ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 30 June on the following motion moved by Hon Michael Mischin (Attorney General) —

> That pursuant to standing order 69(1), the Legislative Council take note of tabled papers 4085A–E (budget papers 2016–17) laid upon the table of the house on Thursday, 12 May 2016.

HON NICK GOIRAN (South Metropolitan) [2.19 pm]: I rise to support the house taking note of the tabled papers in question. Honourable members will not be surprised that I have scrutinised the 2016–17 budget papers through a conservative lens. It might surprise members that it has become apparent that one must define what it means to be a conservative. Although conservative principles were previously a given, it would appear that this is now being contested by what I would describe as "wannabe conservatives". To demonstrate that this deconstructing is being attempted, I draw members' attention to an opinion piece by a chap named Peter van Onselen published on 31 July this year entitled "Abbott agenda must end". I have never met the writer of that piece but I can only reasonably assume that he must be well versed in the literary technique that is irony. The alternative conclusion to draw is that it was intended to be a humorous piece. I concur with the writer when he states —

> I happen to think that conservatives should rule the roost in the Liberal Party. It's about product differentiation with Labor.

However, with the next stroke of his pen, the writer switches to the ironic when he states —

> My concern for the future of right wing politics is the hijacking of the term conservative.
>
> … It's not a reason to oppose anything modern, such as same sex marriage or abortion.

This, of course, is manifestly inaccurate. A true conservative will always uphold that, first, governments and members of society should ensure that laws and policies protect the human right to life from conception until natural death, and, second, lifelong marriage between a man and a woman guarantees children the biological birthright of a mother and father and has a proven track record of providing them with protection, education, welfare, support and nurture.

With these introductory remarks complete, I take this opportunity to scrutinise this year's budget and, by extension, our statutes, policies and practices through the lens of true conservatism, which ought never to be confused with the fluid views of wannabe conservatives. I begin with the portfolio that consumes the greatest proportion of our state budget — health. A true conservative begins with the realisation that governments are stewards of property. That property belongs to the people of Western Australia. Good stewardship includes investment in long-term, necessary infrastructure. Accordingly, it is right and proper to recognise the $7 billion investment in new hospital infrastructure since the Barnett government was elected almost eight years ago. This has been spent on 15 new hospitals and health facilities, 26 major upgrades to healthcare facilities and 20 investments in emergency departments. The $7 billion spend by the Liberal–National government will benefit Western Australians in the decade ahead.

Meanwhile, a true conservative does not focus merely on economics alone. A true conservative will be at least as passionate on social policy as he or she is on economic policy. On 23 May 2012, I raised the issue of some Western Australians receiving a different standard of health care from that of other Western Australians. Specifically, I raised the cases of 14 babies who, between July 1999 and June 2010, were born alive after an abortion procedure and left to die. Upon further questioning, I was informed that between July 2010 and June 2012, six more babies were born alive after an abortion procedure and left to die. In each case, no treatment was provided. Some two years later, on 17 June 2014, after my own investigation, I raised in this house the issue of disability discrimination, specifically, the cases of babies being terminated at a late stage of pregnancy due to conditions such as spina bifida, Down syndrome, dwarfism and even hand and arm abnormalities. In each case, I highlighted that such conditions are compatible with life. I am pleased to say that a further two years later, as a result of these protracted inquiries, the now former Minister for Health, Hon Dr Kim Hames, MLA, ordered the creation of an annual reporting regime in which the justification of all late-term abortions in Western Australia would be collated and submitted to the Minister for Health. The first such report was provided in August last year. This enhanced accountability is acknowledged. I regret to advise, however, that the report has not yet been tabled. Whenever transparency is lacking, accountability is weak. Self-reporting by the secret panel that approves these late-term abortions cannot be considered authentically accountable when the report itself remains secret. It is my intention to seek that the 2015 report be tabled when the 2016 report is provided. It is my expectation that this should happen this month. In the absence of this, questions on the genuineness of this accountability mechanism will remain.

