

MINISTER FOR CHILD PROTECTION — PERFORMANCE

Matter of Public Interest

THE SPEAKER (Mrs M.H. Roberts) informed the Assembly that she was in receipt within the prescribed time of a letter from the Leader of the Opposition seeking to debate a matter of public interest.

[In compliance with standing orders, at least five members rose in their places.]

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [3.20 pm]: I move —

That this house calls on the Minister for Child Protection to resign following the disgraceful police raid on a Department of Communities' worker, her oversight of a department with a toxic culture, and her failure to act on at least two reports that state there is widescale and endemic racism within the organisation.

Nothing that we just heard during question time gives me any confidence that this minister should continue in this role. She should resign. It is plain and simple. It beggars belief that the Premier continues to support a minister who is charged with looking after the state's most vulnerable children, a minister who has been sitting on reports that concluded that the department she is responsible for is plagued by widescale and endemic racism, and a minister who has her hands on a report that says her department is at crisis point in relation to providing services to improve the lives of Aboriginal people, yet who has done nothing. What could be more damning than a survey of 295 child protection staff revealing that not one of them believes that the Department of Communities ensured a culturally safe work environment?

Before I go any further, in relation to the questions that were asked of the minister and the Premier in question time today, given that it has been two weeks since these revelations were made about these reports and what has emerged over the last two years, it is inconceivable that the minister did not have at her fingertips the dates that the opposition was asking for. Quite frankly, the Premier's response was equally as baffling. When there is an issue of this scale, the first thing a minister does is make sure that they are briefed on the time line in anticipation, at the very least, that the opposition will raise these questions in Parliament and that others will do the same so that the minister can provide accurate information to not only the public, but also the Parliament. The Premier and the minister were unable to provide those answers. It is either incompetence because the minister's office has not provided appropriate briefings or the government is hiding something.

It should not take three goes during question time to get a very simple question answered about when the minister was first advised there was an issue in her department when talking about documents that were alleged to have left the department. That is what we were asking. Three times the minister and the Premier were unable to answer those questions, yet it has been two weeks since this became public. It has been two weeks for the minister, the Premier and the government to make sure they have looked at the time line and are able to provide answers to the Parliament and the public.

The issues that have been raised are serious. This minister is responsible for the most vulnerable children in our state. What could be more appalling than a report that the minister has not acted on and kept hidden away? The report states there is "widescale and endemic racism" within this organisation and that racism had led to worker burnout, that there is a clear and strong perception that there was a lack of respect for the skills of Indigenous workers and there is a strong perception that there is a lack of respect for the clinical qualifications of Aboriginal workers.

What does it say about a minister and a government that have been in charge of this department for five years that the overall perception felt by Indigenous staff in this department is that they were of less value than non-Indigenous staff? How is it that the minister sat on the original report conducted by Dr Tracy Westerman and then went on to ignore a second report by PricewaterhouseCoopers that revealed concerns that none of the recommendations of the first report had been implemented? This minister had a second report stating —

- The Department is observed to be slow in adopting and enacting change and is often not responsive enough to drive the level of transformation that is required to improve Aboriginal outcomes.

It was reported that the department was siloed, that it said one thing publicly and did another, and that it seemed to have lost its sense of humanness.

That is in the report that followed the original report. This minister has done nothing to ensure that the department is acting on what is a very concerning original report that raises serious concerns about that department and the people who are charged with looking after our most vulnerable children. What an indictment on a minister charged with that responsibility. She should resign. She should resign because the rot that is seeping through the department is driving people to despair. They have actually walked out and off the job today, as we speak in question time. Responsibility for taking action, driving people to despair and jeopardising those who are in the care of the state stops with the minister. For five years this minister has been in charge. What did the minister do when the contents of

Speaker; Ms Mia Davies; Ms Libby Mettam; Acting Speaker; Dr David Honey; Ms Simone McGurk; Mr Paul Papalia; Mr Roger Cook

the report became public—the concerns raised by a whistleblower? The minister stood by and condoned a full-blown police raid on a worker from the department. That police raid has been declared a miserable failure by former police commissioner Karl O’Callaghan. The police raid sent shock waves —

Several members interjected.

Ms M.J. DAVIES: I do not think this is a laughing matter, members. It is absolutely not a laughing matter. We are talking about a serious matter and I will have on record in *Hansard* that there are ministers in this chamber who are laughing at the serious nature of the issues we are bringing here on behalf of the most vulnerable people in the state.

Several members interjected.

Ms M.J. DAVIES: The police raid sent shock waves through the department and the rest of —

Several members interjected.

Ms M.J. DAVIES: The Minister for Health’s department is no better, and you know it. You cancelled the survey. You cancelled your survey.

Point of Order

Ms L. METTAM: I would like to hear the Leader of the Opposition. The members opposite were actually laughing about the contributions that we were making, which is highly disrespectful, given the nature of the debate.

The ACTING SPEAKER (Ms A.E. Kent): Leader of the Opposition.

