

# Office of Hon Alison Xamon MLC

MEMBER FOR NORTH METROPOLITAN REGION



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## Welcome.

It has been another excessively busy period, as the Parliament deals with the tail end of the Government's coronavirus responses and works through legislation delayed during the pandemic. Importantly, the Fines Enforcement Bill, which had already been delayed even before the crisis hit, was finally passed. This issue disproportionately affects First Nations people and I am very pleased that the new legislation will make prison time for fine default an absolute last resort. It will also create a new work development permit scheme, which will work with fine defaulters to address the underlying causes of poverty and offending. This is just the beginning of a suite of reforms that are needed, however, to reduce the shameful rate of incarceration of Aboriginal men, women and children in WA, and to continue to address the recommendations that arose out of the Royal Commission into Aboriginal Deaths in Custody three long decades ago.

I have been glad that racism and the justice system have garnered attention on an international scale of late. I attended the Black Lives Matter rally in Perth in June, and spoke in Parliament on the issues which directly affect Aboriginal people. We must channel our anger and despair at the treatment of our First Nations people into demanding change, because Black Lives Matter -

and Aboriginal lives matter. Along with lives, Aboriginal heritage matters too, and I also spoke on a motion condemning the abhorrent destruction of Aboriginal heritage sites following Rio Tinto's decision to destroy the Juukan caves.

I continue to question the Government over their response to a number of issues arising from the COVID-19 crisis. The issue of homelessness remains and is only getting worse, I followed up concerns about boarders from regional areas returning to residential and agricultural colleges in Perth; and sought clarification on what the Government is doing for students and temporary visa holders.

I have also questioned the Government about its failure to adequately fund the family and domestic violence sector, despite a dramatic increase of FDV incidents during the pandemic and lockdown, continued to raise the issue of elder abuse; and been appointed to the Select Committee examining the provision of palliative care in Western Australia, among many other things.

Of course, we are also gearing towards the 2021 State Election, and I look forward to working with members as campaigning ramps up.

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Standing up for our First Nations people, and an end to racism, at the Black Lives Matter rally at Langley Park

## Some COVID matters remain unresolved

I have continued to raise with the Government issues which have come up across my portfolio areas in relation to its coronavirus response. I questioned the Government about its plans to house rough-sleepers, following the conclusion of its four-week Hotels with Hearts trial during the pandemic. While I was disappointed to learn it was not currently working directly with this particularly vulnerable group, I was pleased to reveal that it is fast-tracking Department of Communities projects as part of its stimulus package for housing and

homelessness. Homelessness is an area that desperately needs investment.

Elsewhere, I asked the Government a series of questions regarding its progress in ironing out issues with children from regional WA returning to Perth-based boarding schools, after I was contacted by concerned parents. I also continue to keep a close eye on the plight of international students, who have been struggling. I am informed that these students are receiving support only on a needs basis.

I have also asked questions of the Government on what financial supports have been made available to animal welfare organisations which

have lost volunteers, donations and the ability to fundraise during the pandemic. I was disappointed to learn the Government has not made funds available specifically for the sector, but simply pointed them in the direction of its Lotterywest COVID-19 relief fund.

I have also been following up concerns from members of the public regarding the prevention of visits to relatives in WA prisons due to COVID-19 restrictions. While I was pleased to learn that social visits are now being allowed in prisons and at Banksia Hill Detention Centre, it was frustrating to hear of difficulties families faced with access to video-conferencing and phone calls over the past few months. Supporting prisoners to maintain connections with family is vital to their success on release.

## Lack of data means vulnerable groups under-protected and victims unsupported

I was dismayed to learn through questions in Parliament that police still do not track instances of hate crime directed at the LGBTIQ community – a decade after it was identified as a significant gap. WA is lagging behind other states in its responses to hate crime against the LGBTIQ community – and other vulnerable populations – which means police are unprepared, the LGBTIQ community and other groups under-protected and victims unsupported. There needs to be a targeted approach to tackling hate crime. But first, we cannot stop crime

motivated by prejudice against groups on the grounds of race, religion, ethnicity, gender, sexuality or disability, until we know the scale of the problem. A police briefing paper from May 2018, provided as part of the answer to my question in Parliament, admitted the lack of data meant WA Police were currently not able to accurately identify trends or emerging issues, or providing appropriate responses to hate crime incidents, including towards members of the LGBTIQ community.

The Australian Human Rights Commission found 72% of LGBTIQ

people had experienced verbal abuse; 41% threats of physical violence, and 23% a physical assault – these numbers increase dramatically for trans people, with an horrific 92% of trans women experiencing verbal abuse, and 46% a physical assault.

