

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 21 October on the following motion moved by Hon Stephen Dawson (Minister for Environment) —

That pursuant to standing order 69(1), the Legislative Council take note of tabled papers 4389A–D (budget papers 2020–21) laid upon the table of the house on Thursday, 8 October 2020.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [11.42 am]: I seek leave to adjourn my comments to a later stage of this day’s sitting.

[Leave granted for the member’s speech to be continued at a later stage of the sitting.]

HON NICK GOIRAN (South Metropolitan) [11.43 am]: I rise to speak to the estimates of revenue and expenditure consolidated account estimates of 2020–21. This is the time of the year, albeit belatedly this year because of the COVID-19 pandemic, when each member has the opportunity, should they wish to do so, to give what is otherwise referred to as their budget speech. I have a large file here that consists of my notes and various source documents that I would like to utilise for the purposes of my budget speech today. However, perhaps for one of the first times, I have very little enthusiasm to give my budget speech or any speech today. The reason for that is that it seems very trite for us to be spending time dealing with the budget and the budget papers, as important as that is to the overall governance of Western Australia, when this week we learnt of an 11-year-old girl, a young girl in Western Australia, who felt that she had no option but to take her life. Whilst youth suicide is not a new issue in Western Australia at all, there is something somewhat chilling when one learns that the circumstances of that involve a young girl having been raped and the alleged perpetrator being held to account by police. The circumstances involved that person then being released by police, and then this young girl presumably felt that she had no other option but to take her life. I was asked by a journalist in the last 48 hours what my view was on this. The response I gave them was that I would simply ask every Western Australian to pause for a moment and consider what it must have been like for that 11-year-old girl.

I am a father of several beautiful daughters, all of whom are now older than 11 years of age, but I can remember quite vividly what it was like to be their father when they were 11 years old. They were in grade 6 at the time. It does not bear thinking about the idea that an 11-year-old girl would be sexually assaulted. It does not bear thinking about for very long at all, but for a person to feel that they have no other option available to them but to take their life is horrendous. That is the situation that we have learnt about in the last few days, so that is why I say that it feels a bit trite to be spending time poring over the budget papers and making various points, which we quite rightly do and should continue to do, and I support the ongoing provision of this opportunity for members to have this debate. But I ask myself the question: at what point in time are we going to start to take the child protection system seriously? I do not make that as a particular comment in respect of the current government administration. Members well know my view on the government’s decision to collapse the Department for Child Protection and Family Support into the Department of Communities. That is not what I am talking about now. I am talking about far deeper, ingrained issues to do with the child protection system. It is of cold comfort to the family of this 11-year-old girl who is now deceased for the police yesterday to say, “Look, on reflection, we admit that we should have opposed bail.” To the extent that I can be charitable and commend the Western Australia police about anything, at least they had the honesty yesterday to say that. They did not engage in a cover-up or try to defend what is plainly the indefensible. I at least commend them for that honesty yesterday.

However, as I say, it is cold comfort to the family of this 11-year-old girl who is no longer alive. It is for those reasons that I support the call made yesterday by the shadow Minister for Police for reform in this area. I would really like members to understand the gravity of it, which is why I will take a few moments to describe it now. Under the current system, the police determine whether they bring the person immediately before court for consideration of bail or whether they release the person. In other words, will they remand the person in custody temporarily until they appear before the court or will they release the person on bail? Imagine for a moment a scenario, as I understand happened in this case, in which the police—they would do this on a semi-routine basis—release the person on bail. Sometime in the next 72 hours that decision needs to be considered by the court. How do the police, who have just decided sometime in the last 72 hours to release this person on bail, then appear before the court and make any case about whether the person should be remanded in custody? There is something wrong with our system there. At the very least, someone independent of the original decision needs to be the person who appears before the court and perhaps says, “With all due respect to the police, they decided to release his person on bail, but we’ve had a look at this case and we insist that the person be remanded.” There is a systemic problem here. This 11-year-old girl’s life has to be worth something; it should be worth more than a reform to the bail system—it should be worth so much more than that. We cannot quantify that, but we can do something about changes to the bail system.

This year, we have been dealing with COVID-19 bills, and this chamber has routinely agreed to make certain bills COVID-19 urgent and toss away our standing orders and normal practices to deal with matters instantly. We just had a bill to do with payroll that was dealt with in that fashion moments ago. We dropped everything, we made

sure that people had only a certain amount of time to speak and it passed—it flew through the chamber. That has happened on multiple occasions this year. I cannot say that changes to the Bail Act are COVID-19 urgent, because it has nothing to do with COVID-19, but I can say that it is urgent. I, of all people, am not suggesting that the government should just bring in any old piece of legislation and that it should not be subjected to scrutiny—of course it should be. The proper parliamentary processes should be followed, but my point is this: governments, whether it is this government or any other government of any other persuasion, have the capacity to draft bills at short notice when they want to. They have that capacity. We have seen it time and time again. It was good enough for the government to, quite literally, drop everything and tell parliamentary counsel to drop everything so that it could deal with what it considered to be an urgent matter with Mr Palmer. Members will recall that we were here quite late at night dealing with one of those so-called urgent bills. Extraordinary measures were taken at the time—so extraordinary that they are now being litigated in courts around Australia. Whatever we think about the merits of that matter, the point is that the government had the capacity and the will to drop everything and make sure that happened. Does this government have the same desire and appetite to do something about this matter? Again, those who want to play silly games will say that this is terrible and we are politicising this debate. Hear my heart in this matter: I have no interest in politicising the death of this 11-year-old girl. I am saying that we need to do something about this. It is not an option simply to say that we think the bail system is fine. It is not fine. This case proves that it is not fine, so some reform is needed—some reform is needed urgently. There are still a few scheduled sitting weeks left between now and the end of the year. There is a capacity by this government to do something about this issue if it wants to. I do not know what discussions are taking place in government, but I ask that it gives this urgent consideration.

As I say, I prepared a speech about today's budget papers, and I will embark on that momentarily. Some of the matters that I raise will be highly political, and the tone of my contribution will be entirely different from what it has been for almost the last 12 minutes, but I start with this matter so it is understood by members of the government and throughout the chamber, irrespective of which political party they sit in, because we all have some capacity to advocate on this issue. A backbencher in government has the capacity to knock on the door of the ministers and say that something needs to happen here. A minister in the cabinet for whom this is not their portfolio has the opportunity to knock on the door of the Attorney General and say that something needs to be done. They have the opportunity to knock on the door of the Premier and say that something needs to be done. A member of the opposition has the opportunity to say something. A member of any of the other parties in this place has an opportunity. They have a voice, and I am asking them to use it with respect to this matter.

I turn to the budget. It is interesting that much of the notes that I had prepared for today pertain, perhaps unsurprisingly, to the issue of child protection and some of the systemic problems that have emerged and remain unaddressed. Indeed, last year when I had the opportunity to give my contribution to the budget debate, I had notes to talk about the issue that I will raise in a moment, but I ran out of time because I did not have unlimited time. I was required to conclude my budget contribution within 60 minutes. I was going to raise the matter of 27 Western Australian babies who were born alive but left to die. I was going to raise it in last year's speech to shine a light on the secrecy that surrounds this matter and the systemic failings. When I went back to those notes from last year, it was interesting to see towards the end that I had intended to conclude my remarks on this point by saying that, thankfully, a coronal inquiry was underway. The purpose of my saying that was to express some hope about the oversight of the deaths of those 27 Western Australian babies. It is now more than a year later, and I can say to members that this situation has now descended into nothing but a sick joke in which the Office of the State Coroner is now implicated. By way of background information to members who are not familiar with this issue of the 27 Western Australian babies who were born alive and left to die, on 15 June 2017, a little over three years ago, it was revealed in our Parliament, in this chamber in fact, that, tragically, 27 babies were born alive but left to die. There was understandable outrage at the time in the middle of 2017, so much so that on 1 November 2017, I tabled a petition in this place signed by more than 7 000 concerned Western Australian citizens who were calling for an inquiry to investigate why and how these Western Australian babies were not given any medical care.

Some encouraging signs emerged. On 18 September 2018, following questions I asked the Leader of the House about a bill to amend the Coroners Act, it was revealed by the government that advice from the State Solicitor's Office had stated that the deaths of those 27 Western Australian babies were, indeed, reportable deaths. It also confirmed that they had not been reported to the Western Australian State Coroner, as required under law.

The very next day, 19 September 2018—just over two years ago—I wrote to the State Coroner to report these deaths, and I have written to the State Coroner on several occasions over the last two years, requesting updates. In the estimates hearings that took place for the 2017–18 fiscal period, just after that time, I asked questions of the Department of Health and was reassured that the information that was requested by the State Coroner was being provided.

In summary, we have a situation in which it was revealed in Parliament that 27 Western Australian babies were born alive and left to die. It was confirmed that they were not reported to the State Coroner, despite the fact that under Western Australian law they were reportable deaths. I then reported the 27 deaths to the Western Australian

State Coroner, and it was confirmed during estimates hearings by the Department of Health that it was providing the information required by the State Coroner.

On 3 April 2019, there were more encouraging signs with regard to the inquiry into these 27 Western Australian deaths. The Coroner's Court replied to one of my pieces of correspondence and, at the end of that reply, thanked me for my inquiry and advised that it would keep me updated on its progress. I was encouraged to see that some momentum was building for the inquiry into the deaths of these 27 Western Australian babies.

I asked more questions at the estimates hearings for 2018–19. After hearing nothing further since that time, on 20 February this year I wrote to the State Coroner once again. A new principal registrar replied to my correspondence on 9 March and said that the details could not be released due to privacy and confidentiality. The following month, on 13 April, I again wrote to the State Coroner and, to paraphrase, I basically said, "For the avoidance of any doubt and any confusion, I am not requesting, nor have I ever, private and confidential details. I am, however, requesting an update on the current inquiry." Remember, the Coroner's Court wrote to me on 3 April last year and signed off by thanking me for my inquiry and advising that it would keep me updated on its progress. That is what I was asking for—an update on the progress.

On 20 May this year I received a reply from the Coroner's Court that included the statement that it had in January 2020 made recommendations to the Department of Justice for legislative amendment of the Health (Miscellaneous Provisions) Act 1911, and that the details of those recommendations remained confidential. On 17 June this year I asked a question of the Leader of the House representing the Attorney General requesting a copy of those recommendations. Disappointingly—but perhaps unsurprisingly, despite the fact that the government promised, prior to the election, that it would adhere to a gold standard of transparency—my request was denied.

We have a situation in which 27 Western Australian babies were born alive and left to die, and it was left to me, after an extended time, to report the matter to the State Coroner because the Department of Health had failed to do so. The State Coroner took that inquiry on board and received information from the Department of Health. The Coroner's Court said that it would continue to keep me updated. I then asked for an update, and all of a sudden these huge shields went up, preventing any further information being provided on the basis of confidentiality. But what was revealed through a little crack in that shield was that the Coroner's Court had made recommendations to the Department of Justice for some form of law reform, but those recommendations apparently remain confidential. The genesis of those recommendations was the deaths of 27 Western Australian babies, born alive but left to die. When I asked the Leader of the House, on behalf of the Attorney General, about those recommendations by the State Coroner—an independent body for law reform in this area—the government said, "No, we're not going to tell you."

On 24 August this year, almost exactly two months ago today, I spoke on the phone to the acting director of the Magistrates Court and Tribunals, Mr Martin Jackson, as had been recommended to me by the State Coroner. The outcome of that conversation was that he suggested that I write again to the State Coroner, so I did, on 23 September. In that letter I said, in part, that it had been suggested that I phone Mr Martin Jackson, the acting director of the Magistrates Court and Tribunals and that I had spoken with him on 24 August. I said that as I was not seeking identifying details of the cases, he had recommended that I send my questions to the State Coroner. I asked, firstly, how many individual cases had been reported to the State Coroner by the Department of Health in April 2019; secondly, how many investigations had been finalised; and thirdly, what the process was for obtaining information about the outcomes of the finalised cases.

That brings me to the final response from the Coroner's Court earlier this month, on 5 October 2020. This response must be one of the all-time poorest responses from an organisation that exists because of the law of Western Australia and is funded by the taxpayers of Western Australia. It was signed off by Kelly Niclair—the latest principal registrar at the Coroner's Court of Western Australia—and included the comment that no cases had been reported to the State Coroner by the Department of Health in April 2019.

Why is that controversial? It is because my question to the State Coroner was: how many individual cases were reported to the State Coroner by the Department of Health in April 2019? The reply was that no cases had been reported to the State Coroner by the Department of Health in April 2019. As if I would ask a question of the State Coroner saying, "How many cases were reported to you in April 2019 with regard to this matter?" if there were going to be no cases? Why did I ask the State Coroner how many cases were reported in 2019? Why would I do that? The answer to that question is that the Coroner's Court of Western Australia wrote to me on 20 May and said that the individual cases had, in fact, been reported to the State Coroner by the Department of Health in April 2019.

The geniuses in the Coroner's Court of Western Australia wrote to me on 20 May 2020 saying that the Department of Health had reported these individual cases in April 2019. That is what the Coroner's Court wrote in its letter to me on 20 May this year. Come 5 October 2020, and suddenly, the smart alecs at the Coroner's Court of Western Australia write back and say that no cases were reported to the State Coroner by the Department of Health in April 2019. Get your act together, Coroner's Court of Western Australia! This is an inquiry into the death of

27 Western Australian babies who were born alive and left to die, which I have been pursuing for years and which resulted in more than 7 000 signatures on a petition and a revelation that the Department of Health had for years systemically failed to report these reportable deaths. Under multiple governments, the Department of Health breached the law of Western Australia. It was supposed to report these reportable deaths; it failed to do so. The only reason it ever happened is because this government decided to bring in the Coroners Amendment Bill 2017, and under cross-examination from me, the Leader of the House revealed that in actual fact, this should have been done. The following day I had to report it to the Coroner's Court. For the Coroner's Court to pretend that no cases were reported in April 2019, despite the fact that in its own correspondence in May this year it said the exact opposite, is beyond exasperating. However, the situation is worse than that, because in this letter dated 5 October 2020 by Kelly Niclair, principal registrar of the Coroner's Court of Western Australia, she said that the number of investigations finalised is confidential and cannot be disclosed.

Twenty-seven Western Australian babies were born alive and left to die. It is being investigated by the Coroner's Court and this month the principal registrar in the Coroner's office said that the number of investigations finalised is confidential and cannot be disclosed. That is gold-class accountability by the Coroner's Court of Western Australia! Yesterday, one of the ministers tabled the 2019–20 annual report for the Office of the State Coroner for Western Australia. This is one of the accountability mechanisms. It includes a range of data and the like, reporting on the performance of the State Coroner of Western Australia. But apparently, earlier this month, the principal registrar said that the number of investigations finalised is confidential and cannot be disclosed. What rubbish. Why would the number of investigations the Coroner's Court has finalised be confidential? Would not members of this place, who have some responsibility to scrutinise the budget and the resources that are being provided to the state Coroner's Court, want to know whether there is a backlog? "The number of investigations finalised is confidential". Why is it confidential? Twenty-seven Western Australian babies were born alive and left to die. The Coroner's Court is looking into it; it should tell us whether it has finalised the investigations or not. It might not have finalised them, and there could be very good reasons for it, but to suggest that the number it has finalised is confidential and cannot be disclosed is shameful. The principal registrar of the Coroner's Court, Kelly Niclair, probably regrets that she ever wrote this disgraceful letter earlier this month. She finished her letter of 5 October 2020 by saying that the outcomes of finalised cases are confidential and cannot be disclosed. The Coroner's Court is keeping everything secret.