Debate Resumed

Ms M.J. DAVIES: Imagine the horror of those who have been working in substandard conditions under the minister’s watch. They are overworked, under-resourced and stretched beyond comprehension undertaking the toughest of jobs. We understand that it is a difficult portfolio, but the government’s response to information that has been brought to light by a whistleblower trying to highlight the issues that were getting no traction under this government to improve the internal workings of a department that is charged with such a responsibility, was a police raid for a document that has now become public, because the opposition and the media were pushing and asking for it. That document is listed on the warrant with just six other documents, so there are seven documents, not the thousands of documents that the Premier was quoted as saying had been leaked. We know that the Premier is prone to making sweeping statements. The Premier said it was thousands, but there were seven documents listed on the warrant and 10 police turned up to the Department of Communities employee’s house. I think that even the police have questioned whether that original decision was the right thing to do. They have since decided that it is not in the public interest to pursue this matter any further. We have serious crime issues in this state, with significant numbers of police dealing with the COVID response, and we have police using 10 officers to raid an individual’s home. Before the government starts accusing me of attacking the police, I am not. These comments are entirely in line with those made by the Premier five years ago when he was in opposition about a police probe into pro-euthanasia advocate Alida Lancee. These were his exact words —

The police only have so many resources and I think they need to worry about things that matter most to people: armed robberies on our streets, dangerous drivers in our community and the methamphetamine crisis.

They were the Premier’s words. So before government members start accusing us of attacking the police, just remember that their own Premier raised similar concerns when there was a raid made on pro-euthanasia advocate Alida Lancee. That is not so when we ask questions now about the whistleblower in the Department of Communities under the Premier’s watch. It is a case of collective amnesia from the Premier and the minister. They have made various statements about who knew what and when over the last two weeks. It has been reported in the media that a number —

Ms L. Mettam interjected.

Ms M.J. DAVIES: Exactly. I thank the shadow Minister for Health.

There have been inconsistencies about what role the government had in and what knowledge it had of this issue. That is setting aside the fact that for two years prior there had been reports gathering dust on a shelf in the department about the inner workings of this department being in chaos and crisis. That question is most serious.

The question still remains: who knew what and when? I do not think those questions have been cleared up. The Premier certainly did not answer that question today. That is especially relevant now that the Director of Public Prosecutions has made a very sensible decision not to pursue the matter any further. The questions that we have about the time line still stand. It would go a great way towards getting rid of some of the secrecy surrounding this issue if the minister just tabled a time line of when this issue was first raised with her, who was advised, how they

Speaker; Ms Mia Davies; Ms Libby Mettam; Acting Speaker; Dr David Honey; Ms Simone McGurk; Mr Paul Papalia; Mr Roger Cook

were advised and who she spoke to in the government and the department as it emerged. Simply make it public; table it in Parliament. If the minister needs a precedent, she can look at one of the issues I had to deal with as Minister for Water. I anticipated being asked questions about a matter in relation to the Water Corporation board. I knew it was going to be an issue raised by the opposition. I turned up to Parliament with a time line that had been thoroughly confirmed by every stakeholder involved in that particular issue and tabled it. What we got today was evasion or incompetence, and I will leave it up to everyone else to decide whether it is one or the other. The buck stops with the minister. She has been in charge for five years. The department is completely dysfunctional and it is failing in its duty of care for its staff and the clients on its watch. It is time that we saw some action either from the Premier to remove the minister and put a fresh set of eyes in the portfolio, or for the minister to remove herself and say that in five years this department has not achieved the things that it should have and that we are putting the people who are most vulnerable in our state at risk.

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [3.34 pm]: I also rise to support the motion moved by the Leader of the Opposition —

That this house calls on the Minister for Child Protection to resign following the disgraceful police raid on a Department of Communities worker, her oversight of a department with a toxic culture, and her failure to act on at least two reports that state there is widescale and endemic racism within the organisation.

I certainly mirror the comments made by the Leader of the Opposition. What an insult to Parliament today, and also to the people of Western Australia, that there are some very basic problems with the time line of events—what the Premier knew and what the Minister for Child Protection knew about such a significant issue for this state. It is not just an insult to Parliament, but to the people of WA. It is quite extraordinary that the Premier was unable to answer such basic questions about the alleged leaks and that the Minister for Child Protection was unable to either. I share the concern and dismay that we have a minister who is so willing to avoid transparency and scrutiny that she throws her staff under the bus to avoid it. She is a minister who is so out of touch with her workforce, that its members have resorted to the most drastic action today in a desperate attempt to seek change within a department that is significantly challenged under this government's watch. It is an extraordinary effort from the very workers that she used to represent as a spokesperson for UnionsWA, who are so frustrated by her inaction that they have taken this action as a cry for help.

