



12th May, 2020

To the Legislative Council of Western Australia,

Re: FPINE Amendment Bill 2019

Social Reinvestment WA write in support of the Fines, Penalties and Infringement Notices Enforcement Amendment Bill (2019) being brought before the Western Australian Legislative Council in 2020.

Many Members of Parliament may have interacted with our organisation, a coalition of non-government organisations working to end the overrepresentation of Aboriginal and Torres Strait Islander people in WA's justice system, over the course of the last four years as we have campaigned for fine default reform to end the practice of imprisoning disadvantaged Western Australians for unpaid fines; including those MPs who joined us for a cross-party briefing and discussion on the issue in September of 2019.

Our fine default system contributes to a staggering number of people incarcerated in WA for unpaid fines alone, 820 people in 2018, many who are in circumstances of poverty. It led to the untimely and tragic death in custody of Ms Dhu in 2014 in a South Hedland police cell, and disproportionately impacts women and Aboriginal people. It costs our state \$770 a day to imprison someone short term, yet we cut out their fines at just \$250 a day.

Imprisonment for unpaid fines is fundamentally an unfair practise; fines aren't intended to be jail sentences for the poor and prison terms should only be handed out by the judiciary. WA is the last state in Australia to still imprison people solely for fine default and not as an absolute last resort. The Fines Enforcement Registry has issued Warrants of Commitment for 48 individuals for fine default since the COVID-19 emergency began on 16 March 2020.

There are common sense alternatives that work. We are satisfied that this Bill initially presented by the Attorney General in late 2019 will establish effective alternatives to ensure imprisonment as an enforcement option for unpaid fines will be an absolute last resort, including key SRWA recommendations to:

- Introduction of a Statutory Principle of Hardship, and protections within the bill for people experiencing genuine hardship.
- Ensuring Warrants of Commitment and imprisonment, can only be issued by a Magistrate or Judge.
- Establishing a Work and Development Permit Scheme as an alternative for people unable to pay fines, and increasing options and flexibility to enable people to repay fines.
- Negating the detrimental impact of license suspensions on people in remote communities and regions.

We are very pleased to see this Bill finally reach the Legislative Council, commend the work of all involved in its creation, and state our support for this legislation, which will reduce Aboriginal overrepresentation in WA's prisons, generate economic savings for our state, and create a fairer justice system.

We hope these sentiments will be echoed by supporters on all sides of politics.

Yours Sincerely,



SOCIAL REINVESTMENT WA

Healthy Families | Smart Justice | Safe Communities

Glenda Kickett
Co-Chairperson
Social Reinvestment WA

Daniel Morrison
Co-Chairperson, **Social Reinvestment WA**;
CEO, **Wungening Aboriginal Corporation**

Sophie Stewart
Campaign Coordinator
Social Reinvestment WA

Louise Giolitto
Chief Executive Officer
WA Council of Social Services

Sharryn Jackson
Executive Director
Community Legal WA

Ross Wortham
Chief Executive Officer
Youth Affairs Council of Western Australia

Peter Collins
Director of Legal Services
Aboriginal Legal Service WA

Mark Glasson
Chief Executive Officer
Anglicare WA

Marina Zafiris
Senior Manager Community Programs
Australian Red Cross

Leonie Alexander
WA Regional President
Amnesty International Australia

Jill Rundle
Chief Executive Officer
WA Network of Alcohol and Other Drug Agencies

Rev Steve Francis,
Moderator,
Uniting Church Western Australia

Antonella Segre
Chief Executive Officer
Connect Groups

Noelene Swanson
Director, Northern Territory and Western Australia
Save the Children Australia

Jennie Burns
Director-WA
Life Without Barriers

Wendy Rose
Chief Executive
Ethnic Disability Advocacy Centre

Bridget Harvey
Executive Director
Outcare

Helen Corbett
Chairperson- WA
Deaths in Custody Watch Committee

