Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
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LEGISLATIVE ASSEMBLY

Wednesday, 13 May 2020

Legislative Assembly

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THE SPEAKER (Mr P.B. Watson) took the chair at 12 noon, acknowledged country and read prayers.

PAPER TABLED

A paper was tabled and ordered to lie upon the table of the house.

SOUTH HEDLAND — STABBINGS — POLICE RESPONSE

Statement by Premier

MR M. McGOWAN (Rockingham — Premier) [12.03 pm]: Less than two weeks ago, on 1 May, dangerous and tragic events unfolded in South Hedland. Members will be aware that an offender armed with two knives committed seven random stabbings, of varying severity, in South Hedland, with most attacks occurring in the shopping centre, a busy place with a large number of retail outlets and offices. The seven victims who were stabbed were a 37-year-old woman, a 20-year-old man, a 19-year-old man, a 39-year-old man, a 24-year-old woman, a 37-year-old man and a 30-year-old woman. One woman was carrying her baby when she was attacked. All were treated at Hedland Health Campus, mainly for non-life-threatening wounds; one man with serious wounds was transferred to Royal Perth Hospital. I thank the health professionals who did an outstanding job caring for these victims.

Two experienced police officers, Sergeant Michelle Cornwall and Sergeant Michael Little, who were on patrol at the shopping centre, responded decisively and professionally to reports of an armed offender and sought to disarm and apprehend him. They deployed their tasers, but the offender withstood these and continued his life-threatening actions. Then the situation escalated further. These two dedicated officers knelt with Mr Fildes, along with two nurses, to render first aid to him for some time; however, his injuries were fatal. I acknowledge the bravery of Sergeant Michelle Cornwall and Sergeant Michael Little, who ran towards danger, met it head on and, by doing so, defended and protected the people of the South Hedland community. I thank them for their courage, their commitment and their compassion. I acknowledge also the security guard, Mr Cliff Hagart, who very bravely assisted prior to the shooting, and also local police, nurses and detectives who attended the immediate scene and dealt with the distressing situation.

I extend my condolences to the Fildes family. It is a deep tragedy for them and they have been receiving support, including from a police family liaison officer. It is also distressing for the officers involved, their police colleagues, police families, and the Hedland community. The officers are receiving counselling and support from the police health and welfare division, their colleagues and senior officers, and the WA Police Union.

Significant effort has been made to support the Hedland community in the aftermath. More than 40 extra police were deployed to South Hedland from Karratha and Perth. Members of the South Hedland community have been offered counselling through a pop-up facility in the shopping centre. I also thank my colleague the member for Pilbara for the support he has extended to the Hedland community. There is a current investigation by the homicide squad, overseen by police internal affairs, into the circumstances of the shooting. Over 60 witnesses are to be interviewed, numerous crime scenes identified and examined by police forensics, and CCTV and bodycam footage examined. I am assured this investigation will be thorough and meticulous as the tragic situation merits, and its findings will assist the coronial inquiry that will follow.

Events such as this highlight the extraordinary bravery, professionalism and empathy of our police, particularly Sergeants Michelle Cornwall and Michael Little, and security guard Cliff Hagart. I know all members would join me in again thanking them.

Members: Hear, hear!

CORONAVIRUS — EMERGENCY SERVICES

Statement by Minister for Emergency Services

MR F.M. LOGAN (Cockburn — Minister for Emergency Services) [12.06 pm]: I would like to take this opportunity to update the house on the recent amendments to the Emergency Management Act and regulations made to significantly strengthen our state's response to COVID-19 and community safety into the future. Together with the rest of the country, Western Australia has faced an unprecedented emergency. The types of measures needed to combat this deadly virus have forced us to require the community to act in certain ways. We introduced new legislative measures to ensure emergency management personnel could protect public safety. The new legislation included: $1 000 fines for individuals and $5 000 fines for businesses who go against the directions issued; enhanced powers for the State Emergency Coordinator to compel electronic location monitoring for the purpose of ensuring quarantine requirements are followed; and providing certainty to the State Emergency Coordinator when issuing directions to a group or class of persons, such as a remote community.

In the past 13 days two new cases of COVID-19 have been detected in Western Australia. This is a good position for our state. There is no doubt that the new provisions, which have been extensively used by the State Emergency Coordinator, have directly contributed to this result, including directions ensuring social distancing requirements. The amendments have also meant our emergency management authorities are well placed to address behaviours posing a risk to public safety, with WA Police issuing approximately 50 infringements under the new provisions. These are not the only recent changes to the emergency management framework we have made for the ongoing safety of Western Australians.

We have recently introduced a hostile act hazard provision into the emergency management regulations so that the Emergency Management Act can be used in a number of security-related situations. These amendments allow Western Australian authorities to use the emergency management framework to manage situations such as the 2017 Bourke Street Mall and Flinders Street–Elizabeth Street intersection vehicle attacks in Melbourne. We hope that we never have to use these powers, but we must be prepared as a community. This government is committed to continually strengthening our emergency management framework, and I thank all members in this house for their support as we continue to put public safety first.

OLGA RAMASAMY, OAM — TRIBUTE

Statement by Minister for Citizenship and Multicultural Interests

MR P. PAPALIA (Warnbro — Minister for Citizenship and Multicultural Interests) [12.09 pm]: It is with great sadness that I wish to inform the house of the passing of one of Western Australia's community champions—Mrs Olga Ramasamy, OAM. Mrs Ramasamy passed away on Wednesday, 22 April 2020, at the age of 95. Olga Ramasamy, OAM, was the CEO of the Australian Asian Association of Western Australia, a multicultural organisation dedicated to serving the community, and supporting the social and cultural needs of Western Australians from culturally and linguistically diverse backgrounds.

Olga lived a long and full life, which was notable for her dedication to the community and to those who needed assistance, support and advice. Her commitment to sharing her knowledge, her foresight and her extraordinary energy over so many decades brought strength and resilience to all who worked with her or knew her. Olga proved her commitment to seeking knowledge by completing her qualifications for a Bachelor of Community Services from Notre Dame University at the tender age of 91.

Olga was a community leader with an exceptional ability to bring people together and unite Western Australians from different communities and groups. Olga played a pivotal role in the establishment and operation of the Australian Asian Association and, together with the association's committee and members, assisted countless migrants to start new and fulfilling lives in Western Australia. Her role in shaping and guiding the community has left a legacy reaching well beyond her formal positions in various associations and committees.

Olga was a trusted and reliable advocate for WA's culturally and linguistically diverse communities, and was a strong voice on critical issues such as aged care and women's services. Her advice and insight into these matters were invaluable. Her commitment to building a strong and inclusive society will serve as an ongoing inspiration to everyone who seeks to make the world a better place. Olga's passing is a great loss to Western Australia, and I am privileged to have the opportunity to honour such a unique, caring and high-achieving member of our community today. I am sure I speak on behalf of all members of the Western Australian Parliament in extending our heartfelt condolences to Olga's family, as well as her many colleagues and friends.

Vale Olga Ramasamy!

ANZAC DAY SERVICES

Statement by the Minister for Veterans Issues

MR P.C. TINLEY (Willagee — Minister for Veterans Issues) [12.11 pm]: The COVID-19 pandemic sparked the first cancellation of ANZAC Day services since World War II. Sadly, Western Australians could not take part in the traditional dawn service at the Kings Park War Memorial, nor at any other war memorial throughout the state. This did not mean that the ANZAC spirit was diminished, nor that the sacrifice made by Australia's service men and women was less recognised.

Through the Returned and Services League of Australia Western Australia, a statewide campaign was launched encouraging Western Australians to take part in an "at home" ANZAC day dawn service, which encouraged people to stand at the end of their driveways, or on their balconies, in quiet contemplation at 6.00 am on April 25. In an exceptional display of dedication, tens of thousands of Western Australians took up the call to pay their respects. RSLWA did an incredible job in activating people to participate, with its Facebook page alone delivering over a million impressions on the day.

On behalf of the government I would like to thank RSLWA for adapting and coordinating its ANZAC Day activities in such a challenging environment. I would also like to thank those in my own veterans portfolio, who worked closely with other jurisdictions to adopt a common approach across Australia.

Every ANZAC Day, we pause to remember those who fought and died since that day in 1915, and to honour those who have defended our values and freedoms in wars, conflicts and peacekeeping operations since. It is a testament to our character, and every Western Australian should be incredibly proud that even in the midst of a crisis that forces us apart we can still come together as one and pay our respects to those who sacrificed for our country.

Lest we forget.

SHARKS — HAZARD MITIGATION — DRUM LINES

Statement by Minister for Fisheries

MR P.C. TINLEY (Willagee — Minister for Fisheries) [12.13 pm]: On the independent recommendation of WA's Chief Scientist, Professor Peter Klinken, AC, and through the Department of Primary Industries and Regional Development, the scientific trial to catch, tag and relocate white sharks will now extend until May 2021. The SMART drum line trial extension is to enable the collection of more data on the sharks being caught, tagged and monitored, and will allow for a science-based assessment of the effectiveness of the technology in reducing the risk of shark attacks.

The trial off the coast near Gracetown assesses the effectiveness of drum line technology in reducing the risk of shark attacks and includes 240 data recording VR2 receivers on the seabed, which track the movement of tagged sharks. During the first 12 months, the SMART drum lines caught two target-species sharks—that is, white sharks—and 146 non-target sharks, including tiger sharks and bronze whalers. As of May, a further 30 non-target species sharks had also been caught. Professor Klinken, as WA's Chief Scientist, in consultation with the ministerial reference group, will continue to review data from the first 15 months of the trial to see whether the trial's methodology can be improved.

This action forms just one part of the McGowan government's commitment to shark mitigation. Other initiatives include raising safety awareness through the "Sea Sense" campaign, subsidising approved personal shark deterrents for divers and surfers, funding enhanced beach patrols by Surf Life Saving WA, expanding the shark monitoring network to detect tagged sharks between Perth and Esperance, and installing three new beachside shark warning systems. Our goal is to keep improving WA's shark mitigation strategy and embrace scientifically-proven technology, but we also urge people to use their sea sense whenever they go to the beach. The McGowan government has implemented one of the most comprehensive shark mitigation strategies in the country, with a range of tools and actions, to ensure we have the information we need to enjoy the water safely.

EARLY CHILDHOOD EDUCATORS

Statement by Minister for Community Services

MS S.F. McGURK (Fremantle — Minister for Community Services) [12.15 pm]: I rise today to pay tribute to a very special group of workers who have made an enormous contribution to Western Australia during the COVID-19 pandemic. While frontline workers have done an incredible job in keeping our community safe, healthy and connected, early childhood educators have made sure that our children are looked after and supported during this difficult time. If we cast our minds back to late March and early April, we will recall that the early childhood sector across the nation was facing an existential crisis. With many parents withdrawing their children from services, centres were on the brink of closing and having to let staff go. Fortunately, state governments and the commonwealth government were able to put together a package that would allow centres to remain open and staff to be paid through JobKeeper.

This has allowed parents, particularly those who have performed essential roles during the COVID-19 pandemic, to bring their children back to childcare centres across the state. Although the early childhood package can still be improved to benefit more providers, overall, the sector has been able to continue operating during this difficult time. I want to thank early childhood educators and providers across Western Australia for the incredible work they do every day, but never more so than during the COVID-19 pandemic. They have bravely faced this crisis and never lost sight of what matters the most—that is, the care and education of our children.

I also want to thank representatives from across the sector, who have advocated fiercely for educators and providers, including Rachelle Tucker, Tina Holtom, Todd Dawson, Gabrielle Crosse, Andrew Paterson and Helen Creed, as well as the United Workers Union. I know that with such incredible and dedicated staff, the early childhood sector will be back stronger than ever, and Western Australian children will continue to receive the high-quality early childhood education they deserve.

MEMBER FOR PILBARA

Leave of Absence — Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [12.17 pm]: I move —

> That the member for Pilbara be given a leave of absence from the Legislative Assembly until 16 June 2020 on account of the current pandemic.

The member for Pilbara is one of our more remote regional members. There are, and have been, restrictions on travel to some of our more northern regional areas. This request is until 16 June, which is when we will commence the June sittings. I understand that the member for Pilbara may be here next week anyway, but this motion is to ensure compliance with the standing orders and requirements.

MR Z.R.F. KIRKUP (Dawesville) [12.18 pm]: The opposition supports the motion to extend a leave of absence. I note that previously the Leader of the House and I have spoken about moving a group motion to ensure that any absences accumulated during this time do not count for members as absences. I have since checked with the Sergeant-at-Arms and we have assured ourselves that no opposition members have any outstanding absences, because all members were fully accounted for here yesterday. I appreciate the unique circumstances that government members may face. The opposition will continue to work with the government to ensure that any leaves of absence that are put in place as a result of COVID-19 will be extended and those matters can be accommodated.

Question put and passed.

PROCUREMENT BILL 2020

Introduction and First Reading

Bill introduced, on motion by **Mr B.S. Wyatt (Minister for Finance)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR B.S. WYATT (Victoria Park — Minister for Finance) [12.20 pm]: I move —

That the bill be now read a second time.

Government spends around $27 billion each year, most of which is on procuring goods, services and public works for the benefit of Western Australians. Government procurement is a critical part of our economy and ensures we can provide our community with essential services such as equipment for our hospitals or building new schools. It is critical that the highest standards of probity and accountability apply when public money is being spent and that government spending delivers the best value for our community and our state. Government expenditure should also support broader economic, social and sustainability outcomes. We must procure in a way that maximises opportunities for local and small to medium businesses to work with government. We must also ensure government expenditure supports development in the regions, improves Indigenous outcomes and ensures the effective delivery of services to the most vulnerable in our community.

Unfortunately, the current procurement framework is fragmented and difficult for suppliers to navigate. In some instances, businesses that supply the same product or service to multiple government agencies need to engage using different tendering processes, contract documents and contract management approaches. This is a key issue for works procurement, including construction work, works consultancy services and building maintenance and property services, because these activities are not currently coordinated under the State Supply Commission Act 1991. This complexity adds an unnecessary cost to doing business with government. It limits the number of procurement opportunities that businesses can involve themselves in and makes supplying to government more difficult for local businesses we are seeking to support.

Both the service priority review and the "Special Inquiry into Government Programs and Projects: Final Report" found that poor outcomes were being delivered as a result of having multiple, different procurement arrangements across government. The bill enables the necessary action to be taken to address the recommendations from these reviews.

In 2017, the McGowan government took the first steps to improve local business access to procurement opportunities by introducing the Western Australian Jobs Act and the Western Australian industry participation strategy. This bill continues the government's work by establishing a more efficient and effective public sector procurement framework for the benefit of all Western Australians. The McGowan government has expedited introduction of this important bill in response to the COVID-19 pandemic. A streamlined and effective procurement framework for government will be an essential part of the state's economic recovery. This will support local, small and medium-sized businesses that are experiencing tough economic times as a result of the pandemic. The reforms will make it easier for these businesses to supply to government, creating even more job opportunities for Western Australians. For these reasons I take this opportunity to inform the house that next Tuesday, 19 May, I intend to move that the bill be considered an urgent bill.

The bill sets out the powers and functions required for a more agile procurement framework, including a strong integrity regime to rebuild confidence in public sector procurement. The bill requires state agencies to follow the same policies and principles when procuring goods, services or works. It will enable stronger central leadership while retaining local accountability and decision making within each agency. The new framework is more flexible, which will allow current and future governments to respond quickly to unplanned or emergency situations. It will

better support innovations in procurement policy being easily implemented across government, as well as providing improved mechanisms for more collaborative procurement. Overall, this will allow the state to better respond to changing community expectations and address economic, social and environmental challenges. This is exactly the type of responsiveness needed to help stimulate Western Australia's economic recovery.

To improve the integrity of public sector procurement, the Department of Finance will strengthen its central leadership role. In addition to providing advice and support, the department will audit agency buying, collect and report on information, and address supplier complaints that cannot be resolved by agencies. This will be used to drive process improvements and build the capability and expertise of the public sector's procurement profession. As everyone in this house would know, over the last couple of years we have seen reports of unacceptable conduct from some public officials and businesses who aimed to benefit from public procurement at the expense of Western Australians. The community expects better, and all businesses should be entitled to compete on a fair playing field. The public sector and industry each have a role to play to restore the community's expectation that public procurement is conducted appropriately, and this bill will help drive the right behaviours.

This bill allows government to better ensure the transparency of public sector procurement. It will enable a more robust audit and investigation function to identify those who engage in fraudulent and corrupt behaviour, as well as a smarter use of data to inform decision-making and compliance programs that support integrity in public procurement.

In addition, the bill will enable us to develop and implement a debarment regime. This regime will enable government to work with suppliers to improve business practices and to exclude unscrupulous suppliers who have broken the law. This new regime is the first of its kind in Australia, applicable to goods, services and works, and sends a clear message that only people who do the right thing will benefit from doing business with the Western Australian government.

The McGowan Labor government thanks those industry and community members, businesses and public servants who contributed to these significant reforms. We look forward to further consultation to support implementing the changes to the state's procurement framework upon the successful passage of this bill.

The associated explanatory memorandum contains further details of the changes.

I commend the bill to the house.

Debate adjourned, on motion by **Mr A. Krsticevic**.

CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2019

Second Reading

Resumed from 28 November 2019.

MR S.K. L'ESTRANGE (Churchlands) [12.26 pm]: I rise today to speak on the Children and Community Services Amendment Bill 2019. I am the lead speaker for the opposition, representing Hon Nick Goiran, who is the shadow Minister for Child Protection in the other place. The Minister for Child Protection will have to bear with me as I work through quite a number of my own notes, which I had to read in advance of giving this speech on what is a very serious topic for the children, families and people of Western Australia.

The first thing I want to look at is the legislation's background and purpose. It mostly implements recommendations of the 2017 statutory review of the Children and Community Services Act 2004 and the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse. A requirement was for the public service to prioritise a request from the CEO to provide assistance to a child in care, special guardianship or a care leaver. It will make persons in the religious ministry mandated reporters of child sexual abuse, and it will implement the Aboriginal and Torres Strait Islander child placement principle by putting greater emphasis on placing Aboriginal children with their family within their community or nearby. The CEO will be required to consult with an approved Aboriginal representative organisation before making placements or cultural support plans for an Aboriginal child. The bill also looks at care leavers, legislating that case planning will start from age 15 to transition to assisted living. That will affect people who are moving out of care in how they get catered for and how they make the transition. Principles of the legislation regarding out-of-home care include emphasis on the child's participation and wishes, birth family contact, placement with siblings and interpreters, if needed. A care plan review panel will now be able to splinter to investigate multiple applications. The approval process for secure care provisions will be more expedient, allowing temporary removal of the child, and special guardianship restrictions exist. There is also a provision that a victim of family violence cannot be prosecuted for exposing a child to it, and there are minor changes for transgender and intersex youth to address alleged inconsistency with the commonwealth Sex Discrimination Act 1984. The power to investigate suspected offences under the act is also addressed in this bill. There is a fair bit in it.

The strengths that I have identified and been briefed on with regard to the prioritisation of children in care by public authorities, particularly under clause 14, "Section 22 amended", prescribed by the regulations are that they must prioritise a request from the CEO for a child in care, a care leaver or a child under a special guardianship order, unless the request is inconsistent with this function and would unduly prejudice performance. If the public authority

cannot comply, it must provide written reasons as to why—for example, if the CEO requests it. A second strength is that it provides support for care leavers, legislating the planning and requirements to prepare a child for leaving care, including linking them with relevant social services and informing the child of their entitlement to receive that support up to the age of 25 years, should they seek it. That is covered under clause 37, "Section 89 amended". A leaving care plan must be prepared once a child reaches 15 years, including the social services to be provided to assist them, which relates to proposed section 89B under clause 38. Support for carers also covers children leaving care receiving written information on entitlements to post care, and that is covered in clause 43, "Section 98 amended". The third strength is that a more efficient care plan review panel will exist, and every child in care will require a care plan that has to be updated every 12 months. Those are the strengths of the plan, as we see it and as I see it, and no doubt Hon Nick Goiran in the upper house will also see it.

I will move to mandatory reporting and go through that. Clause 51 deals with mandatory reporting, which was one of the key aspects of the statutory review and of the royal commission. Currently, mandatory reporting laws exist for doctors, nurses, midwives, police officers, teachers and boarding supervisors to report child sexual abuse if they believe that a child has been abused. The bill now introduces mandatory reporting for ministers of religion, in accordance with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The issue that I identified regarding mandatory reporting—no doubt Mr Goiran in the other place will as well—is that the bill fails to introduce the other recommended reporting groups. I will go through them. The recent royal commission came to an unambiguous conclusion. It identified a moral and professional imperative behind mandatory reporting. Recommendation 7.3 of the royal commission states —

> State and territory governments should amend laws concerning mandatory reporting to child protection authorities to achieve national consistency in reporter groups. At a minimum, state and territory governments should also include the following groups of individuals as mandatory reporters in every jurisdiction:
>
> a. out-of-home care workers (excluding foster and kinship … carers)
>
> b. youth justice workers
>
> c. early childhood workers
>
> d. registered psychologists and school counsellors
>
> e. people in religious ministry.

It then observed that one of the benefits of this recommendation is that more individuals who work closely with children, and who therefore have a moral and professional imperative to report known or suspected child abuse and neglect to an external government authority, will be obliged to report and are also protected when making a report to child protection. If we compare the addition of mandatory reporting for ministers of religion with the groups that have been omitted, we might ask with what frequency a child might come into contact with a minister of religion compared with the consistency of a child coming into contact with an early childhood worker. We could argue that a child would obviously see early childhood workers a lot more often than they would see a minister of religion. Maybe the minister could explain why those groups have been omitted. I cannot understand why ministers of religion are in but those other ones who have a higher contact frequency are out.

Ms C.M. Rowe: The results of the royal commission is why they're included.

Mr S.K. L'ESTRANGE: But they have not been included in this bill.

Ms C.M. Rowe: The ministers of religion?

Mr S.K. L'ESTRANGE: Correct, but the same royal commission also referred to out-of-home care workers, youth justice workers, early childhood workers, registered psychologists, school counsellors and people in religious ministries. Yes, religious ministers are included, but all the others that were recommended by the royal commission have not been included in the bill. Maybe the member for Belmont can take that up with the minister. That is something that I would like some clarification on.

The minister also indicated in the second reading speech that consultation with the additional groups will occur in 2020. Maybe she can answer these questions when she replies to the second reading debate. Who has she been consulting in 2020? Why were these stakeholder groups not consulted prior to November 2019 when the bill was first introduced to this place? Is there a reason those groups are not included in the bill? A point to note is that the government has had three years to prepare and consult since the royal commission's final report was released in December 2017. There is some concern from the opposition about how that consulting occurred and whether it occurred effectively. Maybe the minister can address that aspect of consultation.

I move to some commentary on clause 71, which deals with investigative powers. I believe the "Statutory Review of the Children and Community Services Act 2004" was one of the driving reasons for the changes. I could not find in the statutory review a recommendation to change the investigative powers. Maybe the minister can highlight to this place the reason for those changes to investigative powers, if they are not a recommendation from

the statutory review. The bill introduces special investigative powers for the Department of Communities. This provision is of particular concern to some people in the community, and, no doubt, the other place will look into it in a fair bit of detail. It centres around the powers that are given to an authorised officer or industrial inspector, and the authorised officer is defined in the Parental Support and Responsibility Act 2008. It states —

> The CEO (Child Protection), the CEO (Education), the CEO (Corrective Services) or the chief executive officer of the department principally assisting in the administration of this Act may designate a public service officer of his or her department as an authorised officer for the purposes of the provision or provisions of this Act specified in the designation.

A number of people can fulfil the role. This clause of the bill replaces the limited investigative powers contained in the act that were used by industrial officers to investigate the employment of children. An example of this includes when an industrial inspector may need to visit a child's prospective place of employment to inspect the facility before the child begins work. Within this bill, the powers are expanded, allowing authorised officers and industrial inspectors to have a number of additional powers, including, but not limited to, entering a place with consent or with a warrant; requiring the provision of information; measuring, testing, photographing or filming any part of the place or anything at the place; making a copy of any record or document at the place; and the use of force that is reasonably necessary in the circumstances. The bill allows these powers to be exercised only when an authorised officer is investigating a suspected offence, which makes sense. But I am interested to know the criteria within the bill that define what information is enough to justify a suspected offence. It also proposes that the powers conferred by this part may be exercised in relation to a suspected offence under this legislation or other conduct, whether occurring before or after the commencement of this provision. I suppose the question then to be asked is: if it occurs before or after the commencement of this provision, how will that legally apply? We would like some clarification of that issue regarding investigative powers.

I now turn to clause 11, which is about placing children in care. According to section 12 of the act, currently, an Aboriginal child is placed into care in the following order of priority —

> (a) placement with a member of the child's family;
>
> (b) placement with a person who is an Aboriginal person or a Torres Strait Islander in the child's community in accordance with local customary practice;
>
> (c) placement with a person who is an Aboriginal person or a Torres Strait Islander;
>
> (d) placement with a person who is not an Aboriginal person or a Torres Strait Islander but who, in the opinion of the CEO, is sensitive to the needs of the child and capable of promoting the child's ongoing affiliation with the child's culture, and where possible, the child's family.

Clause 11 enacts recommendation 7 of the "Statutory Review of the Children and Community Services Act 2004" and realigns the priorities. The review, however, recommended that section 12 be amended to provide —

> (1) In performing a function under the Act about the placement of an Aboriginal child under a placement arrangement, a person, court or tribunal is to observe the principle that any placement for an Aboriginal child must, so far as is consistent with the child's best interests, accord with the following order of priority and all reasonable efforts should be made to comply with the order:
>
> (a) placement with a member of the child's family;
>
> (b) placement with an Aboriginal person in the child's community in accordance with local customary practice;
>
> (c) placement with an Aboriginal person in close proximity to the child's community;
>
> (d) placement with a non-Aboriginal person in close proximity to the child's community;
>
> (e) placement with an Aboriginal person;
>
> (f) placement with a non-Aboriginal person.

Obviously, the minister will have consulted Aboriginal groups in and around how that will work—if she did not, I am sure she will explain why—so perhaps she can explain how those interactions went. I am also interested to know, because I am certainly in no way an expert in this matter, how a placement will work when an Aboriginal child from one community is placed with an Aboriginal person from a vastly different community. Has there been any research, for example, on what happens when an Aboriginal child from the Martu region is placed with a family in the Noongar region? Do any special circumstances need to be taken into account in that case, or would a non-Aboriginal person be more effective? I do not know. I am basically asking whether those cultural differences would create more friction than they would if a child was placed with a non-Aboriginal person, if they had to be moved down to the south west, for example. I think the minister might want to explore or give some feedback on that. The motive of this bill is no different from the motive of the original bill, which is to ensure that children are closer to country and remain with cultural touchstones as much as possible.

The next area I want to look at is how these changes will be implemented in practice. I assume the minister has received feedback from people who work in the sector on the likely extra resources and supports that care leavers will need to access under this legislation. For example, what departmental changes will need to be made to cater for that type of support? Also, what extra components will be required in care plans? We all know that it is a legislative requirement that every child in care has a care plan, but I am led to believe that almost one in five, or 18 per cent, do not have a care plan. Maybe the minister would like to comment on that, because if one in five children in care do not have a care plan, how will that be addressed given the increased requirements under this bill?

Clause 8 inserts as a component in determining "what is in the best interests of a child" the need to develop and maintain contact with the child's family and significant people. That, obviously, will require some resource burden. How will that resource burden be addressed to enable the bill to work?

Previously, only 34 per cent of care leavers accessed supports, so will additional resources be available if there is a significant increase in care leavers who seek to access supports; and, for Aboriginal children, how will Aboriginal representative organisations that are yet to be approved by the CEO, and their specifics, be developed in the regulations? Obviously, the bill sets out to do one thing, and it has been suggested that that will occur by regulation. Maybe the minister can explain how that will occur. In summary, I would like the minister to explain how the changes that are being made to the resourcing of the department will enable this bill to operate effectively.

I turn now to the recommendations of the "Statutory Review of the Children and Community Services Act 2004", dated November 2017, which I presume the minister has read. The bill itself implements the recommendations from four out of five of the statutory review's terms of reference. I note that it does not implement 29 of the recommendations. Some of those may fall within the remit of court jurisdictions, and I will get to that in a moment. However, I do have questions around why some of those were omitted, and the minister might want to help us with those. I will start by reading the introduction of chapter 1 of the "Statutory Review of the Children and Community Services Act 2004", which states —

> The Act provides for the protection and care of children in certain circumstances, the provision of social services, financial and other assistance and for other matters concerning the wellbeing of children, other individuals, families and communities in Western Australia. The Department of Communities (the Department) is the agency principally assisting the Minister for Child Protection … in the administration of the Act.

I then go to the list of recommendations and those recommendations that have been omitted from the bill. I was able to work out which recommendations were omitted by reading a ministerial briefing that the minister's office provided to me and Hon Nick Goiran a little while ago now, back in March. We were provided with a document titled "Children and Community Services Amendment Bill 2019: Implementation of Review Recommendations", which listed the recommendations of the statutory review and where they have been addressed in the bill. I thank the minister's office for providing that document. It was most helpful. The questions I have relate to the recommendations that have not been addressed in the bill. Recommendation 1, which has been omitted from the bill, states —

> There should be increased Aboriginal representation on the Cross Sector Foster Carer Panel …

The second recommendation dealt with —

> … non-legislative measures for promoting consistently high cross-sector foster carer standards should be pursued before any further consideration is given to establishing in legislation a single decision-maker for the approval and revocation of foster carers:
>
> (a) cross-sector development of a carer assessment framework;
>
> (b) an accreditation and training requirement for foster carer assessors;
>
> (c) a strengthened Foster Carer Directory following a review of its role and operation.

Recommendation 3, which is not addressed in the bill, states —

> Consideration should be given to the external oversight of compliance with standards of carer assessment, review and revocation by the Department and community sector organisations.

Recommendation 4 states —

> The contractual requirements for community sector organisations should be aligned with the requirements of the carer assessment and revocation standards in regulation 4 of the Children and Community Services Regulations 2006.