This is not a new issue. It is an issue that has been simmering for more than a year as the union has attempted to engage with the minister. There can be no doubt that the outrageous armed police raid on a worker's house last month and the minister's response to it has also fuelled this dissent. As we have heard from the Leader of the Opposition, both the minister and the Premier have repeatedly dodged questions in the media, and also failed to provide basic information today in question time about who knew what and when. They have kept themselves at arm's length, hiding behind the line that there is a police investigation to ensure they do not have to say exactly what they knew before this outrageous raid took place. Instead, we have the minister charged with looking after our most vulnerable children, who was responsible for ensuring those staff who were on the front line had the resources and support they needed to care for and make decisions for our most vulnerable children, standing by and claiming ignorance as armed police stormed the house of one of these valuable workers at six o'clock in the morning in front of her children. That is an extraordinary effort! It is an absolutely absurd and ludicrous use of police resources.

Several members interjected.

The ACTING SPEAKER: Ministers!

Ms L. METTAM: What was the outcome of that?

Several members interjected.

The ACTING SPEAKER: Ministers.

Ms L. METTAM: What was the outcome of that raid? Police were apparently looking for some documents. There were seven papers listed on the warrant, which is quite counter to suggestions made by the Premier again today in question time. Why would at least 10 police officers, some armed, be required for that? There has been no suggestion in reports of the leaked confidential information about specific cases or that there are thousands of papers, so how on earth could this kind of response ever be deemed proportionate to the risk or justified? It must have been incredibly frightening for the worker and her family, particularly the young child, to wake up to armed police swarming their home. There is no doubt about the trauma and impact this event will have on this family even long after our minister has moved on.

Despite no charges being pursued and no evidence of wrongdoing, this sends a direct and threatening message to any child protection worker who would consider raising concerns on the back of a minister who has failed her department. It is a strong message that there will be consequences. It is hard to explain the raid any other way. It is clear that this department, charged with caring for and protecting our most vulnerable residents, is at crisis point.

Speaker; Ms Mia Davies; Ms Libby Mettam; Acting Speaker; Dr David Honey; Ms Simone McGurk; Mr Paul Papalia; Mr Roger Cook

We know that there is deep dissent within the department, and the Leader of the Opposition has pointed to the department for child protection survey. We know that this incredibly important workforce has repeatedly been asked to take a higher number of case loads, and most often, potentially dangerous, at the expense of those they are trying to protect. I refer to the report by Dr Tracy Westerman. We also know, as identified by the report undertaken by Dr Tracy Westerman, that there have been serious endemic issues of racism within the department. Where has the minister been in relation to all of this? Just talking the talk. I quote the minister —

I am proud to be part of a government that will not be distracted in the hard task of this reform and the work that we do in partnership with the community sector and Aboriginal-controlled organisations to achieve better outcomes for vulnerable children and families in Western Australia.

On 19 January this year, we heard the minister say that the Department of Communities is all about people. She is proud of the department, except when those reforms seem too hard or those dedicated employees feel so desperate and despondent that the only way to shine a spotlight on these issues is to go to the media or to take industrial action, which is what we have seen today. This minister will not stand in the corner for her workers; we have seen quite the opposite. Instead of seeking to work with those child protection workers, this minister has turned a blind eye to these issues when raised in Parliament and she has overseen what has been an extraordinary police raid, which has not been pursued in the form of any charges. Instead of negotiating and working with the union representing these concerns, this minister has turned a blind eye. Today it has come to a head again because the workforce is simply burnt out and morale is low.

From budget estimates in the Legislative Council last year, we learnt from the director general Mike Rowe that a total of around 1 100 people are employed in the child protection workforce. He told the committee that at that time, vacancies were running at about 100 positions. We know that this situation has not improved. The representing union—the Community and Public Sector Union—Civil Service Association of WA—believes that the shortage is much larger. It is calling for an additional 200 full-time child protection workers. The union secretary, Rikki Hendon, told *The West* in January that the union has been trying to raise the issues of chronic understaffing with government for more than a year and is frustrated by government inaction. This is now impacting the work of child protection workers, and I quote —

“Workers carry excessive, unsafe and unsustainable workloads that place them and the vulnerable families and children they work with at risk.”

Ms Hendon said the union had provided Minister for Community Services Simone McGurk with evidence of understaffing in October without response.

“Our members have provided critical information to Minister McGurk about the risks of understaffing and have pleaded for manageable case loads that enable them to give every child they work with the time, energy and culturally appropriate support they need but are still waiting for her to act,” ...

For a minister who worked with the unions prior to entering Parliament to ignore such pleas for intervention speaks volumes about the failure under the minister’s watch and how this has not been a priority of the McGowan government. At the heart of this issue, these shortages and unsafe workloads that the union speaks of directly translate into case loads that deal with vulnerable kids who are often in and out of care. I have certainly heard of some very tragic stories and cases from my electorate as well.

