

SAFEWA APP — ACCESS — POLICE INVESTIGATION

207. Ms M.J. DAVIES to the Premier:

Premier, I refer to a media statement issued by the state government on 25 November 2020 regarding the launch of the SafeWA app, in which the Premier stated, and I quote, “records would only be used for the purpose of COVID-19 contact tracing”, and to a Facebook post the following day, in which the Premier stated that data would, and I quote, “only be accessible by authorised Department of Health contact tracing personnel”.

- (1) When did the Premier first become aware of the massive breach of public trust with the Western Australian community that has become evident today?
- (2) Who is responsible for this breach?

Mr M. McGOWAN replied:

- (1)–(2) I thank the member for the question. During the course of last year, we put a lot of effort into developing the SafeWA app. It has been a remarkably effective tool to assist us with contact tracing people who visit businesses, community premises, not-for-profit organisations or whatever it might be. There have been literally hundreds of millions of registrations with the app in order to allow us to contact trace should we have an outbreak. On 5 December last year, we made the use of the app compulsory. We did that based on advice. We had to rush these things, as members know; the whole thing has been very rushed and very quickly done. Our app has actually been a very effective tool, and quite different from the commonwealth app. Members might recall that the commonwealth put in place an app that does not appear to have worked particularly well. Our app has worked very effectively to allow us to contact trace.

I became aware in April this year that police had used the app on two occasions in criminal investigations. Both of those investigations were very serious matters—some of the most serious offences we can imagine. I became aware of it. I had a conversation with the Minister for Police and the Attorney General about what to do, because, obviously, we wanted the app to be used only for contact tracing purposes. I then met with the Commissioner of Police on a number of occasions to discuss the matter. The police commissioner advised me that under the law it is actually lawful for police officers to access any information unless it is expressly unlawful. So police officers on two occasions had accessed, as part of investigations into very serious crimes, information using the SafeWA app. I requested that the police no longer do that, but the police commissioner advised me that his officers are exercising their rights under the law and are just doing their job. I accept that. That is the police commissioner’s point of view. As we have constantly said, he is an outstanding police commissioner. I have no difficulty that police officers do their jobs. But our view is that the SafeWA app should be used only for contact tracing purposes.

Once we had those conversations with the police, we then resolved to draft legislation in order to put it beyond doubt that the app could no longer be used for criminal investigations or whatever it might be. The reason behind that is that we need to have public confidence in the use of the app. We want people to use the app. We do not want any nervousness by the public. We do not want any concern by the public that the information might be accessed for other purposes. We then started the drafting process—it is quite a complex process to get to that point—and we will be introducing the legislation today to resolve the issue.

We became aware, as I said, in April. I was unaware up until that point in time that it was lawful for police officers to access the SafeWA app for investigatory purposes. The police have done it on two occasions.