Recommendation 5 states —

> Regulation 4 of the Children and Community Services Regulations 2006 should be amended to introduce an additional assessment criterion which requires that prospective carers must be able to promote children's cultural needs and identity.

Maybe the minister in reply can explain why those recommendations were not addressed in the bill.

I will move to the next recommendation that was not addressed, which was recommendation 17. It states —

> Strategies should be implemented, in partnership with Aboriginal community controlled organisations, to support capacity building which enhances the role of Aboriginal community controlled organisations in delivering child protection and family support services to Aboriginal families and communities.

The terms of reference for a number of those recommendations to do with secure care provisions were missing. Recommendation 19 states —

> The maximum timeframes in which a child may be placed in secure care under a secure care arrangement or an extension of a secure care arrangement should remain the same. Any amendments should be informed by an evaluation of secure care.

Recommendation 20 states —

> The Department should examine the current barriers to transitioning children effectively and safely from secure care and ways these barriers can be addressed.

Recommendation 21 states —

> The target age-range for admission to secure care should continue to be children aged from 12 to 17 years and the admission of younger children should be avoided wherever possible.

Recommendation 22 states —

> Work is urgently required to examine alternative means for addressing the complex needs of a small but increasing number of children aged younger than 12 years who, in the absence of suitable alternatives, are being admitted to secure care.

Recommendation 23 states —

> Rather than the assessor model in section 125A of the Act, under which the CEO is responsible for the appointment of assessors, oversight of the Department's secure care facility should:
>
> (a) be undertaken by an independent body with sufficiently broad oversight powers;
>
> (b) involve a minimum number of annual visits including unannounced visits; and
>
> (c) include Aboriginal people to assess and determine whether the specific needs of Aboriginal children in secure care are being met.

Recommendation 24 states —

> An evaluation of the role and effectiveness of secure care as a protective intervention for children should be undertaken as soon as possible to inform secure care practice and legislative policy into the future, including informing the optimal time frames required for stabilising and assessing the needs of children admitted to secure care.

Term of reference 5, "Intersection between child protection and Family Court proceedings", was pretty much all omitted. I will not read all those out. Maybe the minister can explain—because I know it is dealing with these two court proceedings—why recommendations 27, 28, 29, 30, 31, 32, 33 and 34 are missing and are not addressed in the bill.

Recommendation 35, under the heading "Promoting stability and continuity for children in care through permanency planning", was also omitted. It states —

> Safety, stability, continuity of care and relationships and a sense of identity and belonging for children in the CEO's care should continue to be promoted through implementation of the Department's permanency planning policy, and the policy should continue to be monitored and evaluated on an ongoing basis to determine its effectiveness in contributing to timely decision-making that achieves these outcomes.

Recommendations 53 and 54, under the heading "Children in the CEO's care—advocacy and care planning", were not addressed in the bill. Recommendation 53 reads —

> In collaboration with partner agencies, the Department should strengthen and further develop child-friendly complaints processes for all children in care which:
>
> (a) are targeted to the needs of different groups, taking into account children's age and type of care arrangement;
>
> (b) provide children with a range of options to speak out about their concerns;
>
> (c) link-in with children's existing safety networks;
>
> (d) are promoted through age-appropriate materials and platforms; and
>
> (e) are understood, and promoted with children and their safety networks, by child protection workers and residential care workers.

Recommendation 54 states —

> The model of independent child advocacy services most appropriate for children in the CEO's care should be explored, taking into account the number of children in care across the State, their type of care arrangement and the high proportion of Aboriginal children in care.

Recommendation 59 states —

> The *Children and Community Services Regulations 2006* should be amended pursuant to section 97(1)(e) of the Act to prescribe other documents or material that a child is entitled to when leaving the CEO's care.

Recommendation 63 states —

> The State Government should give consideration to providing opt-in, ongoing support to care leavers up to the age of 21 years, including through the continued support of their placement arrangements or alternative accommodation assistance and a dedicated youth worker/mentor to support a person's access to leaving care entitlements in accordance with sections 96 to 100, and ways of achieving this should be explored. The leaving care assistance currently available to young people who qualify under section 96 of the Act should continue to be provided up to the age of 25 years.

I know some of that is mentioned in the bill but the minister's office is saying that recommendation 63 is not being addressed.

Under the heading "Protection proceedings" are recommendations 66 to 68. Recommendation 66 reads —

> The Act should be amended to provide that decisions of a Children's Court magistrate under the Act are reviewable at first instance by the President of the Children's Court, with any subsequent appeal to the Court of Appeal of the Supreme Court.

Recommendation 67 states —

> The benefits of undertaking a 24-month pilot in the Children's Court of a specialist list for protection matters involving Aboriginal families should be explored, informed by similar approaches in other jurisdictions such as the Koori Family Hearing Day (also known as the Koori List or Marram-Ngala Ganbu) being piloted in Victoria.

Recommendation 68 states —

> An Aboriginal Liaison Officer/Consultant should be located at the Children's Court to facilitate the participation and engagement of Aboriginal families in protection proceedings to improve outcomes for Aboriginal children.

The last section that was omitted from the bill us under the heading "Miscellaneous". Recommendation 69 states —

> The Department should develop a charter of rights for families who come in contact with the Department as a result of concerns about the wellbeing of their children.

They are all the recommendations from the statutory review that the minister's office said are not addressed in the bill. The opposition seeks some feedback about why they have been omitted.

I will now look at how the department is going to cope. I started to talk about that a little earlier. The minister would be aware of an article of 12 August 2019 by Daile Cross that appears in WAtoday titled "Little lives: WA foster carers demand investigation into 'toxic' government department". I am not trying to have a go at the department; I am merely highlighting an article and the concerns that key people mentioned in the article. I am doing this to draw attention to the fact that if we are trying to significantly increase the services to be provided to families for the benefit of children, we need to make sure that departments are resourced effectively and they are prepared and ready to perform their duties. The article states —

> A highly respected foster carer who was awarded an Order of Australia Medal for a lifetime spent caring for vulnerable children has demanded an investigation into the operations of the department charged with protecting them.
>
> Gay Pritchard and her husband Gary became members of the Order of Australia in 2017, honoured for fostering more than 200 children over nearly 30 years.
>
> Mrs Pritchard, founder of advocacy group Foster Families South West, and current chairperson Kelly O'Connor have joined other foster carers and the Perth-based advocacy agency Foster Care Association of WA to speak out against the Department of Child Protection's management of the foster system and the breakdown in relations between case workers and carers.
>
> Both Mrs Pritchard and Ms O'Connor said the culture within the department was now "toxic".
>
> …

> Mrs Pritchard and Ms O'Connor said the culture within the department saw case workers bullying carers, threats of taking children and an apparent lack of a 'child first focus'.
>
> …
>
> "The department has in place good policies and procedures; however, these are rarely kept to and if questioned, are brushed aside with statements such as 'that is just a guideline'."
>
> Mrs Pritchard warned children often lingered in the system with no prospect of permanency in the near future, and the case management of children by the department was not good enough.

Mrs Pritchard was quoted as saying —

> "The department it seems is a law unto itself. Who are they accountable to?," …

Obviously that would have raised a fair bit of concern in the minister's office at the time, in August last year. I bring it back to the minister's attention with reference to how she is going to resource and effectively oversee the department to ensure that the changes being recommended in this bill can actually demonstrate an improvement on top of what existed before.

Another area I want to look at deals with the consultation that I began with in my contribution today. I refer to a letter—I think I might have just seen the Minister for Aboriginal Affairs hand or show the letter to the minister while I was speaking—addressed to Hon Nick Goiran and signed by Richard Weston, CEO of Secretariat of National Aboriginal and Islander Child Care — National Voice for our Children. The organisation calls itself SNAICC. I will read some key parts of that letter to the minister. The opening paragraph is pretty clear. It states —

> **Re: Children and Community Services Amendment Bill 2019**
>
> I am writing on behalf of *SNAICC — National Voice for our Children* for your support in our request to Minister McGurk for the proposed *Children and Community Services Amendment Bill 2019* to be referred to the Standing Committee on Legislation to enable further dialogue and negotiation with Aboriginal and Torres Strait Islander stakeholders in Western Australia (WA).

This is dated 28 April, 2020. Mr Weston wrote —

> As you are aware, Western Australia has the second highest rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care in Australia. This crisis is of grave importance to our families and communities in WA, so the legislative reform process must be developed in collaboration with Aboriginal people.
>
> …
>
> As the peak body for Aboriginal and Torres Strait Islander children, SNAICC is deeply concerned that the proposed legislative amendments will not be adequate to protect our children's safety and wellbeing.

Point of Order

Ms S.F. McGURK: This is not an objection, but I do not have a copy of that letter, so if it can be tabled I can better address some of the issues.

Mr S.K. L'ESTRANGE: I can get the minister a copy of it.

The ACTING SPEAKER (Ms M.M. Quirk): Only a minister can table a document, but the minister can enter into negotiations with the member.

Debate Resumed

Mr S.K. L'ESTRANGE: The letter continues —

> The Noongar Family Safety and Wellbeing Council have raised a number of concerns in relation to the bill, including that it does not adequately reflect the fundamental principle of self-determination for Aboriginal people, and that substantial involvement of Aboriginal and Torres Strait Islander organisations in the design of the legislation is sadly lacking. Proceeding with a bill that fails to address these community concerns will be a missed opportunity that could ultimately see the intent of the bill fail.

Further along, the letter states —

> Many of the recommended provisions are reflected within child protection legislation in other jurisdictions and were put forward during the legislative review process in Western Australia in 2017. They are not, however, reflected within the current proposed bill.

I will talk to Hon Nick Goiran, because the letter was addressed to him, and I will see whether he can get the minister a copy of it. Suffice it to say that the statutory review recommendations, which the minister's office showed us are not dealt with in the bill, are probably the recommendations—I am guessing—that Mr Weston referred to in his letter.

The final thing I want to look at is the government's five proposed amendments. I understand that these five amendments came through in February this year—is that right?

Ms S.F. McGurk: Later, I think.

Mr S.K. L'ESTRANGE: Later? Okay. In any case, the government proposes five amendments to its own bill, so clearly those amendments will have to be dealt with during consideration in detail. The first of those deal with clauses 11, 14 and 71. They seem pretty straightforward, but the opposition will be very keen to hear an explanation from the minister with regard to each of these three clauses, and an indication of how the explanatory memorandum should be read in light of those amendments. I think there was one explanatory memorandum change, but were these five amendments addressed in the second explanatory memorandum?

Ms S.F. McGurk: I don't have it in front of me. There are one or two of substance and others are procedural.

Mr S.K. L'ESTRANGE: Okay. So it might be worthwhile considering a third explanatory memorandum that considers these amendments so that members in the other place—particularly Hon Nick Goiran, who is the shadow minister for this portfolio—can get a better understanding of it.

The first amendment deals with clauses 11, 14 and 71. The next amendment deals with clause 59. We want to know what the catalyst was for its deletion, because I think all of clause 59 was deleted—is that right? I will have to get the bill out; it is on my desk. In any case, maybe the minister can explain to us why there was a complete deletion and whether there was any stakeholder input in its deletion. The third amendment deals with changes to clause 30. A question that has been put to me to ask on that is: if a child is the subject of a special guardianship order and the special guardian dies, why would they automatically be on a temporary order as opposed to an until-18 order? It is really a clarification as to why they stay on a temporary order and do not move to an under-18 order. That covers the amendments.

That pretty much wraps up the aspects of the bill that the opposition is interested in getting the minister's feedback on. We have given an indication to the minister of where the other place is probably going to go on this bill. Given that the external stakeholder correspondence I alerted the minister to sought referral of this bill to a parliamentary committee, I will be very surprised if that is not supported in the other place. The details of how this bill will work and making sure that all stakeholders are confident that what the minister is trying to achieve can be achieved are important aspects of legislative development.

In light of that, I will wrap up by saying that the opposition obviously supports the Children and Community Services Amendment Bill 2019 because its intent is to make the lives of children safer. I have highlighted to the minister the opposition's position and concerns around things that came out of the statutory review that were omitted or not addressed, and I hope the minister will be able to address them in some way today for us. I commend the bill to the house.

MR R.S. LOVE (Moore — Deputy Leader of the Nationals WA) [1.09 pm]: On behalf of the Nationals I would like to speak to the Children and Community Services Amendment Bill 2019. As we know, this bill will implement 41 recommendations of the 2017 "Statutory Review of the Children and Community Services Act 2004" and will touch on some of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. Children are the future of our community. They are, indeed, our most precious resource. Despite the fact that most children are cherished and loved and raised securely and have a range of opportunities that loving parents can provide, that, unfortunately, is not the universal truth for everyone in society. Indeed, the figure I was given was that as of 30 June 2019, 5 379 children had come to the attention of authorities and been taken into care. We all should have deep regard and a deep sense of concern for those children to ensure that not only their immediate surroundings are safe, but also they are cared for in a way that is appropriate to their culture and provides them with a range of opportunities that we would all like to think our children deserve. Of course, it is most important that those children need to be kept safe. Anyone who has followed the Royal Commission into Institutional Responses to Child Sexual Abuse will know that it provided a watershed report containing details of a range of systemic failures of many organisations, including churches and faith-based organisations—organisations that had promised to look after children and ensure that the children they were in charge of received the best care. We know that through a range of systemic failures, they failed to do that. The final report of the royal commission made 310 recommendations and part of this bill seeks to deal specifically with mandatory reporting by ministers of religion, who will join doctors, nurses, midwives police officers, teachers and boarding supervisors in being required to report to the CEO if they form a reasonable belief that a child is being or has been sexually abused.

Ministers of religion are persons recognised in accordance with the practice of a religious faith who are authorised to conduct services or ceremonies in accordance with the tenets of that faith or religion, regardless of how their position or title is described, whether they are called a priest, a minister, an imam, rabbi, pastor or any other description. There will be no excuse for failing to make a mandatory report because a minister's belief was based on information disclosed to the minister during a religious confession or because making the report would be contrary to the tenets of the minister's faith or religion. A religious confession is a confession made by a person to a minister of religion in the minister's capacity as a minister of religion in accordance with the tenets of the minister's faith or religion.

I was raised in the Catholic tradition and I remember at the age of seven receiving the sacrament of reconciliation and trying to think of some sins that I could report to the priest. I duly reported a range of grievous wrongs that I had undertaken at the age of seven, and I duly continued to report over the next few years. It was drummed into us that everything said in the confessional was under a sacred seal and would not be revealed to anyone. I therefore understand that this is a matter of some concern to members of the clergy in the Catholic religion. I also understand that the royal commission has made it clear that the requirements to ensure that children are kept safe are paramount. Members of my party and I support this change and are pleased to see that the recommendations are being put into action.

Another key area the bill deals with is the placement of Aboriginal children. I understand 55 per cent of those 5 379 children whom I spoke about and who were in care in 2019 were Aboriginal, despite the fact that only 6.7 per cent of the population of children are in fact Aboriginal. Therefore, a greatly disproportionate number of Aboriginal children are placed into care in this state, as we know from the experience of the stolen generation and of First Nation people around the world. Last year, I had the opportunity to travel on the parliamentary exchange to Saskatchewan where we spoke to members of the First Nation community. Saskatchewan has a system that basically paraphrases as "residential schools", which is a system similar to what we have recognised with the stolen generation, whereby children were taken from First Nation families and put into institutions supposedly to ensure that they were cared for. However, we know that it is very important for First Nation people to have connection to their kin, their culture and their communities. A range of other factors need to be taken into account in determining whether an assessment is suitable.

This bill sets out the principles for Aboriginal child placement and cultural support planning. It sets out an order of priority for the placement of an Aboriginal child in care. The broad intent of the principle is to enhance and preserve connection to family and culture for children in care. Placement with the child's family of an Aboriginal person in the child's community or another Aboriginal person anywhere in WA is currently prioritised over placement with non-Aboriginal persons. This bill prioritises placement with a non-Aboriginal person in close proximity to a child's community over placement with an Aboriginal person who may live anywhere in Western Australia, recognising that connection to country and the nearby community is very, very necessary. If placement with someone from the child's family or, failing that, a placement with an Aboriginal person in the child's community cannot be achieved, the order of priority is, going down the list: placement with an Aboriginal person who lives in close proximity to the child's community; placement with a non-Aboriginal person who lives in close proximity to the child's community; placement with an Aboriginal person who may be anywhere in the state; and placement with a non-Aboriginal person. Placement with a non-Aboriginal carer must be with someone who is responsive to the child's cultural needs and is willing and able to encourage and support the child to develop and maintain connection with culture and traditions of the child's family or community.

Before making a placement, the CEO must consult with an Aboriginal member of the child's family, an Aboriginal representative organisation approved by the CEO in accordance with the regulations, an approved Aboriginal representative organisation and an Aboriginal officer of the department with relevant knowledge of the child, the child's family or the child's community. Subject to the regulations, an approved ARO must also be given an opportunity to participate in the development of an Aboriginal child's cultural support plan, which will include participation and reviews of the plan. It is envisaged that these approved AROs may well be the existing native title groups and bodies that have become resourced and established throughout the state and are recognised by the local community who have knowledge of the child or the child's family and community. If an application for the review of a child care planning decision concerns an Aboriginal child, the constitution of the care plan review panel dealing with the application must include an Aboriginal person.

The bill has a range of other measures, such as the development of care plans for 15-year-old children leaving state care that detail the appropriate social services to be encouraged for safe and successful independent living. Also, a range of measures are involved in investigating the appointment of children to make sure that children are not being exploited and requirements are to be included in written proposals for the wellbeing of a child. Under section 143, the CEO of the department must provide the Children's Court with a report when it makes a proposed protection order arrangement for the wellbeing of the child. The bill will require those reports to outline the proposed arrangements for safeguarding and promoting the wellbeing of the child, including proposed arrangements for promoting, where appropriate, the child's relationship with family or other people significant to the child. The proposed arrangements for placement of an Aboriginal child or a culturally and linguistically diverse child must be in accordance with the child placement principles or court guidelines, and have a cultural support plan. The proposal for an Aboriginal child must outline that consultation will be undertaken as required.

We know that this bill contains a range of measures. It is quite a detailed bill and indeed the act is quite a detailed act, and so we will be watching with some interest as this bill goes through the consideration in detail stage, and no doubt through all those other detailed matters. I will not go into them now because I know we will deal with them over the coming days. Suffice it to say the Nationals WA is aware that changes need to be made to the treatment of children. We support the bill. We know that all these matters are very sensitive. There are no black-and-white solutions. There is no best way forward, but there is often a better way forward, and so if this bill is trying to find a better way forward, we are keen to support that.

MR B.S. WYATT (Victoria Park — Treasurer) [1.21 pm]: I want to make some comments on the Children and Community Services Amendment Bill 2019 to get my views on the record. I note that the work of the Minister for Child Protection in bringing this forward needs to be commended. I make this point because amendments to legislation such as the Children and Community Services Amendment Bill are often very, very difficult because it is always contentious; it requires a lot of consultation; and it is therefore often very difficult to find its time in the parliamentary sunshine, shall I say. Therefore, I am really delighted that we have the opportunity now to bring this into the Parliament. The member for Moore just made the point, I think, that it is a better way forward, and there will no doubt be many, many views expressed in the community about what people would prefer to see, but there is no doubt that this will dramatically improve the current legislation.

I acknowledge the minister for getting this work done and the effort and consultation required with those organisations that deal in an area that is fractious, emotional and very difficult. Of course, the Aboriginal community is watching this matter closely and has been closely involved simply because of the percentage of Aboriginal children in care; I think other members have already commented on that today. We should support endeavours to move forward and get a better arrangement. We have to be careful about simply demanding more and requesting that the Parliament reject an improvement on the basis that it has not given all that people want. As has been pointed out, this bill amends the Children and Community Services Act 2004, which is WA's legislative framework for the protection of children, and matters concerning the welfare of children and their families.

The minister made a point in her second reading speech in November last year about the lengthy process of review and consultation that has led to this bill and the technical detail that this bill contains. These sorts of legislative amendments are technical and require that lengthy process of review outlined by the minister. Of fundamental importance, the bill implements the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse relevant to Western Australia and the 2017 "Statutory Review of the Children and Community Services Act 2004". I want to emphasise for Aboriginal people who may be watching or listening and closely following this debate—there will be many—that this bill amends the current act to build stronger connections to family, culture and country for Aboriginal and Torres Strait Islander children, through working more closely with Aboriginal community–controlled organisations to better implement the Aboriginal child placement principle. I want to comment on this critical aspect of the bill.

I think every member and every person in Western Australia wants to see these changes address the unacceptably high number of Aboriginal children in care. That is what we are keen to deal with. In March this year, 5 497 Western Australian children were in care, of which 55.7 per cent were Aboriginal. We have become so familiar with that statistic that it is almost losing its impact. But 55.7 per cent of children in care were Aboriginal, as at March this year. Clearly that is an appalling and disturbing statistical reality, and that is what we are trying to address. In my view and the government's view and I think that of all members, this bill is a big step forward in that regard. I want to make the point, of course, that laws and the power of state intervention are not the only solution. We know that from historical experience. What works is a legislative framework that supports partnerships with Aboriginal communities and families. This minister has certainly been trying to achieve such partnerships, and that has been characteristic of her time as the Minister for Child Protection. She has entered into partnerships with Aboriginal communities and organisations, and this bill embraces their recognition.

The amendments build stronger connection to family, culture and country for Aboriginal children in care. They strengthen the requirements to consult Aboriginal communities and families about placement, cultural connections and care planning. They provide for greater consultation with, and participation of, Aboriginal families and organisations, and increased accountability in applying the Aboriginal child placement principle. They mandate cultural support plans for Aboriginal children in care to support children's connection to family, culture and country, which is fundamental to improving outcomes for Aboriginal children. Pretty much every Aboriginal organisation involved in childcare has demanded that those four key amendments, which I have just outlined, be taken up, and this legislation does that. The amendments to the Aboriginal child placement principle will prioritise placements in close proximity to a child's community. The member for Moore outlined that in his comments just a few minutes ago. Although this provides for the option of a child to be placed in their local community with a non-Aboriginal family, a report by an Aboriginal representative organisation will be required for this to occur—again, bringing in that Aboriginal view and perspective on that placement decision. This is particularly important in WA, given the vast geographical size and cultural diversity of Aboriginal Western Australia.

The bill also promotes stability and continuity for children in care by prioritising the child's significant relationships and stability of their placement. Again, by way of an aside, I think we have all read a range of different reports over the years around the importance of stability when a child is placed in care. Changes to the principles in the act, which I referred to just a minute ago, reflect the importance of stability in the child's life. For Aboriginal children, connection to community and their culture is essential to stability in their placements and their wellbeing. That fundamental recognition that organisations have been demanding of the government for a long time is enhanced by these amendments. These amendments make that better, and people and organisations need to understand that. This bill also introduces amendments that strengthen and clarifies provisions for children who have left care, including entitlements in early-care planning prior to leaving care. The bill strengthens provisions for shared responsibility of government agencies to prioritise the needs of children who are, or were, in care.

There has been some confusion—I hope it is confusion as opposed to deliberate misinformation—within I think only small parts of the Aboriginal community about proposed section 81 of the bill, which relates to consultation before the placement of an Aboriginal or Torres Strait Islander child. Proposed section 81 is about the consultation that must occur before the department makes a placement decision for Aboriginal children and is not about consultation prior to removing a child. Section 81 of the act currently states that before a placement arrangement is made, the department must consult with at least one of the following: an officer who is an Aboriginal or Torres Strait Islander person; an Aboriginal or Torres Strait Islander person who has relevant knowledge of the child, the child's family or the child's community; and/or an Aboriginal or Torres Strait Islander agency that has relevant knowledge of the child, the child's family or the child's community. This bill proposes to amend that section, again based on the recommendations from the review of the act that many Aboriginal organisations have been pressuring, cajoling and encouraging the government to take up, so that before a placement arrangement is made, the department must consult with all of the following: an Aboriginal or Torres Strait Islander person who is a member of the child's family—I think it is important to prioritise feedback from a member of the child's family—plus an approved Aboriginal representative organisation, plus an officer who is an Aboriginal or Torres Strait Islander person who has relevant knowledge of the child, the child's family or the child's community. It is clear that regardless of one's view of this legislation—my understanding is that most people support it—what is beyond dispute is that this bill will significantly strengthen the provisions in the act to provide that the department must consult with all three groups that I have outlined. We have included family as one of those options, which is incredibly important. That is not in the current act. Furthermore, these provisions will act only as a minimum. In practice, consultation will occur with multiple members of a child's family. That is the reality. Ultimately, legislation sets out a minimum requirement. In this case, the minimum is being raised considerably higher than the minimum currently in the act. Of course, it will always be in the interests of the department of the day, regardless of who is in government, to be honest, to consult with more than the bare minimum.

A combined statement was put out by the Noongar Family Safety and Wellbeing Council and the Secretariat of National Aboriginal and Islander Child Care, or SNAICC–National Voice for our Children. To be honest, the statement is disappointing because the public comments it sets out, I think from Hannah McGlade, are simply wrong. I know Hannah, as I think most people do. She is a smart, articulate person who has been in this space for a long time. This is a fractious debate. These two organisations are now calling on the Parliament to reject this bill because it does not have everything that they want. Importantly, they are calling upon us to reject this bill based on something that is incorrect. I want to get this on the record. Statements that have been made, both in that statement and by Hannah McGlade on NITV—I will come to those comments in a minute—are wrong. This bill implements recommendations from the review of the act that those organisations, and particularly SNAICC, have been calling on the government to implement. The government is now implementing them. I daresay there would be very few ministers who have held this portfolio over the last decade who would have had the capacity to get this bill into the Parliament, yet here we are. This government has made a commitment to progress these amendments to ensure that positive changes are progressed to child safety in cultural connections. Organisations like SNAICC have called on the government to implement these recommendations as a matter of priority; they have been demanding this from the government. I will just quote from SNAICC's submission, titled "Reviewing Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle: Western Australia 2019". It states —

> Cultural support plans are not currently required by legislation and ACCO participation in their development, implementation and monitoring remains limited. It is noted that the recommendations of the statutory review include new requirements regarding cultural support planning and ACCO participation.

This bill is doing exactly what SNAICC called for in its submission; it implements the legislative requirement for cultural support plans and the involvement of Aboriginal community–controlled organisations in these plans. Why SNAICC is now calling on the Parliament to reject this bill is beyond me. I think it has perhaps overstated its position and hopefully will resile from that after giving it some consideration. In that same submission, SNAICC also stated that the government had yet to act on the recommendation in the review for a child placement hierarchy. This bill implements the recommended changes to this hierarchy.

We are doing nearly everything that SNAICC has demanded from the government. Where there is a point of difference is that SNAICC and the Noongar Family Safety and Wellbeing Council have demanded that the government enshrine family-led decision-making within the bill. We recognise that family-led decision-making is important, but legislation is not needed for us to begin implementing it in the Western Australian context. Family-led decision-making was not one of the review's recommendations, which SNAICC has demanded that the government implement. I do not think it is particularly feasible to add these changes at the last minute, and I think if we did, it would see the end of this bill, bearing in mind where we are in the parliamentary cycle. I say to SNAICC and the Noongar Family Safety and Wellbeing Council that their demand for what they consider to be perfection may see them lose the opportunity for a much better system that deals with most of the demands that they have been making to the state government. In fact, the Department of Communities and Minister McGurk are exploring a pilot to

progress work around family-led decision-making and build the capacity of the sector as we move towards that type of practice. To put that in the bill now would simply require the bill to be pulled, and I daresay it would not appear again this side of the state election next year.

I get that some Aboriginal advocates, Hannah McGlade being one, consider that this bill does not go far enough in enabling Aboriginal decision-making about Aboriginal children in care. I do need to address this, because Ms McGlade has been quoted as saying that this bill —

> … is whittling away, of the provision of self-determination and we're seeing quite a retrograde legislation in West Australia," …

That is fundamentally wrong. I think it is also unfair to the efforts to which the government and minister have gone to ensure that we are now able to debate the introduction of a much better system that actually meets SNAICC's demand for the government to implement the recommendations of the review. I do not think these groups actually mean that they want the bill to be rejected if the Parliament does not introduce amendments to legislatively recognise family-led decision-making. I think even they know that that would be a retrograde step. Hannah is threatening what will be a much better system by demanding what she considers to be perfection. I think everybody wants a much better system that brings Aboriginal people into these key decisions around placements, which at the moment are very minimal under the legislation, and requires a much higher minimum standard that the department will, when it can, go above and beyond. This is an incredibly important amendment to the act. I know that, by and large, the Aboriginal community supports the passage of this legislation.

MS C.M. ROWE (Belmont) [1.38 pm]: I rise today to commend to the house this landmark Children and Community Services Amendment Bill 2019. I would like to begin by acknowledging and congratulating Minister McGurk and all the departmental staff who have produced a bill that will no doubt go a long way towards protecting vulnerable Western Australian children.

In 1979, John Pirona was a 13-year-old student at St Pius X High School in Adamstown, New South Wales. Mr Pirona should have been enjoying school and enjoying his childhood. He had his whole life ahead of him and he should have been afforded a carefree adolescence, like so many of us have experienced. Instead, Mr Pirona was sexually abused by notorious Catholic priest and teacher John Denham. In 2018, Denham was found guilty of abusing his fifty-eighth victim between 1968 and 1986—58 children whose childhoods were destroyed by the same man. Fifty-eight victims—two classrooms of utter destruction left in the wake of a man whose depravity and evil should have no place on this earth. Denham was protected by St Pius X High School principal and priest Tom Brennan, who was acknowledged by the church as a child sex abuser.

Mr Pirona did not tell his wife or other family members of the abuse until 2008. By that time, the abuse that he had suffered had led to an intermittent struggle with alcohol and drugs, as so many victims face. In 2012, Mr Pirona died by suicide. He was found with a note that read "too much pain". The years of pain and substance abuse issues stemming from abuse as a child drove Mr Pirona to take his own life. It left a gaping hole in the lives of his parents, wife and two young children, and sparked a national cry for action. It proved to be the catalyst for a royal commission, announced by then Prime Minister Julia Gillard in late 2012, so his life was not taken in vain.