We know from the budget estimates hearings last year that the department is knowingly exceeding safe case load numbers. The Western Australian Industrial Relations Commission’s order states that an upper limit of 15 child protection cases should apply to each caseworker. In extraordinary circumstances, this upper limit can be increased to 18 cases. The union claims that workers are sometimes tasked with up to 40 cases. I know that the Leader of the Liberal Party would also like to make comments on this motion. We have seen two damning reports that the government and this minister have sat on and they largely say the same thing; that is, they point to the endemic issues within the department, the complete dysfunction and a lack of resourcing. This raid again highlights the minister’s attitude towards her own people. With those final words, I support this motion calling for this minister to resign in the best interests of our most vulnerable Western Australians.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [3.44 pm]: I rise to strongly support this motion. We know what the Premier thinks about the Department of Communities. He thinks it is a bit of a joke. The editorial in *The West Australian* of Friday, 25 February states —

Editorial: Police raid on alleged whistleblower a terrifying insight into way Department operates.

A Government minister told me a joke recently. They were enjoying a long conversation with Premier Mark McGowan. But some good-natured jousting came to an end when the Premier remarked, and I’m paraphrasing here, “Be careful or I will give you Communities in the reshuffle”.

Speaker; Ms Mia Davies; Ms Libby Mettam; Acting Speaker; Dr David Honey; Ms Simone McGurk; Mr Paul Papalia; Mr Roger Cook

We get a lot of moralising from the other side of the house. Members would think that any genuine Labor supporter would leap at the chance to work in the Department of Communities, the department that assists and aids the most vulnerable people in our society, but here it is being used as a punishment.

We have heard mostly non-responses today on this matter, but we have heard some fascinating responses as well. This has simply been about the fact that there were confidential papers. Let me tell members how much this minister and this department care about confidential papers. Back in 2019, when the McCall Centre closed, which had been deserted by the Department of Communities, thousands of records of children were left there. The people who occupied that building had spread them around and it took weeks for those papers to be collected. It was a member of the public who was alerted to that matter.

Ms S.F. McGurk interjected.

Dr D.J. HONEY: They were private, confidential papers and it took weeks, minister, under your stewardship —

Ms S.F. McGurk interjected.

The ACTING SPEAKER: Minister for Child Protection, you will have your chance.

Dr D.J. HONEY: It took weeks. That appeared in the press in October 2019 and it took weeks to get a response.

Let us look at the optics of this. Let us be really straightforward here and really look at this picture. If we were in government and government members were in opposition, I can just imagine the reaction of the Deputy Premier, the Minister for Transport, other members and the minister herself if an Aboriginal worker from the Department of Communities was so sick and tired of the lack of action on systemic racism in that department that they went to the press. What has happened? The government has had a report for three years and it has done nothing about it. This worker is so sick of it that she has gone to the press, or at least that is the allegation. What has been the response? Did the minister say, “You know what? We did the wrong thing. We should have reacted to this more quickly. I’m going to put a fire under my department. I’m going to make sure that they get the job done and they fix this and deal with it.” What has been the response? Ten police officers, some of whom were armed, have turned up at that public servant’s house in the early hours of the morning and traumatised their family. I have it on good authority that a child from that house is still so traumatised that they cannot sleep properly. That family was traumatised by 10 police officers. Imagine if we had done that in government! Members opposite would be howling. They would be in the streets and there would be claims of racism on this side of politics. Instead, government members have stood back. What has the minister said? She said, “Oh well, I’m surprised but I’m not embarrassed.” The minister should be on her bended knees apologising to that family because of what has been done under her watch. She had a choice.

This is not the first time that public information has been released from departments. It happens from time to time. Public servants get frustrated and some may be mischievous and release public information. It happens. I look at some of the experienced heads on the other side of this chamber. They know that it happens, and yet the first response when information is released—often it is confidential information—is to go to the police. Is that the first response? Is that how they behave? You are a minister! You are in charge! The minister has a choice about what is done, and to say that she had no choice but to go to the police is absolute nonsense. That is an option that the minister had. Why did she not carry out an investigation in her department? Why did she not rely on the Public Sector Commissioner to do this? The department could have employed an investigator to look into this matter. There was no evidence whatsoever that any information about children had been released—none whatsoever! From the allegations that have been made, it was clearly not the intent of that person to release that information. The government is hiding behind a ruse, but we have the simple fact that an Aboriginal worker working in the minister’s department made a complaint and released some information to the press that there was no follow-up on critical reports on racism in that department. What happened? Ten police—some armed—turned up at her house. What a disgrace! The minister says that she is not embarrassed, but she should be ashamed. I know that she is personally a good person, but she should be ashamed of her role in this as the minister. She had a choice between whether there would be a police complaint or whether it was handled internally. The Minister for Police is feigning yawning and is carrying on, but he clearly does not care. This police minister is happy that police resources are prioritised to this matter over other serious criminal matters. No wonder we have bikies shooting each other in Western Australia! This is the Minister for Police’s priority in his department. This is an absolute disgrace. This is an absolute misuse of police resources, and it is not the first time, because this is exactly what happened in the Kimberley when a Department of Education worker released some information.