Meanwhile, I thank the Standing Committee on Estimates and Financial Operations for the budget estimates hearings it facilitated in June this year. Courtesy of one such hearing, I was informed that the Department for Child Protection and Family Support has an agreement with WA Health to intervene when a newborn Western Australian is considered at risk. I commend those agencies on the establishment of this agreement. However, I remain deeply troubled that not one of the 20 cases I referred to earlier was reported to the department. Part of this agreement found in the "Bilateral Schedule: Interagency Collaborative Processes When an Unborn or Newborn Baby Is Identified as at Risk of Abuse and/or Neglect" between the Department of Child Protection and Family Services and WA Health states that the department —

> … is primarily concerned with the wellbeing, safety and protection of the unborn baby or newborn.

Plainly, the department cannot act in accordance with its primary concern if it is not notified. Tellingly, the document details also that the department is responsible for giving consent for any medical intervention when a parent is incapable of making these decisions. Tragically, the lives of these youngest Western Australians expired for lack of an advocate.

True conservatives acknowledge the principle of imperfectability. In his 2013 book, *The Conservative Revolution*, Senator Cory Bernardi puts it this way —

> The idea of the perfect state is a figment of our imagination just as surely as we know that human nature is in itself imperfect.

With this in mind, I note that there remains no statutory requirement in Western Australia to confirm post-delivery the suspected severe medical condition with which the unborn baby was diagnosed and was said to have justified the procedure. In other words, these medical opinions are not subject to oversight or scrutiny, thereby giving the impression of perfectness. This can never be the case given the principle of imperfectability.

Continuing my early theme on irony, is it not ironic how on the one hand, King Edward Memorial Hospital for Women leads the world in neonatal care but on the other hand does not contact a neonatologist when a premature newborn survives an abortion? Is it not ironic how we are committing $181 million this financial year to support the National Disability Insurance Scheme in Western Australia but on the other hand, routinely allowing for the termination of unborn babies with the same condition as those who benefit from this scheme? Is it not ironic how Western Australians can access our first-class treatment for conditions such as hypoplastic left heart syndrome, spina bifida and hydrocephalus while our system extinguishes the lives of unborn babies with these same conditions? Is it not ironic when an abortion supporter posts on the Facebook page of Planned Parenthood Action "words matter"? When we dehumanise people, we make it easier for others to do them harm.

Whenever the topic of abortion is raised, it is common for debate to unfold seeking to define when a life is viable. I believe that life should be protected from conception, but it should trouble all of us that unborn babies who, by medical consensus are at a viable gestational age, are being terminated, although if they were born, would be likely to survive. We have to call out this double standard in our treatment of Western Australians with disabilities. A West Aussie with a disability is a West Aussie with a disability regardless of their age. At the very least, to honour the intent of the 1998 amendments, which I have previously spoken on, the provisions of the Health Act 1911 should be amended to restrict post–20-week abortions to conditions that are not compatible with sustaining life after birth or when the mother's life is in danger.

While we collectively move at tortoise-like speed towards such overdue reforms, I am indebted to those in our community who make it their mission to provide non-judgemental, accurate information and personalised care. In particular, I acknowledge Pregnancy Assistance Inc and Pregnancy Problem House, which this year are celebrating their twentieth and thirtieth anniversaries respectively. As I have said previously, I am convinced that the most important thing we can say to a woman who is unexpectedly pregnant is: "I will journey this with you." I thank those organisations for putting those words into practice; I note they do so without funding from our state budget.

Meanwhile, a true conservative believes in the principle of informed consent. Furthermore, a true conservative passionately opposes any suggestion that the state might have a propriety right over the bodies of its citizens. This is why I believe in voluntary organ donation. The issues of voluntary donation and informed consent were thrown into disarray following three decisions of the Supreme Court of Western Australia—two in 2008 and one in 2013. Those judgements allowed for the posthumous removal of sperm from deceased men. At the time, I was struck by how contradictory those decisions were to the Human Reproductive Technology Act 1991, which requires an effective consent from a person for the storage of gametes. The orders made in at least two of those cases included that sperm, and I quote, "be stored in accordance with the Human Reproductive Technology Act 1991 (WA)". Given the absence of an effective consent from the deceased, it is not possible to comply with the order on its terms. I can inform honourable members that following the 2013 case it is now the practice in this state for designated officers to authorise the posthumous removal of sperm for storage without prior application to the Supreme Court.