Apart from the fact that this is a very serious issue, in a First World place like Western Australia with our first-class medical facilities, we cannot have a situation in which 27 Western Australian babies can be born alive and left to die. We cannot have that for starters, but if there is ever a situation in which that happens, clearly it needs to be investigated. Clearly, there needs to be some explanation of how some Western Australians are receiving a different level of health care from other Western Australians. Clearly, an investigation is needed, and that investigation should be open and transparent. It does not need to give details of individuals; no-one is interested in getting behind the privacy and confidentiality of individuals. We are interested in law reform and in actual fact we know that the Coroner's Court has made some recommendations to the Attorney General of Western Australia, but this information is being hidden by this government. The government that set a gold standard of transparency is being aided and abetted by the office of the State Coroner of Western Australia. That is shameful.

I am absolutely disgusted that after all this time the death of these 27 Western Australian babies is being covered up to this extent. This government has the opportunity to take its foot off the hose and release the information and the State Coroner has the opportunity to do it, but they are in cahoots. What has made this whole situation worse, and I do not know whether it is necessarily the McGowan government's fault or the Coroner's office's fault, but one or both of them are responsible for this. The annual report was tabled in this house on Tuesday. The significance of the timing is that it prevents members of this chamber from being able to ask questions during the annual report process that is being embarked upon the Standing Committee on Estimates and Financial Operations. Why? It is because the Standing Committee on Estimates and Financial Operations determined—I do not say this to be critical of it—that questions must be lodged in the system by the end of last week. We cannot ask questions about an annual report by Friday last week if the government and the State Coroner only tabled the report this week. That is absurd. I was not here at the start of formal business today; I was away on urgent parliamentary business, dealing with a briefing on a matter under my commerce portfolio. I do not know, but I assume that the Standing Committee on Estimates and Financial Operations has revealed the timetable for its upcoming estimates and annual report hearings. I do not know whether that has happened.

Several members interjected.

Hon NICK GOIRAN: I am grateful to the honourable members for the interjection to confirm that that has not happened. If that has not happened, that is a good thing, because it gives the committee an opportunity to call in the State Coroner for a hearing. The members of that committee should call in this agency, because it is absurd to have a State Coroner involved in a cover-up of information with the McGowan government, and absurd to have a system that prevents members from asking questions about it, because the deadline has passed and it would be made

all the worse if it is not one of the agencies that is called. I understand that the Standing Committee on Estimates and Financial Operations, during the one week that will be assigned for these hearings, has limited capacity to call the plethora of agencies and departments that could be brought in. I do understand that. It needs to be selective and it needs to prioritise who it calls. I ask the members of the Standing Committee on Estimates and Financial Operations: could this case be worthy of investigation when 27 Western Australian babies were born alive and left to die? The Department of Health broke the law; it did not report those deaths despite the fact that the government subsequently conceded that they should have been reported. It took me to report it before there was any investigation, and now the coroner's office is saying different things from what it said earlier in the year.

The Office of the State Coroner for Western Australia previously said that it would provide updates, but now it says that it will not provide any updates. It said that it has provided some law reform recommendations to the government. Neither the Office of the State Coroner nor the government will provide that information. The Office of the State Coroner tabled its annual report late. Incidentally, it is supposed to be tabled by 30 September, as I understand it, but the Office of the State Coroner and the McGowan government thumb their nose at the law. They say, "We don't care if it needs to be done by 30 September; we'll just do it in the middle of October or late October." The significance of those three weeks is neither here nor there to me ordinarily, but it is very significant if it prevents members from being able to scrutinise the work of the Office of the State Coroner, not over some trivial matter, but the death of 27 Western Australian babies.

As I said in my more temperate remarks at the start of this speech, I remind members that we are all—I know all members will feel this way—saddened by the reported death this week of an 11-year-old girl. We are right to be sad about that. We should be sad about the death of those 27 Western Australian babies just as much as we should with respect to this girl. The deaths of children in Western Australia must be investigated; they cannot be covered up in any way. We cannot have that happen. I call upon the Standing Committee on Estimates and Financial Operations to make sure that it calls in the State Coroner for the annual report hearings. I cannot do any more than that.

I return to further issues that have been revealed in recent times with respect to child protection. What has also been revealed over the course of the last week or two, courtesy of some proper, competent investigative journalism at WAtoday, is that the department—remember this is the mega Department of Communities—knowingly put a male with a history of sexual assault allegations in the same group home as a younger girl who had suffered previous child sexual abuse. This decision by the department resulted in this girl being sexually abused once again. I hasten to add that what I am talking about now is a different case from the 11-year-old girl I spoke about earlier. Since that time, I have asked some questions of the government about this and the response, as is routinely the case, is that the government will say, "We can't comment about individual cases." It can comment. What it cannot do is provide information that might lead to the revelation of the identity of the child in care. The government can certainly be accountable for its actions and decisions; there is no problem with that. It is constantly putting up these massive shields to prevent any possible accountability. These huge shields are the complete opposite of gold-standard transparency. That is appalling. It is not some trivial matter; it relates to a young Western Australian girl who was put into a group home with a person who the department knew had a history of sexual assault allegations. An older male with a history of sexual assault allegations was in the same group home as this young girl. The department was told about the risk but it decided to take the risk anyway, and this girl was sexually abused once again.

Answers need to be given about this matter. These are basic matters of child protection that warrant accountable responses. What cannot reasonably occur is for the government to just routinely trot out the line, "We can't provide any comment about individual cases." What happens as a result of that is that nothing changes. Before we know it, an 11-year-old girl has taken her life because of systemic problems in Western Australia. Every time a problem emerges, irrespective of who is in government, the department presumably keeps advising the relevant Minister for Child Protection, whoever that might be, "Don't respond to this, minister; just say we can't respond to individual cases", and so nothing changes. It may be wonderful for some people in the department to feel that they can put up this enormous shield and never be held to account for this, but while they play these accountability and transparency games, people actually die and young people continue to be sexually abused. If the Department for Child Protection and Family Support cannot authentically engage in the protection of vulnerable Western Australians with respect to sexual assault and the taking of life, there is no point in having a department for child protection. Let us get rid of it. Let us get rid of the Minister for Child Protection because at that point in time we will have completely conceded that we have vacated this space. Somebody in government needs to provide an explanation about what they knew with respect to this older male being placed in the same group home as a younger female, which led to her being sexually abused once again.

On 22 September this year, exactly a month ago today, I asked this question on notice of the Leader of the House representing the Minister for Child Protection. My question commenced —

I refer to children who were not in care, but had been hospitalised or had died after the Department had received a child protection notification about them in the previous 12 months ...

The department knows about the child because it had been notified. Somebody said “red alert” to the Department for Child Protection and Family Support. This is a child who was then hospitalised or died, but they were not a child that had been taken into care by the department. I was asking questions in respect of that cohort: children in Western Australia who had died or been hospitalised. I asked the minister —

- (a) since 2019, on how many occasions did this occur where the Department had not yet completed an investigation; and
- (b) since 2019, on how many occasions did this occur where the investigation had been completed but a decision had been made to not bring the child into care?

I got this longwinded response from the government on 20 October, two days ago. I will not read it all to members now because time is ticking; I will read the most relevant aspect of the response. Interestingly, I have a copy of the actual answer that was signed by the minister. It has Hon Simone McGurk’s signature at the bottom of this. It states —

In the 2019–2020 financial year, the Department of Communities has received notifications of 31 cases that met the criteria for an investigable child death.

It goes on to say later —

In order to obtain detailed information related to Communities involvement with each of the investigable child deaths, the Department of Communities would need to conduct a manual search of individual personal case files. Once again, this would take significant time and effort and it would be unreasonable to apply operational resources to undertake this task.

Let me translate that. It means that the Minister for Child Protection has decided that it would require too much “time and effort”. Those are not my words. Those are the minister’s words in this response. She has decided that it would require too much time and effort to have somebody in the department pick up 31 files. According to this Minister for Child Protection, it would require too much time and effort for somebody in the department to do that. The people of Western Australia give significant resources to the Department of Communities, which the former Department for Child Protection and Family Support has been absorbed into, but even with that massive amount of resources provided by the taxpayer, it apparently would require too much time and effort for somebody to pick up 31 files of 31 Western Australian children who died to find out whether the investigation the department was looking into had been completed or whether the investigation had been completed and it had been decided not to take the child into care. There is no accountability here. I did not ask, and I am not asking, the minister to open up the files of the more than 5 000 children who are in care in Western Australia to get to the bottom of this question. It is 31 files. Members will make a judgement call on that. Do they think that it is asking too much of the Minister for Child Protection in Western Australia, whoever it is? Forget that it is Hon Simone McGurk; it does not matter who the minister is. It is the principle here that is important. Is it too much to ask whoever the Minister for Child Protection is to ask their department to pick up 31 files and look into this serious matter? What are the 31 files all about? They are about 31 Western Australians who have died—31 children in Western Australia who have died. It is too much time and effort, according to Minister McGurk. It is not too much time and effort. It is entirely appropriate. Whatever time and effort is required should be undertaken and it should be done urgently.

I hope that the Standing Committee on Estimates and Financial Operations calls the Department of Communities, particularly those staff members who are responsible for child protection, so that we can get to the bottom of these issues. There is a plethora of issues. The Standing Committee on Estimates and Financial Operations could devote the whole week to child protection and it would have plenty of things to get to the bottom of. However, that would be unfair and unreasonable and there are many other serious issues of governance in Western Australia that warrant proper scrutiny by that committee, so it is entirely proper for it to bring in a multitude of agencies to be held to account for their performance, not the least of which is the State Coroner of Western Australia.

I very much regret that there is absolutely no prospect that I will get through the material that I had hoped to cover today. Given the time, I will take up one last issue. It is a matter that members will be aware that I have been advocating action on for quite some time—that is, elder abuse.

I note that the budget has been signed off by the Treasurer of Western Australia, who, presumably, has done so with the imprimatur of the Premier of Western Australia. A lot of time in the budget is spent, very frankly, undertaking chest-beating-type activities, particularly about what the government proffers about how safe and strong everything is. Western Australian children are not that safe, for the reasons that I have outlined earlier. Twenty-seven Western Australian babies were born alive and left to die, and the McGowan government and the State Coroner’s office have covered up the investigation of those matters. A young girl was placed into care with an older male who it was known had a history of sexual assault allegations, and she ended up being sexually assaulted again. That is not particularly safe and strong. An 11-year-old girl has now taken her life, who we have heard about already, because of failures in the bail system. There is no safety and strength there.

I now turn to the matter of elder abuse, which is at the latter end of life. I remind members, once again, as I have said more times than I care to imagine over the last three and a half years that the McGowan government promised, prior to the last election, that it would expedite the bill to deal with this. I once again make the point that the use of the word “expedite” is not mine; it is the government’s. Mr McGowan and Mr Quigley chose to tell the people of Western Australia that they would expedite law reform in this area. Here we are now, on 22 October 2020, with only a month to go in the parliamentary sittings of this four-year term and there is no sign of this bill. The commitment, verbatim, from WA Labor’s policy from January 2017 reads —

A McGowan Labor Government will expedite the enactment of amendments set out in the recommendations of the Statutory Review of the Guardianship and Administration Act 1990 into the law surrounding enduring powers of attorney and guardianship.

That is verbatim what the WA Labor policy said. I believe it was released in January 2017. It was certainly released prior to the election in March 2017. WA Labor said it would expedite it.

As members will recall, the very first motion I moved at the start of this fortieth Parliament was one to establish the Select Committee into Elder Abuse. I am not revealing any committee deliberations here, as it is in black and white in the committee’s final report. That committee was told by the Attorney General in April —

... that a bill to amend the GAA was approved by Cabinet in December 2017 and that ‘it is anticipated that the Amendment Bill will be introduced in the Spring session [of Parliament]’.

That being spring of 2018. In or around January 2017, WA Labor promised that it would expedite reforms. The house agreed to my recommendation to establish a Select Committee into Elder Abuse and the committee asked what was happening with the expedition of that reform. In April 2018, just over a year after the election, it was told by the Attorney General, in effect—I am paraphrasing—“Don’t worry about it, folks, because cabinet approved a bill in December 2017 and it is anticipated that it will be brought in in spring of 2018.” Nevertheless, the committee, quite rightly, made a recommendation urging the government to introduce a bill. As members will be aware, when a committee tables a report, the government provides a response. Almost two years ago, on 13 November 2018, the government provided a response to the final report of the Select Committee into Elder Abuse. The government said that it accepted the recommendation that it should bring in that now infamous bill as a matter of urgency. The government said it accepted that. The government response continued —

As per the McGowan Government election commitment, the Government has committed to expedite the enactment of amendments set out in the recommendations of the Statutory Review. It is anticipated the Amendment Bill will be introduced in the first half of 2019.

In January 2017, the Labor Party said to the people of Western Australia, “Vote for us; we’re going to expedite reforms in this area.” In April 2018, the Attorney General told the Select Committee into Elder Abuse, “Don’t worry about it, folks; we’ve got it all under control. In fact, we even approved a bill in December 2017 and we’re going to bring it on in the spring session of 2018.” The committee tabled its report and told the McGowan government to get on with it. The McGowan government came along and said, “Yes. No, we’re still intending to do things.” Shiftily, it said at the end that it was anticipated that it would bring it on in the first half of 2019. All right; the government is saying that it is now taking two years to bring this bill on. The government committed to expedite this bill. How can it seriously tell people that it is going to expedite law reform, and apparently now it is going to be taking two years? That was on 13 November 2018.

The question is: where is the bill now? The first half of 2019 is long gone; in actual fact, the first half of 2020 is long gone. There is a month to go. After today, I think there are three scheduled sitting weeks left. When does the McGowan government think that it is going to bring in these expedited reforms? I have been privy to a list that I believe has been provided to the opposition. There is no sign of it anywhere—no sign of a bill to be introduced.

Hon Aaron Stonehouse: Wheel clamping; that’s its priority.

Hon NICK GOIRAN: Honourable member, I have nothing positive to say about the priorities of the McGowan government on this issue of elder abuse.

I brought a motion before the house at the start of this fortieth Parliament. It is a four-year Parliament and we are about to come to the end of it. I brought on a motion about the serious issue of elder abuse in the hope that there would be some change. Here we are, and nothing has been done. To add salt to the wound, the government continues with its pretence that it is going to expedite the reforms. There is only one fair conclusion here. The McGowan government has completely failed older Western Australians. It has completely vacated the space of elder abuse. It can take no credit whatsoever for its performance in the area of elder abuse in this fortieth Parliament. The government owes an apology to the people of Western Australia. It lied before the election when it said that it was going to expedite the reforms, because we can only assess people on their actions after they make those commitments, and it is clear that that has not happened.