MS S.F. MCGURK (Fremantle — Minister for Child Protection) [3.51 pm]: I welcome the opportunity to address a number of the issues that have come up today in question time and in this debate, because they are very serious issues. That is probably one thing that I agree with the opposition about: these are serious issues. That is why I have worked very hard in my portfolio over the past five years to actually get some improved outcomes in a very difficult area—child protection—and in some of the feeder issues such as family and domestic violence and

Speaker; Ms Mia Davies; Ms Libby Mettam; Acting Speaker; Dr David Honey; Ms Simone McGurk; Mr Paul Papalia; Mr Roger Cook

homelessness that contribute to vulnerable families coming before our child protection system. The specific issue being debated today is the unauthorised access and downloading of information by an individual employee of the Department of Communities. Over 2 500 documents were downloaded in over 5 000 emails, and some of those documents contained very sensitive information. That is what we need to understand. That was the scale and nature of the information that the Department of Communities discovered had been sent to an employee's personal email account and possibly forwarded to third parties. The scale and nature of that led the Department of Communities to refer that information to the Public Sector Commission, the Corruption and Crime Commission and the Western Australia Police Force.

As I said in question time, the Public Sector Management Act 1994 actually states, and I quote, that any information that indicates criminal conduct should be immediately referred to the WA Police—in addition to notifying the Corruption and Crime Commission—for advice and possible investigation.

I notice that none of the members on the other side are looking—they are all on their phones—but perhaps they might take some notice of what the Public Sector Management Act states is a requirement of government agencies when they suspect there is criminal activity within their department. Those agencies are obliged to tell the Public Sector Commission, which the Department of Communities did; they are obliged to tell the CCC, which the Department of Communities did; and they are obliged to tell the police, which the Department of Communities did. What the police then do with that information is up to the police. I cannot stress that enough: that is up to the police. I certainly had no involvement in or influence on what the police did with that information, and I understand that the Department of Communities did not either. That is right and proper. What the police decide to do with that information is up to them.

Dr D.J. Honey interjected.

The ACTING SPEAKER: Member for Cottesloe, you have had your chance.

Several members interjected.

The ACTING SPEAKER: Members!

Ms S.F. McGURK: It is for the police to decide how they conduct their inquiries and investigations. The Western Australia Police Force is an independent agency, and that is right and proper. How the police decide to issue warrants is up to them and what they decided to do following that investigation was also up to them.

The Premier has gone through the details of the quantum of information. There were 5 484 emails containing 2 646 documents, 151 presentations and 332 spreadsheets. The documents included highly confidential personal and individual information about hundreds of children in care. I have since learnt that some of that information in the documents that have been referred to was contained in the warrants. As I said, as with any data breach of this magnitude, processes must be followed, and I have outlined that the department is duty bound to notify the relevant authorities, which it did. We would be disappointed and wrong if we were to second-guess that activity.

The department followed published guidance as well as the Public Sector Management Act on how it should conduct itself upon realising the scale and nature of the documents that had been removed from the department, albeit they had been removed electronically; they had been forwarded to a personal email account. As I have outlined, I was made aware of the referral to the police after it occurred, on 25 January, and I was made aware of the warrants being executed after they were executed, on 18 February.

I want to stress, too, another relevant act that I think is important and that has not been referred to—that is, the Public Interest Disclosure Act. The idea being put forward by the opposition is that this employee had no alternative but to download information without authorisation and forward that information to a third party. The opposition suggests that this employee was so frustrated with the department that she had no option but to take that information and forward it to outside agencies in a cry to get action on important issues. I draw the opposition's notice to the Public Interest Disclosure Act. That act is specifically designed to provide the appropriate mechanism for disclosures to be made. If an employee believes that there may have been misconduct or corruption, or a government department is not acting within its remit, that act outlines specific procedures that the employee is allowed to undertake to ensure that they can make those disclosures and their confidentiality is protected. It is, if you like, so-called whistleblower legislation. Protective mechanisms are in place in Western Australia under which an employee can take information to a relevant authority and, if you like, be protected. In this case, all employees are notified that that is the case. They are trained and their obligations are made clear to them. One obligation is to not disclose information or remove sensitive information from the department—it is very important that public sector workers understand that obligation—but another is that if they have concerns, there are avenues that those employees can take and their confidentiality and anonymity will be protected under that act. I think it is important to point that out.