To better understand the scale of this practice, I asked and received a response to question on notice 2548 on 17 March 2015 regarding the number of times the posthumous collection of gametes had been authorised, only to discover that this information is not reported. Since then, during this year's Standing Committee on Estimates and Financial Operations, I asked the Department of Health whether there had been any change to this non-reporting regime. I was very pleased to be informed that the Executive Director of Public Health had approved in September last year the establishment of a system of annual reporting of authorisations of posthumous collection of gametes by designated officers. At least now we have some prospect of transparency on this issue. It remains my intention to seek further answers now that the data is being collected, as I cannot support this savage invasion into the bodies of deceased Western Australian males, especially whilst significant contradictions remain in the law.

Another area of health warranting scrutiny is our surrogacy laws. Although I was elected in September 2008, my term commenced only on 22 May 2009. In that interim period I was disappointed to see the Surrogacy Bill 2008 pass. To borrow from author and educator Stephen Covey, this was something within my circle of concern but outside my circle of influence. The statutory review of 2014 was, however, something within my circle of influence. On 14 April 2014, I co-signed a submission to that review with Peter Abetz, MLA, Frank Alban, MLA, and Dr Graham Jacobs, MLA. I was disappointed that the report that resulted from the statutory review did not address key issues such as, firstly, the presumption that it is in the best interests of the child that the arranged parents are the parents of the child; secondly, evidence pointing to the significant bond between the maternal mother and her baby; and, thirdly, extending the application of offence provisions so they operate extraterritorially. Of course, it was not long after this report that convicted paedophile David Farnell acquired a child through an overseas surrogacy arrangement. Twins were conceived and after the birth Farnell collected his daughter and is said to have abandoned his son. After concerns were raised about his daughter's welfare, the Family Court and the Department for Child Protection and Family Support were understandably involved. In answer to my questions through the budget estimates process this year, I have been informed that the Western Australian taxpayer has invested over $200 000 on this case to date. I express no regret about this investment; on the contrary, I applaud the department for undertaking its duty as it ought for every Western Australian child at risk. Nevertheless, both social and economic conservatives ought to be troubled by the gaps in our system. For that reason I have recommended a simple amendment to the Surrogacy Regulations 2009 mandating the provision of documentation, confirming the outcome of criminal record and child protection order checks for arranging parents.

Since the Farnell case there have been two cases in Australia in which men have been convicted of sexually abusing twins acquired through an overseas surrogacy arrangement. Although the Surrogacy Act 2008 is silent regarding overseas surrogacy arrangements, the very least law reform we can achieve is to ensure that those applying for parentage via surrogacy in Western Australia, as well as all parties involved in the agreement, be screened for offences of a sexual or violent nature that may pose a risk to the child.

Further, overseas surrogacy occurs largely unregulated and currently there is no legal mechanism within Australia to ensure that the women used as surrogate mothers are being treated fairly and that the prospective parents are of good character. To obtain citizenship for a child acquired through overseas surrogacy, the parent must simply show a record of the surrogacy arrangement. Instead of waiting for another situation of abuse to occur, it remains my view that our state law should be amended to prohibit Western Australians from exploiting women overseas through a surrogacy arrangement. If we hold the view that Western Australian women are not commercial commodities for sale, the same standard ought to apply overseas. Certainly a true conservative maintains that all human beings as members of the interdependent human family are entitled to recognition of their inherent dignity and to protection of their inalienable human rights.

Speaking of the interdependent human family, I now turn specifically to the male gender as I continue to consider this year's budget through a true conservative lens. A true conservative acknowledges and celebrates the difference between males and females. A true conservative does not conflate equality and sameness. As a subset of the conservative belief framework, the distinct roles of a mother and father are acknowledged. In this way, male and female are seen as interdependent and as complementing one another rather than placed in a competitive paradigm.