The Royal Commission into Institutional Responses to Child Sexual Abuse was as damning as it was disgusting. The sheer scale of institutionalised abuse is difficult to comprehend and perhaps is why definitive action has been hard to come by. When the damage is so vast and so prevalent, what can possibly provide adequate compensation, reconciliation and atonement? The commission was contacted by 16 953 people who were within its terms of reference. The commissioners listened to the personal stories of over 7 981 survivors and read 1 344 written accounts. Sadly, Western Australia was at the forefront of this investigation. Three of the top four church institutions reported for incidents of child sexual abuse between 1980 and 2015 were here in Western Australia.

The Children and Community Services Amendment Bill 2019 continues the McGowan government's commitment to bringing Western Australia in line with the 310 recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse. One of these recommendations relates to the reporting of suspected child sexual abuse. This government will make it mandatory under the law for a religious minister to report reasonable belief that a child has been, or is being, sexually abused. The abuse that survivors are subject to as children has long-lasting, debilitating and often irreversible effects. Studies have shown time and again that trauma of this kind experienced in childhood leads to a greater risk of mental health and substance abuse issues later in life.

Associate Professor Judith Cashmore and Dr Rita Shackel acknowledge in their paper, "The Long-term Effects of Child Sexual Abuse", that aspects of abuse are significant factors in the mental wellbeing of victims. One of those factors is the relationship with the perpetrator and the betrayal of trust. This is particularly pertinent for the reform that we are considering today. A minister of religion should never ignore suspected child abuse for the protection of their colleagues nor that of institutional reputation. Religious institutions, and those who lead them, should welcome these reforms that are designed to protect children. Instead, I was shocked and affronted when Perth's Catholic Archbishop, Timothy Costelloe, criticised these long overdue reforms in *The West Australian* last May. The archbishop was quoted as saying that he saw these reforms as "interfering with the free practice of the Catholic faith".

Let us be very clear: this legislation will not allow for the broadcast of every utterance made in confession. It is targeting the most heinous and evil of confessions that may be heard by priests—that of child abuse. When reflecting on the intention of those coming to confession, the archbishop was quoted again in *The West Australian* in May 2019 —

> You don't come to confession unless you have recognised the sinful nature of your behaviour, are filled with sorrow and shame of it and determined never to commit such sins again.

Is sorrow and a commitment not to reoffend in any way adequate?

This, of course, is the great conceit of confession when considered against our modern and ever-evolving legal system and the expectations of the community. Although the sinner can wipe clean their conscience and maintain to never return to their sins, effectively absolving themselves of these crimes in the eyes of the church, this provides very little or no comfort for the victims, let alone any justice in the eyes of the law. Confession is a matter of absolving sins, not of righting wrongs. The archbishop and the Catholic Church need to ask themselves whether holding on to the secrecy of confession, in the most egregious and extreme circumstances, is more important than the protection of children from further abuse.

The stories of child sexual abuse that have come to light in the past decade have been absolutely gut-wrenching to read. The covering up of these crimes is despicable and totally cowardly. Any individual who chooses not to report a reasonable belief that a child has been, or is being, sexually abused needs to be held responsible for the consequences of their inaction. As a mother, I cannot even begin to fathom the devastating effects that the sexual abuse of a child has on the victim and the victim's family. Knowing that a trusted local figure had prior knowledge of the abuse and chose not to report it would only intensify the agony for the victim and their family. There is no excuse not to report suspected child abuse. It flies in the face of our principles of decency and justice. The damage that this non-disclosure can cause is totally devastating, long-lasting and, in many cases, fatal. We owe it to every victim who has taken their life, to every victim who never got to see justice served and to every survivor who has suffered in silence when a mandatory report could have seen them receive the help they desperately needed to heal from the trauma they experienced.

As a Parliament, we have an undeniable obligation to protect the most vulnerable in society. Mandatory reporting of suspected child sexual abuse will result in earlier identification of child sexual abuse cases. In these cases, support will be able to be provided to the victim earlier than has previously been the case. This will hopefully mitigate some of the damaging mental health and substance abuse effects that child sexual abuse is known to have on victims, often for the rest of their lives. Mandatory reporting will ensure that child sex offenders are apprehended and brought to justice earlier than in the past. This will stop repeat offenders before they can traumatise children to the extent that John Denham did over 18 years.

Other amendments in the bill align with the royal commission's recommendation 12.20 regarding full implementation of the Aboriginal and Torres Strait Islander child placement principle, and recommendation 12.22 for strengthened supports to assist care leavers to safely and successfully transition to independent living.

The Children and Community Services Amendment Bill 2019 will also implement recommendations of the "Statutory Review of the Children and Community Services Act 2004". The act was reviewed in 2017 by the then Department for Child Protection and Family Support, on behalf of the minister. It established five terms of reference. This bill implements recommendations concerning four of those five terms of reference. The fifth term of reference needs to be considered within the context of broader reforms underway in the family law and Children's Court jurisdictions at a commonwealth and state level, and is therefore not included in the bill.

The amendments to the principles in part 2 of the act are crucial in the promotion of long-term stability for a child in care, which the Treasurer just touched on, with consideration of whether it is appropriate to work towards reunification with their parents. These principles will guide the planning conducted by the Department of Communities for children under the care of the chief executive officer, which will aim to provide the best possible outcome for this group of vulnerable young Western Australians. The objectives of this planning include achieving continuity and stability in living arrangements; enhancing the child's relationships with family, subject to protecting the child from harm and meeting the child's needs; and for an Aboriginal child or a child from a culturally and linguistically diverse background, enhancing connections to culture and family traditions. For a placement arrangement, they include placing the child with family, placing the child with siblings, and placing the child with people who are prepared to encourage and support the child's contact with family, subject to decisions under the act about that contact. These principles strongly set out a long-term plan for children in care, taking into account the very different situations each of them face, and the importance of cultural considerations in their continued wellbeing.

As was just mentioned by our Treasurer, connection to family, culture and country for Aboriginal and Torres Strait Islander people is critical to their emotional, social and physical health. The amendments in this bill have a strong focus on preserving these principles for Aboriginal and Torres Strait Islander children in care. This aligns with recommendation 12.20 of the Royal Commission into Institutional Responses to Child Sexual Abuse—that governments work towards full implementation of the Aboriginal child placement principle and a greater understanding of its intent, which is to enhance and preserve Aboriginal children's connection to family and

community, as well as a sense of identity and culture. The amendments achieve this by illustrating an order of priority for the placement of an Aboriginal child. This order has been devised with the principle of connection to family, culture and country in mind. It acknowledges that if the optimal placement of an Aboriginal child with family is not possible, there are placements that better preserve the aforementioned principles than others. The amendments also provide for greater participation in the placement process by Aboriginal members of the child's family and Aboriginal representatives. This approach will solidify the emphasis placed on connection to family, culture and country by ensuring that decisions are made in collaboration only with representatives who have a strong knowledge of each child's heritage and community.

This bill is a vital compilation of amendments that will strengthen legislation regarding some of the most vulnerable Western Australians in our state. These changes will have a real impact. The expansion of mandatory reporting of child sexual abuse to include ministers of religion will result in earlier identification of child sexual abuse victims, helping to stop repeat offenders and providing assistance to victims who may otherwise not be identified. The updated principles for child care placement will provide a more conclusive set of guidelines to ensure that children in care have long-term stability, with culturally appropriate plans in place. Overall, this bill provides at-risk Western Australians with greater protections under the law, a long-term focus on child care placements, culturally sensitive care, and assistance that does not cease once a child has left care.

I am incredibly proud to be a part of the McGowan Labor government that is implementing such important reform for children in community services. I once again congratulate the minister, who has worked tirelessly to produce these amendments in line with the royal commission and the act's review. Finally, I would like to express my deepest and most sincere condolences to all victims of child sexual abuse and their families, as well as those children who have had detrimental experiences in care in Western Australia. It is my hope and belief that this bill will prevent other young Western Australians from experiencing similar abuse and trauma through their childhood. I commend this bill to the house.

MR D.J. KELLY (Bassendean — Minister for Water) [1.54 pm]: I rise to make a contribution to the second reading debate on the Children and Community Services Amendment Bill 2019. I begin by congratulating Minister McGurk and her department for bringing forward such an important bill. Part of what I specifically want to talk to is its furthering of the recommendations of the recent Royal Commission into Institutional Responses to Child Sexual Abuse. I also commend the member for Belmont for her very good contribution to debate on this bill.

One element of this bill is to implement recommendations made by the royal commission into child sexual abuse—in particular, to extend mandatory reporting to religious persons. That is particularly what I want to talk about. I recently gave an interview about my dealings with my former school, Christian Brothers College, Fremantle. I was a student there from year 4 to year 12. In that interview I talked about the shock I experienced when I discovered in 2013 that the head of the primary school of that school when I was there was, in fact, a paedophile. He was a Christian Brother who had taught me religion in year 4 and he was also the principal. He had, in fact, abused children in at least two schools—Trinity College and Aquinas College. That was revealed in an article in *The West Australian* in 2013.

My experience of that brother—Brother Danny McMahon—when I was at school was that he was basically a bully and quite a violent man, but I was not aware that he also sexually abused children. When I became aware of that, I contacted the school and asked, now it knew that that brother was an abuser, whether it would publicly acknowledge it, and what it would do for those students who came into contact with him. We know that one reason people do not come forward is that they do not believe that they will be believed. The Christian Brothers College now knows that Brother Danny McMahon sexually abused children. If it publicly acknowledged that, that would assist other victims to come forward. To cut a long story short, the school has never publicly acknowledged that. I now know that the Christian Brothers College knew that Brother Danny McMahon was an abuser of children back as early as 1990. Even though it had that knowledge, it did not publicly acknowledge it. Even in the representations that I have made to it as a member of Parliament since 2013, it still has not publicly acknowledged it. In my view, the school still has done absolutely nothing to assist students who may have been abused by Brother McMahon. It has not done what it should do to assist those victims to come forward.

Something that is particularly disturbing about the case of Brother McMahon is that he moved in the 1990s from Western Australia to Tasmania and became a Catholic priest. It is a very similar scenario, which we often see reported—that is, abusers, rather than being reported to the police, are moved. In the case of Brother McMahon, he moved from Western Australia to Tasmania and became a Catholic priest. Brother Shanahan, who is the head of the Christian Brothers here in Western Australia, advised me that he advised the authorities in Tasmania that there were some issues with Brother McMahon, but he saw that he had no responsibility or ability to follow that up because he had since left the Christian Brothers and had become a Catholic priest. I find it remarkable that someone in a senior position in the Christian Brothers would not follow that up. But Brother McMahon became a Catholic priest. I assume as part of that, he would have heard confessions in Tasmania and performed all the functions that a Catholic priest would have performed. When he finally passed away, I think in 2012, he was given a glowing eulogy by current members of the Christian Brothers, even though they knew, from 1990, that he was an abuser.

As the royal commission revealed, the Catholic Church has an appalling record on these matters. The royal commission estimates that approximately 22 per cent of Christian Brothers were the subject of abuse allegations. Twenty-two per cent is not a case of one bad apple! The royal commission reported that seven per cent of Catholic priests were the subject of sexual abuse complaints. In my view, that under-reports the likely experience and the likely numbers, but if ever there were any conjecture about the extent of this problem within the Catholic Church, the royal commission really put that to bed. It was not a case of one bad apple; it was child sexual abuse, to use a common term these days, on an industrial scale.

Debate interrupted, pursuant to standing orders.

[Continued on page 2613.]

QUESTIONS WITHOUT NOTICE

DANGEROUS SEXUAL OFFENDERS — NICHOLAS RODNEY MCDONALD

268. Mr P.A. KATSAMBANIS to the Premier:

Can the Premier explain why dangerous sex predator Nicholas Rodney McDonald, now known as Faulkner, was not declared a dangerous sex offender, and how he was released into our community without being electronically monitored?

Mr M. McGOWAN replied:

I learnt about this issue this morning when I read about it. I asked for an immediate review of the arrangements and expressed my concern about these issues. Obviously, I understand the community concern in respect of this. The process in place is conducted by what is known as the Dangerous Sexual Offenders Review Committee at the Department of Corrective Services. It is independent of government and it put in place recommendations for what should take place in relation to this particular person. Obviously, he is a person who has committed some heinous crimes and is someone no-one in our community would have a great deal of sympathy for. There is a process in place that has apparently been implemented, but obviously we are seeking a review of it.

DANGEROUS SEXUAL OFFENDERS — NICHOLAS RODNEY MCDONALD

269. Mr P.A. KATSAMBANIS to the Premier:

I have a supplementary question. Will the Premier and the Attorney General now address this catastrophic failure and apply to have this dangerous predator declared as a dangerous sex offender so he will either go back to prison where he belongs or, at the very least, be electronically monitored in real time when he is in our community?

Mr M. McGOWAN replied:

As I said before, he is a person who has committed some heinous crimes. We have asked for a review of this situation to see what can be done.

ENVIRONMENT — ASSESSMENT AND APPROVAL PROCESSES

270. Ms S.E. WINTON to the Premier:

I refer to the economic impact of COVID-19 and the uncertainty it has created for business and industry. Can the Premier outline to the house how the measures being introduced by the McGowan government to streamline environmental assessment and approval processes will provide confidence to business and industry and help stimulate the WA economy?

Mr M. McGOWAN replied:

I thank the member for Wanneroo for the question and appreciate her interest in matters economic. There has never been a more important time to provide confidence and certainty to business and industry than now as we recover from COVID-19. We are supporting investment and making it easier for major projects to get underway, and at the same time we are ensuring that proper and rigorous environmental processes and safeguards are in place. With that in mind, we are now introducing measures to simplify and streamline the process for environmental assessment and approvals, which will slash the time for major projects and reduce costs for industry. This could assist in more than $100 billion worth of major projects in the development pipeline getting underway in a sooner time frame. We are establishing Environment Online, a digital one-stop shop for environmental assessments, approvals and compliance, improving transparency in environmental approval processes and consistency of approvals, making it easier for industry to navigate joint state and commonwealth environmental approval processes. We expect it will reduce time frames for major projects by up to 12 months. That means more jobs created sooner. This is a $28 million project funded by the state and commonwealth governments. It builds on the additional staff we put into the Environmental Protection Authority to deal with major projects last year. We put an additional 14 staff into the EPA to assist with approval processes.

We are also investing $7.7 million, on top of the $28 million, in the biodiversity information office, a cost-effective system to capture, store, analyse and publish biodiversity data throughout WA. If one analysis is put in place that secures data in relation to a certain area, that will be accessible by other proponents in the future. It means a reduction in duplication and a simplification of access to information by proponents across the state. It will result in better

and more consistent decision-making processes. These are two important initiatives that will assist us to come out of COVID-19 with a stronger, more resilient economy, and a protected environment. Their implementation has been called for for years and we are going to be implementing these two measures with a significant injection of funds. As I said, it will protect the environment and provide greater certainty for industry. It will ensure that major projects get underway in an environmentally responsible matter and also ensure more jobs for Western Australians.

CORONAVIRUS — MENTAL HEALTH RESPONSE

271. Mr Z.R.F. KIRKUP to the Premier:

I refer to the interview of the president of the Western Australian Association for Mental Health, Kerry Hawkins, on Gareth Parker's radio program this morning, calling for desperately needed funding for mental health amid the COVID crisis. What has the government spent on non-government community mental health support or suicide prevention services over and above the existing funding since the state of emergency was declared in relation to the COVID pandemic?

Mr M. McGOWAN replied:

I did not hear the interview and I am unaware of it. I do know that we are putting record amounts of money into mental health at this point in time—more than at any point in time in the history of Western Australia. We are targeting critical shortages and growing services to meet long-term demand. It has been very interesting over the COVID-19 period what has happened in respect of our health services around Western Australia. There has actually been a reduction in throughput of our hospitals more broadly and fewer people presenting with mental health conditions to our emergency departments than prior to COVID-19. Part of the reduction in activity in our hospitals is because we delayed elective surgery because of concerns around personal protective equipment. In relation to the requirement for mental health services, it has been unusual to see that there has been a reduction in demand for it in our emergency departments. There could be a range of reasons for that. On the other hand, clearly, with more people losing their jobs and more people closing their businesses and heightened anxiety about the economic, social and health condition of the state, I expect that over time there will be, and probably has already been, growth in concern around people self-harming or indeed committing or attempting suicide. Clearly, we will need to ensure that our focus, and the Mental Health Commission's focus, is very much on those issues.

CORONAVIRUS — MENTAL HEALTH RESPONSE

272. Mr Z.R.F. KIRKUP to the Premier:

I have a supplementary question. I appreciate the Premier's agreement that this issue needs to be focused on. Given that the sector is calling out for those increases in funding, can the Premier outline to the house when that funding will be spent and when we can expect to see improvements in those programs that the WA Association for Mental Health believes are underfunded at this time?

Mr M. McGOWAN replied:

I do not have the figures to hand for the amount that is being spent on suicide prevention at the moment. I am sure that if the member gave a little bit of notice and asked the Minister for Mental Health that question, the minister would be able to provide the member with that figure. Obviously, as I have said to the member, the demand for mental health services in our hospitals has gone down. That is because of a few reasons. I suspect that a lot of people have not wanted to go into hospital for a range of reasons. They are probably concerned about other health issues, and perhaps there are some other social issues that we are unaware of. I am advised that there has been a decline in a range of crimes. As we know, a lot of mental health issues rely upon, or are perhaps exacerbated by, people taking illicit drugs, particularly methamphetamine. There has been a decline in meth usage and a decline in a whole range of crimes across our community, which may mean a decline in mental health presentations. On the other hand, we also know, as I have said before, that when things are difficult economically, a lot of people self-harm or consider self-harm. Providing decent services for that will be a focus of the Mental Health Commission. If the member wants specific answers to these matters, I urge him to put his questions to the Minister for Mental Health.

CORONAVIRUS — TOURISM INDUSTRY — RECOVERY PACKAGE

273. Mr D.T. PUNCH to the Minister for Tourism:

I refer to the devastating impact COVID-19 has had on WA's tourism industry. Can the minister outline to the house how the McGowan government's multimillion-dollar tourism recovery package will support those small tourism businesses and operators that have been impacted by COVID-19 and, in particular, those businesses that are based in parts of our state where travel bans are more restrictive than they are in other places?

Mr P. PAPALIA replied:

I thank the member for Bunbury for his question and his support for the Western Australian tourism industry.

As I said in this place yesterday, the government has acknowledged from the very start of the COVID crisis that the tourism sector has been probably the most impacted industry and stands, in many cases, to be the longest impacted with respect to moving out of the restrictions imposed to respond to COVID.

This morning, I was very heartened to join the Premier for his announcement of a $14.4 million recovery package to support our tourism industry, which has been so severely impacted. It has two funding programs. The first is the tourism recovery fund, with $10.4 million in cash grants available for up to 1 600 small businesses across the state with annual taxable wages of less than $1 million. They are those businesses that were not the beneficiaries of some of the other government initiatives that have been rolled out already to support small business. The $6 500 will provide immediate support for eligible tourism operators, including accommodation, attraction, tour and transport businesses.

The second funding program is a $4 million tourism business survival grants fund and it will be available for those operators dealing with exceptionally difficult circumstances. It provides grants ranging between $25 000 and $100 000 per business. It is very focused, naturally and understandably, on those parts of the state that are likely to be impacted by the COVID response for the longest time. That includes those tourism operators in the north and in parts of the Pilbara and goldfields who are very likely to be restricted in their ability to access the Perth market for a time. They confront challenges associated with hibernating their business; supporting their infrastructure; fees for licensing, insurance and the like; and also supporting their employees until the seasonal market is reopened.

As part of the application process, businesses will need to submit a recovery plan to outline how the funding will be used and, importantly, demonstrate their ability to pivot towards the new market, which in the near term will be Western Australians holidaying in WA. It is focused on the intrastate market. They need to meet other obligations. I urge small businesses in the tourism sector across the state to go to the industry page of the Tourism WA website and follow the prompts. We are here to help. It has taken time to get this ready. It is a robust program and is focused on giving support where it is most needed.

CORONAVIRUS — TOURISM INDUSTRY — RECOVERY PACKAGE

274. Mr V.A. CATANIA to the Minister for Tourism:

I refer to the tourism recovery fund announced today.

(1) Why does the eligibility criteria not extend to include tourism operators who are members of their industry organisation, such as the Australian Hotels Association WA, the Caravan Industry Association Western Australia and local visitor centres?

(2) What industry consultation did the minister carry out before constructing the eligibility criteria?

Mr P. PAPALIA replied:

(1)–(2) I thank the member for his question. Members of those associations will we eligible, subject to meeting the other criteria of the programs. There are obligations around being eligible for this package, and they are on the website. Very clearly, the first element of the package is focused far more specifically on those smaller players who have not been eligible for other benefits that the government has provided to small business. It will give those microbusinesses and sole traders an opportunity to get some support.

Mr V.A. Catania interjected.

The SPEAKER: Member!

Mr P. PAPALIA: There are a number of associations. It has to be a recognised tourism operator. That is not an unreasonable obligation for a tourism recovery package.

Mr V.A. Catania interjected.

The SPEAKER: This is the first one for the week. I call you to order, member for North West Central.

Mr P. PAPALIA: It is the regional tourism organisations such as Tourism WA, the Tourism Council of Western Australia and the Western Australian Indigenous Tourism Operators Council—any one of those organisations. A genuine registered tourism operator that is meeting the obligations of the package will be eligible. That is a good thing. This is taxpayers' money. It is essential at this time when there are incredible demands on the taxpayers' dollar from every possible direction that we focus on those in the tourism sector who need it the most and whom we want to pivot towards the new market. We are giving those who have been deprived of their market due to the restrictions in place to respond to COVID the ability to survive and make it to the other side.

CORONAVIRUS — TOURISM INDUSTRY — RECOVERY PACKAGE

275. Mr V.A. CATANIA to the Minister for Tourism:

I have a supplementary question. What is the minister's advice to the north west tourism businesses that have no certainty about when the borders will reopen and will not receive any support from the package?

Mr P. PAPALIA replied:

I am in contact with tourism operators in the north west. I did a webinar immediately after the press conference with the Premier, and over 200 businesses were on that webinar. I have talked to them recently and Tourism WA

has a team that has been actively contacting tourism businesses across the state since the first days of the COVID crisis. We are directly communicating with businesses. The genuine tourism businesses in the north of the state that are impacted by our response to COVID because of the travel restrictions will be eligible for this fund.

Mr V.A. Catania interjected.

The SPEAKER: Member for North West Central, I call you to order for the second time.

Mr P. PAPALIA: I advise all tourism businesses that are suffering from the impact of COVID and seeking assistance to go to the industry page of the Tourism WA website. Look there. There is a lot of information, but if they require further assistance, they should contact Tourism WA. We have a number of very knowledgeable public servants providing advice directly to those people most affected and I urge that they seek advice from people who know what they are talking about.

CORONAVIRUS — GOVERNMENT RESPONSE

276. Mr M. HUGHES to the Minister for Health:

I refer to Western Australia's success in flattening the curve and the work that continues to be undertaken to contain the spread of COVID-19. Can the minister update the house on how the government is continuing to manage cases of COVID-19 and ensure that Western Australia is well placed to responds to any outbreaks?

Mr R.H. COOK replied:

I would like to thank the member for Kalamunda for the question and for his support for the government in its efforts to respond to COVID-19. Indeed, I want to thank everyone in the community for continuing to observe the social distancing measures we need to undertake and for their patience during this uncertain time. I also want to thank the Chief Health Officer and those across our health system who are providing great advice and guidance during the COVID-19 pandemic. I thank them for the information they use to continue to inform the government on our COVID-19 response.

It is true to say that we are also informed by the evidence of our testing program and I note the important role it plays in making sure that our response to COVID-19 is effective. Our testing regime has been expanded along the way to ensure that we identify positive cases and isolate them to prevent the spread. The latest development of the testing regime is the McGowan government's DETECT program. This initiative has brought together some of Western Australia's leading researchers and asked them to design a population study to examine the prevalence of COVID-19 in key sectors of our community. We are partnering with Telethon Kids Institute in a study to test for COVID-19 amongst school students and staff without symptoms. The study, involving schools, will also provide greater certainty around possible transmission of disease in our school community.

Although there is currently no evidence of community spread within our schools and they are considered low-risk environments, it is hoped that the DETECT study will assist in developing even stronger evidence for and stronger community confidence in these policy decisions. Initially, 80 public schools, education and support centres and residential colleges in metropolitan and regional WA will participate. The participating schools reflect a range of socioeconomic, educational and cultural backgrounds. Of course, participation in the program is voluntary.

We are also partnering with our major resources companies and leading researchers to roll out COVID-19 testing amongst fly in, fly out workers. The DETECT FIFO program is a joint initiative between the Department of Health and the research community. We are working with Curtin University, the Harry Perkins Institute of Medical Research and mining and resources companies. It is expected that nearly 30 000 tests will be conducted during the life of the project. The DETECT FIFO project is funded by industry and endorsed by the Chamber of Minerals and Energy, and we thank it for its leadership and participation.

I reiterate that although there is no evidence of community spread of COVID-19, it is hoped that the DETECT program will further assist in building a stronger evidence base and community confidence for us to go forward. It is important to remember that we are continuing to test more and more people as we go forward. We have now conducted more than 56 000 tests, and WA has the second-lowest national rate of locally acquired COVID-19 cases. In the most recent data, from between 1 May and 7 May, Western Australia had a testing rate of 515 tests per 100 000 head of population. This was greater than that of Queensland, the ACT, the Northern Territory and South Australia. Only Tasmania and Victoria were ahead of us in this regard, and we know about the issues they are confronting. New South Wales was also slightly ahead of Western Australia.

Tellingly, each state has its own experience of COVID-19, and I want to provide two further stats to the chamber to help inform it about our particular experience. Sixty-eight per cent of South Australia's COVID-19 cases were from overseas. In Western Australia, with Perth as a gateway city to Australia, 85 per cent of our cases were acquired from overseas. Logically, more than 32 per cent of South Australia's cases were acquired locally, whereas only 15 per cent of ours were acquired locally. This really informs us about how effective we have been in making sure that we are on top of any localised spread. Overseas travel continues to be the biggest source of all our COVID-19 cases, which is why the quarantining and hard border policies that we put in place have been so effective in making sure that we enjoy very low numbers of COVID-19.

FAMILY AND DOMESTIC VIOLENCE — STRATEGY

277. Mr A. KRSTICEVIC to the Minister for Prevention of Family and Domestic Violence:

I refer to the McGowan government's public consultation for the 10-year strategy for reducing family and domestic violence in Western Australia, which was completed in June 2019.

(1) Will the minister urgently release and implement the 10-year strategy, given the terrible impact of the coronavirus crisis on family and domestic violence in Western Australia?

(2) How much additional funding has the state government invested in this area since the 2017 state election?

Ms S.F. McGURK replied:

I thank the member for the question.

(1)–(2) Towards the end of the question I thought it was a little like a question that might have come from the government side, because I am very proud of the additional investments this government has made, in both dollar terms and effort, to combat our high rates of domestic violence. This is a particular issue for us during COVID-19; the isolation that goes along with trying to prevent the threat of contagion and possible contamination has created increased opportunities for perpetrators to exercise control and aggression over their victims and their families. I now sit on the State Disaster Council and I have heard the Commissioner of Police regularly report that although there has been a levelling-out of crime statistics—in fact, in many cases a reduction—that is sadly not the case for domestic violence. We have seen an increase in the number of family-related assaults and, particularly, in threatening behaviour, both in year-on-year figures and on the preceding month.

We are likely to see—I am discussing this with the police commissioner and there is some evidence internationally—that this is but the tip of the iceberg. As people start to come out of their houses and again engage in the community generally, we will see an increase in reporting. I was pleased to be part of discussions with my counterparts from the other states and in the federal government which, to its credit, has this financial year committed an extra $150 million to combating domestic violence. From now until the end of the financial year our allocation will be $3 million, and then we expect to get a proportion of that money for the following financial year; it is just about to come through. We will allocate that to existing services as brokerage money so that they have some flexibility. Obviously, their services will be more in demand, but they are also having to isolate within those services. They have to accommodate fewer people, which is a challenge for them. However, it is a challenge that is not beyond them; they are stepping up to the effort fantastically.

There will be some brokerage money, there will be some money to track perpetrators, there will be some additional money for children—the $3 million that the federal government has committed—and money for keeping women safe in their home. That is when victims and their children get to stay in the house and the perpetrator moves out, so that is a good thing.

Since coming to office, we have allocated about $53 million in additional new money to combat domestic violence. I am happy to go through all those initiatives. They include the construction of two new refuges this year—one will be in Peel and one will be in Kwinana—and two hubs, one in Mirrabooka and one in Kalgoorlie. There will be training through the Respectful Relationships program in schools and paid leave in the public sector. There will be funding for the Pets in Crisis program, partnering with the RSPCA, so that people can know that their pets are being looked after.

There are also significant law reforms. There is a bill that has passed through the lower house and has yet to be finalised in the upper house—a significant law reform that was given very fulsome praise by the Women's Council for Domestic and Family Violence for its breadth. However, a number of provisions were expedited through Parliament because of their applicability to COVID: restraining orders can now be applied for electronically by a third party, such as a legal service or an advocate; the electronic monitoring of perpetrators; and increased fines relating to restraining orders. They are all good initiatives that we are now advertising to make sure people are aware of them.

The final point is in relation to the domestic violence 10-year strategy. Essentially, we are doing a lot of immediate work, and that is important. We have framed that around making sure victims are safe, perpetrators are held to account, our justice system is appropriate, and we are stopping the violence before it starts. But this is a long game. We need to fundamentally change the attitudes in the community that lead to violence and we have done some fantastic consultation around the state to look at pacing out that work over the next 10 years and prioritising it. I think that strategy is at the printing stage, so it will be released very shortly. I look forward to partnering with the other side of the chamber to implement that in a bipartisan way to make sure that the community can make no mistake that violence is not acceptable in any circumstances.