As I say, I very much regret that there is not more time to unpack the very serious issues of child protection and the prevention of family and domestic violence, to say nothing about issues that I would have liked to have otherwise undertaken on the Corruption and Crime Commission and the like. But I do hope that the Standing Committee on Estimates and Financial Operations, if it does nothing else, brings in the State Coroner of Western Australia so that we can get to the bottom of the situation with these 27 Western Australian babies who were born alive and tragically left to die.

HON ALISON XAMON (North Metropolitan) [12.43 pm]: I rise to make some comments about this year's budget. I have 23 portfolios on behalf of the Greens, so I am clearly not going to be speaking on every single portfolio that I have. I am looking forward to the budget estimates process to see whether I can get answers to some of the detail around the budget. But I was able to go through at least some of the core issues that have been occupying my mind particularly during the last year since the last budget, and I certainly have plenty to say about those.

One key issue that I want to talk about is what is happening—or, rather, what is not happening—in the area of homelessness. I think it has been very interesting to watch how, over the course of the last six months in particular, this area has finally started to receive mainstream attention. It is an area that is usually glossed over. We have seen the way that the now Lord Mayor changed his whole attitude to the issue of homelessness through the course of the last several months because awareness has been raised around what is happening for people, particularly rough sleepers, who continue to be terribly let down by government and are basically falling through the cracks. I would have thought that if one issue was going to receive a high level of attention in this budget, it would have been the issue of homelessness, yet this is an incredibly disappointing budget when it comes to addressing homelessness. Apart from a very welcome state government investment of \$201 million to provide essential services in remote Aboriginal communities, there were no new social or affordable housing initiatives in the state budget. Of course, this has been compounded by the failure of the commonwealth government to invest in this area as well. Certainly, my colleagues in the Greens at the federal level have made much comment on that.

From an economic perspective, it is stupid not to address the issue of homelessness. It is a good economic stimulus. It is one area in which splashing taxpayer dollars around actually makes people's lives better, and it makes good economic sense. It reduces costs in not only health and mental health, but also police and corrective services. It also reduces the costs around child protection if people are able to be appropriately housed. Housing is fundamental in ensuring that people are able to gain employment and critical in ensuring that we have engagement of children in school.

The state government has budgeted 831 new social homes from 2020–21 to 2023–24. The budget estimates that people will continue to wait an average of 95 weeks to access social housing. This is simply not good enough. That is an appalling length of time to leave people waiting to get into housing. Furthermore, the recently released and much touted WA Housing Strategy 2020–2030, which is a 10-year strategy, will see only an additional 2 600 homes added to the social housing stock. I remind members that as at 31 August this year, there were 14 890 applications on the housing waiting list, representing 24 921 people, and 2 097 applications on the priority waiting list, representing 3 898 Western Australians. People who are placed on the priority waitlist are already in absolutely dire need of housing. They are in dire need of receiving shelter. Members might have seen yesterday's ABC article titled "Terminally ill woman still homeless after 12 months on WA Housing Authority emergency list". The article goes on to refer to what I think is the very tragic story of Sheryl Brockman, who has terminal cancer and is homeless. She has been on the priority housing waitlist for over 12 months. This, of course, is just one of far too many stories. The article puts another desperate human face to the nearly 4 000 people who are currently on that waiting list.

This state budget has not even remotely adequately responded to the needs of these people. Modelling by the University of New South Wales indicates that there is a current shortfall of 39 200 social and 19 300 affordable homes across this entire state. Further modelling has estimated that an additional 2 500 households are likely to apply for social housing if the unemployment rate increases to eight per cent. It is a very likely outcome that we are going to see that increase in unemployment. We are in the middle of a global COVID-19 pandemic, so we have to expect that we are going to hit that sort of unemployment rate; therefore, we need to be prepared to deal with the consequences that flow on from that sort of hardship.

We know that there is already a rental crisis in Perth, with vacancy rates the lowest they have been in 13 years. It was with great concern that I read this week reports that, come January, we might have very seriously low rates of rental availability. We are facing a homelessness crisis. We are already in a homelessness crisis, but we are facing a worsening homelessness crisis. The WA government's response in both the 2020–21 state budget and the 10-year strategy, which I understand the spin doctors have put a lot of effort into, has frankly been far more spin than action. I note that the commonwealth government also needs to lift its game in this respect. People are being failed by both sides.

Of course I want to make some comments about mental health. I cannot stand to make a speech on the budget without talking about the mental health sector. I note that the government has been excitedly talking up its mental health spend in this year's budget, and it trumpeted that in the budget speech. There is over \$1 billion in this budget—a 7.5 per cent increase on the last budget. Indeed, potentially, that would be great news if the current situation was

not so dire. There is unprecedented need. Of course the increased spending is welcome, and it is just as well it has been put forward, but it will not be enough to deal with the ongoing serious concerns in the mental health sector. We are now halfway through the WA mental health and alcohol and other drugs services plan 2015–2025, yet we have made little to no progress in some of these really important areas. In fact, in some areas, we are actually going backwards.

The WA Association for Mental Health, which members will be aware I used to be the president of, rightly identifies that this government is continuing, unfortunately, the very much outdated system and very much old-world thinking of funnelling more money simply into hospital beds without matching funding for prevention and community support. The spending on prevention in this budget remains disappointingly low at just 1.7 per cent of the total spending on the mental health and alcohol and other drugs sectors, and that constitutes \$17.2 million. Of that \$17.2 million, the mental health sector is receiving \$8.5 million and the alcohol and other drugs sector is receiving \$8.7 million, which means that for the mental health sector specifically, the proportion of expenditure on prevention will be only 0.9 per cent this year, when the 2025 target requires that we need to be looking at about six per cent of expenditure. That is how far we are from the identified necessary targets. The target in the 10-year plan is that five per cent of spending should be on prevention, with an aim to reach six per cent by the end of that plan—so, within five years. We know that evidence-based prevention initiatives generate a significant return on investment and that they support people to stay well in the community and ultimately reduce the long-term impacts of mental health challenges, yet the government continually fails to adequately invest in this space. Spending on community support has stagnated at five per cent of the budget—so, \$54 million. This needs a fivefold increase to \$250 million a year in order to meet demand. That gives members an indication of just how far behind we are with the identified necessary investment. We are hitting only 20 per cent of what is required.

I remind members that the 10-year plan calls for community support to represent 22 per cent of the total mental health spend. A lack of investment in community-based supports means that people are not able to access mental health supports close to home and in their community, and that means that people are declining, are not getting support when they need it and early on, and are ending up in our hospitals when they hit that crisis point. Our mental health system is not working to ensure that people are kept out of our hospitals and that people avoid getting critically unwell. That is the way that our mental health sector is meant to operate.

I spoke this week about the annual report of the Mental Health Advocacy Service, which clearly articulates the real impacts on the ground. I remind people again that the Mental Health Advocacy Service is a statutory body that reports straight to Parliament, so it is able to give unfiltered commentary about what is happening to people. Because the current Chief Mental Health Advocate is not planning to continue in the role after this year, she is in a position to be fairly fearless about what she decides to bring to the attention of this place. She has painted a picture that shows that our mental health sector is in complete crisis and that things are not okay on the ground. This budget, as it has been presented, will do nothing to address the imbalance that I have just talked about. There is a cost, as there is with homelessness, when there is a failure to invest. There is a cost in failing to address the failure in our mental health sector. It costs \$1 595 a day for someone to be admitted to a mental health inpatient unit. Western Australia has historically had, and continues to have, the highest rate of readmission to hospital within 28 days of discharge for mental health patients of all the states and territories. The needs of people are simply not being met within the community because we are failing to invest in those community-managed mental health supports. The latest data shows a readmission rate of 18.6 per cent compared with the national average of 14.9 per cent. That is from the Office of the Chief Psychiatrist. About 25 per cent of mental health hospital beds are currently being occupied by people who could be discharged if only there were somewhere for them to go, which means that over 160 people could be discharged if there were appropriate community care facilities for them. Again, I remind people of that figure—\$1 595 a day.

As the annual report of the Mental Health Advocacy Service has attested, although there have been some welcome announcements in this space, including a 20-bed adult community care unit, there are actually 16 fewer psychiatric hostel beds due to bed closures. Furthermore, the mental health emergency care unit, which was opened at Royal Perth Hospital and designed to take some of the pressure off our emergency departments and help people avoid hospital admission, was funded by closing eight voluntary beds on a non-unauthorised mental health ward at RPH, which just put pressure back on the system yet again. Plans for a Safe Haven cafe, as another alternative to emergency departments, are also underway, and more hospital beds were announced during the year for Fremantle Hospital, but they will not be open until 2024—one year before the 10-year plan is due to expire.

Cutting through the spin, it is a dire situation within the mental health sector. Far too often, people are just not getting the supports they need when they need them. I remind people that the 10-year services plan, developed under the previous government, was an extraordinary plan in that for the first time all stakeholders—carers, consumers, family members, service providers, the non-government sector and clinicians—were brought together and a consensus framework was developed for what we needed to address the mental health crisis into the future. It received

bipartisan support at the time, but it required investment. If we are failing to invest, we are failing the community on mental health matters.

Sitting suspended from 1.00 to 2.00 pm

Hon ALISON XAMON: Before the lunchbreak, I was talking about my concerns about the ongoing underinvestment in the areas of homelessness and mental health. On a positive note, I welcome the allocation of \$37 million to the “Western Australian Suicide Prevention Action Plan 2021–2025” and the additional \$2 million for the Aboriginal youth wellbeing package.

I think it is also important to note the concerns of the Mental Health Advocacy Service and the Youth Affairs Council of Western Australia that there is just not enough investment in specific youth mental health services. The annual report of the Mental Health Advocacy Service notes a range of ongoing serious gaps in the provision of services to children and young people. I spoke about this issue in an adjournment statement earlier this week. The report goes into quite a lot of detail about the availability—or should I say the lack—of beds for children and young people. In addition to the issues that I spoke about earlier in the week, the service found that only three of the five government health service providers in WA have mental health wards for children, and that one of those three takes only children aged under 15 years. A number of examples of the consequences of a lack of services have been listed in the report, including one which involved a child with an intellectual disability being in an emergency department for more than 40 hours. Other examples include a 17-year-old who was rejected by a youth ward and left waiting in an emergency department for longer than 24 hours; a child who was held in a regional emergency department with security guards for over 24 hours, yet was still not admitted for another two days; a child with an eating disorder who was on multiple referral orders for a month while waiting for admission; 14 youths who were at one time waitlisted for one youth ward; young people who were waiting in the community for weeks for admission; and one child who spent a day in an adult ward at Graylands Hospital, which is no place for a child to be.

We already know that Perth Children’s Hospital does not accept children aged 16 and 17 years as inpatients and that they can be admitted to only one of two youth wards that take people aged 16 to 24 years. On discharge, 16 and 17-year-olds need to go to a separate health provider for community care—the Child and Adolescent Health Service. This is a really big problem in the system. Time and again, access to continuity of mental health care specifically for 16 and 17-year-olds is raised by constituents, service providers and advocates. In this case, it has been raised by the statutory advocate, but it remains a massive issue and it is not adequately addressed in this budget.

A lot of people contact my office about mental health concerns. I think word gets around that my office takes particular interest in this area. Apart from a disproportionate number of concerns that come to my office about our prisons and forensic mental health specifically, a huge number of constituents come to my office desperately needing support, usually for their teenage children. It is an area of enormous need. One mental health service I always like to refer people to is Youth Focus. I think we are very lucky to have Youth Focus in this state. It is a marvellous non-government organisation that provides very good clinical and community supports for children and young people. Apart from referring people to headspace if their concern is fairly early on and low level, I always suggest that people try to get into Youth Focus, unless, of course, we are talking about people who have already become critically unwell with psychosis and those sorts of things. Therefore, I am alarmed and distressed to learn that Youth Focus now has waiting lists for people who are trying to gain access to its services. It strikes me that the easy fix would be to have money along the lines of what I have talked about previously—funding within the 10-year services plan. We are very lucky that we have a service to which we could potentially give money that would meet that demand, but it is not being given the funding that it needs to do that. I say to the government that that is a critical area we need to look at. Members in this place who are undoubtedly also being contacted by constituents whose children need urgent help should also be advocating that funding go there as well, because it will ensure that people are referred to a place that is able to provide appropriate supports, yet that is not happening.

It is important to note that the operations of the Mental Health Advocacy Service have been significantly impeded by ongoing budgetary constraints. That service absolutely needs to be funded enough to fully protect and support highly vulnerable people. In fact, I remind members that it has legal obligations to meet under the Mental Health Act and the Criminal Law (Mentally Impaired Accused) Act, and it needs to be funded accordingly. Advocates recorded more than 30 000 contacts in supporting more than 3 500 consumers in the last financial year. Although the service’s budget increased from just over \$2.7 million in 2019–20 to \$2.8 million in 2020–21—a five per cent increase—that is clearly not enough to enable the service to properly fulfil its functions. This service experienced more than nine per cent demand over budget last year and is experiencing a rise in need. Those figures make it quite clear that the current situation is completely unsustainable.

The budget also contains no funding to address the demand for forensic mental health. Instead, it mentions only the recommencement of planning work that is required to support expansion. I note that despite it being an election commitment and there being wide recognition of the dire need for reform in the forensic mental health space, nothing has been done. There is no money, there is no budget and there is no legislation. Last year’s budget indicated

the imminent introduction of a bill to reform CLMIA, so I am incredibly disappointed that this year's budget merely mentions work to update projected demand for forensic mental health services, including estimating the potential impact of changes to the Criminal Law (Mentally Impaired Accused) Act 1996. This means that disabled and very mentally unwell people continue to be in limbo in our prisons. They are locked in cells all day because there is nowhere appropriate for them. I am aware of one critically mentally unwell person in particular who has a disability and has been kept in prison. A member of his family was on the phone to my office as recently as yesterday. He continues to self-harm because he is absolutely in the wrong place and should not be in prison. It is becoming very serious and I sincerely hope that a death in custody does not occur as a result. He has ended up in emergency far too many times and he does not need to be where he is in isolation in prison. He needs to be in a therapeutic environment.

In relation to health, the significant increase in palliative care funding is welcome. I am on the committee that is currently looking into the issue of palliative care, so more information will be made available to this Parliament at some point in the future. It is really disappointing that funding for free ambulance services for people on concession cards was not included in the new service agreement.

I am also disappointed that the Earbus did not receive ongoing funding over the forward estimates in this budget, but received funding for this year as per an election commitment. Given the World Health Organization has found that the rate of chronic middle ear infection in First Nation children is among some of the highest in the world, it is essential that services such as the Earbus that work to reduce the incidence of middle ear infection are provided with sustainable funding. I remind members also that the issue of ear health is not simply one of making sure that our children can be as healthy as they can be; it translates directly to the capacity to learn at school. There is also a correlation between higher rates of middle ear infection and juvenile offending. For a small level of investment, we can see a massive return in this area, and I am very disappointed that it has not been considered in the forward estimates.

In relation to education, I notice there is lots of infrastructure spending. It is disappointing that the budget reveals that no inroads have been made into reducing the gaps in engagement and educational outcomes between First Nation and non-Aboriginal students. There is no detail yet on support for vulnerable children, specifically students at educational risk. I hope to have an opportunity to unpick that further during the committee hearings, because, as members will be aware, that area is of particular interest to me. I note that the "Department of Education: Annual Report 2019–20" revealed a more than eightfold increase in the number of students who were expelled or excluded from eight in 2017 to 65 in 2019. I want to say once again, as I have said many times, given the correlation between school engagement and suicide, I think we should be really concerned about this development. I do not believe it is the right approach to take. When kids engage in problematic behaviours, they need to be supported, not abandoned. I am concerned that is what happens in practice.