In my inaugural speech on 3 June 2009, I first raised the need for a minister for men's interests in Western Australia. I raised it again on 19 November 2009 in a speech recognising International Men's Day. In this thirty-ninth Parliament, I raised this idea during my remarks on the Address-in-Reply on 22 May 2013, during a speech for National Marriage Day on 13 August 2013, by moving a motion for International Men's Day in 2014, and then again on 12 August last year when considering last year's budget papers. With high rates of suicide among men, the vast majority of prisoners being male, the evidence that shows that men are the main perpetrators and victims of violence, together with the various male-specific health issues and the unique role that men play in fatherhood and relationships, I remain convinced we would go to the very heart of many issues

if we had the benefit of the specific focus in the form of a minister for men's interests in Western Australia. On 20 November 2014 I followed up on the necessity for this role by outlining how this could be implemented. I suggested key objectives, such as reaching unreached men, strengthening families, helping men grow, developing mentors, developing leaders, and involving men in serving the community, their workplaces, their families and each other.

Budget funding rightly continues to exist for ministers for women's interests, Indigenous affairs and child protection. A minister for men's interests, however, does not exist and, therefore, non-Indigenous men are not specifically represented in the portfolios of our state. Additionally, within the Department of Health, a women's health strategy 2016–2019 is currently being revised. The Aboriginal men's health strategy 2012–2015 has been superseded by the Western Australian Aboriginal health and wellbeing framework 2015–2030. Yet again, non-Indigenous men are under-represented in our strategic planning. This will only reflect poorly in the outcomes for male health in Western Australia. Various indicators provide a case for the development of a strategy focusing on men's health and also for a minister representing male interests, such as the notably high suicide rate and comparative decline in the educational achievements of boys. Also, issues such as homelessness; substance abuse; violence and crime; fly in, fly out work; relationship issues and fathering can be better addressed for men specifically from a male perspective, working with other portfolios.

Those who might argue that men already have enough resources at their disposal are ignorant of the issues of the accessibility and uptake of those resources. A ministry would oversee and ensure that these resources are made accessible and usable for those who would benefit from them. Relevantly, several of the aspirational outcomes for women's interests are dependent on the improved attitudes and behaviour of men. A minister for men's interests could work with the Minister for Women's Interests to see how outcomes for women could be enhanced through male-focused initiatives.

One organisation that is leading the way for improving the outcomes for men is Men's Health and Wellbeing WA, whose mission is to provide the leadership to drive improved health and wellbeing outcomes for boys and men in the Western Australian community. I recently met with the chief executive officer, Kellie Lewis, who is advocating for a men's health policy. I am convinced that this is an essential element of improving outcomes for men in Western Australia. Another key component for driving better outcomes for men in Western Australia would be a men's advisory group, comprising key stakeholders operating in this area. The group would be multidisciplinary, covering areas such as mental health, education, health and other areas focusing on men's health and wellbeing. A minister for men's interests working together with Men's Health and Wellbeing WA could bring this group together and drive outcomes arising from its agenda.

In the interim, our neighbours in the Northern Territory are leading Australia in this area, having appointed a minister for men's policy to ensure that, in developing, implementing, monitoring and evaluating Northern Territory government policy, all men are fully considered. The case for a minister for men's interests, a men's advisory group and a men's health policy is strong and, in my view, absolutely necessary to ensure better outcomes for men's health and men's wellbeing in Western Australia.

One area in which leadership is needed from men is the hypersexualisation of our culture. I have followed with interest the public response to the controversy earlier this month about so-called skimpies at what is apparently Australia's biggest and most colourful mining conference in Kalgoorlie. The response was disappointing. The most pathetic responses were from males calling into talkback radio saying things like "this is a mountain out of a molehill" or "people need to relax". The sexual drive of males is perfectly normal and natural, but it does not entitle a male to any inherent rights, nor should such a drive be used as a hopeless excuse to exploit women. The simple truth is that this is not the way for a male to show respect for any female. Women in Western Australia deserve better, and it is up to men to show the way.