I also want to talk about the allegation or the claim that has been thrown around with abandon by opposition members that there is widespread racism in the Department of Communities. I personally have always found that

Speaker; Ms Mia Davies; Ms Libby Mettam; Acting Speaker; Dr David Honey; Ms Simone McGurk; Mr Paul Papalia; Mr Roger Cook

to be a ludicrous proposition and I continue to reject it. I reject it on behalf of the around 6 000 staff who work in the Department of Communities and who do some of the most difficult work in government. Some difficult work is done across government by police, health agencies, education workers and the like, but there is no doubt that Department of Communities' staff do some of the most difficult work. Yes, they understand that they work with very sensitive issues and that Aboriginal families are over-represented amongst the vulnerable families that they deal with. That is evidenced by the over-representation of Aboriginal children in our child protection system. We acknowledge that. That has been acknowledged in the Closing the Gap targets, for instance. Australian governments, state and federal, know that we have more work to do. In fact, the Department of Communities acknowledged that it had more work to do by commissioning a report in 2017 to better understand how it stood at that point. The report was commissioned nearly five years ago to help the department understand how it could better serve Aboriginal people in the community and within its agency. The Indigenous Psychological Services report found that the department had a lot of work to do. I think most organisations in Australia today, whether in the public or private sector, would be found wanting in response to the question: "Have we got work to do to improve our cultural awareness and our engagement with Aboriginal culture and Aboriginal families?"

A member interjected: How's the National Party!

Ms S.F. McGURK: That is right. That is the reality of Australia in the twenty-first century. There is an awareness but there is a lot of work to be done. I do not, for a moment, think that the Department of Communities is any worse than most organisations around the country today, whether they are public or private organisations. In fact, I venture that it is probably a bit better. It is certainly committed to working, as we all acknowledge, in some very difficult circumstances with child protection, homelessness, family and domestic violence and the like.

The department commissioned this important piece of work and asked the questions. That work went on for two years. It was commissioned nearly five years ago. It is now nearly three years old. The report was an internal report so there was no obligation to make it public. In fact, to say that nothing has been done and that this report has gathered dust is wrong. If opposition members were paying any attention to what I have said publicly on this matter, they would know that that is wrong. A number of elements of the report have been taken up, particularly around the structure of the department. That was what the PricewaterhouseCoopers report was asked to inform—how the department could capture getting good outcomes within its corporate structure. It now has a separate Aboriginal outcomes unit, which is headed by an Aboriginal woman as an assistant director general. They were two of the recommendations made by the IPS report and that is now the case in the Department of Communities.

There is training of all new staff to ensure there is an improved cultural awareness of Aboriginal issues, but also an understanding that the department does not rest on its laurels. It understands that it still has a lot of work to do in that regard. I do not for a moment say we do not still have work to do, but I do not think the Department of Communities is alone in that; that is the case for any state, territory or federal government department within Australia, not just Western Australia. The public and private sectors both have work to do to improve cultural awareness and confidence in the ability to engage effectively with Aboriginal people.

The IPS report has been made public. I wonder how many opposition members have read the 450 pages of the report, because some of the claims and sweeping statements they were making suggest to me that they have not in fact read that report, or the PricewaterhouseCoopers report either. In fact, both of the reports, but particularly the IPS report, acknowledge that the sorts of issues that have led families to come before child protection agencies and the Department of Communities have been generations in the making in many cases and cannot be easily resolved.

I also want to talk specifically about some of the things that have led to some very good outcomes within the Department of Communities in partnership with community sector organisations, but particularly with Aboriginal community-controlled organisations. I do not think these should be underestimated in the twenty-first century given the sort of issues we are dealing with. They certainly should not be underestimated by the opposition. When it was in government for eight years, it achieved none of these things. It tackled none of these issues in child protection—absolutely none. The Premier spoke of the case-load figures in child protection, which were brought to the attention of the Parliament during question time and during the opposition's contribution. The number of case-carrying child protection workers has increased by 28.6 per cent since we came to office in 2017. Over the last four years of the Liberal–National government, it was 2.1 per cent. We have increased it by 28.6 per cent, but in the opposition's last term of government, it was 2.1 per cent. That is incredible. In the last term of government, it was an increase of 13 FTE. The increase under our government is just under 202 FTE. It is important to note that these are real staff who are on the ground doing work. In 2015, the average case load for child protection workers under the previous government was 12.9. In 2020, what was the average case load? It was 9.63. It has reduced. I know these are inconvenient facts for the opposition—the number of staff on the ground and the important and hard work the department is doing to improve its understanding of and engagement with Aboriginal communities,

Speaker; Ms Mia Davies; Ms Libby Mettam; Acting Speaker; Dr David Honey; Ms Simone McGurk; Mr Paul Papalia; Mr Roger Cook

Aboriginal families and its own Aboriginal workforce. Looking at the case-carrying load, the work we have been doing over the last five years is significant.

Finally, as the Premier also referred to, the number of Aboriginal children in care has gone down for the first time since 1996–97. That is significant. The total number of children in care is going down and the total number of Aboriginal children in care is going down. Are Aboriginal children still over-represented in child protection? Yes, they are. I do not deny that at all. They are grossly over-represented. Do we still have work to do? Yes, we do. We are changing the legislation to significantly increase the involvement of Aboriginal organisations when a child comes into care on where they are placed in their cultural planning. The number of contracts to Aboriginal community-controlled organisations is just under 20 per cent. The outcomes are good. Whether it is in Target 120, youth justice intervention or, importantly, child protection, the outcomes are very solid, I think. It is starting to lead us to some very good outcomes for Aboriginal children and their families.