FAMILY AND DOMESTIC VIOLENCE — STRATEGY

278. Mr A. KRSTICEVIC to the Minister for Prevention of Family and Domestic Violence:

I have a supplementary question. I noticed that the minister used the words "will be" a lot; she said "these things will be happening". That is after nearly four years in government.

(1) How much additional funding has the sector requested or set aside to implement the 10-year strategy for reducing family and domestic violence?

(2) How much additional funding has the sector sought for the terrible increase in violence associated with the COVID crisis?

(3) Why is the sector calling for more funding and why, according to recent media articles, is the minister not supporting it?

Ms S.F. McGURK replied:

Several members interjected.

(1)–(3) Some interjections made the point that I cannot speak for the sector. I understand that they feel pressure at the moment. A week or two ago I had a hook-up with Zonta, one of those service providers, and was very impressed with its ability to adapt in the current circumstances. It was a very positive interaction and I got to hear about its immediate issues and the challenges it faces. I do not know whether the member for Carine has been talking to different people, but I have a very positive engagement with the domestic violence service providers at both a peak level and with the individual refuges and services. They do a lot with not very much as a sector. They have been very grateful with the extent of this government's engagement. I guess it would be fair to lead into that statement that that stands in sharp contrast to their engagement with the previous government and the frustration and lack of appreciation of the depth of this issue in the community.

There is a lot of work to do, and I understand there is immediate demand. As I said, we are grateful that the federal government is stepping up. We are looking at what immediate extra support might be required during the current crisis and we will continue to work on releasing the strategy and, over time, advocating for more resources. It is partly about more resources but it is also about coordination and determination of effort and that is something this government is very committed to.

CORONAVIRUS — RESOURCES SECTOR

279. MR S.J. PRICE to the Minister for Mines and Petroleum:

I refer to the importance of the state's resource sector in supporting the WA economy through COVID-19. Can the minister outline to the house what measures the McGowan government has taken to provide both relief and support to mining companies during this time?

Mr W.J. JOHNSTON replied:

I thank the member for the question. I know that the member was a miner before he went into Parliament and he is certainly making a major contribution as the member for Forrestfield.

Several members interjected.

Mr W.J. JOHNSTON: I am pleased to say that the government is very happily working very closely with the resource sector in this state and we are very pleased with the level of engagement we are having with representatives of the sector and the individual companies. As an example of the deep engagement we have with the sector, the Premier met with the iron ore sector only last week to make sure that it keeps carrying Australia's economy because without the Western Australian resource sector, Australia's economy would be in even more trouble than it already is.

I am pleased to say that in working with the industry, we have been able to take a number of actions to support it. The first thing we have done is announce the reduction in the mine safety levy, which will be reduced from 21¢ per billable hour to 17¢ per billable hour from 1 July 2020 to assist in reducing costs in the sector. As Warren Pearce, the chief executive officer of the Association of Mining Exploration Companies said, "This is welcome news for the mining and exploration industry." For the first time ever, we have also provided a guidance note to clarify the criteria for granting exemptions for exploration expenditure in Western Australia. The industry can apply for relief from the obligations on their exploration licences and get that approved by the delegates who operate in the department. For the first time ever, the minister—me—on behalf of the government, has provided a direction to the delegates to explain that those exploration companies that are seeking relief because of the COVID-19 situation are to be granted that relief rather than having to go through an individual discussion about whether the application is valid. Although the companies must make the claim and explain why they are making the claim, the fact that they do those two things through the online form 5 means they will get approval to have their obligations set aside

for the current 12 months. Taking away those obligations will save the industry approximately $190 million over the next 12 months, ending on 31 March 2021. In addition, the delegates in the department will also be able to provide an extension of time for payment of lease obligations, if a company seeks that. Again, the application can be made through the online form 5 process.

I must say that I urge local governments that also collect rates from exploration companies to look at what they are doing and understand that exploration companies need support at the moment. I urge local governments to ensure that exploration companies are assisted through this difficult time.

I would also like to let members know that we also had representations from the Chamber of Minerals and Energy regarding the requirements for so-called wet signatures on applications to the department; that is to say, a personal signature on a document. After that representation to me and my office, we discussed the matter with the department and we have again been able to provide very significant assistance to the industry by removing the requirement for personal signatures on a range of documents. That is something we will be able to continue into the future. We have also discussed with the Chamber of Minerals and Energy some suggestions it might make to the commonwealth government that would make it easier for corporations to fulfil online applications rather than requiring certification under the Corporations Act. We hope the commonwealth government will also be responsive. This, again, has been welcomed by the industry. Mr Paul Everingham, the chief executive officer of the Chamber of Minerals and Energy, said —

> "CME sought this practical approach from the Government not only for streamlining and efficiency purposes, but also to ensure that necessary industry engagement could continue during COVID-19,"
>
> …
>
> Now that DMIRS is moving to a expand the use of electronic approaches, WA resources companies can now carry out their administrative business with the Department in a safer, more efficient manner, …

We are very pleased to continue to work with the industry, dealing with fly in, fly out issues and movement between the regions of Western Australia and the occasional need for very peculiar, specialised skills from other states. We hope that we can continue to work with the industry to support Australia's economy, not just Western Australia's economy.

CORONAVIRUS — HOSPITALITY RESTRICTIONS

280. Mr D.T. REDMAN to the Minister for Racing and Gaming:

Mr Speaker, I must say I was a little anxious about coming to question time after having a homemade haircut, but then this morning I saw the Treasurer, and I feel right at home!

Mr B.S. Wyatt interjected.

Mr D.T. REDMAN: We both have Italian partners, so no-one wants to take us on.

I refer to the Labor government's decision to lift some COVID-19 restrictions from next week that will allow greater movement into the south west. Can the minister explain why it is considered unsafe to allow tastings before purchasing bottled wine from cellar doors, yet it is considered safe for a larger winery with restaurant capacity to seat up to 20 customers and serve them wine and food?

Mr P. PAPALIA replied:

I thank the member for his question. With respect to the lifting of restrictions as we gradually move out of that most restrictive nature of the response to COVID, there will be inconsistencies. There will not be uniformity. There will be things that look at odds with other decisions, but they are all driven by advice from the best possible health authorities in the world. I have said it before. I said this morning with regard to tourism that since day one, Australia has, in my view, had one of the best, if not the best, responses in the world to the COVID threat, and I think we in Western Australia have the best in the country, and that has been driven by health advice —

The SPEAKER: Patting yourself on the back again!

Mr P. PAPALIA: And the best Minister for Health in the world!

The SPEAKER: Point of order!

Mr P. PAPALIA: When it comes to these matters, there will be issues around variations between different venues. The intent is to try to provide the greatest possible opportunity to get people back to work in the safest possible environment. In defining the difference between a venue that is a restaurant serving whatever number of people and a small winery doing cellar-door sales, I am not the right person to ask—it is the health authorities. Having said that, we had a meeting yesterday with all peak bodies from every hospitality association in the state, including Larry Jorgensen from the Wine Industry Association WA, who made that point. We were in the room with senior representatives from the Department of Health and the Department of the Premier and Cabinet, which is leading the COVID response within government, and we enabled them to make contact, offer those questions and seek

further consultation. It does not necessarily mean that things will change between now and Monday, but it ensures that as we go further from here, there will be far greater opportunities for industry input to the process. Everything has been quite rushed because the national cabinet made its decision on Friday and we had to be ready to roll out our response as soon as we could. It is a very complex thing, but the departments are aware of that concern and are considering it.

CORONAVIRUS — HOSPITALITY RESTRICTIONS

281. Mr D.T. REDMAN to the Minister for Racing and Gaming:

I have a supplementary question. Will the minister consider reviewing this and other restaurant settings with appropriate social distancing and hygiene in place prior to the June Western Australia Day long weekend so tourists can get the full taste of the south west and great southern?

The SPEAKER: Oh—lucky you put the great southern in there!

Mr P. PAPALIA replied:

Thank you, member. The work being done on further phases and further opportunities is ongoing. As I indicated, we put the representatives of the industry body in contact directly with those who are advising the government on what measures might look like. It will always be subject to what happens in the meantime and how effective our measures are and whether we can retain those hard borders that have been so effective. If we retain capacity—which is as good as anything in the world for contact tracing to ensure that if any outbreaks occur, they are isolated and identified—that enables more flexibility as time goes on. It is a mitigation of the risk. We analyse how we are going, and we adjust accordingly. The Premier has articulated a pathway but has indicated that in the event that things are more effective and are going better than we might have hoped for, there may be means to adjust timings. But I cannot guarantee a date or anything of that nature because to do so would just be irresponsible, member.

Mr D.T. Redman: But the government's been pretty responsive to —

The SPEAKER: Member, you had two goes and you are still not happy.

Mr D.T. Redman: — which has actually been good. I'd just encourage you, before the long weekend, that this might be another —

Mr P. PAPALIA: Do not worry. I am Minister for Tourism, I am the Minister for Small Business, and I am responsible for liquor licensing. I am on the side of getting as much open as possible as soon as possible. I remind everyone that we are leading the nation. People in New South Wales or Queensland are excited to have the opportunity to go to a restaurant or a cafe with 10 people, if they are lucky. People in South Australia are excited because they are allowed to eat outside with 10 people maximum. People in Victoria are just excited because they can talk to their family members five at a time. But here in Western Australia, we have the most generous and progressive lifting of restrictions because we have been the most successful state in the country. People should remember that. I know everyone is anxious and impatient because it has been hard and tough and everyone is aware of how much of an impact this has had on businesses around the state. We know that everyone would like more, but the last thing we want to do is jeopardise all we have gained by opening up too quickly.

CORONAVIRUS — TRANSPORT PROJECTS

282. Ms J.J. SHAW to the Minister for Transport:

I refer to the key role major transport projects will play in this state's economic recovery from the impacts of COVID-19.

(1) Can the minister update the house on what Infrastructure Australia's approval of the Morley–Ellenbrook line means for this much-needed job-creating Metronet project?

(2) Can the minister advise the house how this project will support the WA economy during the post-COVID-19 recovery?

Ms R. SAFFIOTI replied:

I thank the member for Swan Hills for that question.

(1)–(2) I am pleased to advise the house that Infrastructure Australia has given the Morley–Ellenbrook rail line the green light, formally adding the project to the national infrastructure priority list. Infrastructure Australia found that the Morley–Ellenbrook line was of strategic importance for improving integrated transport options within the corridor, reducing car dependency and easing traffic congestion. It is one of the final hurdles that will make sure that this long-awaited project can be completed, as we committed to. The positive assessment comes after a comprehensive options development identified more than 100 options before a shortlist of four options was assessed during a cost–benefit analysis. Infrastructure Australia found the project had a benefit–cost ratio of one to two, providing $430 million in wider economic benefits across the community. Early work on the project began last year with the start of upgrades to

the new Bayswater station. In addition, yesterday, we announced the preferred proponent to build the Tonkin gap project, which is a major component of the Morley–Ellenbrook line. These works will include dive structures in Bayswater and Malaga, and, of course, all the work along the median strip from Bayswater to Malaga. Two companies have also recently been shortlisted to deliver the main package of works on the Morley–Ellenbrook line. As we know, the Morley–Ellenbrook line will be 21 kilometres long and go from Bayswater station through to Ellenbrook. Stations will be built at Morley, Noranda, Malaga, Whiteman Park and Ellenbrook. It was very pleasing to receive Infrastructure Australia's endorsement of this project.

This project has been criticised significantly by the opposition for many, many years, and I think it is important to again outline some of the comments that have been made by members opposite on this project. In relation to Infrastructure Australia's assessment of this project, the member for Riverton said on 17 May 2017 that it would take a genius to come up with a business case to justify the Ellenbrook rail line.

Several members interjected.

The SPEAKER: Well done, minister!

Ms R. SAFFIOTI: The member for Riverton said it would take a genius to come up with a business case. Of course, Infrastructure Australia has endorsed a business case that has a cost–benefit ratio of one to two and with net economic benefits of $430 million for Western Australia. The Leader of the Opposition said in March 2017 that the numbers for an Ellenbrook rail line did not stack up. The member for Bateman said in July 2016 —

"If you look at the population, it just isn't there to sustain a capital investment at this point in time …

As late as September last year, the Leader of the Opposition and the shadow transport minister were railing against the Ellenbrook rail line, saying that we should not undertake this route to get to Ellenbrook. Infrastructure Australia found that the Morley–Ellenbrook line has strategic value and, as I said, significant economic benefits. In just over three years, we have brought a rail line to life, which is a record time frame for any infrastructure of this type. All we have had from the opposition and the Liberal Party are comments about why this rail line could not be built. We have said, and demonstrated, how it can. I am very proud of Infrastructure Australia's assessment and our progress on this very significant project.

CORONAVIRUS — TOURISM INDUSTRY

283. Mrs A.K. HAYDEN to the Premier:

I refer to the release of statistics this week by the Australian Bureau of Statistics that highlight the absolute collapse in overseas visitors to Western Australia —

Several members interjected.

Mrs A.K. HAYDEN: I would not be laughing!

The SPEAKER: Members! I want to hear this.

Mrs A.K. HAYDEN: I refer to the ABS statistics released this week, which highlight the absolute collapse in overseas visitors to WA and the ongoing impact of intrastate border restrictions. Can the Premier advise why today's tourism recovery fund announcement applies to only 1 600 tourism businesses? Although welcome, that represents only a fraction of WA's 28 000-plus tourism operators and 220 000-plus small business operators.

Mr M. McGOWAN replied:

I have not seen the ABS statistics, but it does not surprise me that overseas visitation has declined very significantly. I hope that it is down to zero! If it is not down to zero, I would be very disappointed, because we actually requested the commonwealth government to stop overseas visitation to Western Australia. That was our request of the commonwealth government; I just want us to be clear about that. The policy position of the Western Australian government for probably the past 10 to 12 weeks has been that we have no overseas visitors coming into Western Australia. I want that to be clear for the member.

Secondly, when it comes to the intrastate border arrangements, we made the position clear on Sunday that there will be changes as of this coming Monday and that there will be a reduction in the regional borders within Western Australia. That will be of benefit to tourism operators around the state. It is not as far as some people would like, but I think people broadly would acknowledge that we got the balance pretty right in protecting the health of our citizens in regional Western Australia, and particularly vulnerable people, while at the same time getting more economic activity underway. We will have further reviews in the weeks after that.

Thirdly, in terms of the tourism announcement we made this morning of $14.4 million, we have structured that commitment so that there will be a focus on tourism businesses around Western Australia. The thing about governments is that they can never do as much as people might like. Every one of the member's questions has been, "Why don't you spend more here? Why don't you spend more there? Why don't you spend more there?" She has

asked that in every single question. It is a constant refrain from the opposition. The government, of course, has to be responsible and has to target its spending to deal with matters and needs that are most acute and most important for pulling the state out of the COVID-19 situation. We can compare our package for tourism of around $15 million with that of the South Australian government of around $5 million. Many tourism operators had called for a similar model. Our package is three times the size of the South Australian package and very much targeted at tourism operators who are accredited with some of the relevant tourism associations. We are trying to provide a bridge for those operators to get to the other side and some support for them to rebirth their operations.

If the member wants my broad view of how tourism in Western Australia will go once the intrastate borders are lifted, I think it will go very well, because I think we will see Western Australians getting out there and seeing parts of the state that they have never seen before. We will find that all those Western Australians who once upon a time wanted to go to Bali, Phuket, New York or London will now head off to parts of Western Australia that they have not seen before. Communities all over the state will find that there are huge tourism benefits from local people experiencing the tourism wonders of Western Australia. That will particularly be the case when the other intrastate borders are lifted, on health advice.

I think the package we launched today is very well balanced and very well targeted. It is based on a lot of work by staff at the tourism commission. If those staff are watching, I would like to thank them for all the work they have done to target this package. They have worked with the industry. I also add for the member that I have had a personal message from Mr Evan Hall of the Tourism Council Western Australia, thanking us for the outstanding package we have put in place. There appears to be only one person who is unhappy with what we have done today, and that is the member for Darling Range.

CORONAVIRUS — TOURISM INDUSTRY

284. Mrs A.K. HAYDEN to the Premier:

I have a supplementary question. Has the government conducted an analysis of how many Western Australian small businesses and family-run tourism operators will not receive a cent from the tourism recovery fund, who do not pay payroll tax and who are not eligible for the small business electricity offset; and, if not, how does the government know how many small businesses are falling through the cracks?

Mr M. McGOWAN replied:

There were about three double negatives in that question and it had a very convoluted finish, so I cannot answer that question because I did not understand it.

Mrs A.K. Hayden interjected.

The SPEAKER: Member for Darling Range, you have had your go.

Mr M. McGOWAN: My advice to the opposition is that a supplementary question should be clear, sharp and short, so that at least the Premier can understand what it was. In any event, not every business around Western Australia will receive support. We have targeted it at those businesses that are accredited and registered with relevant tourism associations. The tourism industry has welcomed it fulsomely.

Mrs A.K. Hayden interjected.

The SPEAKER: Member for Darling Range!

Mr M. McGOWAN: It might not meet every single demand around the state, but the resources of government are finite and we have to target our activities and measures to those that are most needed. I want to ensure, in particular—the minister and I are at one on this—that we focus very heavily on those tourism businesses in parts of regional Western Australia that have suffered most grievously and those that perhaps will be closed off for longer than others. That is the aim here. What has happened to the tourism industry is very regrettable. I think 99.9 per cent of people around Western Australia would understand that it was outside the government's control, but we have done our best to manage a very difficult situation and provide support that is targeted to those most in need.

The SPEAKER: That is the end of question time.

CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2019

Second Reading

Resumed from an earlier stage of the sitting.

MR D.J. KELLY (Bassendean — Minister for Water) [3.00 pm]: Prior to question time, I made some general remarks about the track record of the Catholic Church in dealing with matters relating to child sexual abuse. I made those remarks using an example of the headmaster of the primary school I went to—CBC Fremantle—being a Christian Brother who was revealed in 2013 as an abuser. The Catholic Church effectively moved him around from being a Christian Brother here to becoming a Catholic priest in Tasmania.

I now want to talk about one of the central issues of the bill, which is a requirement that religious persons—clergy—are covered by mandatory reporting of child sexual abuse. That includes if information comes to a person through the Catholic confessional to make them aware of a reasonable likelihood that a child has been or is being abused. This is an absolutely important reform. One thing about the confessional that the Catholic Church promotes is that essentially, no matter how grievous the sin is, once it has been confessed in the confessional, in the eyes of the church and in the eyes of God, the sinner's conscience is then clear. Having grown up a Catholic, I think that is a positive thing in lots of ways. I think it is a good idea that we do not have to carry around the things we do wrong for the rest of our lives. However, in this matter—child sexual abuse—I think the Catholic Church's view that revelations of this nature made in the confessional should remain in the confessional is absolutely wrong. For an abuser to have the comfort of knowing that they can simply go to a confessional, confess their sins and have that burden lifted from their shoulders in the eyes of the church that they belong to and the god that they adhere to is an absolutely terrible proposition. It would be of absolute comfort to those abusers and, in my view, would increase the likelihood that they could abuse again, knowing that they can then confess their sins, clear their conscience and ultimately meet their maker and go to heaven, as they believe. To me, that is absolutely all wrong. The Catholic Church should put the wellbeing of children ahead of the wellbeing of abusers, including in the confessional.

It is of great concern to me that since the Royal Commission into Institutional Responses to Child Sexual Abuse made the recommendation that mandatory reporting be extended to persons of religion, various senior members of the Catholic Church have come out and said that they not only do not support this reform, but also will actively defy it. The Catholic Archbishop of Melbourne, Peter Comensoli, was reported on 14 August 2019 on the ABC website as saying he would —

> … rather go to jail than report admissions of child sex abuse made in the confessional.

The article continues —

> But if the person confessing refused to do that, he said he would not break the Catholic tradition: "Personally, I'll keep the seal," he said.

That refers to the seal of confession. The Catholic Archbishop of Melbourne, Peter Comensoli, said that he would defy the law and would rather go to jail than comply.

In Western Australia, Perth's Catholic Archbishop, Timothy Costelloe, was reported in *The West Australian* on 24 May 2019 as describing the reform as "interfering with the free practice of the Catholic faith".

The article continues —

> … Archbishop Costelloe warned moves to legislate to force priests to report child abuse would cause "concern and distress" to many people of faith, while questioning how the plan would work in practice.
>
> …
>
> To threaten priests with prosecution if they remain faithful to this teaching is to run the risk of interfering with the free practice of the Catholic faith.

I find it staggering that in the twenty-first century, after a royal commission has found child sexual abuse to be rampant within the Catholic Church, that the leadership of the Catholic Church is still saying that if someone comes to them in a confessional and says, "I have sexually abused a child", "I am in an abusive relationship" or "I am abusing a child", the priest will hear that confession, absolve that person of their sins and then take no further action. We know that priests and other religious people who abuse children do it for years and years and years. If members do not accept what I am saying, I encourage them to read the reports of the royal commission. The abuse by Catholic Brothers, nuns and priests are not one-off events. It is a pattern of behaviour that goes on for years. People who are familiar with the Catholic religion will understand that confessional is something that religious people engage in on at least a weekly basis. We can imagine that some of those people who have been abusing children during that time would have confessed their sins in the confessional. Rather than that being the end of it, I suggest it would have just assisted the conscience of the abuser. It does nothing to stop the abuse. In the case of Perth's Catholic Archbishop, Timothy Costelloe, he should put aside his religious dogma and protect the children who he says are one of his highest priorities. I would say to him to put aside his religious traditions and look at the facts to protect the children in his care. Archbishop Costelloe made a statement on 4 March 2016 during the royal commission's hearings after some particularly disturbing testimony. The public statement said —

> … I want to assure you that in our Archdiocese …

That is, the Archdiocese of Perth —

> There are no "cover-ups", there is no withholding of information from the appropriate church or civil authorities, no deliberate transferring of offending clergy or other Church workers from one place to another, no off-handed dismissal of complaints or allegations without proper and objective investigation, and no returning … of offending priests, religious or other Church workers after allegations have been substantiated.

We know from the royal commission, and I know from what the Catholic Church did with the headmaster of my primary school, that all those things took place in the Perth Archdiocese. In his statement to the Catholic community of March 2016, Archbishop Costelloe denied that all those things had happened. Clearly, that statement was wrong. The findings of the royal commission make that clear. Archbishop Costelloe needs to reconsider his position. This reform, which requires mandatory reporting, including breaking the seal of confession, is one step that we need to take to protect children in this state. I say to the Archbishop that if he is true to his vows of protecting children in this state, he will put them first. He will accept the need for this reform, and he will require that Catholic clergy under his responsibility abide by the law.

Once again, I want to congratulate the minister for bringing this legislation to the Parliament. I want to thank those in the government who have pushed this and other reforms through. The job is not done. There is much more work to be done on this issue, but I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clauses 1 to 7 put and passed.

Clause 8: Section 8 amended —

Mr S.K. L'ESTRANGE: Clause 8 will amend section 8(1)(d) to state —

> the nature of the child's relationship with the child's parents, siblings and other members of the child's family and with relatives and with any other people who are significant in the child's life;

That is an expansion on the current legislation. The government is trying to capture a greater number of people who are in the child's life. The minister will recall that in my second reading contribution I alluded to some assessments of the department's ability to do its job under the current legislation, based on some feedback we received last year through the media and, no doubt, letters to the minister's office. How will the government be able to make the proposed change to section 81(1)(d) happen without an increase of resources to the minister's department?

Ms S.F. McGURK: I think an important amendment that has been picked up in clause 8 is a change to the expressions "family" and "relative". That is, essentially, to try to pick up the broader expression that is often used in Aboriginal families. Not all the amendments that we are looking at in this bill relate to Aboriginal families, but in recognition that, sadly, more than 55 per cent of children who are in care are Aboriginal, we wanted the terminology in the act to try to encapsulate the broader sense. That was some very strong feedback that was given by Aboriginal stakeholders. That is the short answer to the member's question; that is, it is not an expansion of the people who will be worked with. In the act, relatives are consulted and worked with. In fact, it is a very big part of child protection in practice work in the districts and with the not-for-profit organisations that we partner with to do that work.

Mr S.K. L'ESTRANGE: I refer the minister to the substitution of paragraphs (h) and (j). Proposed paragraph (h) states —

> the need for the child to develop and maintain contact with the child's parents, siblings and other members of the child's family and with other people who are significant in the child's life;

That has been picked up on. The fact is that it is being introduced in this bill. It implies that more needs to happen to make sure that the child has that contact. Proposed paragraph (j) states —

> the child's cultural, ethnic and religious identity (including the need for cultural support to develop and maintain a connection with the culture and traditions of the child's family or community);

For that to occur, I would expect greater support to be provided to the carer. To use an Aboriginal child as an example, if the child is in the care of another Aboriginal family somewhere else or even in a different cultural group from where they are from, or they are with a non-Aboriginal foster parent, to fulfil the requirements of proposed paragraph (j), they would require a fair bit of support. If not, one would expect that that carer would not be selected unless they could do it all on their own. I am looking for some clarification. Is that what the government wants? Should the carer be able to do it all on their own—otherwise, they would not be selected—or will greater support be provided to the carer for proposed paragraph (j) to occur?

Ms S.F. McGURK: Essentially, a lot of this work is done now. As a result of the terminology that is used, the legislation is strengthening, if you like, the requirements in the act for a cultural plan to assess the cultural suitability of carers, whether in relation to Aboriginal children or children from non–English speaking backgrounds. Essentially, that work is already being done. I have spoken to many non-Aboriginal foster carers who talk about the good work that is done by the department to ensure that people appreciate the things they need to consider when caring for an Aboriginal child. The point of these amendments is to ensure that we strengthen that terminology in the legislation. Some of the words are proposed to be changed to read —

> … to develop … contact with the child's parents, siblings and other members of the child's family …

These amendments and provisions relate not only to the appreciation of the need for that cultural connection, but also to the need to develop contact with extended family, including the child's parents and siblings.

I understand that the member is asking whether this will have resource implications for the department. I think other parts of what we are proposing will have resource implications, such as the development of the Aboriginal representative organisations and the network that will occur around the state to do this work. That will be a step change for the department and it may have resource implications. Essentially, I do not think these provisions will have significant resource implications. They strengthen what should be good practice now but we are saying that it is so important to us that we want to put it in the legislation and make it crystal clear to everybody that developing and maintaining connection to someone's birth family and broader family is important, as is establishing those cultural connections, and continuing to do it. That already happens now, but it is important.

Mr S.K. L'ESTRANGE: The question I asked was not quite addressed. I understand what the minister said, and that those connections already exist. I am more interested in the support to the family who is looking after the child, ensuring that they are supported so that proposed section 8(1)(j) can occur. Will the government be looking closely at how it can better support the family that is caring for the child so that it can achieve proposed section 8(1)(j)?

Ms S.F. McGURK: I know that the member addressed the criticism of the department relating to foster carers in his speech on the second reading. I have accepted publicly in the past that we could improve on this work. Again, it is very difficult work for practitioners in the department, those working for a not-for-profit organisation and carers. Of the 2 500 foster carer families in the state, there are that many personalities and different ideas about how things should be run. It can be very difficult. Already, carers are supported in that work. The department does that now. About 20 to 25 per cent of the foster carer or child placement support work is done by not-for-profit organisations and the rest is done by the department. That is already a big part of their work—supporting the foster carers and whatever issues they have. That includes the relationship with the child's family of origin in the broader sense and also their connection to culture.

Clause put and passed.

Clauses 9 and 10 put and passed.

Clause 11: Section 12 amended —

Ms S.F. McGURK: I move —

Page 10, line 2 — To delete the line and substitute —

(1) In section 12(1) delete "arrangements." and insert:

arrangements or interim orders made under section 133(2)(c).

(2) In section 12(2) —

(a) after "Islander child," insert:

or in making an interim order under section 133 (2)(c) in relation to an Aboriginal child or a Torres Strait Islander child or in varying such an order,

(b) delete paragraphs (c) and (d) and insert:

Mr S.K. L'ESTRANGE: Can the minister explain to the chamber the rationale for her amendment?

Ms S.F. McGURK: The legislation needed an extra provision to give full effect to its intent, which must have regard to the child placement principle, ensuring that the court clearly understood that it has a requirement to apply the child placement principle. It was not explicitly stated in the act or the bill; it was simply a drafting oversight. We wanted to make sure that the court has an obligation, as well as all other parties, to adhere to the Aboriginal child placement principle.

Mr S.K. L'ESTRANGE: I will now ask a question about the clause with the amendment in place. It relates to the changes that the minister made to the existing bill, which has four "in order of priority placement classifications", for want of a better term, and the new one will have six. The main change concerns "close proximity to the child's Aboriginal or Torres Strait Islander community". Obviously, a lower priority is placement with an Aboriginal person away from community and then finally placement with a non-Aboriginal person away from their community. The minister will recall that during the second reading debate, I asked what would occur if the Aboriginal community groups are significantly culturally different from, say, the far north of Western Australia compared with the south west.

Ms S.F. McGURK: I thank the member for the question, which really goes to the heart of the amendment. It is an appreciation of the geographical size of our state and of the cultural diversity of the Aboriginal people of our state. The Aboriginal child placement principle, as it exists now within the act, would prioritise placing an Aboriginal child from any one of the language groups in the Kimberley, for instance, with an Aboriginal person from one of the Noongar language groups in the south west, for instance, over being able to keep that child in proximity to their community and their broader local culture and extended family with a non-Aboriginal carer. That is essentially an

insertion into the principle to enable those children to have an option to stay within their community and their culture, and in connection with their broader family if that option is available. That might mean placement with a non-Aboriginal carer. Importantly, the court can make that placement only with the report of an Aboriginal representative organisation on the appropriateness of that placement.

Mr S.K. L'ESTRANGE: I wish to clarify something the minister just said about placement with an Aboriginal person who is of a different Aboriginal culture—say, someone from the north such as the Kimberley with someone from the south west. Priority is still given to the non-Aboriginal person in close proximity to the child's community. The minister said it in a different way. I wish to clarify that.

Ms S.F. McGURK: That is right. After extensive consultation with and advocacy by a number of Aboriginal organisations, this amendment gives priority to the placement of a child within their community, connection with their culture and country, and an opportunity to maintain the connection with their broader extended family.