On 8 March 2012 I moved a motion in this house on the sexualisation of children. I highlighted that this is an issue of concern locally, as confirmed by comments made by the then Commissioner for Children and Young People, Michelle Scott, that several submissions raised concerns about the negative impact of media, including violence and the sexualisation of children, on the mental health and wellbeing of children and young people; nationally, with a motion moved in the House of Representatives on the sexualisation of children; and internationally, as indicated by comments by the then Prime Minister of Great Britain, David Cameron, that there should be a focus on reducing street advertising containing sexualised imagery. I am confident that most Western Australian parents agree that, in the interests of children, outdoor advertising, particularly billboards, should be G-rated. This statement should not be controversial, and I think most parents would agree that we do not want our children to be exposed to sexualised advertising. However, the status quo is that our children are being exposed through a variety of modes, many of which parents have some control over. A parent can restrict television viewing, place computers in open areas and, to some extent, monitor iPad and phone use. However, a parent cannot monitor what a child sees while travelling from one place to another. It follows that, where

parents are not able to protect their children from harm, the government should step in to provide safety and security.

A safe and secure public space includes a space free of material that can harm a child's wellbeing. Exposure to sexualised imagery harms children. Exposure is linked to children's experience of increased anxiety, depression, low self-esteem, body image problems, eating disorders, self-harm and sexually transmitted infections. Obviously, outdoor advertising is not the only source of sexualised imagery, but it contributes to the entourage of imagery that children are exposed to, and it is one area that is beyond the control of parents. The commonwealth Standing Committee on Social Policy and Legal Affairs released a report in 2011 of an inquiry into the regulation of outdoor billboard advertising. In its report the committee concluded —

> … industry self-regulation of advertising standards needs to include a specific code of practice for outdoor advertising. This code of practice should reflect the particular nature of outdoor advertising, recognising that all members of society are exposed to it and do not have a choice about viewing it. Community sentiment supported the Committee's opinion that there is a need to reclaim public space from any wayward interests of commercial advertising.

Many of us would wholeheartedly agree, although in the past five years it has been difficult to identify what, if anything, has been done. Commercial interests still supersede the wellbeing of children, therefore the current system of self-regulation needs reform. Currently, the Advertising Claims Board assesses complaints, relying significantly upon the broad scope of prevailing community standards. However, within this definition, the adverse effects of sexually explicit and offensive material on children are not considered. In addition, complaints are not accommodated if the commercial advertising complained about has previously been considered. This is inconsistent with the notion of prevailing community standards, as it does not allow scope for any change in public opinion. Encouragingly, section 2.7 of the Code of Advertising and Marketing Communications for Children states that advertising and marketing communications to children must not undermine the authority, responsibility or judgement of parents or carers. However, although outdoor advertising may not be directed specifically to children, because children are invariably exposed, this contradicts the intent of section 2.7, as it undermines the parents' and carers' ability to monitor children's exposure to certain materials. In Western Australia, we need to begin to reclaim the public space so that it is both safe and secure for children. We have an opportunity to lead the nation in this respect. After all, who is going to complain about us making such reforms? In my view, it is long time for the voice of concerned parents to be heard over and above those who cannot understand why celebrating skimpies is from a bygone era.

As I mentioned earlier in my remarks, a true conservative will be at least as passionate on social policy as he or she is on economic policy, and often those two will overlap. We have seen the Insurance Commission of Western Australia face some challenging issues in recent times, with the Bell Resources legislation unable to withstand a High Court appeal and the recently announced increase in vehicle licence costs of $99 per annum to cover the no-fault catastrophic injury cases now added to the compulsory third party scheme. Apart from saying that, for the sake of private property rights in our state, I am thankful for the High Court decision, I encourage all remaining litigants to put an end to this saga sooner rather than later. This debacle started through improper government interference in private sector affairs, more readily referred to as WA Inc. Thereafter, successive governments facilitated ICWA's speculative pursuit of its entitlement and litigation costs. It is disingenuous to blame lawyers, liquidators and administrators in order to deflect from the questionable judgement calls exercised from the outset. I call for bipartisan support so that ICWA can conclude a negotiated outcome forthwith. I certainly never again want to see the power of the WA Parliament being used as a negotiating tool by any government simply because it is dissatisfied with its prospects of success in any litigation it is involved in. The rule of law applies to all; no-one is above it.