This is a serious problem, which is compounded by the information that we have that indicates the LGBTIQ community are much less likely to report incidents. New Zealand and the United Kingdom contained provisions in law for hate crime – and legislation is one avenue which WA should consider.

## Mining companies do not have the social license to destroy sacred sites

I spoke on a motion brought by my colleague Hon Robin Chapple MLC, who asked the House to recognise the failing of Governments at all levels to protect historically and culturally significant, sacred Aboriginal sites. The state and the nation were rightly shocked at the legal destruction of the rock shelters at Juukan Gorge in the Pilbara, and on National Sorry Day no less. Reconciliation has rightly withdrawn its partnerships with Rio Tinto, sending a clear message that mining companies do not have the social license to do what they like in pursuit of profits. Traditional Owners (TOs) understandably perceive that the Aboriginal Heritage Act is the way it is because mining companies have too much influence, not least because the Act allows appeals from mining companies but not from TOs. TOs often cannot speak out in defence of sacred sites because they have signed contracts which effectively silence them. We know that Aboriginal people want and need mining royalties and job opportunities, but that should not mean they should have to sign away their rights to raise concerns.

# An end to automatic imprisonment as Fines Enforcement reforms finally pass Parliament

The Bill to remove automatic imprisonment of fine default finally passed. Reforms to the fines enforcement system were long overdue, not least because they made up a key recommendation in the Aboriginal Deaths in Custody Royal Commission 30 years ago. We know that the majority of fine default comes from an inability rather than an unwillingness to pay. Compounding fines have a huge impacts on people's financial status, and their mental wellbeing. Aboriginal Western Australians, and women in particular, are more vulnerable to being sent to prison for fine default.

There have been cases where women have called for help in domestic violence incidents, and found themselves in prison for fine default. Between 2006 and 2019, there were 10,534 prison receptions for fine default only in Western Australia – in comparison with 272 in Victoria between 2010 and 2016. New South Wales has not issued a warrant of arrest against a fine defaulter since 1998.



Celebrating the passing of the Bill outside Parliament with the team from Social Reinvestment WA

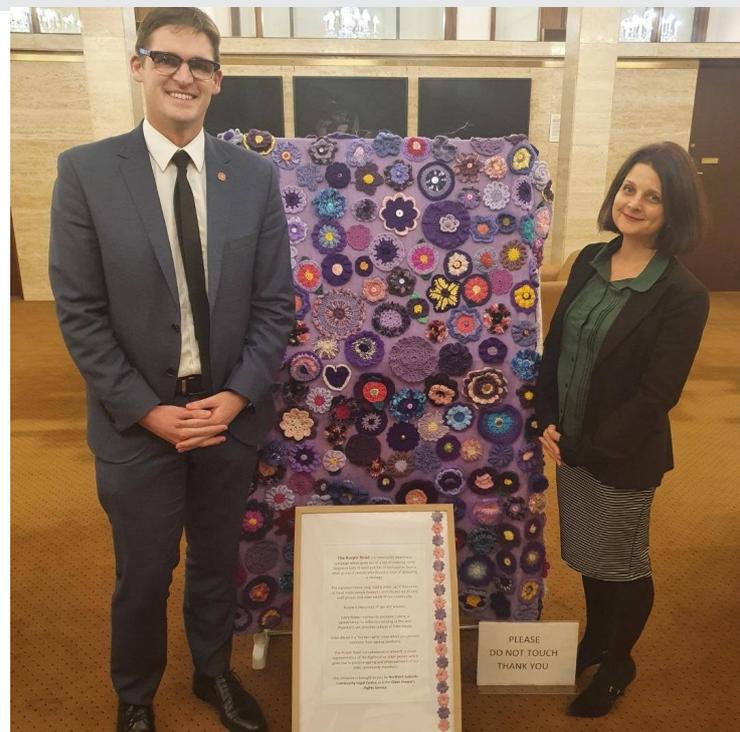
## More needed to reduce shocking rate of Aboriginal incarceration in WA

In Western Australia, we incarcerate our First Nations people at the highest rate anywhere in the world. Aboriginal people make up just 3% of our population but 38% of prisoners. Aboriginal children and young people make up 70% of detainees at Banksia Hill Detention Centre. There have been 437 Aboriginal deaths in custody since the Royal Commission 30 years ago. A Guardian investigation found that in 38% of these deaths, medical care was needed but not provided. A recent Australian National University survey found 75% of the 11,000 surveyed held unconscious bias against Aboriginal people. It is this that leads to widespread racism. This systemic racism absolutely contributes to the shockingly high number of Aboriginal deaths in custody.