I have already raised concerns about the failure to renew funding for Inclusive Education WA. I think it is an invaluable resource, and I do not think it was the best decision to make. As recently as Tuesday I spoke to parents who have been very disappointed about the decision not to continue the face-to-face teaching; they believe it is the wrong step to take. They are aware of the minister's response to the issues I raised. I imagine this is an issue that people will continue to raise concerns about. For a parent who has in particular trans children, that seems to be an area of critical concern that has been brought to my attention. Parents are desperately concerned to ensure that schools are well equipped to provide safe environments for their children, but they are not confident that that will happen. I suspect we will hear more about that in future, particularly from those parents.

The Youth Affairs Council of Western Australia has also raised concerns about the need for investment in Indigenous infrastructure for disadvantaged schools and students. One of the things we have certainly seen is that the pandemic brought into stark relief the importance of digital access for students. It highlighted the disadvantage experienced by too many WA students who were unable to properly access education during isolation because they did not have access to a computer or the internet. I am concerned that in the event of a COVID-19 second wave in this state—which is always a possibility, as everybody acknowledges—we may need to go into lockdown, and schools or at least selective schools will need to close. If they need to close for a substantive period, there is concern to make sure children have equity in digital access. As I say, the Youth Affairs Council has raised that as a specific concern. It is one that we need to keep a really close eye on. The reality is that these days, children and young people are expected to have digital access just to keep up with homework and a range of day-to-day educational opportunities. It means that it poses a particular challenge for our public education system to ensure that children are not left behind simply because they do not have that access.

In relation to the public sector more broadly, which I spoke about last week, I am disappointed there is no investment in public sector jobs and about the ongoing wages policy, noting the wage rises are to remain at \$1 000 for the next two years and simply looking to increase with CPI after that. I think COVID-19 fundamentally and permanently has changed our world and thrown into stark relief the importance of our public sector's capacity to urgently and swiftly address crises as they arise. That is the case particularly at the moment in a complex and ambiguous

environment across planning and coordination and specialist expertise that is required. Not investing in the public sector at this time is short-sighted, and that decision is potentially dangerous.

I welcome that the COVID-19 recovery plan includes spending in important areas such as family and domestic violence initiatives, children in care initiatives and seniors support. We have found that these areas were particularly vulnerable to the impacts of the pandemic but I need to echo the voice of the Western Australian Council of Social Service. I am concerned that funding has not improved for the community services sector more broadly to meet rising need. Instead, the only increase is supplementation for wage rise increases.

I want to comment also on what I am seeing happen within the community sector more broadly. I am from the community sector; it is a sector I know. I do not purport to speak for other parts of the community. I do not purport to speak for farmers or big business, but I have a lot to say about the community sector because it is where I am from. I have those relationships and it is an area I really know. I am worried about the increasing level of concern being raised with me by community services and peak bodies that they are not free to speak candidly about concerns they have around the way this government undertakes its operations, specifically about loss of funding. What has been described to me is an atmosphere of fear and trepidation about expressing concern and a sense that this government will be vindictive about how it will respond to those criticisms by either denying people access to the table to ensure they are part of helping to develop strategies to resolve problems or, worse, being defunded. I am really concerned about this because, as I have said, when I was the head of a peak body, when I spoke out against decisions that were being made by government, I was never concerned that the organisation I was representing was going to experience adverse repercussions as a result of my advocacy. It says a lot about what is happening in the community sector at the moment that there is a genuine, underlying fear. This government has had accusations of being thin skinned and glass-jawed thrown at it quite a few times by many sectors across the board. It is more than simply a concern about the silencing of voices. When the advocacy of the community sector is silenced, it leaves people vulnerable. It means that people are not able to ensure that they are getting the best services that are made available for them. That is problematic. I do not know what the solution is, other than to ask the government to cut it out—stop doing it. The reality is that there is an emerging culture of trying to silence dissent and trying to make sure that people are shut down.

Another concern that has been raised with me is about the pressure that is put on non-government community sector organisations to do things such as stand next to ministers when they make announcements about funding arrangements. That means they are caught in with the spin even if they have grave concerns and feel that what is being promoted is counterproductive, undercooked or woefully inadequate. I am very concerned that people feel as though they have very little option to say no. I am very clear that when funding is given, it should never have strings attached. We should make sure that people are able to deliver services, and if they still think that what is being provided is not up to par, they should be free to be able to speak out. These people represent some of the most vulnerable people in our communities. That is something I am very conscious of and I think it is very important that I speak up and call that out because these people feel that they cannot.

I note the much-touted announcement of 800 more police at a cost of \$314 million. What an extraordinary amount of money. It is \$257 million for 800 new police—200 a year over four years—and an additional \$57 million for flow-on costs for the criminal justice system. That means an additional \$31 million for the courts, \$15 million for Legal Aid WA, and \$11 million for the Office of the Director of Public Prosecutions. There is also \$323 million for new prison spending. So much for the investment in decarceration. So much for social reinvestment. We know that more spending on police does not reduce crime. I know that the announcement has been popular. I represent the Greens; I am happy to pursue evidence-based practice even if it flies in the face of populist thinking. We know that increasing the number of police does nothing to deal with the over-representation of First Nations people in custody, so the government has just blown one of the many recommendations from the Royal Commission into Aboriginal Deaths in Custody. I think this will just be more money without any real increase in community safety. We need greater spending on things that work. By that, I am talking about prevention and diversion and the problem-solving, diversionary courts. That is where we should be looking at putting the money.

In 2009, the Law Reform Commission recommended that we look at increased investment in a whole range of our diversionary courts and we have still not seen those much-required increases, particularly out in the regions. We need to look at the whole suite of measures that need to be funded to incorporate justice reinvestment, including drug and alcohol problems. These are the things that keep our community safe. These are the things we should be spending our money on. Instead, all the efforts to look at decarceration have basically been undone in one election announcement. I am very disappointed. The annual report from the Department of Justice revealed that despite some progress in the area, with some investment in things like drug and alcohol programs, a significant backlog remains in the completion of prisoners' individual management plans. Of course, that impacts on people's capacity to undertake rehabilitation opportunities and their eligibility for parole. People are being kept in prisons longer than they otherwise would have been simply because we are not investing in ensuring that people can undertake programs in prison, as required. That is before we even look at the ongoing delivery of health, mental health, alcohol

and other drugs, and dentistry services within our prisons. They are woefully inadequate and should not be delivered by the Department of Justice. I have maintained all along that they should be delivered as part of the overall health system. I think it is poor. Once again, I will call for prisoners to have access to Medicare. That was one of the first things I raised in this place three years ago. At that point, government members said that they agreed with me and that they would raise it. I am asking government members to keep raising it at the federal level. It is going to be a critical reform that will ensure that, ultimately, prison is a place where people can address their underlying health, mental health and other concerns, and go out into the community and hopefully never come back into prison. We have to start looking at changing the way in which those services are delivered.

Regarding youth justice, which, as members know, is a particular passion of mine, I am pleased that the number of children and young people in Banksia Hill Detention Centre has been trending down, but that is about the only good news. More than seven out of 10 children and young people in detention continue to be First Nations children. For girls, the statistics are particularly bad. In Banksia Hill Detention Centre, as at 30 June 2020, six out of eight girls were First Nations girls. I continue to be concerned about younger children in detention. I am incredibly disappointed that the Western Australian state government is not moving to raise the age of criminal responsibility. It is an incredibly important reform, which I really hope does not fall off the agenda. There was a lot of talk about it early in the term. It is absolutely essential that it remains on the agenda and that we look at reform. I would dearly love to see some reform in the next term of government, whether I am here or not. As at 30 June, there were three children under the age of 13 and 18 children who were aged 13 or 14 at Banksia Hill. We have already heard commentary today about the tragedy of 11-year-old children taking their lives. It is right to recognise that that is a tragedy and right to recognise that it is such a tender age to have such terrible things happen. Members, children of the same age are in Banksia Hill. In other jurisdictions in the world, they would not be in there. They would be given other types of support. It is very disturbing that such young children are still being incarcerated. As long as that is an option made available, it is a disincentive to ensure that there are wraparound services to help those children who are invariably troubled and come from deeply distressing backgrounds.

I am still concerned about the impact of mandatory sentencing on children. The most recent public statistics demonstrate that for 16 of the 48 sentenced children and young people in Banksia Hill Detention Centre, their most serious offence was unlawful entry with intent, or burglary and break and enter. I remind members that detention was meant to absolutely be the option of last resort when it comes to children. That is what the act says. The budget papers show how ineffective the youth justice detention system is. A total of 53.4 per cent of young people were returned to detention within two years, which is worse than last year, when the figure was 52.9 per cent. We know that nearly 85 per cent of young people returned to detention or adult custody within five years.

As I have said before—I am simply echoing previous reports of the Office of the Inspector of Custodial Services—we need to close Banksia Hill and move to small purpose-built therapeutic centres close to the communities where the children and young people live. This is not some big Greens plan; this is something that the experts are saying needs to occur. I am echoing that evidence-based approach. This reform is completely missing from the budget. This government has now been in power for four years and something could have been done, but we have seen nothing.

I am really concerned about what is happening with child protection. There is a correlation between the issue of child protection and the youth justice concerns that I just spoke about. We have seen staff vigils and heard stakeholders identify that we have a system in crisis. The number of children in state care has continued to increase. The rate for First Nations children, at 4.8 per cent, more than doubled the rate for non-Aboriginal children, which is at 2.2 per cent. I note that the budget indicates that the growth rate has slowed; nonetheless, it is still growing. Aboriginal children comprise only seven per cent of WA's youth population but they represent 56 per cent of children who are in care. We are seeing that families are being separated and not receiving adequate support to stay together or to work towards reunification. That is coming directly from the services that are trying to provide these supports. There continues to be a critical lack of foster carers. I asked some questions recently in this place that revealed that 2 422 children were separated from their siblings. That is simply devastating. We know that when children are separated from their parents, the one thing they want is to at least be able to stay with their siblings. That is a huge number of children who are not able to stay with their siblings for a range of reasons. That is heartbreaking.

I welcome the allocation of \$700 000 to trial Aboriginal family-led decision-making. It is essential that self-determination is not just a concept in legislation but also enacted on the ground. First Nations communities should absolutely lead these initiatives, which aim to determine how best to protect and care for their children. It is disappointing that they had to get this initiative, even though it has been occurring in other jurisdictions for a very long time. There has been some increase in funding for early intervention and family support, and that is welcome, but it is not enough and it does not continue into the forward estimates. The figures in the budget are very concerning, demonstrating that the government is still failing to meet the target on care planning time frames. The budget target is 90 per cent and the actual is 84 per cent. The proportion of First Nations people who were placed in care in accordance with the Aboriginal and Torres Strait Islander child placement principle had an actual of 66 per cent with a budget of 80 per cent.

Extract from Hansard

[COUNCIL — Thursday, 22 October 2020]

p7121b-7149a

Hon Peter Collier; Hon Nick Goiran; Hon Alison Xamon; Hon Pierre Yang; Acting President

I will make some comments about what is happening with our oversight agencies. By and large, these agencies are generally maintained in terms of FTE and the services offered. I am talking about the Public Sector Commission, the Equal Opportunity Commission, the Office of the Auditor General, the Ombudsman, the Information Commissioner and the Health and Disability Services Complaints Office, but I have some more comments to make about some of these agencies. We are seeing a desperately needed increase in services provided by the Office of the Auditor General, as we need to, because it is starting to play a much larger role in the local government sector and has been afforded additional roles, so we need to see an increase in FTE. We could also potentially use an increase in staffing for the Information Commissioner as the workload of complaints about refused or redacted FOI applications continues to increase. On that note, I am one of the people who has been trying to access documents by FOI. Sometimes I do it on behalf of constituents and sometimes it is because I am denied information that I have been trying to get for quite some time, even in this place. Cabinet must be a veritable library with the sheer volume of documents that have been paid for by the taxpayer that cannot be made available in any way for years on end because they are apparently cabinet-in-confidence. I know that people like to talk about some sort of blockage in the Legislative Council in terms of decision-making, not that I agree with that, but there is clearly a blockage in decision-making in cabinet, judging by the number of documents that it is simply unable to clearly make decisions about, which means that they are never able to be made available. Anyway, I think we need to look at more funding for the Information Commissioner to try to get to the bottom of this and find out why so much information is unable to be brought to light so that people know on what basis government is making a lot of its decisions. We do know that the oversight agencies undertake the critical work of administrative and financial review and ensure transparency in government decision-making. We need these agencies to be strong and healthy now and in the future. These agencies are best able to find the problems when it comes to the delivery of public services but, unfortunately for us, offices such as HADSCO and the Equal Opportunity Commission effectively have very little authority to correct the issues that they may find. I understand that that is a statutory problem but it is of concern, and certainly anecdotally people are regularly unhappy with the resolution of their complaints to these authorities.

I want to make some specific comments about the State Records Office. The State Records Office thoroughly disappeared from last year's budget. Even the service known as "State Information Management and Archival Services" was removed from that budget. Instead, it was replaced with "Corporate and asset and infrastructure support to the culture and arts portfolio and government". This year we have to guess that the services provided by the State Records Office are in the service listed as "Asset and Infrastructure Support Services to Client Agencies". There used to be a government budget outcome under the heading "Government records and State Archives are appropriately managed and accessible". There used to be KPIs around achieving this outcome. I note that those KPIs have never been met because the government has never provided the commission and the office with the resources required to do their job. It was suggested that the reporting contained in the State Records Commission annual report would have to be sufficient. I note that the annual report is not yet available. I imagine that the litany of failures to appropriately resource what is an essential government service will continue. The State Records Office has provided an annual report as part of the Department of Local Government, Sport and Cultural Industries. Even this department-produced document notes that over 75 linear kilometres of paper-based state archives are not in public archives and that an archive for its born-digital records is still not in place, despite literally years of being called for by the commission. There is still no genuine state archive, whether that be paper or digital. This was a recommendation of the WA Inc royal commission, and we still do not have it. It is an essential part of our accountability systems and it is also a really important part of our cultural heritage. This does not mean that the government is not spending money on records management and archiving overall. We are still spending millions and millions of state government money on contracted document storage and contracted records management consultancy every year. However, none of that money goes to the State Records Office.

I want to take a moment to reflect on the difference between what we do here and what happens in New South Wales. We know that last year the State Records Office of Western Australia had fewer than 20 employees while the State Archives and Records Authority of New South Wales employs more than 130 people. It generates revenue in the order of tens of millions of dollars as a commercial provider of records management services for private industry and as a low-cost provider for state government agencies. It is a non-budget dependent agency. New South Wales enjoys the benefits of having a functioning public archive, which is a central records management body that acts as a consultancy for government and private industry, and it costs the NSW government virtually nothing. We know that we need to properly document our decision-making, especially since many government agencies have been moving quickly in the last six months due to coronavirus. I note that one of the achievements touted in the annual report this year is the reduction of red tape in record keeping. I hope that concerns members as much as it concerns me. An awful lot of so-called red tape is put in place because we have seen that without solid accountability systems, including record keeping, we provide opportunities for corruption. I remain truly disappointed at the extremely low priority this government has assigned to the State Records Office of Western Australia and the building of a digital archive. This has been a critical issue for our paper records, and it has been for decades. The budget contains

nothing in the works to confirm that we need to build a digital archive to protect our cultural memories or that that message is understood.