Meanwhile, the addition of the no-fault catastrophic injury cases to the compulsory third party scheme is clearly the right decision—ensuring that claimants will now receive the appropriate care and support they require from 1 July 2016. However, what continues to be overlooked is the Insurance Commission of WA's threshold deductible that was introduced in the early 1990s and has incrementally crept to a staggering $20 500 from 1 July this year. As I have mentioned previously, the intention at the time of those reforms was to remove small claims and ensure the scheme's viability. How it works is that those who have claims that are assessed at or below the threshold deductible get nothing for their pain, suffering, loss of amenities and loss of enjoyment of life—known as general damages. In principle, this is a reasonable proposition and no doubt effective in achieving its intention. However, the deductible component is of greatest concern. It continues to impact on the general damages of injured claimants being deducted from claims assessed up to $61 500, and from there incrementally reduces and finally ceases at $82 000. This is a far cry from being a small claim. Once a claim exceeds $20 500 for general damages, it is, by any sensible definition, no longer a small claim. We should no longer countenance the Insurance Commission profiting from the misfortune of seriously injured motorists. A person who is sufficiently injured to attract an award of $25 000 in general damages should receive this sum in

full, not a slap in the face to the tune of $4 500. Although I applaud the addition of the no-fault catastrophic injury cases, let us focus on ceasing the unfair and unjust subsidy within this scheme by those people who have been injured through no fault of their own.

There is no doubt that the third party compulsory scheme has enjoyed increased viability over the last 23 years, in no small part contributed to by the portion of general damages deducted from claims that can hardly be regarded as small. A brief look at the Insurance Commission's financials shows us that for 15 of the last 19 years, the Insurance Commission's collection of premiums has not managed to exceed claim payments—a financial position, I might add, that the Insurance Commission has chosen to adopt. If this was the only information available, one would be forgiven for thinking that the compulsory third party scheme is far from viable. How wrong one would be. The fact is that in the period 2002 to 2015, the Insurance Commission reported profits in 10 of those 14 years, and the net value totalled $1.186 billion. These profits flow from the Insurance Commission of Western Australia's substantial investments. It also should be kept in mind that throughout this period the Insurance Commission proudly reported that it charged the lowest compulsory third party insurance rates in the country. I repeat my earlier comment that this was in no small part contributed to by the portion of general damages deducted from claims that can hardly be regarded as small. No government agency can justify retaining damages from injured victims in a fault scheme that, by its own actions, does not place any fiscal importance on premium revenue to maintain or achieve scheme viability. In the words of the chief executive of the Insurance Commission of Western Australia in its 2015 annual report —

> Our Compulsory Third Party … Division made an underwriting loss of $15.1 million during 2015. This result was a significant improvement compared to the $228.8 million loss for 2014, but came up just short of the 2015 budget by $5 million. This is the 15th time in 19 years that the Third Party Insurance Fund … has recorded an underwriting loss, albeit a small one last year.

As I move from one area of injury compensation to another, I also move from one true conservative principle to another. The true conservative not only insists on good economic stewardship, but also constantly strives for a smaller government that can sustainably maintain those things that are deemed necessary. In order to assess performance in this area, the true conservative demands authentic accountability and transparency. Regrettably, despite two rounds of impressive reforms by the Barnett government in the area of workers' compensation and law reform, WorkCover WA has recently demonstrated an incapacity to be transparent, which is hindering further reform.