Mr R.S. LOVE: I might be a little bit thick—I probably am—but the amendment on the notice paper refers to deleting paragraphs (c) and (d), so what does it insert, exactly? There are no paragraphs (c) and (d). Can the minister enlighten me on what is being inserted in the place of paragraphs (c) and (d)?

Ms S.F. McGURK: It is a reordering of the paragraphs. I think that is the short answer. The first priority of the Aboriginal child placement principle is that a child is placed with a member of a child's family. If a grandmother, aunt, uncle or cousin is available, that is the priority. The second priority is the child's placement with a person who is an Aboriginal person in the child's community, in accordance with local customary practice. The third priority is the placement of a child with a person who is an Aboriginal person who lives in close proximity to the Aboriginal child's community. The new provision is the placement of a child with a person who is non-Aboriginal or a Torres Strait Islander but who lives in close proximity to the child's Aboriginal or Torres Strait Islander community and is responsive to the cultural support needs of the child and is willing to encourage the development of and maintain connection to the child's culture et cetera. The hierarchy then picks up where it left off. Paragraphs (c) to (f) will be the new paragraph (d); that is the part that has got a bit of attention. Essentially, it is a reordering of the paragraphs to make sure that the wording and the terminology used elsewhere acknowledges the importance of cultural support needs and acknowledges the importance of the need for the child to develop and maintain connections to their culture and the traditions of their family and community.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 12 and 13 put and passed.

Clause 14: Section 22 amended —

Ms S.F. McGURK: I move —

Page 12, lines 12 to 18 — To delete the lines and substitute —

(4AB) If the relevant officer for a public authority to which subsection (4AA) applies forms the opinion that the public authority cannot comply with a request under subsection (3) consistently with its duties and responsibilities or so as to not unduly prejudice the performance of its functions, the relevant officer must, at the request of the CEO, give the CEO written reasons for the opinion.

(4AC) In subsection (4AB) —

relevant officer, for a public authority, means —

(a) if the public authority is an entity referred to in paragraph (a), (b) or (c) of the definition of ***public authority*** in section 3 — the principal officer (however described) of that entity; or

(b) if the public authority is a body referred to in paragraph (d) of the definition of ***public authority*** in section 3 — the principal officer (however described) of that body; or

(c) if the public authority is the holder of an office, post or position referred to in paragraph (d) of the definition of ***public authority*** in section 3 — that holder.

Mr S.K. L'ESTRANGE: Quite an extensive amendment was made to the bill, and the minister is making some further changes. Can the minister explain to the chamber the rationale for those further changes?

Ms S.F. McGURK: Essentially, it is a drafting clarification. There is nothing of substance in the amendments. If I could put it in lay terms, the legislation previously talked about the department being the "active member". We need to replace that in the act with an "officer of the department".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 15: Section 22A inserted —

Mr R.S. LOVE: I want some clarity around the regulations that require the CEO's approval for a representative organisation. What are the parameters for that and what examples can the minister point to that would apply under this clause?

Ms S.F. McGURK: I thank the member for the question. There has been a fair bit of discussion about and requests for information on who the representative Aboriginal organisations would be. Importantly, they will need to be Aboriginal-controlled organisations. The member might be familiar with the acronym ACCO—Aboriginal community controlled organisations. That is an acronym I am familiar with in the community services sector. Essentially, that is not-for-profit organisations. They do not necessarily work in community services but, importantly, they are Aboriginal-controlled organisations. The detail of what will meet the criteria for Aboriginal representative organisations will be fleshed out in the development of the regulations. We envisage having, and certainly commit to, extensive consultation with the Aboriginal community across the state about the formulation of that criteria. Members can imagine that under the act we are putting quite a bit of store in their advice. Some of those organisations around the state might be in different states of maturity at different times. For example, in the metropolitan area, the Department of Communities has awarded quite large contracts for early intervention work with vulnerable families to try to stem the number of children in care. What was previously known as the Aboriginal alcohol and drug authority is now called Wungening Alcohol and Other Drug Support Services and is the lead manager of one of those contracts. It leads a consortium of Aboriginal-controlled organisations. I am not necessarily saying that Wungening would be an Aboriginal representative organisation, but it is an example of an Aboriginal-controlled organisation that is reasonably mature in the number of services it has, in its governance and the skills it has within its remit. Throughout the state, Aboriginal medical centres and the Aboriginal Legal Service of Western Australia have a role to play in the advocacy for and development of services. Representative Aboriginal organisations could include some of those organisations, but they will particularly include Aboriginal-controlled organisations that have a history of working with families whose connection to culture is strong and credible in their areas.

The Aboriginal representative bodies might look different, is what I am saying. They might be different organisations. They might be created in their communities, they might be created anew, they might be new organisations that come together to fulfil that role, or they might be applying that status to an existing organisation for the purposes of the act. The specifics will be fleshed out in the regulations, and we commit to consulting widely on the criteria for the Aboriginal representative organisations. I think they will develop at different times throughout the state, and we need to do that in partnership as a state government. We need to work with Aboriginal leadership throughout the state to make sure there is good development of those AROs. The other stakeholder I should make mention of is SNAICC, which has been referred to before. The Minister for Aboriginal Affairs pointed out for *Hansard* the spelling of SNAICC—the Secretariat of National and Islander Child Care—which is the key advocacy group for Aboriginal children in care. We have committed to work in partnership with it in developing this strategy, and I think it will be consulted as well.

Mr R.S. LOVE: Further to that, I appreciate the fact that these matters are yet to be worked out in regulations, but I am trying to get some idea of how this would work in practice. Is there exclusivity in a particular area? Is it envisaged that there would be one group, one representative organisation? Is there a range of groups? If a child comes from a range of backgrounds—it might be that their mother comes from one country and their father from another—how do we determine the relevant organisation? Is there a place for a co-contribution from various organisations? It was explained to me in the briefing that the local title group would be the most likely scenario. In the case of the south west, it would be the six Boodjas, I think they are called, that are to be formed, yet the minister is now telling me about SNAICC having a role. I am just trying to understand what the standard pattern of discussion will be. Will there be some sort of hierarchy of appropriateness, if you like, of the organisations so that the department will know where to go for the correct advice in a particular area?

Ms S.F. McGURK: I thank the member. As I said, all the detail is essentially to be worked through, although this was the subject of extensive discussion during the review of the act and since the review—for instance, in the development of the drafting of the bill and the consultations around the drafting of the bill. Just to clarify, I referred to SNAICC, which is a national advocacy group. It is not an on-the-ground provider and would not give advice about specific placements; this is about a strategy and the principles, if you like, that we would adopt to work on the criteria for the AROs, and for what would occur if there were conflicts. For instance, I would imagine it would not be uncommon to have to consult with more than one ARO in the event that there were a number of language groups in a family. That would be entirely appropriate, but we would ask for advice from the Aboriginal community to make sure that the regulations are constructed in such a way as to enable the AROs to give authoritative advice. I accept that there will be times when more than one ARO might be consulted over a cultural plan or the appropriateness of a placement. The reference the member made to native title groups is, I think, an observation. There have not by any means been any decisions made about who would or would not be best placed to be asked to be accredited as an ARO.

Clause put and passed.

Clause 16: Section 28 amended —

Mr R.S. LOVE: I want to briefly ask about something that has popped up in a number of different examples. Clause 16(c) states —

> in paragraph (a)(ii) delete "relative" and insert:
>
> member of the child's family

Can the minister explain the rationale behind the change of wording between "relative" and "member of the child's family"? On the surface, it means a similar thing. Is there a specific reason for that change and can the minister explain to the house what it might be?

Ms S.F. McGURK: My understanding from the very strong feedback that was given in consultations in both the lead-up to the review of the act and in the drafting of the legislation is that Aboriginal stakeholders felt that the term "family" was an expression they felt more comfortable with but also, importantly, reflected a broader idea of Aboriginal relationships in the family sense, rather than just biological connection, which "relative" perhaps implies. There is a definition of "family", but we have removed "relative" from the legislation, and that is essentially on the advice of, I think, most Aboriginal organisations that were consulted; they said they felt it was more appropriate for them.

Clause put and passed.

Clauses 17 to 29 put and passed.

Clause 30: Section 69B inserted —

Ms S.F. McGURK: I move —

> Page 22, lines 27 and 28 — To delete "taken to be replaced by a protection order (until 18) for the child." and substitute —
>
> > revoked and replaced by a protection order (time-limited) in respect of the child on the day **(notification day)** on which the CEO gives the notice.

Mr S.K. L'ESTRANGE: This amendment deals with clause 30. I ask the minister to provide to the chamber a rationale for the change.

Ms S.F. McGURK: There are actually two amendments to clause 30, as we have discussed, but I will deal with the first one. It relates to a situation that occurs very occasionally in which there is a special guardian who is the sole guardian of the child and the guardian dies; or, if there are joint special guardians, they die. This is essentially what happens with the legal status of the child. Under the original provision, it was totally unclear what would happen in that scenario—if a special guardian or guardians were to die. We therefore wanted to make clear that the protection order for two years was in place. If the circumstances change, that will allow the Department of Communities or the child's family to go back to the court and reconsider what might be appropriate for the court. That is the first proposed amendment.

Mr S.K. L'ESTRANGE: They will automatically go on to, essentially, a temporary order for two years, so why would we not try to get them to go on to an "until 18" order?

Ms S.F. McGURK: This is the substance of the subsequent amendment. There was advocacy, particularly from the Aboriginal Legal Service and the Aboriginal Family Law Services or the Aboriginal women's legal service—I think it has renamed itself—as well as the Children's Court, to see whether it was more appropriate for the court to reconsider this matter and have the option of looking at whether the child's circumstances had changed. It basically will give the court, the child's relatives and family and the department the ability to relook at the options for the child.

Amendment put and passed.

Ms S.F. McGURK: I move —

> Page 23, lines 1 to 10 — To delete the lines and substitute —
>
> (3) The protection order (time-limited) —
>
> (a) comes into force on notification day; and
>
> (b) for the purposes of Subdivision 4, is taken to specify the shorter of the following periods —
>
> (i) the period of 2 years beginning on notification day;
>
> (ii) the period beginning on notification day and ending on the day before the day on which the child reaches 18 years of age.
>
> (4) As soon as practicable after notification day, the CEO must give written notice of the protection order (time-limited) to the following —
>
> (a) the child;
>
> (b) each other party to the initial proceedings (other than the special guardian);
>
> (c) each other person considered by the CEO to have a direct and significant interest in the wellbeing of the child.

Mr S.K. L'ESTRANGE: I think the minister has answered my line of earlier questioning. If the minister thinks that I have missed anything about why she has not gone directly to an under-18 as opposed to sticking to a temporary, and if it is not picked up here, maybe the minister can explain, otherwise I am happy with the amendment.

Ms S.F. McGURK: I should clarify. I am fortunate to have the advisers to keep me in check; that is, the automatic revocation to a two-year order would not require going back to the court. That is what would occur. The department will make placements in accordance with the act as it currently applies. However, this option as well as the previous option we just discussed, gives the parties an opportunity to reconsider whether the child's situation has changed. There might be an opportunity for reunification with the broader family and the like. That was the advocacy around these two provisions—the death of a guardian or if circumstances change. It will give the court and the child's extended family and representatives an opportunity to reconsider whether an order to 18 was still appropriate.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 31 put and passed.

Clause 32: Section 81 replaced —

Mr R.S. LOVE: As the minister knows, I spoke a short while ago in the house about this bill not knowing that the organisation the minister referred to a while ago—I think it was the Secretariat of National Aboriginal and Islander Child Care—had expressed concern around some of the provisions, claiming that changes would be made to section 81 of the act, which I think this clause refers to. I am sure she is familiar with the position; I can read it into *Hansard* if she likes or do I take it that she is aware of SNAICC's position? Can the minister explain to the house exactly why, in the minister's view, SNAICC's position is flawed? What is the difference between what SNAICC is claiming and what the advisers are telling the minister?

Ms S.F. McGURK: I am sorry, I do not have the SNAICC and Noongar Family Safety Wellbeing Council statement in front of me. It is in my office downstairs. I do not think I will misrepresent them because I understand the issue they have raised. My understanding is that, essentially, the Noongar Family Safety and Wellbeing Council, a body that has been set up to help advise the Department of Communities—the state government—and its national advocate, SNAICC, have raised questions about proposed section 81. In that statement and public comments, they have said that section 81 allows for an Aboriginal child to be taken into care on the advice of one Aboriginal family member of the child. That is essentially what I read the statement to say. In fact, section 81 is not about whether to take the child into care but once a decision has been made for the child to be taken into care, but about where the child should be most appropriately placed. The Noongar Family Safety and Wellbeing Council and SNAICC have their clauses wrong. The Minister for Aboriginal Affairs referred to this in his contribution to the second reading debate. They have their wires crossed and I hope it is just a misunderstanding of what consultation needs to take place. It is not about whether a child should be taken into care, but about once a decision has been made to take the child into care, who must be consulted for that child to be placed.

In fact, there is significant strengthening of Aboriginal consultation in proposed section 81 in clause 32 of the bill. Under the current provisions one of the following people has to be consulted: an Aboriginal practice leader or other relevant Aboriginal officer; an Aboriginal person who in the opinion of the CEO has relevant knowledge of the child, the child's family and the child's community; and an Aboriginal agency that has relevant knowledge of the child, the child's family or the child's community. That is the current provision. One of those people must be consulted. The new legislation will require that consultation must occur under all three of those proposed sections outlined in clause 32; that is, the consultation must occur with an Aboriginal member of the child's family subject to the regulations; an approved Aboriginal representative organisation; and an Aboriginal officer with the department who has relevant knowledge of the child, the child's family or the child's community. In fact, all three have to be consulted about the appropriateness of the placement of the child. This is clearly a significant strengthening of our consultation with and the involvement of Aboriginal organisations. The Secretariat of National Aboriginal and Islander Child Care—SNAICC—and the Noongar Family Safety and Wellbeing Council said very clearly that we should implement Aboriginal family-led decision-making, and we have committed not to do that within these amendments of the Act, but to trial that approach, and there is nothing in existing legislation that precludes us from doing that. We have committed to continue to explore other ways that we can strengthen not only the involvement, but also, frankly, when possible and safe to do so, the ownership of that decision-making of Aboriginal organisations, extended family and those with cultural knowledge and authority over the placement of that child.

Mr R.S. LOVE: I would like to hear more from the minister, if that is possible.

The SPEAKER: Members, under standing order 61, this business will be adjourned to another date after today's sitting.

Debate adjourned, pursuant to standing orders.

MEMBER FOR KALAMUNDA — PROCEDURE AND PRIVILEGES COMMITTEE

Motion

MR Z.R.F. KIRKUP (Dawesville) [4.02 pm]: I move —

That —

(1) this house requests the Procedure and Privileges Committee to investigate, consider and report to the house at the earliest opportunity —

(1A) whether the member for Kalamunda, in publishing a Facebook post that appeared on his Facebook page, screenshots of which were tabled in the Legislative Council on Friday, 17 April 2020 —

(a) disclosed confidential deliberations of the Joint Standing Committee on the Corruption and Crime Commission—JSCCCC—without the authority of the JSCCCC;

(b) in a manner inconsistent with his position as a member of the JSCCCC —

(i) criticised the processes of the JSCCCC;

(ii) criticised the decision of a member of the JSCCCC; and

(iii) engaged in commentary on the failure of the JSCCCC to recommend the reappointment of John McKechnie as the Commissioner of the Corruption and Crime Commission; and

(1B) whether such actions amount to a breach of privilege or contempt of Parliament; and, if so, what action should be taken.

(2) the Legislative Council be acquainted of this resolution.

The opposition does not move this motion today lightly. This is a serious and substantial request that we are seeking from the Procedure and Privileges Committee. In our motion, we go to the foundations of this institution that we all serve and seek a better understanding about whether or not the member for Kalamunda has breached the privileges conferred upon him and whether or not his actions amount to contempt of this place.

The wordiness of the motion itself does not prejudge the member for Kalamunda; instead, we are seeking to have the member's two Facebook posts looked at by the Procedure and Privileges Committee to form an opinion and to report back to this house with its view. This clarity that we are seeking will allow all members in this place to better understand whether what the member for Kalamunda has done represents an acceptable action or whether it is, instead, a breach of standing orders, a breach of privilege and a contempt of this house. Furthermore, only the Procedure and Privileges Committee can establish whether the member for Kalamunda, in his posts, has revealed the deliberations of one of the most important committees of this house.

Before I go to the detail of the motion, I would like to take this opportunity to outline to this place the deliberate and considered approach that the opposition has taken with this matter. Following Hon Nick Goiran's contribution in the other place, we know that members of the government had prepared for an immediate suspension of standing orders on the following sitting day. As history shows, of course, we did not undertake to do that. The opposition considers the conduct of the member for Kalamunda to be a grave and serious one. It is one that should not be dealt with with high emotion, but rather, with a sense of diligence and consideration that reflects not only the importance of the institution that we serve, but also the role that we as parliamentarians play in our democratic society.

As part of our approach, we thought it necessary not to immediately raise this as a matter of privilege, as we are entitled to do under the standing orders, nor to move a suspension. Instead, we gave notice of this motion weeks ago because we thought it important that the member for Kalamunda be given the courtesy of knowing that we would later be debating a complaint against him. This is an established procedure so that members here can be present in the chamber to hear complaints and the substance of motions moved against them, and hear complaints about their actions.

Furthermore, undoubtedly, the government, in its response to this, will try to make this matter relate to the appointment of Hon John McKechnie, QC, as the Commissioner of the Corruption and Crime Commission. This motion does not deal with that reappointment process, and I urge the government to offer maturity and consideration in its reply that deals with the issues pertaining to the member for Kalamunda, and not to try to draw extensions to this argument and somehow reassert that this is solely about the appointment process of the commissioner.

Several members interjected.

The SPEAKER: Members!

Mr Z.R.F. KIRKUP: This motion is not that issue, and legislation before the house will deal with that at the appropriate time. Therefore, I reiterate —

Mr B.S. Wyatt interjected.

The SPEAKER: Treasurer!

Mr Z.R.F. KIRKUP: — that this is a straightforward, considered motion without any conferred judgment, a motion without hubris, a motion that does not seek to cast aspersions on the member and his actions associated with his Facebook posts of 14 and 16 April 2020. I will go into those posts shortly; however, I thought it was important that we remind members why it is a must that this matter be looked into and why it is important that we establish whether we, as a chamber, accept that it is now the standard and acceptable practice to reveal deliberations of committees, or whether it is something that should be investigated with an eye towards whether this action breaches the privileges that underpin our democratic institution and, in so doing, whether or not the member is in contempt of this Parliament.

This is not an unimportant or trivial matter, and it is not something that should not go without further investigation. Even if the member for Kalamunda sought to resign his tenure from the joint standing committee, this is still an issue that requires investigation by the Procedure and Privileges Committee, because matters concerning privilege go to the heart of the institution that we serve. In the twenty-first edition of Erskine May's *Parliamentary Practice*, privilege is defined as —

> … the sum of the peculiar rights enjoyed by … Members of each House individually, without which they could not discharge their functions,

Furthermore, the *Canadian House of Commons Procedure and Practice*, published in January 2000, defines breach of privilege as —

> … any action which, … tends to obstruct or impede the House in the performance of its functions; obstructs or impedes any Member or Officer of the House in the discharge of their duties; or is an offence against the authority or dignity of the House, such as a disobedience of its legitimate commands or libels upon itself, its Members or its Officers.

Furthermore, in that same volume of Erskine May, "contempt" is defined as —

> … any act … which obstructs or impedes any Member … in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results, may be treated as a contempt even though there is no precedent of the offence.

We bring the motion to the house because we believe the actions of the member for Kalamunda that I am about to outline may have breached privilege, and that, in so doing, he may stand in contempt of the house. Although this issue may have little bearing outside this place, with communities coming to bear with the impacts of matters like COVID-19, the reality is that if one member breaches privilege, it impacts upon the ability of all members to discharge their functions and duties to the people who have elected us to this place; that is to say, a breach of privilege by one impacts upon us all, and in so doing compromises our capacity to fight for our communities in this place and strikes at the heart of our democratic institution. There can be no more egregious act than a member injuring our collective ability to represent the Western Australian community. That is why this motion is serious and why this issue warrants nothing short of investigation by the Procedure and Privileges Committee. However, all of this is only my assertion; it is only my reflection on the conduct of the member for Kalamunda. I remind members that I am only one member of this place, but that ultimately does not matter for the Procedure and Privileges Committee to investigate and report on this, which is what the motion seeks to achieve.

Let me remind members exactly what we are dealing with. We are talking about two Facebook posts made by the member for Kalamunda on his Facebook page on Tuesday, 14 April at 9.18 pm, which was edited three times and then replicated in large part at 10.39 am on Thursday, 16 April. As at 1.00 pm this afternoon, between those two posts, it was liked some 49 times; had 17 comments, some of which were the member himself replying to comments made by others; and shared five times. The substance of the post that I will be reading from is dated Thursday, 16 April. As I said, though, aside from the edits, it is effectively the final post as well. I will quote the post in full from the member for Kalamunda. It states —

> In the midst of the community's focus on responding to the COVID-19 pandemic, it is not surprising that other matters of great importance escape the notice of the public. The needless delay in the reappointment of the CCC Commissioner is one such matter.
>
> The Corruption, Crime and Misconduct Amendment Bill 2020 will be introduced into State Parliament this week. The Bill provides for the reappointment of CCC Commissioner John McKechnie QC for a period of five years commencing on April 28, 2020. Why is this necessary? You might well ask.

> The McGowan Government is taking the unprecedented step of introducing legislation that would reappoint Commissioner John McKechnie QC to Western Australia's premier integrity agency because the Parliament's Joint Standing Committee on the Corruption and Crime Commission failed to achieve bipartisan agreement to concur with the advice received by the Premier from the independent nominating committee chaired by the Chief Justice of Western Australia that John McKechnie QC be reappointed for a further term.
>
> These are the facts:
>
> Mr McKechnie's term as the head of the Corruption and Crime Commission (CCC) expires on April 28, 2020. Mr McKechnie is the only Commissioner to serve a full term and the first to seek reappointment.
>
> Mr McKechnie was the outstanding candidate of the three eligible nominees identified by the nominating committee, which was chaired by the Chief Justice of Western Australia, the Hon. Peter Quinlan SC.
>
> However, the parliamentary Joint Standing Committee on the Corruption and Crime Commission (JSCCCC) was unable to provide majority and bipartisan support for his reappointment.
>
> What bothers me, as a member of the JSCCCC, is that there was no requirement for the dissenting voice on the JSCCCC to provide documented justification for that dissent. In my opinion the unwillingness to concur with the recommendation of an independent nominating committee, which has been forwarded by the Premier-of-the-day as required by the Act, requires clear and rigorous justification, as much as it would have been expected of the Premier-of-the-day had he or she decided to make a recommendation for the appointment of a candidate other than the candidate recommended by the nominating committee.
>
> This unjustified dissent, and the resulting failure to achieve majority and bipartisan support, has left the re-appointment in limbo, leaving Parliament and the community to speculate why this position was arrived at. This outcome surely cannot rest simply on the solitary whim of the dissenting member. The appointment of a Commissioner of the CCC is an important affair of State.
>
> The Government will be seeking the support of the Parliament to deal with the Bill expeditiously this week.
>
> If the Bill is passed, it will ensure bipartisan and majority support of the whole of Parliament, not just the JSCCCC, for Mr McKechnie's reappointment to this important role.
>
> This is, I believe, a straight forward test of the leadership of Liza Harvey, the Leader of the Opposition. There is an incredible lack of coherent leadership on this matter by the Opposition. If the Opposition is not able to give bipartisan support to the reappointment of Mr McKechnie, then the Leader of the Opposition needs to tell Western Australians why that support was not and is not forthcoming.
>
> Beyond the current remedy, it is clear the Act needs to be amended to ensure this situation is never repeated.

It was immediately obvious to me on reading that post that the member may have breached privilege and may be in contempt of this place. At the very least, this appears to be a breach of standing orders 270 and 271, which require that deliberations of committees are private and that evidence before committees is not to be disclosed by any member. That, in and of itself, warrants further investigation.

The government in reply may rest upon the notion that this does not need to be referred to the Procedure and Privileges Committee because, in large part, the information posted by the member for Kalamunda was already public, and reflected correspondence from the joint standing committee to the Premier and subsequent correspondence from the Premier to the Leader of the Opposition. I have listened to every press conference the Premier has given during the COVID-19 state of emergency, so I can say with confidence that, yes, while the Premier and Attorney General did speak to many of these issues prior to the member for Kalamunda's Facebook post, the member went further than those public statements. The difference between the commentary of the Premier and the Attorney General and the comments of the member for Kalamunda in his posts is that these cabinet ministers made a series of assumptions about the circumstances surrounding the reappointment process of Hon John McKechnie, QC, and in particular made a series of assumptions about the actions of members serving on that committee. This is where the member for Kalamunda went further. As he stated in his post, he is a member of the Joint Standing Committee on the Corruption and Crime Commission and represented his views akin to that capacity. He then sought to validate many of the statements made by the Premier. However, beyond that, and most critically, the member for Kalamunda used certain language, which I will quote with added emphasis. He said —

> What bothers me, as a member of the JSCCCC, is that there was no requirement for the dissenting voice on the JSCCCC to provide documented justification for that dissent.

Furthermore, he said —

> This unjustified dissent …

And finally —

> This outcome surely cannot rest simply on the solitary whim of the dissenting member.

The member for Kalamunda has effectively used his position on the joint standing committee to back up his Premier and reinforce the Premier's political posturing. In so doing, the member for Kalamunda has on my count alone, firstly, seemingly reflected on the deliberations of the committee on matters that only a member of the committee could know; secondly, compromised all his fellow members of the committee, who have no capacity to respond, defend, confirm or deny these assertions lest they, too, breach privilege; thirdly, potentially breached the standing orders on the deliberations of committees and disclosure of evidence; fourthly, possibly gone against his own committee's resolution, which may have delegated the member for Girrawheen as the only member who could offer public comment on the committee and its work; fifthly, levelled imputations of improper motivations on all his fellow members of the committee by asserting that a vote was taken, and because of the nature of the committee operations, we are not to know whether the member for Kalamunda was correct in his representations in that Facebook post; and, sixthly, appears to have broken the long-held tradition of not discussing committee business and has thrown into doubt the enduring operations of one of the most important and confidential committees of this Parliament. Beyond those concerns, there are ramifications of the conduct of the member for Kalamunda that, if they go without investigation by the Procedure and Privileges Committee, may throw into doubt the entire operations of our proud committee system and cause a chilling effect whereby members will no longer know whether things said or done in confidence on a committee will actually stay that way. I submit to this chamber that these actions by the member for Kalamunda have been egregious and have potentially undermined the important processes, procedures and protocols of this institution. Ultimately, his posts may be wrongful and, regardless of their motivations, they deserve to be investigated by the Procedure and Privileges Committee.

With that in mind, I now turn directly to the member for Kalamunda. The opposition has deliberately afforded him an adequate period to be able to respond to this motion. We thought it just and right that he was given satisfactory notice that we would be moving this motion here today. This would ensure that the member, as I quoted from the same volume of Erskine May's *Parliamentary Practice* previously, may have the opportunity to —

> … be heard in explanation or exculpation as soon as the question on the motion founded upon the complaint is proposed …

Obviously, we expect to hear from the member for Kalamunda, as to the nature of this motion. More than that, the media and his community expect to hear from him. Indeed, we should all be given the opportunity, as members in this place, to reflect on his actions and how he responds to the motion.

I do not embellish when I say that history will judge the member for Kalamunda, because right now through his actions I suspect that he is stuck in an unenviable position. I hope, and indeed expect, that the government will vote with the opposition to maintain the integrity of the Parliament and allow proper and due process to proceed, including providing natural justice to the member for Kalamunda. After all, this is one of the most serious and important procedures of our Parliament, and for very good reason. The Parliament is the highest court in the land and has the solemn responsibility of policing itself through our exclusive cognisance in the best interests of the community. With the enormous power that parliamentary privilege provides comes the enormous responsibility that must be upheld, particularly during these stressful and testing times.

If the member for Kalamunda's peers believe he did the right thing and that his statements are nothing to be worried about, they would not take issue with the Procedure and Privileges Committee investigating him because they would be confident of an outcome that would exonerate his position and his actions. In preparation for my contribution here today, I have read every one of the speeches delivered by the member for Kalamunda in this place thus far. From what I have read, he is an individual who believes in fairness, justice and equality. In his inaugural speech on 17 May 2017, he said —

> … every member of the community is in fact a leader and that we do not abrogate responsibility for actions by simply following others.

The member for Kalamunda should consider that last part of his contribution before presenting here today—that we do not abrogate responsibility for actions by simply following others.

We must now let due process take its course and be the ultimate judge of the case we have outlined. If the member for Kalamunda were to resign his post from the joint standing committee, that would be appropriate if he recognises that his behaviour was unbecoming of his position on the committee. However, that course of action would not negate the imperative to have this matter investigated by the Procedure and Privileges Committee. Due process and the rule of law must not only be done, but also be seen to be done, and in no place is that more important than the Parliament of Western Australia. We set the standard for the rule of law and this matter must go through the proper process to maintain the integrity of this place. To allow an investigation by the Procedure and Privileges Committee would allow the member to outline his position and fully explain the circumstances, and let a dedicated committee make the call. I hope members can appreciate that we have not sought to overplay this in our motion today. We have not sought to add hubris or exaggeration. These are simply the facts. The member for Kalamunda's Facebook posts, as I have outlined, may have breached privilege and in so doing he may stand in contempt of this place.

It is now out of our hands; it is up to this chamber and ultimately up to the government to decide whether the member for Kalamunda should be referred to the Procedure and Privileges Committee. This should not be dismissed as an issue surrounding some peculiar tradition. The ancient concept of privilege is core to our being elected members of this place. A breach of privilege impedes us all. Disclosure of committee deliberations impacts our ability to effectively represent our communities and effectively robs Western Australians of the confidence that elected members can fairly advocate for them in this place. Any such breach—alleged or actual—warrants investigation in order to protect this institution and protect all Western Australians, whom we have been elected to represent.