I will conclude my comments on the budget by discussing a topic that is absolutely at the core of the Greens' work, and that is, of course, climate change. We have an unprecedented opportunity to tackle climate change and the COVID recovery at the same time. It is beyond disappointing that the steps taken in this budget towards tackling climate change are mediocre. Although the budget contains measures for the development of battery storage and environmental rehabilitation, it falls well short of what is needed and it certainly does not put the level of emphasis on climate change that we would not only hope to see, but that is absolutely necessary. Investment in these areas can provide the jobs that we need—we do need jobs—and also set up our future to be much greener and more carbon efficient and, ultimately, safer for our children. This budget contains billions of dollars for road building across the forward estimates. We know that those kinds of activities do not deliver the number of jobs per \$1 million invested that investment in health care and education, for example, does. They certainly do not provide the same long-term climate change-fighting outcomes that expenditure on renewable energy infrastructure does, and they do not offer the immediate and long-term benefits of a substantial rehabilitation program. In many ways, those things are not only necessary, but also relatively easy to implement.

Overall, this budget provides some increased spending in important areas, but there are some very disappointing missed opportunities for much needed reform. This government has now been in office for four years. I have spoken about issues that the government would consider to be its core issues, but clearly they are not, including the ongoing failure to redirect funding from prisons and police through justice reinvestment and addressing the significant needs of vulnerable people, such as homelessness and mental health.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [2.43 pm]: I stand to continue my comments on the budget papers, which I commenced yesterday. As was mentioned yesterday, we were to have a debate on funding for Lotterywest this morning. A number of issues were canvassed in that debate. I emphasise that at the conclusion of that debate there was some misguided notion from some members opposite that the motion was directed towards the gay community. It most definitely was not. I want to make that quite clear. I thought I had made the intention of that motion quite clear, but if I did not—perhaps it did not get through to members opposite—the intention was to articulate the concerns that I and members across the board have about the funding of grants and the selection of agencies that are eligible for those grants. That was the exclusive intention. When we start making value judgements about people in determining whether they get a grant, it will be time to go fishing. The integrity of Lotterywest will be lost if we do that.

As I said yesterday, I want to make a number of comments today. I repeat that I anticipated that this would be my last speech in reply to a budget, but it is not.

Hon Darren West interjected.

Hon PETER COLLIER: I had to come back and battle more with Hon Darren West. I was going to miss it too much! And with Hon Sue Ellery, I have to say.

As I said yesterday, which I will repeat, my great mate the Belgian is riding off into the sunset, and I wish him well. Hon Mathias Cormann has been an outstanding contributor to public policy in Australia.

The \$600 electricity credit in the budget is interesting. The irony to that seems to have escaped most people; it was actually paid for out of the money that came back from the Bell Resources litigation. That litigation was the direct result of the maladministration of a former Labor government. I guess in a way that we have done a complete circle. The Labor Party took it out and now it is giving it back, or certainly some of it. That is a good thing and I think it will be very well received by the community.

Having a \$1.2 billion surplus in the middle of a pandemic is an interesting concept, particularly when pretty much every other administration, including the federal government, is moving into serious debt to assist those most in need. We can take great delight in saying that we have a \$1.2 billion surplus. However, I have to say that that claim is a little misleading. The net operating balance takes into account only one side of the government ledger, which is the recurrent expenditure. When we take into account only wages and other recurrent expenses, we find that the government received \$1.2 billion more than it spent. However, what seems to have eluded a lot of people is that when we take into account all other expenditure for the financial year, including capital works, the \$1.2 billion surplus becomes a \$3.39 billion deficit. The deficit is the borrowings, which simply pushes up Western Australia's debt. Having said that, we are, as everyone knows, in extraordinary circumstances.

As we all know, the finances have been very much assisted by the rapidly rising price of iron ore. It has risen about 45 per cent since the 2019–20 midyear review, increasing to around \$US130 a tonne. A budget cut-off has provided an additional \$2.2 billion in iron ore royalties to the government since the midyear review. Taking into account the additional \$1.9 billion the government received in iron ore royalties in the midyear review, the state has received an incredible \$4 billion in iron ore royalties compared with what was forecast at the time of the 2019–20 budget.

Without a shadow of a doubt, the elevated iron ore price per tonne definitely has been a godsend for the government. But that happens in government and we can accept it. It is now part of the budget papers.

Another great windfall for the government, of course, has been the GST. The GST agreement was initiated by a very reputable Liberal–National federal government. The federal government most definitely assisted with the surplus as a result of those changes to the GST. The GST revenue is \$2.3 billion in 2020–21, down from \$3.4 billion in 2019–20. That reflects a significant decline in GST revenue due to COVID, as was anticipated. As a result, our share of the GST actually shrunk, according to the Commonwealth Grants Commission. It fell from 51.8 per cent of Western Australia’s population share in 2019–20 to 45 per cent in 2020–21. However, the commonwealth government’s 70 per cent GST floor saw the state receive an additional \$1.5 billion, bringing the total GST payment to \$3.8 billion. That has definitely had a significant positive impact on the state government’s budget bottom line. We also need to remember that there has been significant federal government investment over this period, particularly in capital works. Let us look at a few of those items. There is \$868 million to fast-track the infrastructure projects announced in November 2019; \$176 million in the June 2020 stimulus package; \$419 million for the Perth City Deal; \$6 billion in JobKeeper payments, which is very significant; \$2.6 billion in business cash flow boost payments; \$1.3 billion in coronavirus supplement payments; and \$1.1 billion in 2021–22 for priority road and rail projects in Western Australia as part of the 2020–21 budget. That is a significant investment by the federal government in anyone’s language. Yes, that has led to an astronomical level of debt for the federal government, a sum that no-one would ever have thought of or imagined nine months ago, but, of course, as we keep on saying, we are living in extraordinary times.

A lot has been said about the infrastructure blitz in this budget with the government’s \$27 billion capital works program, including a \$7.5 billion investment in infrastructure in 2021. I will compare that investment with the former government’s investment during the global financial crisis, which occurred just after we came to power in 2008. Following the GFC, the Liberal government responded with an investment of \$8.3 billion, which is the highest on record. The government’s infrastructure investment in this budget is \$7.6 billion, which is 10 per cent less than it was in 2008, despite a much bigger economy and a much bigger economic crisis.

That said, I would like to look at specific areas of the budget, the first being the disability sector. I have had a fair bit to say about the disability sector over the last four years. I am delighted to be the shadow Minister for Disability Services. I have a good working relationship with the Minister for Disability Services and the sector; we are all at one. The rollout of the National Disability Insurance Scheme has been a little above average. It has been rolled out to most people now. A significant number of people with a disability are now much more empowered. The NDIS has given them an opportunity to genuinely take control of their lives and it is a very significant positive for a lot of people with a disability. The one issue that has continued to harbour discontent within the sector is the movement of the Disability Services Commission into the Department of Communities. I spent 20 minutes talking about this in a debate last week, so I will not go over it again, but suffice to say it was done in haste and without consultation and it has not succeeded. I have not spoken to one person in the disability sector who thinks that it has been a positive move. In essence, the commission has become lost. It has become part of a megadepartment that is answerable to five ministers and, quite frankly, people from one of the most marginalised groups in our community now feel that they do not have a champion because there is no discrete department. In a lot of instances during the rollout of this national policy, all forms of communication were done via phone calls to faceless bureaucrats in Geelong and that has been problematic. I am really, really disappointed that the Disability Services Commission no longer exists in its previous form, and I highly recommend that the government consider making it a discrete department yet again.

I turn to my shadow portfolio of sport and recreation, which I took up a few months ago. Again, I have engaged with pretty much every sport in the state. There are significant commitments on the part of the government with regard to sport and rec, particularly with the WACA and the football stadium at Queens Park. One area that concerns me is tennis, which is close to my heart. The State Tennis Centre is in desperate need of complete refurbishment. I do not mind saying that a very good friend of mine was responsible for building it in the first place. His name is Richard Court. I was coaching his kids in the 1990s and he just happened to be the Premier of Western Australia. His government decided that WA needed a state tennis centre to give us a profile at the international level to draw and attract satellite tournaments, both nationally and internationally. We simply did not have a go-to place for an international-style tournament. We had the Royal King’s Park Tennis Club, which is a great grass venue, but the rest of the world was going off grass courts. Only Wimbledon has grass courts now, but previously three out of the four grand slams were played on grass. Richard Court’s government built a tennis centre at Burswood in 1995. It is a wind tunnel. As a long-time tennis player, I do not agree with it being there. Having said that, it has been quite successful and it is now part of the Burswood precinct, which is a hive of activity on the weekends. The only problem is that it was built on a dump, so the courts continually crack and they are now sinking, which is a problem.

Hon Sue Ellery: Is it still a wind tunnel?

Hon PETER COLLIER: Pretty much, yes. When you play tennis at two o'clock in the afternoon, the sea breeze comes across the river and you are cactus unless you are a serve volleyer.

Having said that, it is what it is. The building itself, the home to tennis, now has concrete cancer and the courts are in serious disrepair. To put salt into the wound, when Burswood train station was built, the centre lost six of its courts. Ideally, the \$2.6 million in the kitty will go towards the establishment of a clay court centre somewhere in Western Australia. A clay court centre is desperately needed because we need that versatility of surface. Something has to be done about the State Tennis Centre because, in its current form, it is unsustainable. I know that the Minister for Sport and Recreation and Tennis West agree with me, but it is about getting to a common medium, something on which we can all agree.

What concerns me most of all about the State Tennis Centre is that, more than just rumours, the government was seriously considering building a tennis centre at Whiteman Park. I know that it was looking at the sporting precinct out there and I think it still is. What concerns me about this is that it is not in the budget. There is no funding for the State Tennis Centre in the budget. Tennis West has been informed that one of the options is a greenfields site and Whiteman Park is definitely still on the drawing board as an option. If the government builds the state's tennis centre at Whiteman Park, it will kill tennis in this state. If the government ever wants to bring back a tennis tournament of international standing to WA, it has to provide a decent centre with an established centre court and a framework that is conducive to international standards.

We have been left behind in the last 10 years. There have been wonderful developments in tennis in Adelaide, Hobart, Brisbane and Sydney, but we have been left behind. As a direct result, those other cities now have major international tennis tournaments. Western Australia has missed out. A tournament held here just before the Australian Open would be a perfect segue to the Aussie Open. We have the ATP Cup, which is the successor to the Hopman Cup. That was quite successful last year. It probably will not happen this year because of border restrictions. But that in itself is very vulnerable. It is a money tournament played on one court. Points are used, but it is basically still a team tournament. There is no opportunity for a legitimate tour tournament here similar to those held in Brisbane, Hobart, Adelaide and Sydney. We really need to look at this if we are serious about tennis, because it is an international sport. It is one of the few sports that is international and gets international recognition. It would get plenty of international television coverage, which would be wonderful for the state. It is something that we desperately need to look at.

Let us consider the performance of the government. I have moved eight motions in this place about standards. That comes from a sincere concern about the deterioration of standards in the chamber. They emanate almost exclusively from the fact that from the time the government had an emphatic win on 11 March 2017, it did not come to terms with not getting control of the upper house; it did not get control of the Legislative Council. Yes, it had an emphatic win in the lower house but not in the upper house. In fact, the vote disparity between the upper and lower houses was diverse. It got 37 per cent of the vote in the upper house; it got much more in the lower house. As a direct result of that, it was very frustrated from day one, but we have a bicameral system. We have an electoral system that was put in place by the previous Labor government. However, the Premier and successive ministers from the other place continue to have hissy fits over the fact that perhaps—just perhaps—the Legislative Council is doing its job. That has been the major reason standards in the government have slipped. I will not go over it again. I have dozens and dozens of questions to provide support and evidence for this. All I need to say is that members should refer back to previous motions on standards.

The problem for the government is that we do have an upper house, but that is a wonderful thing. It is wonderful that we have that diversity of opinion. Perhaps, just perhaps, the people of Western Australia will do exactly what they did on 11 March 2017. As I have said before, members opposite do a lot of chest beating and high-fiving when they talk about the results of 2017, but I remind them yet again that the primary result we received in 2017 was identical to the primary result we received in 2001, and we came within a whisker of regaining government four years later. Members opposite would know—I am sure the Labor Party did its polling—that in February this year, their position for a second term was very, very precarious. I draw the attention of members opposite to the by-election in Darling Range just over 12 months after the government had had an emphatic win. I draw their attention to the federal election result in 2016 and see whether they get complacent. Of course, things have changed since then and the COVID-19 pandemic has ensured that the popularity of the current government has skyrocketed, as it has for incumbent governments across the nation. That is inevitable. People look for leadership and direction when there is a crisis. They do it in wars, in floods and in earthquakes—whenever they look to their leaders to offer direction.

With that said, we are going to fight the good fight, and we are going to fight the good fight in both houses, both the lower house and upper house. Heaven help us if we get to the point that the government is re-elected and gets control of the upper house. I remind members—I have said this on several occasions—that the government was so incensed after the last election that it did not have control of the upper house that it tried to do something that was unheard of. It tried to offload the Presidency to someone from this side of the chamber. It was absolutely extraordinary that it could compromise its own integrity and the conventions of this place for political advantage like that. There were 14 Labor members, four Greens and 18 others, which generally would be regarded as centre right. The Leader

of the House tried relentlessly to get one of our guys from the crossbench to take on the Presidency. She thought she had a Greens member in her pocket, and they vote with her all the time, so that was fine. That would give her 18 votes and we would end up with 17 because, of course, the President gets a deliberative vote only in a tied vote. It did not work that way. We stared that down, as we should have, and the government came back and said it would go with its second option, Hon Kate Doust. We were always going to support Hon Kate Doust. She is an extraordinarily honourable person and a great President and, quite frankly, she should have been the preference of the Labor Party from day one. To go through that charade for three weeks after the election, that almost humiliating charade of trying to get one of our guys to take on the Presidency, was extraordinary. That set the mood for the past three years. Hon Sue Ellery admitted on 13 June 2017 when I raised this point —

Why on earth would the government, which had just been elected overwhelmingly, not take this wonderful opportunity to have one of its own to be the first candidate for the first female President? Why were members opposite so keen to get someone from this side of the chamber to be President?

I continue to quote from *Hansard* —

Hon Sue Ellery: Why do you think?

Hon PETER COLLIER: I am going to tell the member. The answer is numbers, and 18 always beats 17.

Hon Sue Ellery: That is correct.

Hon PETER COLLIER: Absolutely! Hon Sue Ellery actually admits it. The government was willing to compromise the Presidency for the numbers; is that right?

Hon Sue Ellery: How was it compromised?

Hon PETER COLLIER: The government was willing to forgo the Presidency for the numbers.

Hon Sue Ellery: Wouldn't it be in everyone's interests, with such a massive majority elected in the Legislative Assembly, to ensure that we could deliver on our election commitments and the policies that we took to the election and ensure that we could pursue our agenda?