Back in March 2009, the then Minister for Commerce, Hon Troy Buswell, announced a two-phase reform process. The first phase was completed in April 2010 and the then minister announced some important changes to the legislation. They included, firstly, the removal of the age limit of 65 years; secondly, access to common law damages for injured workers when the employer is uninsured; and, thirdly, the removal of an artificial time limit in which to commence court proceedings. These reforms were implemented in 2011 by the Barnett government, which, ironically, the union-backed opposition had failed to do during its eight years in government. Importantly, in 2013, the freshly re-elected Barnett government implemented new presumptive laws that benefit career firefighters who contract cancer while performing firefighting duties. Meanwhile, the second phase of the review is still well underway. October 2013 saw the release of WorkCover WA's discussion paper, to which it received 66 submissions from stakeholders. June 2014 saw the tabling of WorkCover WA's final report. A further 28 submissions to the final report were received by WorkCover WA. This review affords our state the opportunity to be a leader rather than a follower in workers' compensation law reform, whereby we set the standard for the other states and territories to follow. What is lacking in this final stage is the transparency one would expect in such a process. WorkCover WA has not made public the 94 stakeholder submissions, so there is a lost opportunity for complete, authentic accountability in the reform process.

If this were a mere tinkering with the legislation, which is what has occurred over many years, the need for such transparency and accountability may not be considered as important, but this final stage of the reform process is a complete rewrite of the Workers' Compensation and Injury Management Act 1981. This legislation impacts on businesses, insurers, service providers and, most important of all, the majority of working Western Australians. It is the most significant workers' compensation law reform undertaken in 35 years. The public interest could not be higher, yet an agency is intentionally not making available the reforms proposed by key stakeholders. Perhaps unfortunately for WorkCover WA, a unique comparison is available with the recent reform undertaken by another agency. That reform was the Insurance Commission of Western Australia's introduction of the changes needed to add no-fault catastrophic injury cases, effective from 1 July 2016. The Insurance Commission called for public submissions and made provision for them to be fully accessible on its website. Like WorkCover WA's reform, the Insurance Commission's proposed reform was significant. It impacted on every owner of a licensed vehicle in Western Australia by increasing the annual payment by $99. Complete transparency and accountability were demonstrated by the Insurance Commission of Western Australia. While aiming to create the modern and responsive legislation envisaged when it was announced in 2009 by the Minister for Commerce, we

must ensure that what is ultimately delivered meets the expectations of everyone it affects. WorkCover WA would do well to follow in the gold standard footsteps of the Insurance Commission of Western Australia when driving a law reform project. WorkCover's current standard is no standard at all. It has found itself hopelessly treading the waters of secrecy and incapable of swimming to the shores of transparency. The submissions will no doubt ultimately be summoned, if necessary, by the parliamentary committee that scrutinises the reform legislation. Perhaps in the pursuit of transparency, it is timely to be reminded of the judgement of Lord Hewart CJ in The King v Sussex Justices, ex parte McCarthy (1924), when he said —

> … a long line of cases shows that it is not merely of some importance but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done.

As I reflect on my time in Parliament to date, it is with regret that I have been unable to achieve any long overdue law reform for victims of crime. My inaugural speech in 2009 highlighted the need and yet here we are, seven years on, and there has been no change. The Criminal Injuries Compensation Bill 2003 was passed on 2 December 2003. Among other things, it denied compensation to victims of crime when the offender was acquitted. It is important to bear in mind that a not guilty verdict does not mean the offence was not committed; it is often the case that the standard of beyond reasonable doubt is unable to be met. Prior to the 2003 bill, provision existed for a victim to apply for a certificate—commonly referred to as a section 15 certificate—from the Attorney General. If the Attorney General was satisfied that the victim was deserving of compensation, a certificate was granted. The victim was then able to apply to the Chief Assessor of Criminal Injuries Compensation for an award of compensation for injury or loss. Without question, that was a fair and just approach.