I commend the motion to the house.

MR J.R. QUIGLEY (Butler — Attorney General) [4.24 pm]: I am the lead speaker for the government on this motion that has been presented to the chamber by the member for Dawesville. I would like to compliment him on the delivery of his speech. Regrettably, it lacked substance—the style was good but it lacked guts.

Mr B.S. Wyatt interjected.

The SPEAKER: Members, this is serious—please.

Mr J.R. QUIGLEY: It is serious. The member rightly pointed out that this is a grave motion for the chamber to refer one of its own to the Procedure and Privileges Committee; I agree. This motion should not embark upon a fishing trip. If there is some evidence before the chamber that the member for Kalamunda has breached standing orders, perhaps there is a case to refer. However, first of all it has to be demonstrated to this chamber that there is a prima facie case—something to answer before the privileges committee. The gravamen of the motion is that the member for Kalamunda revealed deliberations of the committee. The member for Dawesville did not identify what particular deliberation of the committee the member for Kalamunda revealed in his Facebook post of 14 April, which was edited and reposted on 16 April. He did not particularise what part of the Facebook post revealed any part of the deliberations. This will take just a little while. I quote —

> In the midst of the community's focus on responding to the COVID-19 pandemic, it is not surprising that other matters of great importance escape the notice of the public. The needless delay in the reappointment of the CCC Commissioner is one such matter.

We can give that the tick; it does not reveal anything. The Facebook post continues —

> The Corruption, Crime and Misconduct Amendment Bill 2020 will be introduced into State Parliament this week. The Bill provides for the reappointment of CCC Commissioner John McKechnie QC for a period of five years commencing on April 28, 2020. Why is this necessary? You might well ask.

That does not reveal anything. It continues —

> The McGowan Government is taking the unprecedented step of introducing legislation that would see the reappointment of Commissioner John McKechnie QC to Western Australia's premier integrity agency because the Parliament's Joint Standing Committee on the Corruption and Crime Commission failed to achieve bipartisan agreement to concur with the advice received by the Premier from the independent nominating committee chaired by the Chief Justice of Western Australia that John McKechnie QC be reappointed for a further term.

We can tick that, members. It does not reveal any deliberation. It continues —

> These are the facts:

That does not reveal any deliberation. The next paragraph reads —

> Mr McKechnie's term as the head of the Corruption and Crime Commission (CCC) expires on April 28, 2020. Mr McKechnie is the only Commissioner to serve a full term …

We can tick that; it does not reveal any deliberation. It continues —

> Mr McKechnie was the outstanding candidate of the three eligible nominees identified by the nominating committee, which was chaired by the Chief Justice of Western Australia, the Hon. Peter Quinlan SC.

That does not offend; I am sure members will agree with that.

The SPEAKER: Attorney General, for everyone else in the chamber to hear what you are saying, do not hurry.

Mr J.R. QUIGLEY: It continues —

> However, the parliamentary Joint Standing Committee on the Corruption and Crime Commission (JSCCCC) was unable to provide majority and bipartisan support for his reappointment.

The SPEAKER: Attorney General! Slow down a bit so that everybody in the chamber can hear.

Mr J.R. QUIGLEY: It continues —

> However, the parliamentary Joint Standing Committee on the Corruption and Crime Commission (JSCCCC) was unable to provide majority and bipartisan support for his reappointment.

That does not reveal any deliberation because the letter from the JSCCCC to the Premier said exactly that. We then get to the paragraph that is concerning the member for Dawesville. I quote —

> What bothers me, as a member of the JSCCCC, is that there was no requirement for the dissenting voice on the JSCCCC to provide documented justification for that dissent.

That concerns the member for Dawesville. It continues —

> In my opinion the unwillingness to concur with the recommendation of an independent nominating committee, which has been forwarded by the Premier-of-the-day as required by the Act, requires clear and rigorous justification, as much as it would have been expected of the Premier-of-the-day had he or she decided to make a recommendation for the appointment of a candidate other than the candidate recommended by the nominating committee.

That could not possibly reveal anything of deliberation; we can strike that out. That leaves us with the first sentence of the next paragraph —

> This unjustified dissent, and the resulting failure to achieve majority and bipartisan support, —

He says "unjustified" —

> has left the reappointment in limbo …

That does not reveal anything of the deliberations because that is contained in the letter of the chairwoman to the Premier. It continues —

> This outcome surely cannot rest simply on the solitary whim of the dissenting member. The appointment of a Commissioner of the CCC is an important affair of State.

That does not reveal deliberations; it casts an opinion as to the satisfactoriness of the process. It continues —

> The Government will be seeking the support of the Parliament to deal with the Bill expeditiously this week.
>
> If the Bill is passed, it will ensure bipartisan and majority support of the whole of Parliament, not just the JSCCCC, for Mr McKechnie's reappointment to this … role.

That does not reveal any of the deliberations. It continues —

> This is, I believe, a straight forward test of the leadership of Liza Harvey, the Leader of the Opposition. There is an incredible lack of coherent leadership on this matter by the Opposition. If the Opposition is not able to give bipartisan support to the reappointment of Mr McKechnie, then the Leader of the Opposition needs to tell Western Australians why that support was not and is not forthcoming.

We can strike that out as having any relevance to revealing deliberations. It continues —

> Beyond the current remedy, it is clear the Act needs to be amended to ensure this situation is never repeated.

I have gone through that Facebook post line by line, as did the member for Dawesville, and I come back to one sentence, which is —

> What bothers me, as a member of the JSCCCC, is that there was no requirement for the dissenting voice on the JSCCCC to provide documented justification for that dissent.

That is true. However, it does not reveal deliberations; it says that there is no requirement for anyone who dissents to justify their dissent. How do we know that there was dissent? It is not because of this sentence in this Facebook post—not at all. We know that by reason of correspondence to the Premier of Western Australia from the chair of the committee, dated 25 March 2020, in which she advised —

> The Joint Standing Committee on the Corruption and Crime Commission met on 25 March 2020. We considered your recommendation that the Hon John McKechnie QC be re-appointed as Commissioner of the Corruption and Crime Commission.
>
> The Committee has been unable to achieve bipartisan and majority support …

That is a public letter; it is the letter that the Premier has referred to publicly. It does not reveal any deliberation that the committee itself did not determine was appropriate to reveal to the Premier of Western Australia. I seek to table that letter of 25 March 2020.

[See paper 3389.]

Mr J.R. QUIGLEY: There was nothing in that Facebook post. The only sentence that we can distil it down to is —

> What bothers me, as a member of the JSCCCC, is that there was no requirement for the dissenting voice on the JSCCCC to provide documented justification for that dissent.

The member for Kalamunda did not reveal dissent; the chair of the committee signed off on notifying the Premier of that dissent.

I would now like to go to the concluding remarks of the member for Dawesville. They were spot on. The member for Dawesville said that he had read all the member for Kalamunda's speeches in this chamber and said that the member for Kalamunda believes in fairness, honesty and integrity, and that history will judge him for his comments. History will judge him and judge him most favourably. We, as members of this Parliament, carry a duty to protect and further the interests of not only the community but also this institution. The member for Kalamunda pointed out in his Facebook post that he is bothered by the fact that a veto vote can be cast in the JSCCCC without a requirement to ever record the basis upon which the dissent was made.

There has been a lot of speculation in the media and other places about what could be behind that dissent. What was behind that dissent? We know from a further letter to the Premier of WA from the chairperson of the committee that the committee was unable to achieve bipartisan support for the appointment and that there had been the usual process of interviewing each of the three nominees who had been put forward by the Premier. That happened on 25 March. It was at the conclusion of that meeting of the JSCCCC on 25 March that majority and bipartisan concurrence was unable to be achieved. Since then, of course, there has been a lot of speculation in the newspaper about the basis of that. One of the bases of that was the Parliamentary Inspector of the Corruption and Crime Commission. I now turn to an article published on Saturday, 2 May, by the opinion writer, Mr Paul Murray, which states —

> But in the absence of the committee providing a full explanation about its deliberations—which might still happen—the public deserves to know as much as can be found about the possible reasons.

The member for Kalamunda did not reveal those reasons. He kept shtum; he kept the reasons to himself because he knew his obligations. Mr Murray could not refer to those reasons, but someone on that committee, other than the member for Kalamunda, has been the source of Mr Murray's article dated, as I said, 2 May. This must have come from someone in the committee; it is certainly not Mr Hughes. I repeat —

> But in the absence of the committee providing a full explanation about its deliberations—which might still happen—the public deserves to know as much as can be found about the possible reasons.

Mr Murray goes on —

> One of those "third parties" was the CCC's parliamentary inspector, Michael Murray, who retired from the job on March 30, just days after the committee's first consideration of McKechnie's reappointment.

As it happens, Mr Murray, QC, a former Supreme Court judge, must have been troubled by the assertion that he was one of the third parties, if not the third party. On the same day that article was published, 2 May—bear in mind Mr Murray has been a splendid public servant for 25 years, crown prosecutor and a Supreme Court judge before becoming the parliamentary inspector—Mr Murray was so troubled by that assertion in Mr Paul Murray's article, he was moved to email John McKechnie, private citizen, and state —

> The email to the JSC is forwarded herewith. You should have it in view of the contrary publicity. There is no other communication to the Committee.

We know that what follows is the parliamentary inspector's only communication to the committee on the subject of Mr McKechnie's reappointment, which states —

> Ms M M Quirk, MLA,
>
> …
>
> Dear Ms Quirk,
>
> Thank you so much for your kind note on behalf of the Committee, marking my retirement as Parliamentary Inspector. I very much appreciated your thoughts and would ask that you convey my thanks to the other members of the Committee.
>
> It occurs to me that I owe you an explanation for my decision after entering upon the eighth year in the office following my retirement from the Supreme Court. I would have gladly continued, …

The email is then redacted because, sadly, he then sets out the detail of his physical condition. I undertake to the chamber that I have only redacted from there that which goes to his personal health. He continues in his email to Ms Quirk —

> I tell you this, not seeking sympathy, but to make it clear that throughout my term I have received every assistance and courtesy from the members of this and the previous Committee and I do not retire as a result of any dissatisfaction with the work, which has at times been challenging.
>
> I should add that I have always received appropriate consideration from the Hon McKechnie QC and the other members of his team, although we have by no means always agreed upon the correct outcome of a particular problem. You will notice that I have not copied this email to him.

He subsequently did. I seek to table a copy of those two emails.

[See papers 3390 and 3391.]

I will repeat the last paragraph of his letter, which states —

> I should add that I have always received appropriate consideration from the Hon McKechnie QC and the other members of his team, although we have by no means always agreed upon the correct outcome of a particular problem. You will notice that I have not copied this email to him.

Of course there must be disagreement between the Parliamentary Inspector of the Corruption and Crime Commission and the Corruption and Crime Commission. We never intended the parliamentary inspector to operate as a rubber stamp but to critically review the work of the commission, which Hon Michael Murray did a splendid job at as the parliamentary inspector. But what does he mean when he says "we have by no means always agreed upon the correct outcome of a particular problem"? I was tempted to contact Hon Michael Murray, QC, to seek a further explanation of that, but refrained from doing so because of his health. I was surprised to learn, however, that the member for Kalamunda did email Hon Michael Murray, QC, but I will leave it to the member for Kalamunda to put his emails before the chamber. They are not mine—neither the email to Hon Michael Murray, QC, nor the reply that came back.

Most unfortunately, someone on that committee—I do not know which of the other three members it is—has chanced their arm in a most dangerous way. They have misled Paul Murray. He will be about the task now of finding out who misled him and why they misled him, because Mr Paul Murray has put his name to the fact that one of the third parties was Mr Michael Murray. We know beyond reasonable doubt—this is the criminal lawyer coming out in me—that when the Joint Standing Committee on the Corruption and Crime Commission convened on 25 March to consider the Premier's nomination, which had come from the Chief Justice's nominating committee, its members could not have even considered Mr Murray's email—could I see the tabled paper again, please, Clerk? I think I tabled both copies—and whatever that last paragraph meant because they met on 25 March. Mr Murray did not email the committee until 17 April. We can exclude beyond reasonable doubt that Mr Murray's email was before the committee or that there was another email from Mr Murray before the committee on 25 March, because he specifically said on 2 May, the date that the article was published in *The West Australian*, that —

> There is no other communication to the Committee.

In his article Mr Paul Murray states —

> One of those "third parties" was the CCC's parliamentary inspector, Michael Murray, who retired …

We know that Mr Paul Murray is 100 per cent wrong. I hasten to add that I do not blame Mr Paul Murray; he is only as good as his sources. On this occasion his sources were bad; we know that beyond reasonable doubt. Paul Murray goes on in his article to say —

> The public doesn't know what effect Murray's views had on the committee's attitude to McKechnie—if any—but I understand he sent an unsolicited letter raising issues.

One issue he raised was that he and Mr McKechnie had different views on some matters but that Mr McKechnie was good to work with. The other issue he raised was that he is in poor health and he would not have retired otherwise. The public knows what the views of Mr Michael Murray, QC, were. Mr Paul Murray now knows because the documents are tabled and were previously published in the paper. Yesterday I was asked by my counterpart, the shadow Attorney General, who sent the letters of Mr McKechnie to *The West*; who was responsible for that publication. The short answer is the Attorney General. Today I was asked a further question on notice: who sent the Michael Murray emails to *The West*? The Attorney General did. I was asked a further question: did I seek permission from Mr McKechnie or Mr Murray to send any of this correspondence to *The West*? No, I did not. The Attorney General does not go around seeking permission of people to publish material. That is ridiculous. These people have forwarded material to me and I took it upon myself to publish it in the public interest.

Mr Paul Murray said in his article —

> The public doesn't know what effect Murray's views had on the committee's attitude to McKechnie …

We know zero because it did not arrive until nearly three weeks after the committee met and rejected the nomination. That clears that one up for Mr Paul Murray and I hope it helps.

I will correct one thing that I said earlier about the letter to the Premier in which the chairwoman revealed that the committee had interviewed each of the nominees. That detail was not found in the letter but in the press release, which I will come to in a moment. In the press release from the member for Girrawheen, she states —

> As has been the previous practice, the Committee interviewed all persons on the list …

The committee members had Mr McKechnie sitting opposite them. The committee put out a press release saying that they had information from third parties and confidential material affecting the operation of the CCC. Who did they have sitting opposite them? Was it John McKechnie, private citizen? No, at that time he was the Corruption and Crime Commissioner. We know that people in public office have a duty under the act to report matters to the CCC. The Corruption and Crime Commissioner was present in the room but it appears that no-one on the committee

bothered or thought fit to put to Mr McKechnie what they had for his comment. We know that subsequently Mr McKechnie wrote to the committee after this adverse conclusion had been drawn. He wrote to me by way of complaint. His letter states —

> Dear Attorney General
>
> …
>
> I note the Committee's release says "The nature of those discussions is not detailed because it includes information provided by third parties".
>
> In any other tribunal or committee this would offend the requirement for procedural fairness.
>
> I have been given no notice of any adverse material and been provided no opportunity to explain …

Mr Paul Murray—to get the Murrays right—says —

> The public doesn't know what effect —

Michael —

> Murray's views had on the committee's attitude to McKechnie … but I understand he sent an unsolicited letter …

Not even Mr McKechnie knows what that is. They would not give, and declined to give, Mr McKechnie what the member for Dawesville has accorded the member for Kalamunda. He made great moment of that, and I acknowledge what he did. He did not move the motion as a matter of urgency; he gave the member for Kalamunda time to prepare his response and meet the charge—meet the complaint. The committee did not do that to Mr McKechnie. It did not afford him procedural fairness. He is a person who has served this community for over 45 years as a Crown prosecutor, the inaugural Director of Public Prosecutions, a senior Supreme Court judge for over a decade and, even on the Leader of the Opposition's given testimonial, he has been an outstanding Corruption and Crime Commissioner. Everyone agrees with that; it is the method of reappointment that the opposition takes issue with, not his performance in office. The committee would not afford this man the opportunity to comment on what it was holding against him, as the member for Dawesville accorded the member for Kalamunda, and as we accord every criminal who enters the dock—that is, the right to hear the charge. At the end of a case, as in the Edwards case—we have all seen it on TV; the judge said, "Stand up Mr Edwards; is there anything you want to say?"—the accused hears the whole charge and is afforded the opportunity of reply. The committee did not do that to Mr McKechnie, QC. It did not accord him the opportunity to reply. Of course, it could not have given him the opportunity to reply to this email written by Mr Murray because, as already noted, that did not arrive until nearly three weeks after it had made a decision. What is it?

On the 23 April, the Joint Standing Committee on the Corruption and Crime Commission wrote to the Premier again, on a request by the Premier for reconsideration, refusing to confirm the nomination. The letter states —

> A media statement to this effect will be issued later today … It does not specify the exact nature of those discussions because —

Those discussion —

> … provided by third parties in confidence and matters which may impact on the operational performance of the Commission.

We know that the third party could not have been—it would be impossible—the Parliamentary Inspector of the Corruption and Crime Commission. How can we make this referral if we have not seen either the report of the committee or its minutes? That is because, no doubt, if a third party had put in a submission contrary to Mr McKechnie's and contrary to the Premier's nomination, that would surely be recorded in those minutes. I have not seen those minutes, but the committee and the committee chairwoman should move to table those minutes so that we, as members, can make an objective judgement on whether there has been a prima facie disclosure of deliberations. We have only that one sentence that we drilled down to. Let us see what was written to the Premier—that is, that it will be in the press release, that there was confidential information received by third parties and that there was other confidential material adverse to the operations of the commission itself. Of course, Mr McKechnie in his second letter to the committee, in which he asks for details of the adverse matters that have been withheld, notes that the committee never put anything before him by the parliamentary inspector or anybody else, so he has been denied natural justice.

This is not the way that this Parliament is meant to operate. Under the standing orders, if a committee is going to make an adverse comment about anyone, it shall advise that person and give that person the right to reply before the report is tabled. This was not a report. A report may come and Mr McKechnie may yet get the opportunity, but this was not a report; this was an adverse finding arrived at after Mr McKechnie was denied natural justice, procedural fairness and the right to reply. In other words, Mr McKechnie was the victim of a kangaroo court. That the allegation was not put to him and he was not given the right of reply fits the definition of a kangaroo court. Then a press release

came out saying that a third party supplied confidential information, but the committee cannot tell us what that is. One of those committee members or someone associated with that committee went out and misled Mr Paul Murray. They said one of those third parties was Mr Michael Murray. We know that is 100 per cent false. It is false, false, false because Mr Michael Murray did not put his matter to the committee until the seventeenth, and in that regard he was only complimentary.

We have a duty to public servants and those who serve in high office to hold them to account and to deal with them fairly. We all know that a draft adverse finding by the Corruption and Crime Commission—I was the subject of one, member. That was in the Mallard matter. It was that I had improperly put pressure on a policeman to tell the truth. I realised with respect to that police officer that it was an impossible task, as subsequently revealed in the High Court. When the commission served me with an adverse notice for acting improperly by trying to get this policeman to tell the truth, I sent that adverse finding off to Mr Bret Walker, SC. He is one of the finest counsel in Australia and is currently doing the *Ruby Princess* inquiry—we have all seen him on TV. He wrote a letter back to the commissioner and they backflipped and praised me, and said, "We realise he was only trying to get a policeman to tell the truth when he wouldn't." I only raise that because of the process. When the commission itself is about to make an adverse finding against anyone in this chamber, it affords us natural justice and gives us notice and the chance to respond. The committee did not see fit to do that with a person who has served this community so faithfully and as well as Hon John McKechnie, QC. He has been the subject of a kangaroo court.

We cannot talk about the deliberations because I do not know about the deliberations, but think of the consequences of this motion. We will oppose the motion for the reasons that I have said; that is, that it is only that one sentence. The virtue of the motion is this. This motion could not be considered by the Procedure and Privileges Committee unless it had before it the deliberations of the Joint Standing Committee on the Corruption and Crime Commission, because it would never know unless it had the deliberations of the joint standing committee whether the member for Kalamunda had revealed anything. Now we go to the standing orders. How does that happen? Does the JSCCCC just post it off by email or snail mail to the Procedure and Privileges Committee, and none of the members of this chamber see it? Does it send off the transcript or minutes of the proceedings before the JSCCCC to privileges, and privileges then makes a judgement? There is no provision in the standing orders of Parliament for that to happen. The only place that the JSCCCC can communicate with is the chambers of the house, which it has chosen not to do thus far. When we get it, if there appears to be a breach of something, then we can send it off to privileges. But this notion that it will go off to privileges, as the member for Dawesville said, to conduct an investigation—how can it conduct an investigation? It is not allowed to see the deliberations of the JSCCCC because it is in camera. The JSCCCC is not able, under the standing orders, to keep it secret from us and pass it under Mr Speaker's door for privileges to consider without us knowing. In any event, if it did that, it would still have to report back to this Parliament. The Procedure and Privileges Committee has to report back to this Parliament, report on the deliberations of the JSCCCC and how grave its finding might be on that. If there was to be any virtue in this, it would split open the deliberations of the JSCCCC. It had to undoubtedly do that, and we will all see whether there was any other third party besides Hon Michael Murray, QC, sending his letter, which was complimentary of Mr McKechnie, I must say. We are not going into the issue of whether or not he should be appointed; we are examining the motion. When we say, "Well, then you've got to look not just at your motion", that invites the chamber to refer not only on the basis of disclosing a deliberation, but also in subsequent paragraphs to the motion that his general conduct criticised the processes of the JSCCCC. The government says, "Good on you." We support that. We criticise the process of the JSCCCC when a person like Hon John McKechnie, QC, is denied procedural fairness. That is open to fair criticism and fair public criticism.

In a manner inconsistent with this, a member of the JSCCCC criticised the processes. That is his duty. If someone is not offered natural justice and given the right to reply in advance of an adverse report back to the Premier, it is his duty to speak up. He is not revealing a deliberation. What the member is saying, and no more, is that the process was crook. The man was not offered procedural fairness. He did not criticise the decision of a member of the JSCCCC, no. He said he should put in reasons for dissent. There is nothing wrong with that. We praise a member for making those sort of constructive criticisms of the processes of a committee of this Parliament. Engaged in the commentary on the failure of the JSCCCC to appoint John McKechnie as the Commissioner of the Corruption and Crime Commission, his commentary was not on that. It was on the process, which, as I said, resulted in a kangaroo court. Whether such actions amount to a breach of privilege or contempt of Parliament and what action should be taken, we cannot send anything off to privileges because we do not know what the deliberations were. Everyone in this chamber is both blind and deaf as to what happened in that committee. We know nothing. How can this chamber vote to refer the member for Kalamunda for breaching standing orders by divulging a deliberation? We do not have any idea what those deliberations were, and nor does the Procedure and Privileges Committee; nor can it find out without a report coming from the JSCCCC to this chamber as to exactly what happened. Then we might be in a position to examine it.

The member for Dawesville invited us to vote with the opposition's motion, but before Parliament could do that it needs to have the minutes of the committee meetings of the twenty-seventh and the eighteenth before it. It is our committee for heaven's sake, and under the standing orders this Parliament can call for them. It is our committee.

The Legislative Assembly is the mother lode. The committee is just a little reef off to the side. This is the mother lode. The committee in all senses is a child of this Parliament, and it is regrettable that our child—our committee—behaved in the way that it did in denying procedural fairness to one of the most distinguished jurists that Western Australia has produced. It is regrettable in the extreme. We will not be supporting this motion to refer him. The government commends the member for Kalamunda for having the courage and the integrity to criticise a process that he regarded as flawed; to criticise a process that I rightly characterised as a kangaroo court. The government will not support this motion.

MS M.M. QUIRK (Girrawheen) [5.06 pm]: Before I make my comments, I would like to acknowledge the long service of the Parliamentary Inspector of the Corruption and Crime Commission, Hon Michael Murray, who has been in that position since 2013. As we have heard from the Attorney General, he is retiring due only to ill health. His contribution to the oversight of the CCC has been invaluable. I wish him well in his retirement, and I hope that it is a happy one and is not too impacted upon by ill health.

There has been a number of matters canvassed both here and in the media on how parliamentary committees work. I would like to address some of those issues and try to dispel some of the myths. I think we all accept that parliamentary committees do very valuable work. They largely operate in a bipartisan fashion and with consensus. As we have heard, under the Legislative Assembly standing orders, which the committee is governed by, standing order 270 makes clear that all deliberations are to be conducted in closed session. The reason for this is self-evident. It is so that robust and comprehensive discussions without fear or favour can occur. Yes, it is true that the committee can report on its deliberations from time to time. However, the content of such a report to Parliament or otherwise needs to be agreed by committee. If it cannot be agreed, then there is provision in standing order 274 for a dissenting report to be published. Although not explicit, the committee needs to observe procedural fairness—that is, by putting propositions to interviewees or witnesses to give them the opportunity to answer and to canvass such assertions or propositions. It is arguable that this may not need to extend to identifying the source of those assertions.

If a report is published, as we have heard the Attorney General say, anyone whose reputation is adversely affected has a right to request of the Assembly that this response be incorporated into *Hansard*, and that falls under standing order 114. Despite having this right of reply, it may be arguable that airing in public adverse views about an individual may deter suitable persons from applying to such positions in the future.

Of note, I am of the view that the deadlock of the Joint Standing Committee on the Corruption and Crime Commission is not the same as a veto. The lack of veto power of the committee has generally been conceded in a range of reports, including the statutory review of the act by the then barrister Gail Archer, SC, in 2008. It has generally been held that the JSCCCC does not have the power of veto and, accordingly, the present impasse should not be treated as being a de facto veto. In fact, in a submission to the previous committee in 2016 by Commissioner McKechnie, he recommended, amongst other things, removal of the nominating committee but, more relevantly, on the issue of veto, in paragraph 54 at page 12 of his submission, he said —

> The Commission recommends that the JSCCCC be given the power of veto regarding the appointment of a Commissioner, and that the passing of a resolution of appointment require a majority support of the JSCCCC.

The next paragraph states —

> The Commission recommends consideration of provisions similar to those set out in subsections 21(1)–(3) IBAC Act.

That is the New South Wales legislation. The next paragraph states —

> As a joint standing committee of Parliament, the JSCCCC is representative of both house of Parliament and must be comprised of two members of the Legislative Assembly and two members of the Legislative Council. At present, the JSCCCC is comprised of four members with each major political party (Liberal and Australian Labor Party) represented in equal numbers. The current Legislative Assembly Standing Orders and membership of the JSCCCC already ensure that no one political party may dominate consideration of a resolution to support an appointment of a Commissioner under the CCM Act.

That is the Corruption, Crime and Misconduct Act. The next paragraph states —

> A requirement that the JSCCCC hold the power of veto by majority resolution in relation to a recommended nominee will ensure that the requirement for bipartisan support is maintained.

We have heard reference to the Independent Commission Against Corruption in New South Wales. Those laws were enacted before the Western Australian act and in there is a specific reference to the parliamentary committee having the express right to veto. Similarly, the Victorian Independent Broad-based Anti-corruption Commission rules give the committee a similar power, but this is limited in time, as it is in South Australia and in a 2014 amendment in Queensland. However, no such power is conferred on the committee in Western Australia. As a fundamental principle of statutory interpretation, such a power, and the serious consequences it entails, is not the kind that would be inferred. The power of veto needs to be expressly stated in the act for that to take effect.

There has been much discussion about, firstly, how the joint standing committee did not recommend Commissioner McKechnie for reappointment and, secondly, the fact that the committee was deadlocked. The effect of the deadlock means that the requirement under section 9 of the Corruption, Crime and Misconduct Act 2003 that the committee needs to give both majority and bipartisan support could not be achieved.

The role of the nominating committee headed by the Chief Justice is qualitatively different from the role of the standing committee. The latter has an ongoing oversight role and thus frequent dealings with the Corruption and Crime Commission, the parliamentary inspector, members of the public sector, senior police and so on. The standing committee analyses and examines reports and also conducts hearings. The standing committee reports to Parliament on its findings. Access to this broader range of matters is not, by definition, something of which the nominating committee is apprised.

The act is silent on what should transpire should a deadlock occur. From a report of the Joint Standing Committee on the Corruption and Crime Commission in the last Parliament, it seems that such an issue may have previously occurred, but as the matter was not prosecuted in the media, this was not widely known. The details and circumstances of that matter are unknown, as the standing orders that require that deliberations remain confidential were strictly complied with. We cannot even inquire of the past chair or committee members what transpired.

It has been opined by one of the most senior legal advisers to government that the views of the standing committee have to be given effect. It is arguable that such an opinion would be of assistance if, with bipartisan and majority support, the committee nominated an alternative candidate on the list. However, in the present case, there are no views expressed to give effect to that. I stress that the committee has only four members and there is no casting vote by the chair. Moreover, parliamentary debate on the CCC legislation does not give guidance on the mischief of the section. However, an article by Peter Kennedy in *Business News Western Australia* of 29 April 2020 sought the opinion of former Attorney General Jim McGinty, who was the architect of the CCC legislation in 2003. It was reported that Mr McGinty said —

> … the joint standing committee was meant to be a surrogate for the views of both major parties. It was not there for individual viewpoints.

I have been asked on numerous occasions to give reasons why the committee did not support Mr McKechnie's reappointment. More accurately, it could not form a concluded view that met the statutory threshold, which begs the question: if there is no veto power, what is the nature of the failure to gain bipartisan and majority support? Rhetorically speaking, what are the constraints from proceeding to reappoint Mr McKechnie?

From the foregoing, I hope it is better understood that the issues that the committee confronted were not cut and dried. The details of the limited precedent that existed were not available for guidance. That same report recommended amendments to the act and, in particular, section 9, which deals with consultation with the committee over a proposed appointment. In 2017, that recommendation for amendment was agreed to by the government but has not yet been introduced or enacted. Although the concerns with section 9 did not address or even contemplate the current situation, it may have stimulated broader reflection on its efficacy and whether the intent of the provision was adequately represented in the existing section.

On that thought, I conclude by observing that the whole reason for the appointment process in the act is to remove venal politics and guarantee integrity in an important independent role. Instead, a distinguished person who has served the state over many years and has been a significant player in criminal justice and the judiciary has had the indignity of having his affairs publicly canvassed.