There it is, but the people of Western Australia did not say the government could have the daily double. The government does not get both. The people of Western Australia said the government could have one house and they would have a check and balance on it in the other place.

Hon Alannah MacTiernan: Her comments were entirely reasonable. We sought to maximise the way we could be effective as a government.

Hon PETER COLLIER: That is exactly my point. Why does the minister not look in the mirror every now and again and say, "I am not God's gift to the political world"? She thinks that somehow everyone has got to —

Several members interjected.

The ACTING PRESIDENT (Hon Martin Aldridge): Order! Order! Members, when the Chair is calling the house to order, members will stop yelling. I do not want to have a completely sterilised debate, but when a number of people are interjecting and I cannot hear the member on his feet, that is when I will call the house to order.

Hon PETER COLLIER: Members opposite have a bizarre notion that somehow they are above everyone else.

Hon Alannah MacTiernan interjected.

Hon PETER COLLIER: Excuse me, but the Acting President has just made —

Hon Alannah MacTiernan interjected.

Hon PETER COLLIER: The member has been in every Parliament in Australia. She must know by now that we have rules in this chamber and she cannot adhere just to the gospel according to Hon Alannah MacTiernan.

Several members interjected.

Hon PETER COLLIER: I am sorry, but we do not succumb to her every time she opens her mouth. She is not God's gift to the political world. I am sorry about that.

Hon Pierre Yang: Carry on with your speech.

Hon PETER COLLIER: I beg your pardon? Would you mind asking your member to stop interjecting? It is nothing to do with me, mate.

The ACTING PRESIDENT: Order, members!

Hon Pierre Yang: You're very funny.

Hon PETER COLLIER: I know.

The ACTING PRESIDENT: Order! Members, I think it would help facilitate the Leader of the Opposition's untimed speech if members address their remarks through the Chair and discontinue their interjections.

Hon PETER COLLIER: That discussion continued in *Hansard* and we had the same with Hon Darren West, who always provides us with an extraordinary amount of fodder. He says in *Hansard* on 5 September 2017 —

I want to remind members of the former government that the best thing they can do in opposition is get out of the road and let Ben Wyatt, that very skilled economics fellow and barrister, do what he needs to do to repair the budget.

I said, "So, we don't have an opposition?" Hon Darren West replied —

It should get out of the road. If the measures that we introduce are so poor, the public will have a say on them. Once again there is the misguided view that somehow the people of Western Australia got it wrong; that they do not want a bicameral system of government but a unicameral system of government. Imagine the rubbish legislation we would have in that case, particularly that bill we dealt with over the past few weeks, which had the support of all members in this chamber but was fatally flawed in many areas, so much so that the government brought in eight more amendments three weeks after debate had started. Imagine if this place sent it through without those eight amendments; it would have been flawed legislation. That is why we have an upper house.

With regard to standards, I will briefly talk about this misguided notion that somehow the terrible Tories on this side of the chamber have been responsible for holding up legislation and for the fact that the government still has 17 bills on its priority list. That is garbage. I remind members opposite that it is absolutely nothing to do with the numbers in this chamber. The Liberal Party is minuscule compared with the government. The government has 18 members; it has 14 members plus the Greens.

Hon Stephen Dawson: What a load of rubbish!

Hon PETER COLLIER: I could go back over it again, if the minister likes, and say it again. I have just been through all that. I have actually alluded to that.

Anyway, what we have now is the notion that somehow the terrible Tories are holding up all this legislation. I remind members, and this is for the benefit of those who were not here in the last term, that I was sitting in that seat over there for four years and we would go through pretty much every second piece of legislation and every member of the Labor Party would stand up and talk for their full 45 minutes and then the last speaker—Hon Samantha Rowe, she was a purler at this one as the Whip!—would then stand up and say, "With that, I move that we refer the bill to committee", so we would start it all again. Butter would not melt in her mouth! I have to say, Mr Acting President, that happened over and over and over and over again. Therefore, to think that if we spend a measure of time on a piece of legislation that that is somehow a new phenomenon, get a grip!

One time—I have said this a few times and I always remind members of this—we sat for 24 hours. Hon Ken Travers stood here and spoke for six hours on a duties bill that the opposition supported. He spoke for six hours and I sat in that seat over there for eight hours until 10 o'clock the next morning for debate on a duties bill that the opposition supported. Therefore, when we hear all this self-righteous indignation about these terrible Tories, let me tell members that I have a list of all the legislation and how many hours it took to debate. It does not make for flattering reading for members opposite, I can tell them! I was going to go through it, but I will save them, and I did say some nice things about the minister just a moment ago, so it does bear fruit when people do the right thing.

The one issue I will talk about is COVID legislation. I noticed some comments recently in the media from the Leader of the House that given we are in the middle of a pandemic, we would not mind sitting longer hours. Can I remind the Leader of the House that we have sat longer hours. We have now sat an additional 61 hours. We collectively agreed—there was not one dissenting voice—to sit those hours to facilitate the passage of COVID legislation. We all did it. Therefore, the government has had more than enough time to deal with COVID legislation, because COVID legislation has taken 57 hours, yet we have sat an additional 61 hours. This talk that we have all this backlog of legislation because of COVID is rubbish. There is no merit behind it. I want the government to understand that. We have been very, very supportive of the government on COVID legislation. As always, come the November sittings, we will look at extended hours. The Leader of the House wanted us to start sitting extra hours in September, three months before the end of the current session, which is unheard of. It is nothing new that we sit late in the last week or two; it has always been that way. We do not start sitting late in September. We gave the government every single hour that it wanted for COVID legislation. I want to make that perfectly clear.

Having said that, in a moment I intend to talk about the Corruption and Crime Commission because, quite frankly, that has been a festering sore for this government. The manner in which the government has dealt with it has been disgraceful. The imputation that has been placed upon members of this house, two members in particular, is extraordinary and I will talk about that in a moment.

Let us just have a look for a bit at the borders and where we are going with regard to that. When the COVID-19 pandemic hit, it took us all by surprise and we were in shock. It completely changed our mindset across the board.

An enormous amount of fear and uncertainty existed throughout the community. The government did a good job. It said that it had to keep everyone safe. It closed the borders and took a number of steps that were completely averse to anything that any of us had ever experienced before, such as closing schools, restaurants and cinemas et cetera, to ensure that this virus did not spread. Yes, it had our support and the support overall of the community.

But the point of those measures were—and we were always told this—that ultimately if we had a spike in infection rates, they would eventually come down, we would flatten the curve and our health system would be able to deal with it. We had a health system that could cope with infections. We were told over and over again by the Minister for Health and the Premier to flatten the curve. Then if we had really sophisticated and effective contact tracing, we could identify breakout points and deal with them, which New South Wales has done extraordinarily well. Every now and again there will be an outbreak, but New South Wales has great sophisticated contact tracing and it is able to deal with it. Other systems were not so successful, like in Victoria where there was the bizarre situation in which private contractors took over hotel quarantine and all sorts of insidious relationships went on between the officers and the inhabitants of those hotels. As a result of that, Victoria has had massive outbreaks, and it is still in a negative situation as far as the community is concerned.

We need to determine whether we will manage this virus or eradicate it. Dare I say it, what is becoming blatantly clear now, regardless of who we listen to, is that we have to get to a situation within our community in which we learn to manage it. If we do not and we wait for a vaccine—with all due respect and, again, this is not the gospel according to Pete—we could be here for years. We keep hearing about potential vaccines in Oxford and that Donald Trump reckons the United States had one about three months ago, so we know that that is not going to happen soon. On the horizon, it will be at least 12 months before we have a vaccine.

Hon Alannah MacTiernan: Member, can I just comment?

Hon PETER COLLIER: As long as it is sensible, because the minister is not very good at interjections.

Hon Alannah MacTiernan: I think it is Pfizer or certainly one of them are actually saying that they are anticipating that they would have completed the phase 3 trials by the end of November and would have made FDA application around that time, which would mean that it potentially could get approved in January or February.

Hon PETER COLLIER: It could get approved, but dissemination of that vaccine globally will take at least six months. I stand by that, and I have not heard anyone say anything to the contrary. In fact, I heard the Chief Health Officer say that yesterday; he was talking about all sorts of vaccines. We keep hearing about these different vaccines. Yes, I heard exactly that commentary: “potentially, by the end of the year”, so it is all very subjective. All I am saying is that eradication is the threshold level that has been accepted by this government. That is why people are starting to get a bit nervous about this. They are getting to the point at which they can see that it is either eradication or management. What is it going to be? That has created an enormous amount of uncertainty within the community.

I will talk about the mixed messaging that we have been getting from the government in the last month. I have asked dozens of questions about this issue, and that is why I gave notice of the motion about information today. If the Premier has said, “Yes, we have to have 28 days with no spread”, I can tell members now that the Australian Capital Territory, the Northern Territory, South Australia and Tasmania fall into that category. They meet that criteria, yet we are not opening our border to those jurisdictions. A cynic might suggest that there is a political imperative, not a health imperative. If the health advice that the Premier has been getting from the Western Australian Chief Health Officer is adhered to and it is 28 days, four jurisdictions already meet that criterion. That is fact.

As I have said, I have asked dozens of questions. Originally, the government was very transparent with the information that was provided. I asked in early August in a question without notice of which some notice had been given how many exemptions had been granted for interstate entry and how many exemptions had been granted for international entry. It was a very easy question. I assumed that the police had that information and could just push a button and get the information, and they did, because three hours later, I got it. I was told that 35 243 people had entered Western Australia from domestic air travel and 7 093 people had entered Western Australia from international air travel, and so on. However, the government very quickly went back to the script. When it came under a bit of pressure about where we are going, it realised that it had to put the shutters back up. It is blatantly clear that it is very easy to shut down. We can just put up the border. It is easy; anyone can do that. The hard part is coming out of quarantine and the hard border, and that is what the government is finding at the moment. How does it come out of the hard border scenario it has created?

It was blatantly evident that there were all sorts of exceptions and all manner of ways in which people were bypassing the border and getting around the quarantine requirements. A month later, I asked exactly the same question about exemptions and I was told —

The Western Australia Police Force is in the process of refining its data collection options rather than relying on time-consuming and less reliable manual counting.

I assume from that answer that a lot more people have come in, because if the police could provide the information for me in three hours on the first occasion, why could they not provide it for me on the second? It is a real worry if the Western Australia Police Force has no idea who is coming in. I asked an easy question about the G2G PASS. On 15 September, I asked how many people were trying to return home and how many had been approved. The answer was —

The Western Australia Police Force advises that the residential address of an applicant for a G2G PASS is not a category for exemption for entry to Western Australia under the Quarantine ...

I could go on and on about this. Suffice to say, I did not ask about that. Straightaway, members opposite go back to the default position, which is putting up the hand all the time: “Do not ask anything.” The little minnows at Dumas House who answer the questions are saying, “How can we get around this one? How can we avoid answering this question?” I have asked dozens of questions like that. I know that the answers have not been created by Hon Michelle Roberts or the Premier. They do not create their own answers, of course; they are created for them and they just sign off on them. It is a cultural attitude by the backroom boys and girls who answer these questions, and the government, in accepting them, perpetuates this notion that it is open and transparent, but it is not. It is yet again creating an attitude of avoidance. I have asked so many of these questions. The next day, I asked —

Given that the Western Australia Police Force does not require an applicant’s residential address for consideration for exemption, —

Which I had not asked about —

how is it determined that an applicant is actually a Western Australian resident?

The answer was —

I thank the honourable member for some notice of the question. The following answer has been provided to me by the Minister for Police.

The Western Australian Police Force advises that being a Western Australian resident is not a category for exemption to enter Western Australia under the Quarantine (Closing the Border) Directions.

Hon Stephen Dawson, to his credit, said —

Honourable member, I had not seen that answer. I realised that it was asked earlier in the week. I am happy to see whether I might be able to get the member a different answer.

He realised how stupid the answer was. I did not get another answer, but I do not hold that against the minister. That goes back to this whole ethos.

We have asked these questions over and again in both houses. Information is power. We are part of Her Majesty’s Parliament, whether or not we like it. Having a pandemic does not mean that we become null and void; we are still entitled to ask questions to ensure that things are on the right track. That is our legitimate right. It is our constitutional right. That is why we ask questions, yet every time we ask questions or my colleagues in the other place ask questions, the Premier goes back to the script. He is demeaning, patronising and critical the whole time. He cannot open his mouth without saying, for example —

I do not really understand the Liberal Party at all. It is always looking for ways to try to undermine. It was just a silly question. It was really, really silly.

Or —

They seem to always want to criticise the arrangements we put in place. They seem to nitpick about it all the time.

I remind the Premier that we have supported every single thing he has done, but that does not mean for one second that we are going to shut up and not ask questions, particularly when we are getting mixed messaging from the Minister for Health, the Chief Health Officer and the Premier. It is our legitimate right to ask questions. The Premier decided he was on a winner with this and he went out and started beating his chest. He is always having a go at either the opposition or the other states because he knows that it is very populist and adds to his 89 per cent, his 90 per cent and his 91 per cent, although it has come down a bit lately and I think it will go even further because of the way he is going.

Let me have a look at these. This was in *The West Australian* of 1 April —

“I don’t care if you don’t like the food, I don’t care if you don’t like what’s on TV.

“You’re going to the hotel, you’re staying there for two weeks, you’re going to be in your room and you’re not bringing the virus home.”

The Premier of Western Australia said that. Let me have a look at a few more. Again, this just incensed me from the Premier. It is this arrogance that is going to bring you guys down ultimately, I promise you. This is from 20 May 2020 —

Deputy Chief Medical Officer Paul Kelly says he is ready to meet the WA Premier “any time”, after Mark McGowan said he did not know who he was amid an ongoing feud between state premiers over border closures.

Mr McGowan hit back at calls from the New South Wales and federal governments for interstate borders to be reopened, saying he would not be “bullied” by a state that allowed the Ruby Princess disaster to unfold.

“I don’t know who Paul Kelly is, clearly not the singer,” he said.

This is the Premier of Western Australia. This is from 9 May 2020 —

“I know the New South Wales Premier is unhappy, I know Mr Birmingham is unhappy. But frankly, bad luck,” he said.

“It might inconvenience the New South Wales Premier and some people from the eastern states, but frankly, I don’t give a damn.”

This goes on and on. At the time—I am talking May here—it was very populist stuff. The Premier had decided that that would give him a few more percentage points on his 86 per cent, 87 per cent and 88 per cent. The first time he did that, it started to become unstuck. People started to say, “We’ve had enough of this nonsense. We can see that there’s not as much merit in these closed borders as we first thought. Yes, it certainly played its role, but we have to start thinking about an exit strategy. We have to start thinking about where we go from here, or do we stay in lockdown ad infinitum until we have a vaccine?” Then the federal government asked the state government to accept 500 more international travellers, which the federal government paid for. The Premier said that doubling the number of Australians returning from COVID-riddled countries overseas was a threat to the Western Australian people and that the federal government was just dumping them at the airport. That cost the Premier an enormous amount of support—“dumping” these people at the airport. Of course, the Premier wanted to put them on Christmas Island. Let us not forget that the left hates Christmas Island. It is okay to dump returning Australians on Christmas Island, but it is not okay to put asylum seekers on Christmas Island, according to the Labor Party. That caused the Premier enormous grief. I can assure members that it did.

