to hear any more interjections.

**Mr F.A. Alban** interjected.

**The SPEAKER:** Member for Swan Hills, you are going to be taking a rest. I call you to order for the first time.

*Questions without Notice Resumed*

**Mr J.M. FRANCIS:** Thank you, Mr Speaker. Clearly, the truth hurts.

Fewer than 10 people out of five and a half thousand in prison today are there for fine defaults alone. Keep in mind that these are not people who are there for not paying parking tickets—look at what fines are used for by the judiciary as a sentence for offenders. In many of these cases, people are being given suspended sentences—in other words, pay a \$2 000 fine or go to jail if they do not pay it after 12 months. The categories of people who are in jail for fine defaults—these are the people members opposite want to let out—include repeat, drunk, dangerous and reckless drivers; drivers who break conditions of suspended sentences, not paying fines for repeat offending; and fines for assault and sexual assault. Members opposite want to let them out of jail—they are fine defaulters, member for Warnbro.

Several members interjected.

**Mr J.M. FRANCIS:** I do not know who these fine defaulters are, but the member for Warnbro wants to let them out of jail as it would make a significant material difference to the population of the prison system. Who else is in jail for fine defaulting alone? There are a couple of people for burglary, for theft, for fraud. These are the people —

Several members interjected.

**The SPEAKER:** Member for Mandurah, I call you to order for the first time. Member for Bassendean, you are lucky that I am not calling you for a second time. Minister, a quick answer through the Chair.

**Mr J.M. FRANCIS:** The bottom line is that these are people in prison as a last resort sanctioned by the legal system because of their refusal to pay their fines or to make amends for their penalties somehow through the justice system. They absolutely refuse. I know that the Labor Party does not believe in locking up people who refuse to be part of the fine system, but the reality is that if we were to abolish custody for fine defaulters at the

end of the day, when they do not want to be part of it, it would undermine the entire premise of the legal system. There has to be an endgame or else nobody would pay a parking ticket, nobody would pay a speeding ticket, and nobody would pay a driving-without-a-licence ticket.

Several members interjected.

**The SPEAKER:** Members!

**Mr J.M. FRANCIS:** As I said, the reality is that there are fewer than 10 people in jail right now today for fine default alone, and even if we did waiver that, it would make no material difference to the population of the prison system.

The other point is what members opposite call minor offenders. There is an Australian national code of offences, and under that list, there are the following kinds of offenders. This is the cohort that will magically reduce the prison population. These are the people that members opposite do not think should go to jail. The list includes people who are sentenced to a custodial term for domestic violence—for getting drunk, for bashing the wife. Members opposite do not think they should be in jail.

Several members interjected.

**Mr J.M. FRANCIS:** It includes the manufacturing of drugs—minor offenders! Members opposite do not think they should be in jail! It includes possessing child pornography—minor offenders!

Several members interjected.

**Mr J.M. FRANCIS:** Well, you tell me who the minor offenders are!

*Point of Order*

**Mr P. PAPALIA:** I think the minister is making imputations about my character that are untrue. It is not in accordance with standing order 92. I request that you have him withdraw —

Several members interjected.

**The SPEAKER:** Minister for Corrective Services, I call you to order for the first time. Do you want to take that point of order further?

**Mr P. PAPALIA:** Standing order 92 states that —

Imputations of improper motives and personal reflections on the Sovereign, the Governor, a judicial officer or members of the Assembly ... are disorderly, other than by substantive motion.

If this idiot wants to bring that substantive motive against me —

Several members interjected.

**The SPEAKER:** Member, I think you have defeated your own point of order. I want a quick wind-up.

*Questions without Notice Resumed*

**Mr J.M. FRANCIS:** I am not that petty. The point is that while the Labor Party bang on about the prisons being full of fine defaulters and minor offenders, they need to come up with the answers as to whom they will let out. The simple way of doing that is for any of them to go down to a Magistrates Court on any day of the week and watch people get sentenced to jail, and then tell the journalists, the media up here, who they think should not go to jail. Go and front the media and tell us who members opposite do not think should be in jail. Man up!

Several members interjected.

**The SPEAKER:** That concludes question time.