Today's motion does not absolve me from maintaining the confidentiality of the nature of these internal deliberations. It does, however, give me the public opportunity to express my personal but general opinion on the suitability of Mr McKechnie's reappointment. The case for Mr McKechnie is compelling, because, in the CCC, there is a need for continuity. That might strike members as faint praise, but it is a crucial factor when one considers the history of the CCC before Mr McKechnie. In April 2015, shortly before Mr McKechnie took up his appointment, acting commissioners Neil Douglas and Christopher Shanahan, SC, tabled a report on the functions of the CCC. That report is more concisely known as "The Repositioning Report".

The background to the report was to reflect on the first 10 years of the CCC's operation to explain a more strategic targeted intelligence-led approach and inform a newly configured business model and outline organisational changes implemented for internal governance and conduct challenging. It its first three years there were three commissioners—Kevin Hammond, AO, between December 2003 and March 2007; Hon Len Roberts-Smith, QC, from June 2007 to January 2011; and Roger Macknay, QC, from November 2011 to April 2014. For the year following, the position of commissioner was vacant. That undesirable outcome has been the subject of comment about the glacial speed of the recruitment process by the previous Joint Standing Committee on the Corruption and Crime Commission. Also within the first 10 years, the executive director, and later CEO, Mike Silverstone, resigned, leaving the organisation even more bereft of leadership and corporate knowledge. This followed a period of two years in which police investigated a number of allegations against commission officers, including those relating to misappropriation, public sector impropriety, bullying and lying to the Australian Taxation Office.

In 2015 the Parliamentary Inspector of the Corruption and Crime Commission, Hon Michael Murray, tabled a report on the CCC's surveillance division, decrying it as having a disturbing culture of unaccountability and systemic management failure. In the climate of low morale and questions being raised about the integrity and direction of the organisation and failure of leadership, Commissioner McKechnie took on what must have been universally considered a poisoned chalice.

Added to those challenges were those identified in the repositioning report—an exponential increase in the number of allegations; ongoing debate about whether the commission should be tasked with an organised crime function; the growing privatised service delivery of government services; a tightening fiscal environment; the need to engage and participate in the WA integrity sector and with interstate counterparts; internal governments and conduct challenges, some of which I have already detailed; growing expectations of the parliamentary JSCCCC and the parliamentary inspector; and recent High Court decisions that related to the admissibility and prosecutions of coerced evidence. The growth in allegations was addressed by legislative amendment, which transferred allegations of minor misconduct in the public sector to the Public Sector Commission. It also transferred the function of integrity in the anticorruption education to that agency.

The other matters identified in the repositioning report fell squarely within the responsibility of incoming Commissioner McKechnie to address. We must give him considerable credit for exercising leadership to turn the organisation around. I remember only too well the bad old days of the CCC. Central to my support for his reappointment is the need for stability. With Mr McKechnie continuing at the helm, the ship was heading in the right direction and was no longer taking on water.

MR M. HUGHES (Kalamunda) [5.23 pm]: Before I begin I would like to thank the member for Dawesville for the opportunity to give consideration to the notice of motion to refer me to the Procedure and Privileges Committee. I note, of course, that in terms of the press release that was provided by his leader that there were calls for my sacking almost instantly that Hon Nick Goiran had recourse to look at my Facebook page. There has been a bit of distance between the hiatus in the other place and Hon Nick Goiran's capacity to stand on the high moral ground, even though at times is it not as high as a molehill, but I know how well he can churn out the perturbation if he chooses to. When the decision—if I can call it a decision—or rather the outcome of the Joint Standing Committee on the Corruption and Crime Commission was not able to achieve bipartisanship, I wondered what the Leader of the Opposition's view was of that. I am very pleased she is in a position to be able to say that she had all confidence in the current commissioner. She did point out in the cut and thrust of debate that of course she is not a member of that committee, so it was not her veto. However, we find ourselves in a situation in which the most effective member of the commission, the commissioner, is greatly acknowledged. Without divulging the contents of the deliberations of the committee, even the chair acknowledged the considerable work that man has done.

The member for Dawesville is the youngest member of Parliament elected and, arguably, I think I was the oldest member of Parliament elected. When I was elected I took an oath of office; that was to swear to always act in the best interests of the people of Western Australia. Without divulging the contents of the deliberations that took place on 25 March, I can say that I was shocked—I was shocked. I made my feelings known to the chair. On 26 March I said that I was contemplating resignation from the committee. Members have to ask themselves the question: why would an old codger like me be placed in that predicament? They would be quite right to wonder. I think the standard that you walk past is that standard that you accept. I think this Parliament deserves the best possible standard in the deliberations of the committee and the basis on which those decisions are made. When I referred to "justified" on my Facebook page, there was no justification given in the letter to the Premier; it was unjustified. No justification was given. I did not say "unjustifiable". That would be my making a qualitative assessment of the debate; I would stray into that. If I did stray into the debate of providing disclosure, when on 9 April the chair indicated that she had been approached by Gareth Parker to make comment on the outcome of the committee, I readily acknowledge that so concerned was I about what had happened that I indicated to her that if I were to speak to him, and if I strayed into breaching privilege, I would bear the consequences. I did not. I thought the best job I could do was to try to explain to people in my constituency why the government was in the position in which it had to seek to bring the bill forward to change legislation in order to overcome the unexplained reasons Hon John McKechnie was not made commissioner. Everyone in this chamber, including the opposition, believes that that person is the right person for the job.

I turn now to my notes. I will see how far I get before members want to interfere in what I have to say. I think it is unfortunate for the public of Western Australia that the standard of the reappointment process of the Corruption and Crime Commissioner has reached the position it has. I know from the communications I have had from my electorate that the public is confused and dismayed by the fact that this state's most successful commissioner has not been reappointed, even though he received bipartisanship support in 2015. He has exposed staggering corruption in the public service and is midway through the examination of an MP's expenses—that is a fact—but he has not been reappointed, given that under the provisions of the act a serving commissioner is eligible to hold office for a further five-year period, but no more. I think there is a substantial difference between a new appointment and a person who seeks to be reappointed. Regarding the advice provided by Hon Nick Goiran about the circumstances he faced, they were never facing the reappointment of an existing commissioner; they were always looking at new appointments.

Whatever information was available so that the committee felt it was providing sound advice to the government of the day that the recommendation to the Governor General should be someone else, we will never know what the basis was, but I would argue that there would have to be substantial grounds for the reappointment not to occur. That is the whole basis of the commentary in my Facebook post. The member is quite right that a few edits went on, trying to keep things in such a way that I pointed the finger at no-one in particular. As we know from the current composition of the committee, there has to be one dissenting member. As it stands, given that there is no justification, it can be at whim; we would never know. We would never know because there is no disclosure.

The remarks I made on the Facebook page relating to the outcome of the meeting on 25 March of the Joint Standing Committee on the Corruption and Crime Commission were an attempt to give some explanation and understanding to the public about this matter of great interest and importance of why it had become necessary for the government, in the face of an unexplained deadlock, to introduce legislation to facilitate Mr McKechnie's reappointment. The public and this Parliament deserve an explanation about why bipartisanship concurrence could not be achieved. They deserve some justification from the committee, which, through not publishing its reasons, it did not provide. I do not reveal the deliberations or processes of the committee. That should be done by the committee itself by publishing its minutes or a report so the public can see what happened. I would welcome those minutes being published or a report. I think the public deserves to see those minutes and to truly know what happened and why it happened. Mr McKechnie and the public of Western Australia deserve to know how the committee has gone about its duty in this task to serve the people of Western Australia in what is a matter of great public importance. As members have heard, it is open to the committee to resolve to do this, should it choose. Without straying too far, I suggest that it might help the process if the committee was prepared to do that.

Without revealing the contents of the committee's deliberations, I can advise the house of what was not included in the deliberations. This concept is interesting, because we have this odd relationship between the act, which says nothing, and the committee, which is not bound to say anything, so we could never know unless the committee was prepared to divulge and unless this Parliament said, "You will provide us with the information." I hope that this Parliament at some stage chooses to do just that. Without revealing the contents of the deliberations, I can advise the house of what was not included in the deliberations. I can advise the house of what did not happen and what I did not support. There was never anything put before me, either at the meeting of 25 March or the meeting of 22 April, that would preclude the reappointment of John McKechnie as commissioner. I did not support the letter sent from the committee chair to the Premier on 23 April, or the assertions within it, to which the media statement referred. If members read both, I could not concur with the letter and I could not concur with the media release. I table an email sent to the committee at 6.12 pm on 22 April recording that I did not support the observations made in the letter and I lay it on the table.

[The paper was tabled for the information of members.]

Mr M. HUGHES: I will read the email, since I brought it in. I will not say who I referred it to. It is the senior research person. The email reads —

> I made my position clear in discussion this morning. I do not support the majority view with regard to observations made in this letter.

I followed up the email and said to the principal research officer in a telephone call that in particular I did not support the assertion made public in the form of a media release that the committee resolved unequivocally to reject any suggestion that the motivation for members not supporting the appointment recommendation was the Corruption and Crime Commission's focus on parliamentary electoral allowances. It makes it unequivocal. The media release used the word "resolved". I did not support that statement, I did not agree with it and I still do not agree with it. There was also the assertion that discussions included information provided by third parties in confidence and matters that may impact on the operational performance of the commission. I did not support that statement in the media release, which resulted in several media reports that cast unfair suspicion over Mr McKechnie's fitness to be reappointed.

Given this motion against me today and given the public interest in the matter fuelled by the media release, the record needs to be set right. I need to set the record straight. In the articles appearing in *The West Australian* on Wednesday, 29 April, and Saturday, 2 May, it was asserted that all four members of the committee had put their names to the media statement. I did not. I have no knowledge of any confidential information from third parties averse to the reappointment of John McKechnie as commissioner or matters that may impact on the operation and performance of the commission, and no such material was presented to the committee. If such weighty information exists, I have not been provided with it. An article on Saturday, 2 May, titled "Get over it, Mr Premier" from the Paul Murray school of journalism asserted that the third party information referred to in the media release was unsolicited correspondence from the former Parliamentary Inspector of the Corruption and Crime Commission, Hon Michael Murray, who has also unfortunately been drawn into this sorry saga. Given that the article implied that the committee of which I am a member had vetoed Mr McKechnie because of something the parliamentary inspector had given it, I contacted Mr Murray to ascertain whether he had provided the committee with any material that I was not aware of. I asked Mr Murray about the assertion that he was the source of the third party confidential information and he gave me permission to inform the house of his reply on 5 May. I have the text on my phone

and I am prepared to table it, if members like. I will table my phone! His reply was that the article was without foundation and that he had only written to the chair of the joint standing committee with a general reference to the quite ordinary dealings between the parliamentary inspector, the commissioner and senior staff. That is what the parliamentary inspector has given me and he gave me permission to inform the house. I asked him whether I could and he thanked me for asking for his permission.

The motion moved by the member for Dawesville—not Warnbro but Dawesville!—wants me to be referred to the Procedure and Privileges Committee for revealing committee deliberations and criticising the process of the committee. I have done none of that. As the Attorney General has said, how can I be referred for these things if the committee's minutes are not made public? We do not know.

I am confident, though, that the tabling in this chamber of the minutes of the committee meeting on 25 March, from which all of this unfolded, would conclusively solve the mystery of whether the committee, when considering the nomination of the Premier of Mr McKechnie contained in his letter of 5 March 2020, had before it, as described in the media release, information provided by third parties in confidence and matters that may impact on the operation and performance of the commission. The member for Dawesville would like to know that and the public would like to know that, but I am not able to tell them. How can the house judge the process of the committee if the minutes of what happened and the process are not known? The house and the public should know the answer to the question of why it was not possible to achieve bipartisan agreement, given the thirty-ninth Parliament had and we had a very successful commissioner. We have to ask the question: why? I could make some suggestions later in my speech about why, but I probably will not.

As I said at the beginning of my speech, I entered Parliament quite late on in life to serve the public. I could be in retirement.

[Member's time extended.]

Mr M. HUGHES: I entered Parliament quite late in life. Everything I have done in this place as a member of Parliament and as a member of that committee for over two and a half years was done in the spirit of bipartisanship. I thought I was coming into an arena where there were seasoned members of Parliament—that is not to say that I am not seasoned but in terms of their experience here—on the government side and the opposition side and I thought I would learn something. As it turned out, there was a Greens member, and that is another story; I know we upset this place in doing that. Without divulging the business of the committee, I have been disappointed—sorely disappointed. I swore just over there on that spot in May almost three years ago that I would faithfully serve the people of Western Australia as a member of this Legislative Assembly. My principal and clear overriding duty, without getting upset about this, is to the people of Western Australia. I promised I would not do this, but there we go!

At the beginning of this sorry saga, I considered resigning from the committee and made this known to the chair on 26 March, but I decided not to do so. I will serve the interests of the people of Western Australia in this place, in this chamber and on the committee. I have one last comment, member for Dawesville. I will put it this way: when we have seen and heard something, we cannot un-see it and we cannot un-hear it. We need to be a chamber that shines a light on the truth and uphold the principles of justice and fair play. That is why I posted my Facebook post.

MR M. McGOWAN (Rockingham — Premier) [5.43 pm]: I have a few things to say. Firstly, I want to make it absolutely clear that the government will not be supporting this motion by the member for Dawesville for a range of reasons. I want to be really clear with people about this. I am pleased, actually, that the member gave us this opportunity to explain some of these matters. We will have another opportunity to speak when the legislation comes forward to reappoint Mr McKechnie to his role, which he has performed in an outstanding way, as the head of the Corruption and Crime Commission. However, I want to explain why we do not support this motion.

I want to say at the outset that I think the member for Kalamunda has done nothing wrong. He is a man of principle and a decent person. This motion is directed directly at his integrity. Members have to understand that when they do things like that, they can deeply impact people. For some people, these things are debating points like at university—a bit of fun. For other people, like the member for Kalamunda, these things are deeply hurtful. Over his three years here, he has shown himself as being that sort of individual. He has come to political life relatively late in life with a very successful career in education, full of integrity and decency. He ran very significant schools. He was never a political player, a political staffer or a person who comes up with points to give to their minister or Premier in the Parliament, then goes home and thinks up a whole bunch more the next day. He is a person of integrity and substance who has done important things in his life. I think we heard in his address just then how meaningful and important this matter is to him, and how hurtful and, in some ways inappropriate, the motion put forward is.

The motion put forward by the member for Dawesville is all about a Facebook post by the member for Kalamunda. The central tenet of the Facebook post was this: he wants a clear and rigorous justification of the failure of the committee to reach an agreement that allowed for the reappointment of Mr McKechnie. That is what he was asking for. In effect, the word is "transparency". He is asking for transparency in a Facebook post. For that, the member for Dawesville came in here with this long and detailed motion. He read every speech the member ever made. He came before the chamber with all the attitude of a Perry Mason to put forward his case about a Facebook post. He

then said how many comments and likes were made on the Facebook post. It is as though some grievous injustice has been done as part of what the member for Kalamunda has done. It is as though there was a grievous injustice or an amazing transgression of parliamentary privilege because he posted that he wanted transparency in one of the most important appointments in the state. He had some likes on the post. Does that strike members as a slight overreaction on the member for Dawesville's behalf? Does that strike members as a little too strong of a reaction to a Facebook post about these matters?

As the Attorney General outlined, the member for Kalamunda's post did not transgress the standing orders. I will not go through it all again, but it was a gross overreaction on the member for Dawesville's behalf and a gross overreaction in the language he used in the motion he moved against a person of the stature, background and integrity of the member for Kalamunda.

I want to take members through what this is all about. While the member for Dawesville was speaking, my colleagues and I were using some common phraseology, including, "Don't mention the war!" and "He's not dealing with the elephant in the room." We all know what this is about. This is about the reappointment of the head of the Corruption and Crime Commission—Mr John McKechnie, QC. The member said he would not mention him, then he mentioned him in his statement, so I will mention him. I am going to say what this is all about and I will say it again when the bill comes on. So members are aware, I received a letter from the Chief Justice of Western Australia, Honourable Justice Peter Quinlan, about the appointment of the CCC commissioner. The letter came in around 23 February 2020. It was a letter following deliberation by the Chief Justice of Western Australia, Honourable Justice Peter Quinlan, plus the Chief Justice of the District Court, the Honourable Kevin Sleight, plus a committee member who was appointed. Her name is Ms Audrey Jackson, a former senior person in education. That committee deliberated on nominees and provided a nomination to the government for the commissioner of the CCC. The committee unanimously recommended the reappointment of Mr McKechnie—none other than the Chief Justices of both senior courts of Western Australia and a senior and respected member of the community, Audrey Jackson.

In a letter to me, Mr Quinlan said —

> While it is a matter for you which nominee is recommended for appointment, in the Committee's view, the Hon John McKechnie QC is the outstanding nominee for the position. He has extensive experience and a demonstrated capacity in the role, which he has carried out independently and with great integrity. Indeed, this appointment is required only because of Mr McKechnie's current term expiry. His reappointment will also provide continuity in the position.

That is what the Chief Justice of Western Australia said about Mr McKechnie. I assumed that that was pretty good evidence for his reappointment. In fact, I did not think much about it at all. It was so obvious. Who should be appointed to this position was staring any right-thinking person in Western Australia in the face. Therefore, the department generated a letter for me, which I sent to the chair of the Joint Standing Committee on the Corruption and Crime Commission on or about 5 March, or a little after I had received the previous letter. I assumed it was a formality. It was what I was required to do under the act. I had to write to the chair of the committee seeking endorsement, approval or support for the reappointment for Mr McKechnie. It did not even play on my mind. I did not think anything about it because it was so obvious. It was what is commonly known these days as a no-brainer, to appoint someone of that nature.

I signed the letter and sent it to the chair of the committee and then all hell broke loose, of course. We all became aware—maybe it was already in place at that point in time—of the COVID-19 pandemic and the state of emergency and crisis that was confronting Western Australia and the rest of the world. Obviously, my mind, thoughts and actions were elsewhere. Subsequently, I received a letter from the committee stating, from memory—I do not have it before me—that the reappointment of Mr McKechnie did not have majority and bipartisan support. There are four members on the committee: two government members, one Liberal member and one Green. After I received that letter I wrote to the Leader of the Opposition seeking her support on this matter. I received a very, very testy reply.

Mrs L.M. Harvey interjected.

Mr M. McGOWAN: Just so that members are aware, I followed the exact processes under the law for the reappointment of Mr McKechnie. Had I gone outside those processes, the Leader of the Opposition would have said that I had done the wrong thing. I followed the process. As I said, I never even imagined it would be a matter of dispute or a matter of contention that Mr McKechnie would be reappointed. I never imagined that people would have the lack of understanding, even a lack of foresight or sheer inability, to understand where this might lead and that they would ignore his reappointment.

As a number of speakers have said prior to me, including the member for Girrawheen, the Attorney General and the member for Kalamunda, Mr McKechnie is the outstanding candidate. I do not know Mr McKechnie well. I expect that I have probably met him fewer than three or four times in my life. I have read about him. Prior to my becoming a member of Parliament, I remember he was the Director of Public Prosecutions. He was the DPP of Western Australia; not someone who worked there but the Director of Public Prosecutions. I think that position was created in 1991. He became the DPP of Western Australia. I remember seeing him on television, prosecuting

cases. He was a highly respected and very bright individual. He then became a Supreme Court judge, I think, appointed—but I am not sure—by a Liberal government in the 1990s. Maybe I am wrong about that, but he was appointed—a man of the highest of integrity.

Then he was appointed by Colin Barnett to head the Corruption and Crime Commission. Members know that then, as the member for Girrawheen pointed out, the CCC became—I think her words were—a ship heading in the right direction, with Mr McKechnie at the head of it. Members will remember that prior to his appointment, the CCC was a body that had not worked effectively. It had had a range of people in charge, had not fulfilled its role properly, and had drifted on like that for years. There had been acting commissioners, a failure to deliver, and court challenges against its rulings—all those sorts of things. It drifted on for years and years. Of course, we would expect a body that was created in 2003 to have teething problems, but we did not think that those teething problems would go on for 13 years. He was appointed—a man of his capacity, having run the DPP with hundreds of staff, a Supreme Court judge of the highest integrity—and he took on that role and responsibility. I say what a great thing. Then, suddenly, after years of instability, the CCC started to get huge results. We have heard about some of those cases in recent months. There have been huge results.

Then what happened? His reappointment was universally supported, but a committee of both houses had the capacity—one person—to stop his reappointment. The act says that the appointment of the Corruption and Crime Commissioner needs bipartisan support. Clearly, the act is flawed because, basically, despite the nominee the government puts forward, one member of that committee can veto it. Despite whichever government is in power, the CCC can be rudderless forever because only one member of that committee needs to say no. Even when we have put in place and recommended a person who has been achieving huge results—let us face it, what has been uncovered in recent investigations has been absolutely breathtaking—one person of that committee can stop it. As has been said, the decision needs to be bipartisan. We have heard the remarks of the member for Girrawheen about Mr McKechnie. 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. Obviously, he is a member of the upper house. Who did Mr McKechnie investigate? He investigated upper house opposition members. That is what has occurred.

Dr D.J. Honey interjected.

The ACTING SPEAKER: Member for Cottesloe!

Mr M. McGOWAN: Members do not have to be geniuses to work out what has gone on.

The Leader of the Opposition wrote to me on 14 April and said this about Mr McKechnie —

> I regard Commissioner McKechnie as a person of the highest integrity. His career spanning over thirty years as the state's Director of Public Prosecutions, as a judicial officer to the Supreme Court of Western Australia and in his current role as a Commissioner of the Corruption and Crime Commission categorises him, in my view, as an outstanding candidate to continue in the role of Commissioner.
>
> I support his re-appointment unequivocally.

We are at an impasse because we are unable to get a member of an upper house committee to agree to the reappointment of the most outstanding corruption fighter the state has ever seen.

A few weeks ago, Mr Barnett said this, and I quote —

> "John McKechnie is an outstanding person, and in my view, should be reappointed as commissioner of the CCC," …
>
> "And I think most members of Parliament would agree with that. There should be an explanation to the Parliament and therefore the public as to why this issue has basically stalled."
>
> …
>
> "John McKechnie is undertaking a number of investigations," …
>
> "They need to be concluded and I think if you're not going to reappoint someone of his standing you really have to give an explanation. It's not good enough to say the committee can't decide and is tied. If it's tied then let's break the tie."

Colin Barnett, a former Premier of Western Australia, has said exactly the same as the member for Kalamunda.

Then we have the real problem, in a public policy sense, with what has occurred. I will quote Mr McKechnie from an interview he did on 23 April. The interview transcript states —

> "Why anybody would think it's a good idea to decapitate the Corruption Commission when it's in the middle of about seven or eight major investigations, I do not know.
>
> …

> "I have been in public service in various roles since 1976. I have had the enormous privilege of serving as DDPP and judge and Commissioner. I have seen some strange political things in my time and this probably would be up there as a gold medal contender."

The motion today about criticising the member for Kalamunda for a Facebook post, whilst we have this enormous failure because a single member of an upper house committee will not agree to the reappointment of Mr McKechnie, is an abomination. It is the greatest red herring in history. Firstly, it is an example of people trying to take attention away from the real issue—that Mr McKechnie should be reappointed to his role. Secondly, there should be transparency in relation to that committee. Mr McKechnie is not reappointed to that role because of some grounds that no-one knows about, including him. It is a shocking thing that the Liberal Party is doing.

We will persist with Mr McKechnie's reappointment because he is the right person for the job. Some decisions need to be made by the opposition to ensure that Mr McKechnie can be reappointed to that very important role that he performs, otherwise people will be able to rightfully say that the best corruption investigator in the history of Western Australia has been vetoed by members of the Liberal Party.

Division

Question put and a division taken, the Acting Speaker (Terry Healy) casting his vote with the noes, with the following result —

Ayes (15)

Mr I.C. Blayney	Dr D.J. Honey	Mr R.S. Love	Mr D.T. Redman
Ms M.J. Davies	Mr P.A. Katsambanis	Mr W.R. Marmion	Mr P.J. Rundle
Mrs L.M. Harvey	Mr Z.R.F. Kirkup	Mr D.C. Nalder	Mr A. Krsticevic *(Teller)*
Mrs A.K. Hayden	Mr S.K. L'Estrange	Mr K.M. O'Donnell	

Noes (31)

Dr A.D. Buti	Mr F.M. Logan	Mr J.R. Quigley	Mr C.J. Tallentire
Mr J.N. Carey	Mr M. McGowan	Ms M.M. Quirk	Mr D.A. Templeman
Ms J.M. Freeman	Ms S.F. McGurk	Mrs M.H. Roberts	Mr P.C. Tinley
Ms E.L. Hamilton	Mr S.A. Millman	Ms C.M. Rowe	Mr R.R. Whitby
Mr T.J. Healy	Mr Y. Mubarakai	Ms R. Saffioti	Ms S.E. Winton
Mr M. Hughes	Mrs L.M. O'Malley	Ms A. Sanderson	Mr B.S. Wyatt
Mr W.J. Johnston	Mr P. Papalia	Ms J.J. Shaw	Mr D.R. Michael *(Teller)*
Mr D.J. Kelly	Mr S.J. Price	Mrs J.M.C. Stojkovski	

Pairs

Mr J.E. McGrath	Mr R.H. Cook
Ms L. Mettam	Mrs R.M.J. Clarke
Mr V.A. Catania	Ms L.L. Baker
Dr M.D. Nahan	Mr M.P. Murray

Question thus negatived.

CORONAVIRUS — GOVERNMENT SUPPORT

Motion

MRS L.M. HARVEY (Scarborough — Leader of the Opposition) [6.08 pm]: I move —

> That this house calls on the McGowan government to provide greater support to small businesses, regional communities and struggling households to weather the COVID-19 crisis.

The opposition has brought this motion to the house in light of the economic fallout from the COVID-19 crisis, the lockdowns and travel restrictions across the state. We are hearing, overwhelmingly, from a large number of small businesses across regional and metropolitan Western Australia about the difficulties that they are facing. Obviously, members of government are hearing the same stories. In opposition, we view it as our role to point out where the gaps in provision of assistance lie, and today, that is what we will articulate in the next hour during private members' business.

When talking to different businesses around the place, we have been engaging with several different sectors. We have been listening to people on the tools and those in the construction sector, and the concern that they are resoundingly reporting to us is that their pipeline of work is fast drying up and they cannot see any potential new home starts coming out in the near future. An article by Kim Macdonald published in *The West Australian* of 23 April states —

> WA suffered a 32 per cent drop in new home sales last month—the biggest in the nation—and has less than 10 weeks' worth of new home starts in the pipeline, according to the Housing Industry Association.

It is estimated —

> … that by June, there would be no new homes in the pipeline, which covers the period from approval to the laying of the slab.
>
> …
>
> The sector is already struggling, with WA experiencing 31.6 per cent drop in new home sales in March, compared with a 23.2 per cent drop across Australia.

We have had a more rapid decline than every other state. The market in this state was showing small signs of recovery, having been in the doldrums for quite some time. Indeed, prior to the COVID-19 crisis, the opposition was calling for government assistance for the housing construction sector to try to stimulate the market and get contracts signed so that tradies could see that they had a guarantee of work in the pipeline moving forward. That works for everybody; it creates confidence in the market. That is why as an opposition we called for a short six-month stimulus offering stamp duty relief on house and land packages to create some demand, if you like, and competition, and to get people to sign contracts. If there was an incentive of up to $50 000 on stamp duty on a new home build, it would be enough to get some first home buyers, or indeed any homebuyer, to sign on the dotted line to take advantage of that offer.

The article of 23 April continues —

> An MBA survey of members showed 70 per cent of those polled had seen a 40 per cent drop in their pipeline of work.

The impact on these workers, sole traders and businesses is being felt across the building supply chain. Indeed, it is the stuff of nightmares for people in the sector who are looking at no pipeline of future work and what can be done for them.

I acknowledge that the state government has put some offerings on the table for small businesses. I know that many businesses are taking advantage of the payroll tax relief and the grants for those businesses that qualify with a payroll between $1 million and $4 million. They are larger and medium-size businesses rather than the microbusinesses that I believe are feeling the real shock in the economy. My endorsed candidates have been on the ground listening to people. They have come back to me with all sorts of really sad stories about family businesses that are going to the wall. Gym businesses have been forced to close. Some of them have been able to revise their business plans from group sessions to one-on-one sessions, but clients that are at high risk or over 55 years are not training any more. They are working with their landlords to try to get some rental relief or some sort of relief for outgoings, but there is nothing optimistic in sight for traditional gym businesses and the way that they operate.

In the construction industry, a small construction firm lost a $1 million job that was due to start in March. It would have kept three people 100 per cent occupied for three months. That is three jobs that are not going to happen. The owner of that firm is trying to work out his business continuity program, because there was no work lined up after that contract.

These are small businesses. They do not pay payroll tax because they do not qualify for payroll tax. It is the same with hospitality and tourism businesses. They would like to be able to apply for JobKeeper, but if they do not have any cash in the bank, they have to go to the bank to try to get a cash advance to cover the cost of the JobKeeper payment before they can recover that income from the Australian Taxation Office. Trying to get a line of credit out of a bank when a business has no pipeline of work and no capital left because it has been eroded due to the economic conditions is an impossible task for small business owners, many of whom also have mortgages on their houses and are looking down the pipeline of losing everything; it is all at stake.

No-one is buying tyres at the moment because they cannot go anywhere, so the Tyrepower business has had no work for the last month. Indeed, a motor vehicle tyre purchase is an expensive discretionary spend for a lot of families. That industry is really suffering. It is not getting the calls coming in or jobs because people are not travelling and they are not replacing tyres. In any event, people do not have the discretionary spend to buy new tyres even if they did choose to take advantage of the relaxation of some of the regional lockdowns.