The Government's justice targets for reducing these rates have been put on hold in the wake of Covid-19. Reforming youth justice is an important primary step, since 75% of the 116 children in youth detention as at 31 March were Aboriginal. Two ways we can reduce this horrific statistic is to ensure detention is an absolute last resort, and to raise the age of criminal responsibility.

## Elder Abuse cases now more complex

World Elder Abuse Awareness Day offered an opportunity for me to again raise this very important issue in the Parliament. While it is too early to have the exact statistics, it is believed that instances of elder abuse have risen significantly during the pandemic. Because older people are extremely vulnerable to the virus, they must isolate indefinitely, exacerbating the risks and limiting their options to report instances of abuse. It is also anticipated that a spike in cases of elder abuse will take place as we emerge from the pandemic, as family members face financial pressures. Financial abuse is the most prevalent form of elder abuse. While the Government has said it will prioritise stamping out elder abuse, there is still a lack of awareness of the issue. There is also never enough money to fund services on an ongoing basis. Every year there are more phone calls to the Elder Abuse Hotline, and cases are becoming more complex, which means people need more time on the phone with advocates.



## Wrong decision on Al Kuwait export ship

I have spoken twice in this period on the issue of the Al Kuwait live export ship, and the fate of the 56,000 sheep who were due to be exported to the Middle East before crew members were diagnosed with Covid-19. I was initially pleased with the Government's decision not to grant an exemption for the sheep to depart, as this was in line with the prohibitions under the Summer Export ban, and based on scientific evidence.

The Federal Government's backflip on this some days later was, in my view, the wrong decision. The delay should have been the end of the matter. The sheep should have been processed locally, sparing the animals a voyage to the Middle East, which had been recording temperatures of up to 49C, and creating work for local abattoirs, which are already warning that job losses are imminent.

I am extremely disappointed that 35,000 of the original consignment of sheep were allowed to leave on the Al Kuwait. It was hoped that the Summer

Export ban, put in place after the Awassi Express disaster of 2017, indicated a move away from simply commercial interests towards animal welfare. The Al Kuwait decision has shown that this is absolutely not the case.

## Cattle continue to suffer unnecessarily

I followed up the issue of whether there was progress in introducing a ban on the de-horning of cattle without painkillers, following the airing of an horrific cattle farms expose broadcast in December 2019. The Minister at the time committed to fast-tracking new regulations to make this abhorrent practice illegal.

I also wanted to know whether the Government intended to expand proposed regulations to include cattle younger than six months of age. I was disappointed to uncover that, despite wide consultation with the industry in 2013, and guidelines for the treatment of cattle agreed by Federal and State Governments in 2016, no action has been taken to incorporate the Australian

Animal Welfare Standards and Guidelines for Cattle into Western Australian law. While I accept the Government's assertion that the Department of Primary Industries and Regional Development (DPIRD) is drafting instructions to implement the Guidelines as stand-alone regulations, this is happening at an alarmingly slow pace. And while DPIRD currently recommends the use of pain relief when de-horning cattle (including animals younger than six months of age), codes of practice are voluntary.

## Funds for greyhound welfare

I questioned the Government about its intentions for its proposed dedicated racing infrastructure fund, to be established with about 35% of the proceeds of the TAB sale. I asked what proportion of funds generated from the sale would be dedicated to the greyhound racing industry and, if any, what portion of funds from the ongoing point of consumption tax would go to greyhound welfare or be prioritised.

# Grave concerns about exceptional powers for Planning Minister

This session of Parliament saw us debating the Planning and Development Amendment Bill 2020. I focused on the COVID-recovery elements of this Bill, as I hold grave concerns about the exceptional powers granted to the Minister for Planning under this Bill.

While a large proportion of the Bill dealt with the ongoing project of reform in the Planning system, about a third of the Bill creates a special pathway for large projects as a COVID-recovery mechanism. Disappointingly, this mechanism explicitly sits outside of the ordinary processes governed by other pieces of legislation. And further it allows the Minister for Planning to explicitly direct other government bodies and agencies to do things that are illegal under their own legislation.

I fought hard for this Ministerial power to be removed, but we were only successful in ensuring that if the Minister exercises this power, the Parliament will be advised and will have the power to disallow.

The Minister now has the power to pick projects, advocate for them during the decision-making process and clear legal roadblocks out of their way. This is an absolute over-reach of Ministerial power. And I am very concerned that we still have no real transparency and reporting regarding donations and meetings with this industry.