A recent case in Western Australia only serves to truly highlight the inadequacy of this legislation. I refer to the case of a woman whose husband was assaulted in their driveway before collapsing and dying. The woman is now unable to claim compensation because the assailant was acquitted of a manslaughter charge. Historically, I am told that there are fewer than 10 such applications a year. I have found it extremely difficult to reconcile why the rights of such deserving victims would be singled out and expunged by the last Labor Attorney General. I have met with and held open and frank discussions with the Director of Public Prosecutions about victims of crime, particularly those who have been sexually abused. The director expressed in-principle support for the reintroduction of the section 15 certificate or similar. I urge the government to give due consideration to this important law reform and to give it the priority it deserves.

Further to my remarks on victims of crime, I note that the Royal Commission into Institutional Responses to Child Sexual Abuse has recommended that Australian states and territories remove the limitations on claims made by victims of child abuse to allow justice to prevail. My good friend Dr Graham Jacobs, MLA, has been advocating for the removal of the barrier of the limitation period for such cases. He has my support. While we turn our minds to such important change, we should also take the opportunity to remedy a significant fault introduced in 2005 by the last Labor Attorney General. At that time, he was questioned about the case of a minor, who, at the age of six, had lost sight in one eye while attending Leeming Primary School. Under the old legislation, her claim was statute-barred by the age of 12. The Labor Attorney General at the time said that his proposed amendments would fix that problem, but this proved not to be the case. Instead, he removed the protection afforded to the Crown but at the same time reduced the limitation period for minors. Under the reformed legislation, which is current to this day, her claim would still be statute-barred by the age of 12. All minors should be given at least to the age of 21 so that they are afforded the same rights enjoyed by adults. The current Limitation Act 2005, introduced by Labor, provides minors up to the age of 15 with a limitation period of six years. For minors between the ages of 15 and 18, a three-year limitation period applies. Prior to 2005—except for claims against the Crown—a minor had until the age of 24 to make a claim. The Labor reform ended up significantly curtailing the rights of minors. There are certain instances in which a limitation date has expired. Currently, there is limited provision for an extension to be granted. The legislation should expand the provisions so that courts are able to grant an extension—perhaps up to six years—in such circumstances upon appropriate application, with supporting evidence. This would ensure that the plaintiff is given ample opportunity to bring their case before the court and, in the absence of any significant prejudice to the defendant, the defendant still has the right to deny and/or defend the claim.

Although I support our collective desire to encourage actions to be commenced in the courts a lot earlier, we must be mindful not to sacrifice justice for the sake of speed. Taking the opportunity to adopt the royal commission's recommendations provides our government with the opportunity to introduce wider amendments for not only the victims of child abuse, but also all minors and those with a justifiable reason for a court's discretion to be applied. This law reform is vital for victims of abuse, the rights of children, and to ensure our courts have adequate provision for justice to prevail.

As I conclude, I simply note that I would have liked to address a number of other areas when considering this year's budget papers. Nevertheless, a true conservative recognises that it is not possible to cover everything. It is always a case of competing priorities. Having commenced my remarks with the ironic quotes from van Onselen,

it seems appropriate to conclude with a quote from a true conservative. I concur entirely with Senator Cory Bernardi when, in his 2013 book, he said —

> … **conservatives** ... seek to protect and defend the structures and values that have allowed our nation to achieve the traditional freedoms and prosperity that we enjoy today.
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> …
>
> In short, the values and structures the conservative seeks to protect are based on principles that are under threat from the dominant ideologies of social reform by the left and the increasingly secular and opportunistic society which creates a fertile ground for their ideas to grow. A society in which concepts of right and wrong have been replaced with a moral relativism is a society where there are no absolutes—only preferences or choices. It is a society where there is an excuse for everything and responsibility for nothing; a society where the wisdom of the ages is being replaced by momentary fads and quick fixes.
>
> That is why we need a conservative revolution; a revolution that will restore conservative values to their rightful place as the guiding principles of our civilisation and the cornerstone of governance.

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [3.08 pm] — in reply: I thank members for their contribution to the debate on the noting of the budget papers that were tabled in this house. I note that orders of the day 17 and 18 relate to the appropriation bills that underpin the budget papers. I would prefer to reserve my comments and reply in respect of those bills when they come up for debate.

Question put and passed.