There is a lot more I could add but I know that other people want to make a contribution as well. I was interested in what the Leader of the Liberal Party, David Honey, said on 28 February when he called it a “shameful raid” that aimed to intimidate staff. The Leader of the Liberal Party said in the article —

“This is a department that is failing. The Government’s experiment with mega-departments has failed. The Department of Communities should be disbanded. We should go back to the Department of Child Services focusing on the welfare of children,” he said.

The department of child services? Where is the department of child services, member? I looked back to the 1950s because I know that is an era with which the member for Cottesloe is very familiar. It was not even then. We have never had a department of child services, member. The member does not know what he is talking about. His terminology speaks volumes. He should acknowledge the important work of child protection staff in the Department of Communities; they are doing very good work in difficult circumstances.

MR P. PAPALIA (Warnbro — Minister for Police) [4.09 pm]: I acknowledge and thank the Minister for Community Services for her contribution and for her efforts in this difficult portfolio. Her passion for this role would be apparent to anyone who witnessed her contribution. All the work that she does in this field is extraordinary. I will return to that later.

I wish to say at the outset that I am a little disappointed that I was not given the opportunity to answer questions from members of the opposition during question time, noting that a significant amount of their angst around this matter appears to relate to the conduct of the Western Australia Police Force and their willingness to criticise the Western Australia police, as they frequently do. I would have preferred them to ask me questions as the minister responsible for the police so that I could respond during question time and defend the conduct of the Western Australia police against their baseless accusations.

I notice that Mr Law from *The West Australian* was here during question time. I hope he is still here because I know *The West Australian* has a great interest in this matter. I am about to put some information on the record. I will repeat what I have said about this matter on a number of occasions. At no time have I sought or received a briefing on this matter, as is appropriate as the police minister, because it is an operational matter and I do not involve myself in operational matters, until today when I was provided with a briefing from the Commissioner of Police, unsolicited. That aside, I am able to present some information that perhaps has not been put into the public domain until now, although much of what the minister also responded with confirms exactly what I am about to say.

As the minister indicated, a warrant relating to this matter was executed on 18 February. I was not aware of it at that time, as is normal and as is proper process. That is appropriate and lawful conduct by a minister. I became aware of this matter on 22 February when it was brought to my attention by the media. What I have before me is not a briefing note but notes that I prepared for Parliament. I intend to convey some of the information provided to me by the Commissioner of Police.

On 15 February, the Western Australia Police Force received a complaint from the Department of Communities relating to sensitive, not-for-distribution information, having been sent by an employee from the Department of Communities to her private Gmail account and potentially released further afield. Internal investigations identified a senior Department of Communities employee as a suspect. On 17 February 2022, the Department of Communities provided WA police with evidence of a number of confidential documents being sent to the personal Gmail address of the senior employee. The seven documents linked to media releases referred to in the warrant and referred to by members on the other side were part of—this is from the Commissioner of Police—5 463 emails, 2 614 documents, 150 presentations and 329 spreadsheets sent from the employee’s work email to her private Gmail account. Due to information given by the Department of Communities, detectives were of the understanding that some of these emails may have contained the names of children in the care or support of the Department of Communities. I have

Speaker; Ms Mia Davies; Ms Libby Mettam; Acting Speaker; Dr David Honey; Ms Simone McGurk; Mr Paul Papalia; Mr Roger Cook

great respect for the Leader of the Opposition and I was disappointed by her earlier contribution. She may want to listen to some of this detail.

Dr D.J. Honey interjected.

Mr P. PAPALIA: I was talking to someone I have respect for.

Dr D.J. Honey interjected.

Mr P. PAPALIA: I am not seeking interjections from the member for Cottesloe.

WA police was advised that two of the seven documents contained that level of sensitive information, to which I just referred. One of those documents is *Profile and pathways of children who enter care*. It is an analysis of 327 children who entered care in the first quarter of 2019, report 2, the cohort after two years. That is one of the documents. I say to the member that there were 327 children in care.

Dr D.J. Honey interjected.

The ACTING SPEAKER (Ms R.S. Stephens): Leader of the Liberal Party!

Mr P. PAPALIA: In December 2021, the other document was released, *Critical priorities report*, including the supporting spreadsheets that contained the personal details of children and carers. Detectives applied for, naturally and rightfully, and were granted, a section 42 Criminal Investigation Act search warrant for the address of the employee in relation to investigations of the following potential offences: corruption pursuant to section 83 of the Criminal Code and disclosing official secrets pursuant to section 81 of the Criminal Code. The warrant was executed on 18 February, as the minister correctly reminded us earlier. The investigation is now complete, which is why I have received a briefing, unsolicited, from the Commissioner of Police. It has been determined that there was sufficient evidence to support a prima facie case of disclosing official secrets, pursuant to section 81 of the Criminal Code. However, it was deemed not in the public interest to proceed with the prosecution at this stage, on advice from the Director of Public Prosecutions, I might add. The investigation did not identify sufficient evidence to support a prima facie case of corruption.