He really stuffed up about two weeks ago when *The Sunday Times* reported —

While being pressed by reporters on what his specific objections were to the other “clean” States’ border arrangements that gave him so little confidence, he freestyled his way into a plainly unconstitutional line of argument.

“But you know, honestly, the benefit to opening to the NT or SA for WA is not there. There is no benefit,” he said.

“Far more West Australians will go there on holidays than people from SA and the NT come here on holidays. All we’ll do is lose jobs were we to open to those States.”

Desperate attempts were made by his spinners to put the genie back into the bottle and he tried to walk the comments back at a later press conference in Port Hedland, but to no avail.

The portion of the population who would like to travel for business or family reasons perceived a Premier playing politics with their lives and livelihoods.

Close the border for public health reasons, so long as those closures are proportionate? Fine — and the issue that will be tested in the High Court.

Close the border because it’s good/bad for the economy? A textbook breach of s.92 of the Constitution which states commerce, trade and intercourse between the States is to be absolutely free.

That is when the Premier came unstuck. All of a sudden, the mantra changed from a health issue to an economic issue. They also missed a big one there, of course—political issues. Until this stage, it has been politically expedient to keep the borders closed.

Liza Harvey was the first to ask for the borders to be closed. But when she had the audacity and temerity to think about bubbles or opening up to states that were COVID-free, she was lambasted by the Premier, even though the Chief Health Officer said that it was fine. Now the Premier is faced with a dilemma: do we keep going this way while the rest of the nation is opening up or do we think about the possibility of having limited exposure with those states that are safe, based upon a criterion that the Premier established? The Liberal Party did not do that. The Nationals WA did not do it. One Nation did not do it. Hon Charles Smith did not do it. No-one did that other than the

Premier. He established this criterion. The line in the sand is: no infection rates for 28 days. Some states have reached that, and the Premier is now asking, “What are we going to do?” I see it now.

Ultimately, believe it or not, I wish the Premier well on this one. I hope he gets it right. Like the rest of the people in this chamber, I do not want COVID to come back. Having said that, the Premier started to come a bit unravelled last week and we saw an extraordinary interview in *The West Australian* on Saturday, 17 October, under the heading “My fear of mass deaths”! I mean, really, Premier? Does the Premier really think that is going to provide a degree of confidence, comfort or security among the aged members of our community? Does he honestly think people will be impressed by a Premier talking about mass deaths? This is a criterion that the Premier set. He set a criterion of 28 days COVID-free. He said that; no-one else. He should not be talking about mass deaths when we open up to those jurisdictions that meet that criterion. He has always said it is based on health advice. If he has changed his views on that, let the people of Western Australia know. He should let them know that that is what he thinks. Do not take the people of Western Australia for bunnies, Premier, because they are starting to wake up to you!

We have supported the government all the way in its response to this pandemic, including extra time in this chamber and supporting all COVID legislation. But we are expressing the views of a growing number of Western Australians who are asking: where do we go from here? If the line in the sand is eradication, the Premier should let Western Australians know. If we have to stay locked up until we get a vaccine, let Western Australians know. The Premier should not treat people with contempt by saying that the standard—that line in the sand—for opening the borders is 28 days COVID-free and then baulk when that line in the sand is reached.

The other thing I would like to talk about is the Corruption and Crime Commission. This matter has consumed the chamber for about 12 months for a host of reasons, not least of which is the fact that we have been lambasted, criticised and bemoaned constantly by the Premier and the Attorney General over something that, quite frankly, is eminently sensible. It is called parliamentary procedure and parliamentary process. This chamber and the other chamber have followed that process. When that process did not fall into line, yet again, with the Premier and the Attorney General, they went back to script; they spat the chewy, jumped up and down, and yelled and screamed. That is all we have had for the past 12 months. It has been disgraceful. This Parliament has a process in the Joint Standing Committee on the Corruption and Crime Commission.

After the last election, the government did not adhere to the convention of that committee and it appointed a member of the Greens as opposed to John McGrath—our recommendation—and Hon Jim Chown. To be perfectly honest I did not have a problem whatsoever with the appointment of Hon Alison Xamon. I can say, hand on heart, that I have an enormous amount of respect for her. I think she will always do what is right for the community and for this Parliament. That was not an issue. But the joint standing committee, as part of the parliamentary process, was asked to deliberate on the reappointment of John McKechnie. For that to occur, the joint standing committee, which consists of two Labor members, a Liberal member and a Greens member, needed both majority and bipartisan support for that appointment. The committee could not reach agreement on that. The government’s response was swift and vicious. Hon Mark McGowan and Hon John Quigley were vitriolic. In saying this is disgraceful, I will get back to that in a moment. Is it not disgraceful that John McKechnie was not reappointed?

The Premier of Western Australia then wrote to the Leader of the Opposition, Hon Liza Harvey, and asked for her support for a bill—let us call it the McKechnie bill. He was not prepared to accept the Joint Standing Committee on the Corruption and Crime Commission’s recommendation; he wanted to bypass that process and change it. The only way he could do that was through the statutes—through a bill. He decided to bypass the committee, the crossbench, the Greens and the Nationals WA and introduce a bill to give the rest of the parliamentary process the single-finger salute: “Sorry guys, I’m getting who I like.” He thought he would do it by asking Hon Liza Harvey to support such a bill. I am not going to read the whole lot but I will read the relevant part, which states —

We have been supplied with a list of the ongoing and emerging operational activities of the Commission which would be interrupted by a change of Commissioner at this time, or by the absence of any Commissioner (with an acting Commissioner stepping into the role). These are substantial activities, and a change or absence of Commissioner would create significant disruption to these operational activities, and the important investigations to which they relate. The current state of emergency and future recovery period is not the time to be changing leaders of the State’s premier integrity agency.

The letter says, “We have been supplied with a list of the ongoing and emerging activities of the CCC”. I thought that was interesting, so I asked a question about it. The Premier said that he did not have it, but he put it in a letter. About five questions later, yet again, I get the response, “The Attorney General’s got the list,” but it is not the Premier, so it does not count. “We” is the Attorney General, not “us”. If we read “We have been supplied with a list of ongoing and emerging operational activities of the Commission”, what would we think? Surely we would think that he has it. He put it in black and white; the Premier signed this. Does anyone know who, according to the CCC, has asked for a list of ongoing activities? Does anyone know? I will tell members. It is Hon John Quigley. He is the

only one who has asked that. Why? I thought the CCC was sacrosanct, a separate arm devoid of political interference. Why does the Attorney General want a list of ongoing activities?

Hon Darren West interjected.

Hon PETER COLLIER: Does Hon Darren West think it is appropriate? Does he honestly think that is appropriate?

Hon Darren West: You interfered with the appointment to protect Phil Edman.

Hon PETER COLLIER: We did not interfere. How dare you!

The ACTING PRESIDENT: Leader of the Opposition, please direct your comments to me.

Hon PETER COLLIER: Thank you, Mr Acting President. I find that interjection highly offensive. We did not interfere.

Hon Alannah MacTiernan interjected.

Hon PETER COLLIER: If the member does not mind listening.

Hon Darren West: It's all about Phil Edman.

Hon PETER COLLIER: We did not interfere with the reappointment of John McKechnie. The process for the appointment of John McKechnie was adhered to. The fact that the government does not like the outcome of that process is nothing to do with the opposition.

That is one thing to think about. The only Attorney General to ask for a list of ongoing operational activities was Hon John Quigley. Put that in the back of your mind, guys.

The Premier's letter goes on to read —

Of course, you are aware that one of the current investigations of the Commission concerns the risks of misusing parliamentary allowances. This has been publicly disclosed. The interim report released on 17 December 2019 was critical of expenditure by Mr Edman in respect of social activities of a group which exists within the Parliamentary Liberal Party and particularly the Legislative Council, known as the “Black Hand Gang” (a name associated with secret criminal groups, and which has no doubt been adopted in jest).

The Premier of Western Australia wrote this. I would love to know where he got his degree. He continues —

However, no member of the public should be able to suggest that the reason why Commissioner McKechnie QC does not have bi-partisan support is due to this investigation.

Why did he bring it up in the first place? To continue —

It is therefore critical that Commissioner McKechnie QC should now receive bi-partisan support, to avoid any diminution of public confidence in the great institution of Parliament.

“Great institution of Parliament”! He just abused it—he wanted to bypass the great institution of Parliament by doing a handshake deal with the Leader of the Opposition and bypass every other party and have a two-party state and take control of the process. That is a sad indictment of the moral fortitude of our Premier. Of course we would never support that—not ever. Contrary to the ill-founded accusations of the Premier, it has absolutely nothing to do with CCC investigations.

The Leader of the Opposition sent a letter to that effect. She suggested that the matter perhaps go back to the Joint Standing Committee on the Corruption and Crime Commission to have a second look. That was eminently sensible. “There are some issues; perhaps you've heard about it, so let's go back and see if the Joint Standing Committee on the Corruption and Crime Commission can have another look.” I was part of the decision-making of this. I said, “Why not ask the committee to have another look? If there are some issues, and the committee listens to the Premier and the opposition leader, ask: do some problems exist?” On 14 April 2020, the Leader of the Opposition wrote the Premier a letter to that effect. I have to say that, quite frankly, I was even reluctant to go that far. The joint standing committee members were the only ones privy to information for that selection process. I respect the position of the four people on that committee, albeit I do not respect one in particular as an individual anymore, but I do respect the other three. There is no way I was going to question the validity of the committee's decision. The committee members were the only ones who were privy to information regarding the reappointment process. They came to the decision. To suggest or to even contemplate the decision was based upon some issues regarding former member Phil Edman or that we were covering up corruption—I will talk about that in a moment—is, quite frankly, offensive and demeans the character or the role of the Premier.

Hon Darren West interjected.

Hon PETER COLLIER: Does Hon Darren West think we are covering up corruption?

The ACTING PRESIDENT: Leader of the Opposition!

Hon Darren West interjected.

The ACTING PRESIDENT: Member, just stop the interjections, please.

Hon PETER COLLIER: I tell you, what, mate; you say that outside this chamber—you say it. I challenge you to say it outside this chamber. Once again, I challenge you to say that outside this chamber.

The ACTING PRESIDENT: Leader of the Opposition!

Hon PETER COLLIER: Grow up!

Point of Order

Hon PIERRE YANG: Mr Acting President, the Leader of the Opposition has been in this place for a very long time; he certainly understands that pointing fingers across the chamber is unparliamentary. I ask for your counsel.

The ACTING PRESIDENT (Hon Matthew Swinbourn): Leader of the Opposition, could you continue to direct your comments to the Chair and perhaps we can avoid the circumstances in which you feel the need to point the finger. I would appreciate that.

Hon PETER COLLIER: Thank you, Mr Acting President. I will say that I was offended by that interjection.

Hon Alannah MacTiernan interjected.

Hon PETER COLLIER: If you want to take this to the Standing Committee on Procedure and Privileges, I am quite willing to do so. Do not test me on this one—do not dare.

The ACTING PRESIDENT: Leader of the Opposition, continue with your speech, please. I remind other members that interjections are disorderly and they will cease.

Hon PETER COLLIER: When it all comes out, Mr Acting President, and their accusations, particularly the one Hon Darren West just made, are found to be ill founded, I will accept their apology. The same goes for you, Hon Alannah MacTiernan, fount of all knowledge.

Debate Resumed

Hon PETER COLLIER: The Premier went absolutely ballistic because the Leader of the Opposition would not support his suggestion, so he came out and this is when the lambasting began of the members of the Liberal Party in particular. It is reported —

Mr McGowan blasted the opposition's only member on the oversight committee, upper house Liberal MP Jim Chown.

“Clearly Mr McKechnie put together a report last year which exposed some pretty awful dealings on the part of some Liberal party members and consequently, or subsequently, his reappointment was not supported by a Liberal party MP on the CCC upper house committee,” he said.

“The CCC's role is to root out corruption. Mr McKechnie is good at that. He exposed some of the dealings of some of the upper house Liberal MPs and now the Liberal party is opposing his reappointment.”

Mr Quigley said Mr Chown was acting on the wishes of the ‘Black Hand group’, the colloquial name used by Liberals to refer to upper house MPs mentioned in a CCC report handed down by Mr McKechnie covering former Liberal MP Phil Edman's use of electorate expenses.

“This is a disgrace on Western Australia,” Mr Quigley said.

“The Black Hand group have obviously delivered their verdict to Mr Chown and said: ‘get rid of that McKechnie, get rid of him behind closed doors and don't give a reason.’

“Mr Chown will have to stand up, surely, in the Legislative Council and explain to the public of Western Australia why he has blackballed and vetoed the best corruption fighter Western Australia's had.

“It's because Mr Chown and his Black Hand gang don't want Mr McKechnie proceeding.”

Mr Chown declined to comment on the accusations levelled at him by the government, but noted it would be a breach of privilege for anyone to undermine the confidence of a parliamentary committee in relation to its deliberations.

Spot on, Hon Jim Chown. Quite frankly, having a hissy fit about not getting your own way is demeaning and not becoming of a Premier or an Attorney General. Do not just take my word for it. Take the word of the committee itself, in particular the chair, Margaret Quirk. She put out a media release because she got a bit fed up with the insinuations that somehow it was politically motivated. By design, the comments were aimed at the committee for protecting corruption. Her media release on 23 April 2020 was titled “Reappointment of the Corruption and Crime Commissioner, John McKechnie QC”. It reads —

The Committee met on 22 April 2020.

It took into account the matters which were recently brought to the Committee's attention by the Premier. Again it was unable to reach either a bipartisan or a majority decision in support of the recommendation to reappoint the current incumbent.

The Committee operates under Standing Order 270:

“Committee deliberations will be conducted in closed session.”

However, because of unfounded public speculation about the motives for the Committee's previous deliberations, it has resolved to unequivocally reject any suggestion that the motivation for any members not supporting the appointment recommendation was the Corruption and Crime Commission's focus on parliamentary electoral allowances.

I hope members heard that. It continues —

A range of reasons were canvassed at length. As has been the practice since the Committee's inception, all points of view by members were made in good faith and given respectful consideration.

The nature of those discussions is not detailed because it includes information provided by third parties in confidence and matters which may impact on the operational performance of the Commission.

...

Given support for the incumbent by both the Opposition Leader and the Premier, discussion on what did, or did not, occur in the Committee, and imputing motives to individuals, does not progress a constructive way forward.

Hear, hear! What a great media release. Did it stop the Premier and the Attorney General? Not on your life. They were going to bulldoze the bill through whether or not we liked it. It continued. I will quote the Premier from Tuesday, 16 June 2020. He said —

The real story is what the CCC report brought down. I will not go through it at length but there was a grand conspiracy amongst Liberal Party MPs to cover up a corruption inquiry and cover up what has gone on. The conspiracy continues because they continue to block the reappointment of Mr McKechnie, the chief investigator in this case. It is shocking. If we were in Victoria, I imagine that it would be the subject of a royal commission. That is what would be going on here. If we were in Victoria, no doubt what is going on here would be a national story. I sometimes find that Western Australia is a long way away when it comes to the interstate press, and they do not notice these things. If this had been going on with Victorian upper house Liberal Party members, it would be a national story. What Liberal Party members have done should be a national story. This cover-up has gone on for long enough. The failure to reappoint Mr McKechnie is a continuation of this cover-up by the Liberal Party.