I proposed multiple amendments, not all of which were accepted by the Legislative Council. However, we

managed to insert the requirement for community consultation, ensured that the Minister's actions to pick projects and to direct government agencies are published, and that the Parliament will be able to disallow the use of these powers. We also removed some of the wide-ranging powers that could later be implemented through legislation.

This new process is only supposed to be in place for 18 months, but the community will be living with the results of this legislation for decades. It is disappointing that something so important was pushed through at such speed.

## Better monitoring of treatment of animals would remove need for activism



### Agricultural sector and impediments to the right to farm - Motion

In response to a motion calling on the House to acknowledge the agriculture sector as an essential service, and recognise 'impediments' including trespass by activists and environmental green tape, I reminded Members that cruelty to animals was a concern of the community at large.

This is evident in the outrage felt by people across the country following the animal cruelty exposés that are broadcast, sadly all too regularly. There is long list of instances of animal abuse that had been uncovered by activists and whistle-

blowers engaged in trespassing and videotaping. Regulators should be overseeing, but current legislation and its enforcement is inadequate to protecting animals from inhumane treatment.

It is this failing of our Government and our laws that is driving people to take matters into their own hands. Western Australia is well behind the eastern states in enforcing national standards on the treatment of production animals. While we have been able to legally implement standards since late last

year, we are moving too slowly – these standards were agreed years ago.

While I recognise that most farmers care for and nurture their animals, the minority who do the wrong thing are not facing the legal repercussions that the wider community expects.

We must strengthen the capacity for lawful monitoring of activities involving animals. I have made a submission to the government's ongoing review of Animal Welfare legislation.

## Cuts to domestic violence services as demand grows simply not good enough

I spoke in Parliament about the worrying lack of funding increases for family and domestic violence frontline services, particularly as demand has increased, and still increasing further, during the pandemic. While current contracts for Family and Domestic Violence Counselling, Advocacy and Support Services - which are provided across WA by 17 organisations - have been extended to 2023, there has been no increases in funding aside from minimal indexation over the six years since these contracts were first awarded. This means the community sector will be forced to subsidise costs, inevitably leading to reduction in services.

So far, we know Relationships Australia has indicated it will need to close two of four men's behaviour change groups. Other service cuts being considered include the number of days services will operate in police stations; less counselling and support time with FDV victims; cuts to staff hours, moves from 1-to-1 to group support, and the closing of services for up to four weeks at Christmas - traditionally a time of increased risk for people experiencing FDV.

## Risks from climate change more severe than from COVID

COVID-19 has shown us that we can change the world that we live in, and that Governments can make drastic changes when they have the support of the public. Although COVID has been a massive crisis, it will ultimately be dwarfed by climate change in the pages of history.

The Australian Medical Association has formally recognised climate change as a health emergency. The Western Australian government has also recognised that climate change will have a huge impact on health, including as a result of more frequent and intense weather events, and initiated a Climate Health WA inquiry in March last year which is now complete and will be released soon. The inquiry received 157 submissions which covered a wide range of concerns about the impact of climate change on health, including the impact on vulnerable populations, including Aboriginal communities; the need for targeted research and looking at the importance of vulnerability assessments; and work to ensure that we have adequate medical supplies in stock. We have certainly seen in recent times what happens if those medical supplies are not in stock.

## Disability Justice Centre

I have continued to monitor the situation at the Bennett Brook Disability Justice Centre, most recently following up the issue of current staffing levels and services provided at the Centre by the community sector. I was dismayed to learn the centre currently employs no psychiatrists, and that no community sector disability services provide in-reach to individuals accommodated at the centre.



## Better protections for longterm caravan park residents

I was pleased to speak on behalf of the Greens and to support the Residential Parks (Long-Stay Tenants) Amendment Bill 2018, particularly as it has languished undebated for some time, which has been very concerning for the Park Home Owners' Association. The Bill seeks to strike the right balance between housing security and affordability, particularly for long-stay tenants, and for park operators to sustain their ability to provide this type of housing, which is often a valued lifestyle option. There are up to 20,000 long stay tenants currently living at 160 parks in WA, many of whom enjoy their close-knit communities, with the low cost of living often a bonus and not a priority. Parks are often close to beaches and other attractive amenities, which unfortunately means park-home owners are vulnerable to having desirable land sold from under them to developers.

It routinely costs more than their homes are worth, often prohibitively so, to move to alternate parks; spaces can be scarce and people are vulnerable to price gouging at the hands of unscrupulous operators. The balance of power between owners and operators is currently very unbalanced. People do not have life-long leases over their properties and can be evicted at short-notice. The Greens have been raising concerns about the unjust treatment of park-home owners stretching back to 2001. I am pleased that this bill introduces new protections for long-stay tenants, including the ability to apply to the State Administrative Tribunal (SAT) if their terms of lease become unreasonable, for example in the exorbitant raising of rents on periodic leases.