There is some other relevant information. On the afternoon of Friday, 11 March, officers from the investigative unit attended the suspect's home address and advised the outcome of the investigation. The Department of Communities investigations team was also informed of the outcome of the investigation. A prosecution is not being pursued in this case. Nevertheless, that does not mean the actions were not worthy of investigation or were not wrong.

Dr D.J. Honey interjected.

The ACTING SPEAKER: Leader of the Liberal Party!

Mr P. PAPALIA: I say to everybody in the public sector that no matter how well meaning and good intentioned, they are not legally able to take sensitive private information about hundreds of vulnerable children from the Department of Communities and release it. That is unlawful, as indicated by the prima facie case for unlawful behaviour and as indicated by the investigation, but it also amounts to misconduct, and it is also wrong. People do not get to determine whether someone's private information should be passed into the public domain, no matter how well meaning and well intentioned they are. That is wrong. It is inappropriate. That was confirmed by the investigation because it found that there was a prima facie case of disclosing official secrets.

I will finish briefly by again referring to the minister. I have been in this place for 15 years. I think Hon Sheila McHale may have been the first minister I witnessed in this difficult portfolio, and one related to it, along with Hon Sue Ellery. I have great respect for both ministers. Many other former ministers from the other side tried their hardest in what is a difficult environment. I can tell members categorically that this is the best minister responsible for these difficult portfolios that I have seen in 15 years. I would argue that anyone in the department and any of those thousands of workers who are out there trying to do a difficult job in tough conditions under a barrage of criticism from the opposition would agree with me. It is incredible that they have been accused of racism. I am the police minister. The Minister for Community Services and I get to work with the Department of Communities all the time. It is a tough job. Sure, everyone would love more resources all the time, but we have given more resources in recent times and we are always looking to do things better. Those people are doing a great job.

Finally, I turn to the director general of the Department of Communities, Mike Rowe. I have witnessed this man over the last year or so in a pandemic, in cyclones, in bushfires and in all manner of difficult situations delivering support to Western Australians. He is a magnificent public servant. He is doing a wonderful job. He is honourable and caring. It is quite disgraceful that his reputation has been disparaged in the way it has by the opposition.

MR R.H. COOK (Kwinana — Deputy Premier) [4.20 pm]: I just want to take a few moments firstly to echo the words of the Minister for Police. The Minister for Child Protection is doing an outstanding job in one of the most complex policy areas—I say this with apologies to the Minister for Mental Health—and is providing strong

Speaker; Ms Mia Davies; Ms Libby Mettam; Acting Speaker; Dr David Honey; Ms Simone McGurk; Mr Paul Papalia; Mr Roger Cook

leadership and extra resources. She is taking that department on a journey and asking the staff the most difficult questions of all about continuing to deliver services in a way that is informed by cultural awareness and cultural security and through working with Aboriginal community-controlled organisations. No other minister can say that. No minister has done a better job of continuing to evolve and grow the terrific work that is being done in such a sensitive area. There is no more solemn or profoundly sensitive obligation on a government department to preserve the personal information it has at its disposal than there is on the Department of Communities. The work that is being done is completely appropriate.

We can read a lot into people by the questions they ask and the motivations that they visit upon others. The member for Cottesloe is essentially inviting the government—beseeching the government—particularly in the words of Hon Peter Collier, to have the minister act contrary to the Public Sector Management Act and conduct herself in a way that is unlawful. Pity a Western Australian community that is represented in government by this mob. Pity a Western Australian community that has a government minister who, as the member for Cottesloe and Hon Peter Collier would attest, would actually go outside that act of Parliament and act unlawfully.

Division

Question put and a division taken, the Acting Speaker (Ms R.S. Stephens) casting her vote with the noes, with the following result —

Ayes (5)

Ms M.J. Davies
Dr D.J. Honey

Mr R.S. Love
Ms L. Mettam

Mr P.J. Rundle (*Teller*)

Noes (42)

Mr S.N. Aubrey
Mr G. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Ms C.M. Collins
Mr R.H. Cook
Ms L. Dalton
Ms D.G. D'Anna
Mr M.J. Folkard
Ms M.J. Hammat

Ms J.L. Hanns
Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr H.T. Jones
Mr D.J. Kelly
Ms E.J. Kelsbie
Ms A.E. Kent
Dr J. Krishnan
Mr P. Lilburne
Ms S.F. McGurk

Mr D.R. Michael
Mr K.J.J. Michel
Mr S.A. Millman
Mr Y. Mubarakai
Mrs L.M. O'Malley
Mr P. Papalia
Mr D.T. Punch
Mr J.R. Quigley
Ms R. Saffioti
Ms A. Sanderson
Mr D.A.E. Scaife

Ms R.S. Stephens
Mrs J.M.C. Stojkovski
Dr K. Stratton
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Ms C.M. Tonkin
Ms S.E. Winton
Ms E.L. Hamilton (*Teller*)

Question thus negatived.