I say to the Premier, and I have said this over and again: I have not had one conversation with Hon Jim Chown, Hon Alison Xamon or the other two members about the decisions that they made. I can say very safely that no other members of the Liberal Party have spoken to them either—none whatsoever. If the Premier wants to call a royal commission into this situation, he can; he is the Premier. But do not lambaste us with this nonsense. He is the Premier; he can do whatever he likes regarding a royal commission. It goes on and on. The Premier made it so personal, particularly regarding Hon Jim Chown. On 13 May 2020, the Premier said —

We have heard the remarks of the member for Kalamunda about Mr McKechnie. Who do we think it is? One does not have to be a rocket scientist to work that out. I do not think that I have ever spoken to Mr Chown, an upper house MP who represents a region—I am not sure which one.

What a patronising comment to make—for goodness sake. I will not go on any further about the comments made by the Premier and the Attorney General. I have been through this over and again, highlighting the comments made by both the Premier and the Attorney General. I was offended. Members get offended in politics, but we are big boys and girls and we get on with it. Quite frankly, the comments the Premier made were highly offensive. He did not just insinuate, but labelled me and my colleagues as corrupt. How dare he. I do not care that he is the Premier of Western Australia or that Hon John Quigley is the Attorney General. That has nothing to do with it. As I said, I have utmost confidence in Hon Jim Chown. He has been a friend of mine for decades. I think very highly of him. He is an honourable man. He would have done what he thought was the right thing to do—nothing more, nothing less. To suggest that somehow he was corrupt, or that he was protecting corruption, is reprehensible. I mirror those comments with regard to Hon Alison Xamon. As I have said before, I have the utmost respect for Hon Alison Xamon. Her capacity to get around legislation and do the right thing on legislation, whether I agree or disagree with her, is second to none. Although she was not criticised as much as Hon Jim Chown was about this issue, by design, she was. Quite frankly, again, that is demeaning of the role of the Premier.

The biggest issue was when the Premier called my colleagues and me terrorists. I remember members opposite getting all bent out of shape when I referred to them as Bolsheviks. I have mentioned that a number of times. They hated it. At one stage, when the President said that it was perhaps not a good move, I said that I assumed I could not call them comrades either. I assume that members opposite do not call each other comrades any more. Since “Bolshevik” is out the window, I assume “comrade” is not acceptable either because they are of the same ilk.

Hon Alannah MacTiernan: We use “tovarisch” as our preferred term.

Hon PETER COLLIER: Good; as long as “comrade” is not used, because that would be hypocritical. I equally take offence to being called a terrorist. In a media conference on 26 April, the Premier said it and repeated it several times. When asked about John McKechnie, the Premier said —

We want him reappointed... It’s wrong. It’s outrageous. It’s verging on corrupt.

The Premier also said —

You can’t give in to terrorists; you give in to terrorists they just continue to terrorise and that’s what the Liberal Party is doing,” ...

No, I am not a terrorist, Premier. Let us look at a couple of definitions of “terrorist”. The *Oxford Dictionary* defines it as someone who unlawfully uses violence and intimidation, especially against civilians, in the pursuit of political aims. The *Cambridge Dictionary* defines it as someone who uses violent action or threats of violent action for political purposes. The *Macmillan Dictionary* defines it as someone who uses violence in order to achieve political aims. I am none of those things. I am a member of Parliament who supports the parliamentary process. Hon Jim Chown is a member of Parliament who supports the parliamentary process. Hon Alison Xamon is a member of Parliament who supports the parliamentary process. The fact that we did not adhere to the rantings, quite frankly, of the Premier and the Attorney General does not mean that we delve into the role of being a terrorist. As I have said before, I cannot believe this. We can go back to the 1972 Olympic Games when eight Jewish athletes were slaughtered by Palestinian terrorists. What about the four planes that were downed by al-Qaeda terrorists in 2001? They were terrorists. They used violence for their political aims. I am not one of those people. I am highly offended to be called a terrorist. That will mean nothing to members opposite but for those members who got bent out of shape because I referred to them as Bolsheviks, I suggest they look in the mirror, because it is 1 000 times worse to call someone a terrorist, and all because the Premier could not get his own way.

I will be bringing my comments to a close, though I may possibly take this to question time; I will see how I go. I have read the quotes into *Hansard* several times. They have been constant, consistent and unrelenting. For some bizarre reason, the Premier and the Attorney General think that by abusing and criticising us, somehow they will get their own way. As I said, I will finish on this particular area, where I started. There is this notion that the Premier and the Attorney General do not accept or respect the fact that they do not control the upper house. The way to get through it is to abuse us, criticise us and accuse us of being terrorists, all because they could not get their own way. The Liberal Party got some legal advice on the process of introducing a new bill. The government wanted to bring in this bill. The advice goes on forever. I have heaps to read but I will not read it all. In part, it states —

It is trite to observe that it matters not that the Leader of the Opposition and the nominating committee support the reappointment of Mr McKechnie.

To the extent that there is an “impasse” in the appointment process, it arises because the Premier will not recommend a candidate other than Mr McKechnie.

There is no failure in the processes prescribed by the Act, or indeed in the design of such processes. That the Joint Standing Committee might not, by majority and in a bipartisan way, support appointment of the Premier’s recommended candidate is an intrinsic part of the mechanism for appointment, and has been from the commencement of the *Corruption, Crime and Misconduct Act 2003*.

Hear, hear! That legal opinion was written by Grant Donaldson. That is exactly right. It does not mean that there is anything wrong or corrupt or that we are terrorists. It just means that the process is following its correct path. After all that, we were told that the Attorney General decided back in May—he could see the writing on the wall because I made my comments and we decided that we would not support the legislation—to pull the bill. He said, “No; we’re going to take it to the election. It will be an election issue.” We thought that was fine—take it to the election. But it kept going. The Attorney General sent another letter to Hon Liza Harvey, asking her for another way around it. He could not get his own way, so he said that the government would bypass it again. It would not introduce a bill to do it this time; it would have an appointment process and a sweetheart deal across the chamber between the Premier and the Leader of the Opposition. He said that he and the Leader of the Opposition would do a deal, as though Hon Liza Harvey was going to compromise her principles and say, “Okay, fair enough, we will isolate the crossbench and you and I will do it.” That is exactly what he wanted.

It all came to fruition when we had our leadership meeting and we were provided with a list of 18 bills that we had to get through by the end of the year. Guess what? The CCC bill was not on the list. Hon Liza Harvey wrote back

to the minister and said, “It’s not on the priority list. How come you want this to happen when the leader of the upper house has not agreed to it?” We have not heard anything since. The Attorney General got caught out. I would love to know whether the Premier or the Leader of the House in this chamber knew anything about this letter. He wrote the letter to Hon Liza Harvey about another way around the process. The government was trying everything to get John McKechnie in. As I said in a speech recently, without a shadow of a doubt the government has seriously compromised John McKechnie from ever holding that role again, not because of anything he did, but the Premier and the Attorney General made his position as commissioner untenable. He will always be tainted as a Labor stooge. Why was the government so intent on reappointing Mr McKechnie? It was because he is a Labor man. By continuing this process, the Attorney General has done exactly that. Why would the Attorney General go again? He lost the battle in May. He acknowledged that. He said that in the chamber. A month or so later, we get another letter setting out another way around it. That fell flat on its face as well. Then we go back to the list of ongoing operational activities. Again, four questions later, we found out that the Attorney General had that list, not the Premier.

To conclude, we have a situation in which we do not have a commissioner. Apparently, the CCC has not been able to do any work because it does not have a commissioner. It has become redundant. We have members of the Liberal Party who are terrorists and a political process that is flawed, according to the Premier and the Attorney General. I will say a couple of things. Firstly, our political process operates fine. It has done so since the system to appoint a commissioner was established 20 years ago. That is not an issue. Secondly, I repeat that we are not terrorists. Thirdly, is the commission operating or has it become redundant and devoid of any direction as a result of the decision? We do not know. We asked for the CCC to appear at estimates, and we did not get that, which is disappointing.

The Joint Standing Committee on the Corruption and Crime Commission interviewed the CCC. Let us see whether the CCC thinks that it is devoid of any operating potential or has become redundant. This is fascinating. It is on the public record. I highly recommend that members, particularly those opposite, read the whole thing. It provides a fascinating insight. Remember, we have been told that the CCC cannot work. Let us look at the transcript. It states —

Hon JIM CHOWN: Mr Ellis, congratulations on your first annual report on behalf of the commission. Obviously, you are an extremely busy person, and taking up this role as acting commissioner has probably put a major burden on your leisure time as such. In regard to the matter where you have stated that it creates uncertainty for the commission in not having a full-time commissioner, have you expressed this opinion in writing to the Attorney General?

Mr Ellis: We have expressed to the Attorney General that it is desirable for a full-time commissioner to be appointed. We have also expressed the view that it is desirable for there to be a second acting commissioner—sort of a tag-team approach. As you would be aware, that is not an appointment that can happen overnight. The same process needs to be followed.

Hon JIM CHOWN: It has been nearly six months, acting commissioner. And what was the response?

Mr Ellis: Is it appropriate for me?

The CHAIR: Absolutely!

Mr Ellis: My understanding was that he was eager to address the issue. No doubt he will be able to say what his priorities are, but my understanding of his priority was to procure the reappointment of former Commissioner McKechnie.

The CHAIR: From my recollection—Mr Warnes might be able to help me—the issue about having a second acting commissioner has been a live issue for a long time, as I understand it. This is not a new thing.

Mr Warnes: I think previous to Mr Ellis’s first appointment, there were two commissioners. Certainly when I started at the commission, they were in that transition to one, with Mr Douglas finishing his term and Mr Shanahan continued. Since that period, we seem to have only one acting commission. It has been great to have an acting commissioner when former Commissioner McKechnie had a conflict of interest with matters—Scott was able to jump in—but we do not have that luxury now. We are fortunate that we have not had that and been confronted with that particular issue yet, but it is around the corner I am sure.

So, it has been done before. The CCC is not “Nigel No Friends” in this space; it can operate without a commissioner. It has done so in the past, and it will continue to do so.

It gets better. This is well worth a read, everyone. I highly recommend members go to it and perhaps get the Attorney General to have a perve as well. It goes on —

The CHAIR: While we are on that matter, there have been some indications, both in the report and I think publicly, that the commissioner has ongoing investigations into electoral allowance matters, if I can put that in broad terms. Given that there is no decision at this stage from the court, how active is that investigation, or is it effectively in suspension until you get more legal guidance?

Listen to this one, because it had all finished, remember, because John McKechnie is not there anymore —

Mr Ellis: We are still actively pursuing that investigation.

I repeat —

We are still actively pursuing that investigation.

The investigation has not stopped. I really hope that the Premier and Attorney General will read this. Mr Ellis continues —

There have been hearings to do with it.

I repeat —

There have been hearings to do with it. We will not be able to finalise the report or the whole of the investigation until the legal proceedings are resolved, but we do anticipate that —

I might add that that would have been the case even if John McKechnie was still there. There are still legal proceedings. The transcript continues —

Ms Endebrock-Brown : The legal proceedings are obviously holding up a number of things, but also relevant to the investigation is the material that we are trying to get hold of. We are waiting for that as well to be able to finalise the investigation or pursue aspects of the investigation.

Hon ALISON XAMON: Obviously there has been a lot of publicity about one particular high-profile element of that investigation, but, as I understand it, that has not prohibited the CCC from being able to investigate other members of Parliament. Can I confirm that, notwithstanding the fact that we are waiting a very long time for the outcome of that particular litigation, the CCC is still perfectly capable of being able to undertake investigations of other members of Parliament right now? Can I confirm that?

Mr Ellis: There are limits on what we can investigate at all because of parliamentary privilege.

That would occur anyway. That is important. It would have occurred anyway; it has nothing to do with whether John McKechnie was there. Mr Ellis continues —

Certain matters that we are investigating, particularly the electoral allowances, are not, in themselves, matters of parliamentary privilege, so we can continue to investigate those. However, in order to investigate those matters of the electoral allowances, we require access to a whole lot of documents. At the moment the contention is—and this is one of the things that may be resolved by the court—that a whole bunch of documents contain documents that are the subject of parliamentary privilege and, as I understand it, the Parliament needs to go through and decide which of those documents are privileged and which are not. Until it does so, we cannot get any of them. That puts a limitation on us finalising the investigation. It makes it a little bit more complicated, but there is certainly stuff that we can still do, and we are doing.

I want to make something perfectly clear. Firstly, the CCC is still continuing with that investigation; and, secondly, the fact that John McKechnie is not there has nothing to do with that investigation. There is still the issue of privilege, and that would have existed regardless of whether or not John McKechnie was there. That was the decision that was made by this chamber. It has nothing to do with John McKechnie. Once again, instead of the Premier and Attorney General lambasting us and, in particular Hon Jim Chown and, by design, Hon Alison Xamon, they need to go and look at this report and say to the Parliament and the people of Western Australia, “Actually, we got it wrong. The CCC is still investigating the electoral allowances issue.” It is still doing it. It is actively investigating it. I have just read that into this chamber. This is from a transcript of evidence of 7 October 2020 from the Joint Standing Committee on the Corruption and Crime Commission. I highly recommend that everyone looks at the whole thing.

I will go into a couple of other things. This is very important because it goes to just how involved the Attorney General is in this whole issue. The transcript states —

Hon JIM CHOWN: Can I just ask why the Attorney General received a full list of CCC investigations?

Mr Ellis: I beg your pardon.

Hon JIM CHOWN: Can I just ask why the Attorney General received a full list of investigations underway within the CCC?

Hon ALISON XAMON: That came out in the course of a line of questions within the Legislative Council.

They were my questions, I have to say. Hon Alison Xamon continues —

The Council was advised that the Attorney General had requested and received a full list of ongoing investigations from the CCC.

That is because the Premier wrote to the Leader of the Opposition and told her so. The transcript continues —

Mr Warnes: I do not think he got a full list of investigations. He got an indication of some of the serious investigations that we were undertaking by nature of them, not the specifics that would be operational.

Hon ALISON XAMON: I am just recalling that this has been the source of some debate within the Council. It most certainly has. The transcript continues —

Hon JIM CHOWN: Now you are qualifying, Mr Warnes. What do you mean by some nature?

Mr Warnes: I guess what he wanted to get a sense of was the impact of not having a reappointment of the commissioner.

Again, I will repeat that. If members cannot see the issues with this, they need to look in the mirror. This is from Mr Warnes from the CCC —

I guess what he wanted to get a sense of was the impact of not having a reappointment of the commissioner. We gave him a sense of the type of operations that we had underway that would be impacted, potentially, by that.

The CHAIR: And what were they?

Mr Warnes: In terms of the investigations?

The CHAIR: Yes.

Mr Warnes: I cannot recall them off the top of my head ... of what the list was or what the indications were.

A little further down, it states —

Hon JIM CHOWN: On any previous occasion has an Attorney General requested such information from the CCC to your knowledge?

Mr Warnes: Not to my knowledge.

I will come back to that later.

Debate interrupted, pursuant to standing orders.

[Continued on page 7158.]

Sitting suspended from 4.15 to 4.30 pm