## AG's findings on asbestos removal a concern

The Auditor General (AG) delivered her Regulation of Asbestos Removal report this period which, concerningly, found significant gaps in WorkSafe's processes and practices that limit how effectively it regulates asbestos removal licensing in WA.

The AG found regulatory actions are not risk based, documentation is weak, and there is a lack of rigour and transparency in licensing approval controls.

The legacy of asbestos within this state has resulted in a devastating loss of life and chronic and serious illness. It is a shameful and devastating history. It is very concerning to discover from this report that we still, unfortunately, have quite a lot of work to do to ensure that workers and members of the community are going to be safe from the effects of asbestos.

## Missed opportunity to update response to illicit drugs

I was extremely disappointed with the Government's long awaited response to the report delivered following the 13-month inquiry, of which I was chair, into reducing illicit drug use and its harm to the community. The

Government chose to stick to the status quo and effectively ignore the report's consensus recommendations calling for an overhaul of responses to drugs, with a focus on harm reduction. It refused to accept the report's calls for drug use to be treated as a health and not a criminal issue. It even rejected long called for reforms such as expansion of the Drug Court, or establishing a working group to look into the possibility of solutions such

as pill testing and alert warnings at music festivals. This was despite a thorough inquiry from the committee, which looked in depth at successful strategies in other Australian jurisdictions and overseas. This has absolutely been an opportunity missed from this Government who have shown a degree of cowardice in addressing drug use.

## Only 10% of prisoners charged with drugs offences receive treatment inside

I have also had the opportunity to speak on the issue of drugs in prisons more specifically, as part of debate on two motions, and also in a line of questioning regarding alcohol and drug treatment services at Roebourne Regional Prison. A 2013 survey found 74% of women and 77% of men entering WA prisons had an alcohol and/or drug use disorder. And while the Auditor General has said spending time in prison presents the perfect opportunity for the state to intervene in the cycle of addiction and drug-related crime, many prisoners cannot access treatment programs.

In April last year, only 10.7% of prisoners discharged from a drug-possession related sentence had accessed treatment while incarcerated. In 2017, approximately 65% could not access a drug treatment program because they were on remand or serving a sentence of six months or less. Kununurra's Indigenous Diversion Program, for example, recently made news for its inability to provide court-mandated treatment, resulting in at least one person being incarcerated unnecessarily. I also asked a series of questions about the provision of drug and alcohol programs at Roebourne Regional Prison. I was dismayed to learn its Pathways program graduated only 18 participants in 2019 and the first program for 2020 has only just commenced.



## Showing support for Western Australian workers

Wearing orange on a Wednesday along with my Parliamentary colleagues to show support for our SES volunteers, above, and recognising the work of our public sector workforce, right





# Some final bits and pieces...



Speaking out against fees hikes at the Hands Off Our Education rally outside Parliament (left), in Parliament (above left) and meeting with my Parliamentary colleague, the Member for East Metropolitan Tim Clifford, via Zoom to discuss the need for a more equitable housing system in WA, to tackle the homelessness crisis

# Get in touch.

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## PORTFOLIOS

- Alcohol and Other Drugs
- Animal Welfare
- Child Protection
- Community Services
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- Corrective Services
- Disability
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- Electoral Affairs
- Gambling
- Family and Domestic Violence
- Health
- Industrial Relations and Worker Safety
- Integrity of Government
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- Mental Health and Suicide Prevention
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- Sexuality and Gender Diversity
- Training and Workforce Development
- Veterans Affairs
- Volunteering
- Women
- Youth

## Bills debated

- Building and Construction Industry Training and Levy Collection Amendment Bill 2020
- Family Violence Legislation Reform Bill 2019
- Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019
- High Risk Offenders Bill 2019
- Mandatory Testing (Infectious Diseases) Amendment (Covid-19 response) Bill 2020
- Planning and Development Amendment Bill 2020
- Prisons Amendment Bill 2020
- Procurement Bill 2020
- Residential Parks (Long-Stay Tenants) Amendment Bill 2019
- Western Australian Future Fund Amendment (Future Health and Research Innovation Fund) Bill 2019

## Alison's committees

Appointed to the Joint Select Committee on Palliative Care in WA

The Joint Standing Committee on the CCC will report on its inquiry into the Western Australian Corruption and Crime Commission's oversight of police misconduct investigations, particularly allegations of excessive use of force, on 13 August 2020