The party hire business has just gone. There is no party hire. There are no parties. From next week, gatherings of up to 20 people might be allowed, but there have been thousands of dollars of jobs cancelled for party hire businesses. These are mum-and-dad businesses; they support one family. They employ mum part time doing the books and dad full time doing the bookings and running around. Between the two of them, over weekends and during the week, they have one van to deliver the balloons and the other bits and pieces to venues so that people can have decorations for their parties. They have a lease over a warehouse for which the outgoings and rent still need to be paid. These sorts of businesses will disappear, and whether they start up again in near future remains to be seen. Ultimately, when these businesses disappear, two self-sufficient entrepreneurial people who were looking after themselves, providing for their three children and paying down their mortgage will be on unemployment benefits, given that Western Australia is looking at over 224 000 people being unemployed.

Those are some stories from smaller businesses that are doing it tough. Indeed, we have heard about what is happening to tourism operators in some regional areas, particularly caravan park operators. I hope some of that assistance funding that has been announced flows through very quickly to some of the caravan park operators. Some of these guys are paying really large fees to the Water Corporation, Synergy and others. In particular, they are paying the water authority for licences for their toilets and showers at a fixed cost. They are not getting any relief for those fixed costs, but they have no customers. They have showers that are not being turned on and toilets that are not being flushed, but they are still paying a significantly high fixed cost to keep them in place because those are the rules. They are getting no help from the Water Corporation to alleviate some of those fixed costs, and that is why we have asked the government to consider something targeted at these individuals. When we talk to some of the park operators, they say that the shire rates, electricity, water rates and water consumption used to sit at about 8.2 per cent of their total expenditure, but with increases in fees and charges it now amounts to nearly 20 per cent of their expenditure. That is a significant grab on their fixed-costs expenditure, and as small business park operators, they need to find turnover to pay for that. Obviously, the turnover has not been there for the last few months and it looks like most of these operators, particularly in the north of Western Australia, will not have any customers in the near future.

The Regional Chambers of Commerce and Industry of WA has done a survey of its regional businesses. Admittedly, it was 370 regional businesses, which is a large number, although statistically there may be some skewing in the results. However, 90 per cent of the 370 businesses said that they had been negatively or severely negatively impacted by the regional lockdowns and the COVID-19 crisis, and 32 per cent of those businesses had lost 75 to 100 per cent of their income. Having run small businesses for a long time, I know that that is just a devastating reduction in income. I cannot imagine how bleak the outlook must be for those mums and dads in regional Western Australia who are wondering what they are going to do and whether there will be any opportunity whatsoever in the near future to try to claw back some of that and make up for what might be revenue that is lost forever.

That is the harsh reality. Many of these companies will go out of business and will not come back. A lot of businesses that have been impacted are small businesses that hire one to five employees, or maybe even up to 20 employees, but because of the nature of the work they do, they are under the payroll tax threshold, and so are not eligible for the existing relief packages that the government has offered. As I said earlier, many small businesses are reluctant to apply for JobKeeper packages because they do not have the cashflow or the ability to access capital to front-end load the JobKeeper payments. Many of them employ casual workers. JobKeeper has been great, but when a small business is used to paying for, say, four full-time workers and two casuals, and the casuals are earning $250 a week, to then have to pay the casual workers up to $750 a week under the JobKeeper rules will mean that they will have a dent and a cashflow shortfall that they need to cover before they can be reimbursed. That is a risk, and businesses with no income are reluctant to take that risk.

I am not going to stay on my feet for too long because a lot of members want to contribute to this debate. The opposition has called for some stimulus to the construction sector by way of a stamp duty tax holiday for a period to try to get some contracts signed and bring some security back to that sector. We have called for potentially pulling forward some of the budgeted maintenance funds for local governments for their projects from the out years so that they can create a local government community fund and can bring forward some of the maintenance projects that have been planned for the next four years right across the length and breadth of Western Australia. Let us bring them forward so that we can get the people who are newly unemployed back into work, before they get used to being unemployed and being on benefits. We have called for a relief package for small business to be used to cut fixed electricity and water costs. I acknowledge that the government has announced up to $2 500 relief for Synergy and I believe Horizon Power customers, but many businesses that fall just over the 50-megahertz threshold are not eligible for that relief. If they have already entered into agreements with other providers, they are not eligible for that electricity relief, but they are still having to pay all those charges without any income coming through the door.

Our family business ran freezers. One of the difficulties for a small business is that if it has a freezer full of bait, as we did, or a freezer full of food, there is not the option of switching everything off until the business can open again because that will create further problems. Often, when freezer and refrigeration systems are switched off, they do not start back up again properly. Businesses have to keep these things running 24/7. They have to keep the stock frozen and goods refrigerated. The electricity cost is variable depending on usage, but it is still there, and the owner is responsible for it, even though the business may not have any income coming through the door. If the business is running freezers, it is going to kick up over the threshold for any kind of compensation. If those freezers or refrigeration units happen to be in hospitality or tourism businesses, those businesses will be over the threshold, but they have no income and no ability to pay. These are vexing issues, but these groups have fallen through the cracks. It is our job as opposition to highlight them.

The opposition has also been calling for some big infrastructure projects to be pulled forward and substantially commenced. I know that that seems to be one of the difficult things. Obviously, we remain committed to Roe 8 and Roe 9 and the thousands of jobs that will flow from that project, as well as the futureproofing of the South Metropolitan

road network, but also trying to get these Metronet jobs actually started. We want to see fluoro vests and hard hats onsite—people actually getting work and getting the job done—and I think that will assist the community greatly and bring some confidence back.

In closing, the opposition has been offering the government our ideas for providing stimulus. The community is calling for a couple of things. It wants some clarification of the medical advice that is informing the decisions of government. Particularly people such as beauticians—beauty therapy places that are often run by a single woman as a sole trader—need to be given an understanding of the medical advice that has differentiated them from hairdressers, massage therapists and physiotherapists who have direct contact with clients. Beauticians do not understand why their case is different from hairdressers and other service providers.

There is a lot of frustration in the community when the government refers to the medical advice on regional travel restrictions. It is difficult to explain to, for example, the communities of the Geraldton and Gascoyne regions why the travel of people from Perth to those regions presents a different kind of risk from the travel of people from Perth down to places like Albany and the great southern. The government needs to provide some of the medical advice that informs the scientific thinking behind the regional boundary restrictions and the decisions around hospitality and tourism. Why is 20 the magic number? How has that number been arrived at? What is the medical advice that says that is the right number? Why is it in place? I think all those things will provide some comfort to the community that the decisions are being well informed by medical advice that provides them with a reason that their businesses are not allowed to open or run the way in which they would like to run them, and why their businesses need to continue to feel unsupported, given that there are very few targeted grants to hit those really small businesses with under 20 employees—the ones that slip through the cracks of most of the relief packages that have been made available. They really need some support. They need some help. They do not want to be in the dole queue. They want to be back at work, being entrepreneurial, providing employment for their employees. They do not want to go to the wall, because the prospect of actually starting up again is remote for these businesses. If we lose them, particularly in regional Western Australia, the likelihood of them coming back and providing vibrancy to those regional towns is remote.

I implore the government to listen to our ideas. We have been talking to community and industry. We are not just asking for the sake of asking. We think we have some good ideas to offer to create jobs to help on the way to a COVID-19 economic recovery, and we offer those suggestions in good faith, believing that the government will pick up any idea that they think has merit, regardless of who has put it forward.

MRS A.K. HAYDEN (Darling Range) [6.29 pm]: I rise to support my leader and obviously the motion before us, which states —

> That this house calls on the McGowan government to provide greater support to small businesses, regional communities and struggling households to weather the COVID-19 crisis.

It is important to set out at the very beginning why those three go together. Small businesses create jobs. Small businesses are one of the biggest employers in our state. Our tourism industry relies on our regional communities and our regional communities rely on our tourism industry. Our households rely on jobs. Without jobs and tourism, our households, families and regional communities suffer, and we are seeing that now. The date 13 March 2020 will be remembered for many years to come. It is a bit like the recession we had to have in 1990. Although the COVID-19 pandemic started prior to 13 March, that was the day that restrictions on public gatherings were put in place across the nation. The way that we lived our lives and operated our businesses as we knew it came to an abrupt halt, without any warning and without any notification. It was a shock felt across the nation, and it is one that no-one took lightly. I have not come across anyone within my electorate or the community or in small business or the tourism sector who does not understand the magnitude of 13 March. They understand that this has changed their way of life forever. They also understand the importance of why it had to happen. That is why this government and the Prime Minister of Australia have received so much support. However, we fight pandemics on two fronts. We fight them on a medical front and we fight them on an economic front. Those on the medical front have done an outstanding job and I put on the record the work that has been done across the country in this regard, as well as the work done by our Minister for Health, Roger Cook, in leading the way and working with his federal counterparts and those in the other states and territories to ensure that we have a unified position.

However, as has been said by the Premier and those in government, we have created an island within an island to make sure that we are safe and to protect the people of Western Australia as much as possible. We have created an island within an island so that we can try to carry on our normal activities at work, in business and in our personal lives as much as possible. We have done that and we have succeeded and that is a great credit to everyone in Western Australia, but we need to remind ourselves why we did it so that we can continue to operate as normally as possible. Now is not the time to hold onto the restrictions we have. Now is not the time to have rules for the sake of having rules. Now is the time to let the Department of Health and our medical advisers keep fighting the fight.

Mr W.J. Johnston: Can I ask you a question?

Mrs A.K. HAYDEN: No; I have limited time.

It is now time for the government to fight it on an economic front. That is why we are telling the Treasurer of WA that we need an economic plan. We need our small businesses and tourism operators to have direction. They need to have certainty. We have not seen a time line. We have seen phase 1 to phase 4, but we have not seen a time line with dates. Queensland offered a time line with dates to its industry well before our plan came out. Its time line has dates for its stages, with 15 May for stage 1 and 12 June for stage 2. That gives businesses a light at the end of the tunnel. They need to know that there is a future. They need to know that the Treasurer and the WA government have their backs and have faith that these businesses will get up and start operating again as quickly as possible. Businesspeople do not want handouts. They do not want to stand in line at Centrelink. They want to work. They want to make their own money. They want to create jobs again. They want to provide a service. They want to get money through their doors. But they cannot do that with these restrictions in place and they cannot see a light at the end of the tunnel without a time frame.

Mr W.J. Johnston: Which businesses do you think are ready to close?

Mrs A.K. HAYDEN: I could tell the minister many, but I am not taking interjections. I will go into them, but I am not taking interjections, Mr Acting Speaker.

The ACTING SPEAKER: I am happy to give you protection, but please do not respond when you are not taking interjections.

Mrs A.K. HAYDEN: Treasurer, the issue is that many businesses are doing it tough and many businesses will not make it to the other side. For our economy to make it through the COVID-19 pandemic, we need our businesses and tourism sector to be operating or people will not have jobs. As I said at the beginning of my contribution, if people do not have jobs, families will be without an income and will not be able to put food on the table and the unemployment rate will be through the roof. That is the last thing that anyone wants to see in Western Australia.

There are over 220 000 small businesses in WA, representing 96 per cent of the businesses in this state. There are 28 750 tourism businesses, most of which are small businesses. Unfortunately, they have slipped through the cracks. A black hole has been created, because all the financial stimulus and recovery modelling has not supported small businesses and tourism operators. Small businesses that do not have a payroll will not get a benefit. These are the tourism operators that are not eligible according to today's announcement about the WA tourism recovery program. The government is going to support 1 600 businesses if they are a registered trading organisation, have an accredited certificate through the Tourism Council WA or are a member of the Western Australian Indigenous Tourism Operators Council. What will happen to the other 20 000-odd tourism businesses that are not able to apply for this funding? We have created a black hole for our small businesses and tourism operators that are unable to get any financial assistance. Our tourism operators were the first businesses to be affected and they will be the last to recover.

I have received many stories, but, unfortunately, due to time limits, I cannot go through all of them. There is one story and I apologise in advance if I get a little emotional because I have been told this story over and again. I am sure that the Treasurer will have received many similar letters. This letter is from West Coast Carnivals. It is part of the events industry, which is part of the tourism industry, and will receive no financial assistance whatsoever, yet it still has to pay the normal fees and charges to maintain its business licence. I will read this letter —

> COVID-19 vs West Coast Carnivals
>
> March 13, 2020 sent chills down my spine with the announcement by the Australian Government that all mass gatherings had been shut down, effectively shutting down my business and the entire industry that I work in. The timing could not have been worse.
>
> This was the beginning of our March–April show run, two of the most important months of trade in the first half of our busy year.
>
> At the time I was supporting the Manjimup Agricultural show which my family and I supplied 80% of the side show alley rides, games, and food. Our business was also responsible for conducting their Fireworks Display. You could imagine the devastation this caused my business and my whole family, although we were relieved for one small mercy and that was having one final show to work on Saturday 14 which chose to run even though many, like the Mandurah Crab Fest, didn't.
>
> In the weeks to follow the Manjimup show my family business had been engaged to conduct shows and events at Esperance, Merredin, Kalgoorlie, Harvey, Kalamunda, Rockingham, Cockburn, Northbridge, Toodyay which was an annual occurrence for us. However rather than driving to Esperance the day after the Manjimup show we all drove home, as did everybody in the events industry.
>
> One of the first questions asked by my casual staff once arriving home was about their employment status. They were as confused and scared about the future as I was and so was my family. They wanted to know if there was going to be employment for them in the foreseeable future or if they could be doing the maintenance work. But sadly, I had to respond by laying off all those casuals who had been loyal to me for so many years. Something that will stay with me for the rest of my life.

> I was now in a position that I had never experienced before having no future prospect of income, and not knowing when I would be able to resume trading. I immediately wrote my casual staff a letter explaining the reason they were all out of work, I advised them to talk to Centrelink for survival as employment opportunity's anywhere will be scarce. My full-time staff were able to remain employed to commence a maintenance schedule on the equipment.
>
> Being fully aware of the reasons why and agreeing that our government had to make the decisions they did, I remained hopeful that Australia would remain in control of this virus by eradicating it quickly and allow us to go back to work sooner rather than later. However, as I watched new cases fly in from overseas and get off cruise ships, I also watched the events I supported cancel one after the other at a rapid rate. It was at this point I started to fear for the survival of my family's businesses.
>
> My main source of income has always been supporting Agricultural Shows with 20 Worksafe registered amusement rides belonging to my family, now sitting idle, along with over 30 licenced vehicles. Two months has passed with all the events I've supported now cancelled until September 25. Half the events I support in October have cancelled and most of the remainder advising me that they are waiting to see if our states largest agricultural show, the Perth Royal will go ahead.
>
> Advice coming through by some societies is that if the Perth show doesn't go ahead the likelihood of October, November & Decembers shows cancelling is quite high. This knowledge terrifies me. I've been watching my industry collapse around me and my own business is doing the same. I have no control and no income, and I don't know where next to turn. January and February are not good for my trade, so I'm now faced with dealing with this "nothing" for the foreseeable future.
>
> Even though the government has offered some relief to some small businesses like job keeper, it is like a speck in the ocean when I look at my costs of staying afloat verses 100% loss of income. During the past months I have written several letters to so many ministers, all to no avail so far.
>
> The responses received from those ministers' officers have made me feel as though the industry and businesses I have worked so hard to create over the past 30 years means so little to those in power. A colleague of mine was told by one minister that the industry I'm in is small fry. I feel that my business has offered so much to the community and their events which helped the economy in so many ways with employment and taxes. Small fry or not we are what makes the economy strong.
>
> My cost of maintaining Amusement Rides and the vehicles that tow them is quite high. With the continuation of maintenance procedures being so important for all equipment to be ready to go back to work when the time comes. Engineers must perform the annual safety inspections. Most of my $40,000.00 vehicle registration bill is due in October along with my hefty insurance renewal. Something the government could look at helping a business like mine.

The responsibility of remaining up to date with the regulators of government departments such as DMIRS for fireworks Displays, WA police firearms branch for Shooting Gallery and firearms licence, Main Roads for vehicle accreditation, Worksafe for rides, Local shires, Tax Department, Energy Safety, all weigh heavily on me as I wait for an announcement that might allow me to go back and trade.

> As you can see by my short version of my story, I am hurting financially but the emotional toll is so much higher. Today I'm not even sure if I'm sad or angry as I watch the business and industry, I have loved all my life dwindle away to nothing. The government needs to wake up and do something NOW!
>
> Sincerely
>
> Mitchell Ross

I have so many other letters, but to me this letter sums it all up. The sad thing is that it is a terrible thing to lay off staff; I have done it twice. It is something that will stay with me for my entire life. For those businesses across Western Australia, the experience of 13 March will be a very sad day that they will remember forever. They are simply asking for a light at the end of the tunnel. When does the Treasurer expect them to be operating? Why are we operating an island within an island, so we can go back to operating as normal as possible, yet the restrictions are not lifted?

I have had Zoom meetings, phone calls and emails from tourism and small businesses across Western Australia. They have only just started to come in because they did not want to engage with the opposition. I understand that. They were hoping that the government of the day would do it for them, but they feel that they have been let down and missed out on so many initiatives and funding announcements that have come out to help people through COVID-19. Our small, family-run businesses need help. They have received mixed messages on whether they can open. A hairdresser can open but a nail technician cannot. A gym can open but a spin class cannot. Under liquor restrictions, people could get three bottles and then 12 bottles, but people cannot go and do wine tasting at a cellar door. The messages are confusing them and they cannot see a light. They are simply asking how long they need to hang on and how long they need to draw down on their superannuation or overdraft. They want to know how long

they will need to hold on or whether they should just quit now and move ahead. The government needs to provide them with that certainty. It needs to provide them with a light at the end of the tunnel. They need confidence. They need to know that the government is behind them. As I said, we need them for our state to recover. My heart goes out to every small business operator right now, and I know that members in this chamber feel the same and will have heard all the stories. We need to let them know that we have their backs. We need to let them know that we will help them, we are not ignoring them and they are not small fry. Our mum-and-dad operators have been the backbone of the Western Australian economy for years and we need to support them now.

MR B.S. WYATT (Victoria Park — Treasurer) [6.46 pm]: I rise in the last 15 minutes of this debate on this motion to make a couple of comments, because a few questions were put to me, particularly by the member for Darling Range, that I want to deal with. I make the point that I fully understand about the lack of certainty, which was really the point the member for Darling Range made in her contribution tonight. Uncertainty means that people cannot plan; it means that they cannot understand when the financial impacts of the restrictions that have been imposed across the nation, but less so in Western Australia, will ease and when investments can get back to what will be a new normal. "Normal" will be different from what it was prior to 13 March, and it will be different for some time. As the Premier has said time and again, the government cannot yet provide that certainty. I understand the concerns. If I could provide a date upon which the new normal would be here, I would give it to them, but I cannot. What I think most people want is to have the freedom to travel around Western Australia. Of course, the economic response has to follow the health response to the pandemic. This is something we have not seen before in our lifetimes and hopefully will not have to deal with again. I cannot give that certainty.

The member gave the example of the events industry, and read from a letter that a constituent had written to her. I have similar feedback to give around when people will be able to gather in large groups again—I cannot give that certainty. That is a fundamental problem for the events sector, which relies upon large gatherings of Western Australians. As the member for Darling Range pointed out, that can be at community fairs or agricultural shows, whether that is the Perth Royal Show or the many others that we have around Western Australia. My own interest, as someone who is a keen music goer, is music festivals. All those events have enormous employment and wealth spin-offs, upon which Western Australians have based businesses and investments for decades. I cannot give that certainty yet.

The Premier made this point yesterday, and he is right: I never thought, as a minister in a government, that we would have to make decisions that we knew would cause businesses to cease to trade or people to lose their jobs. I never thought that would be something I would have to do or that I would be part of a government that made those decisions. I am pretty sure that every government and every minister in Australia, at both the commonwealth and state levels, would say the same thing. It has been devastating for Australians and Western Australians. But I want to make this point: Western Australia is more advanced than other states. I think the member for Darling Range referred to Queensland and gave some dates. Queensland is still emerging. We have emerged much faster than Queensland, in fact than all states, really, other than the Northern Territory. The Northern Territory has not had a case found in about a month now, so unsurprisingly it effectively announced stages 1, 2 and 3 in one hit, but obviously timed out. I think we are in a very good position to do that. Of course, we cannot decouple from health advice. Believe me, sometimes I would love to. I am not a doctor, and I often find doctors' advice infuriating. We can challenge that advice and try to understand it, but the one thing I believe is that our Chief Health Officer and the Chief Health Officers of the nation are acting in the health interests of us all. I believe that. I do not believe there is anything else. In fact, in *The West Australian* today the Premier made the point that we will get inconsistencies, and this is another frustration that I fully understand. Why can one group open and another cannot when they seem to provide services with similar distances between people? There will be frustrations about that.

This is another point with the State Disaster Council, and we have these conversations with the Chief Health Officer and others. The issue is cross-examined at some length. We are trying to get an understanding. We have all tried to explain these inconsistencies to Western Australians. We will find them in individual decisions—we can nitpick and find them. We have made the point that this has to be done in stages, and as a result there will be inconsistencies. The reason we have to do it in stages is that if there is another outbreak, we know which lever we have pulled that might have led to it, so instead of re-imposing restrictions on a grand scale, we will hopefully have to do it only in small bits. One thing I am aware of is that if we open business activity and then restrict it again, it will be devastating. People are holding on, and if we do it again, business investment and confidence will disappear and just will not come back, because people will not have the confidence that any easing of restrictions will be permanent. That is also the reason we have put in place the internal travel restrictions within Western Australia. As the Premier said, the south west is an obvious area to travel to as it has the vast majority of the population, but there are health facilities much closer that are more rigorous than those further away from major population centres.

Mrs A.K. Hayden: In regards to the events industry, there is no time frame. Is there any way of assisting them by waiving their transport fees and so forth? One has $40 000 in transport fees.

MR B.S. WYATT: Are they registration fees or something?

Mrs A.K. Hayden: Yes.

Mr B.S. WYATT: Are they car registration fees?

Mrs A.K. Hayden: Towards trailers and the like.

Mr B.S. WYATT: We have waived a range of administrative and licence fees. We have focused about $100 million on a range of things in tourism et cetera. I have spent a bit of time on this, because it is an area that stopped overnight, as the member pointed out in her contribution. Most of the costs are due to private sector contracts when an event can suddenly no longer take place. I suspect the fallout of that will go on for years for some very large events organisers. We will continue to look at events. That is why we had today's announcement on tourism. I agree that some areas have been affected more dramatically.

Mrs A.K. Hayden: But they are excluded.

Mr B.S. WYATT: There will always be people excluded. The state and commonwealth balance sheets, as large as they are, cannot replace this economic activity—we just cannot. I think this interesting concept of hibernation that Josh Frydenberg brought up is quite right. We are trying to get through a period. If the member had asked me about this a month ago, I would have thought it would be a lot longer than it has appeared to be in Western Australia. We seem to be coming out of it quicker than most places in Australia and the globe. That is good. Hopefully, that means that the balance sheets of businesses have not been wiped out before they can come back and generate some income. Some businesses will not survive, and every night I think of that. I think of the people who wrote to the member for Darling Range, and I have had a lot of those letters as well, and we write back. I do not think anyone has referred to any businesses as small fry; that would simply be disrespectful and no-one has done that. When you write a letter back saying that you do not have a solution for them, it is depressing. You do not have a solution! You can feel the desperation that the member expressed to the chamber. This is something that has come at us that has required governments to do things I never thought we would have to do. We are deliberately restricting output. A level of global wealth that will not reappear again in my lifetime has disappeared. I think we will come out of this and grow again. There is no place that I would rather be than Western Australia. In fact, there will be some data tomorrow that will highlight that Western Australia is probably going to come out of it better than most states. I think that Victoria, for example, will be slower than us. A few states will have different growth trajectories after this, but I think that Western Australia is best placed. But for those businesses that require large groups of people, it will take longer. For those businesses that require international travel, it will take longer. We can do only so much as a state government. The member made the point about JobKeeper. I am not sure whether it was in the letter that the member read, but somebody said to her that JobKeeper was just a speck in the cost structure. That is the biggest welfare program that the federal government has ever announced!

Mrs A.K. Hayden: They say they welcome it, but they know that it won't keep them going.

Mr B.S. WYATT: Correct! It will keep that employee connected, but when a company has fixed costs ongoing, state or commonwealth welfare can only last for so long. I understand that. That is why we are keen to open borders to travel as soon as we can. I see that in particular when I look at the town of Broome. Broome really worries me, because it is a town that is fundamentally dependent on the tourism market. If they miss the season, it is an 18-month loss. In those remoter parts of Australia, it is much harder to get the capital investment to get businesses going again. I am aware of that. As soon as we can provide some date certainty, we will. That is always difficult. The problem with date certainty, and all the states have it, is that it is always subject to coronavirus.

Mrs A.K. Hayden: But it gives you some light!

Mr B.S. WYATT: Yes. That is why the Premier has made the point around mid-June or maybe sooner. If we have another week of no coronavirus numbers, it may be able to be brought forward, and I hope it will be.

Every argument that I have heard from people complaining about travel restrictions, I accept—whatever they are. Whether they are frustrations, anger or inconsistencies, I accept them. But this is not an ordinary policy development. That is the point that I want to make. I have four minutes left. I am not going to go through all the various things that we have done and will continue to do. There is the difficulty of trying to fill an economic hole. The state balance sheet cannot do that, but we will do what we can to provide that bridge to when economic activity will enable that to happen. That is what we are trying to do.

Mr W.J. Johnston: What percentage of the state's economy is the state budget?

Mr B.S. WYATT: It is about 10 per cent. I would not be able to borrow this, but even if I decided to double the state spend in one year, private consumption and private business investment is what drives the economy. We need to do what we can to get it back to some form of normal activity. We are starting to see it. The property sector is reacting quite interestingly. I do not mean construction; I mean that the Real Estate Institute of Western Australia established market seems to be holding up better than I thought it would. We are seeing different activity. I think we will see a lot more pubs open, even with 20 people in their eating areas. We will see interesting activity as a result but, hopefully, in a month or maybe less we will be able to lift more restrictions and that will get confidence growing again. Confidence has taken a hit that it has never had before. It is on the improve, but that is on the basis that we stay on top of the virus. I think we can in Western Australia. There is clearly no community spread so

I think that with a thorough testing regime we can stay on top of it in Western Australia, if we get to the point of either having a vaccine or a treatment that is so good that the risk of contracting the disease is no longer an issue because the treatment is so good.

I will conclude by making the point that the government stands ready to do whatever else it can and will continue to do so. I keep making the point that we cannot have a blunderbuss approach—spending on everything. It has to be bang for buck. I am aware that some businesses will not survive this; I am traumatised by that because they will not survive because of a decision made by governments to try to deal with this coronavirus. I think we will see state balance sheets, commonwealth balance sheets and private sector balance sheets and our lives will be impacted by this. I suspect I will be responding to this for the rest of my professional life, whether I am here or elsewhere. How we react to this coronavirus and how we recover from it will be a big part of the rest of my career. Suffice to say, we will continue to do what we can to help those businesses, because I get those letters as well. We all get them. I think we all want to do as much as we possibly can within the constraints of whether we spend money on things that will not work just to make us feel better or spend money on things that will hopefully see a business emerge out of what is clearly the economic wreckage of coronavirus.

DR D.J. HONEY (Cottesloe) [7.00 pm]: I rise to make a very brief contribution to this motion. I reinforce that I rise to support the opposition's motion. Can I ask the Treasurer two things? One is whether the Treasurer can please have a talk to the Minister for Water. The Minister for Mines and Petroleum is sitting there. He has been doing an outstanding job working with the industry —

The ACTING SPEAKER (Mr T.J. Healy): Thank you, member for Cottesloe. According to standing order 61, this business is interrupted. I have a message from the esteemed upper house.

Debate adjourned, pursuant to standing orders.

PRISONS AMENDMENT BILL 2020

Returned

Bill returned from the Council with amendments.

House adjourned at 7.01 pm

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QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

ROADS — TONKIN HIGHWAY — EXTENSION

6072. Mrs A.K. Hayden to the Minister for Transport:

I refer to the Tonkin Highway Extension Thomas Road to South Western Highway, and I ask:

(a) Has the business case for the project been completed;

(b) Will the Minister table the business case;

(c) If no to (a) when will the business case be completed;

(d) In which month and what year did the preparation of the business case commence; and

(e) Has Main Roads submitted documents to the Environmental Protection Authority for environmental approval;

(f) If no to (e), when is Main Roads expecting to submit documents to the Environmental Protection Authority for approval?

Ms R. Saffioti replied:

It should be noted that the Member for Darling Range was a member of the Legislative Council for the East Metropolitan Region for eight and a half years in government. The East Metropolitan Region encompasses the Darling Range electorate and the member did not once raise the Tonkin Highway extension in Parliament during this time.

(a)–(d) The Stage 4 business case is undergoing final assessment before submission to Infrastructure Australia.

(e) Yes.

(f) Not applicable.

ROADS — TONKIN HIGHWAY — EXTENSION

6073. Mrs A.K. Hayden to the Minister for Transport:

I refer to the Tonkin Highway Extension, Thomas Road to South Western Highway and future freight rail realignment study, and I ask:

(a) Has the Government allocated any funding for the realignment of the railway? If so, how much;

(b) When will the planning study be complete;

(c) Has the Minister met with ARC Infrastructure to discuss the proposal;

(d) If yes to (c), on what dates did the Minister meet with ARC Infrastructure; and

(e) Has the Minister met with any other key stakeholders regarding the realignment of the freight rail;

(f) If yes, with whom did the Minister meet and on what dates did the meetings take place?

Ms R. Saffioti replied:

It should be noted that the Member for Darling Range was a member of the Legislative Council for the East Metropolitan Region for eight and a half years in government. The East Metropolitan Region encompasses the Darling Range electorate and the member did not once raise the Tonkin Highway extension in Parliament during this time.

(a) An allocation for the realignment of the freight rail is included as part of the overall project budget.

(b) Late 2020.

(c)–(d) A number of meetings with Arc Infrastructure have been held with Main Roads and the PTA.

(e)–(f) The Minister met with the Shire of Serpentine–Jarrahdale in July 2019.

BUSHFIRES — STIRLING RANGE NATIONAL PARK

6079. Mr D.T. Redman to the parliamentary secretary representing the Minister for Environment; Disability Services; Electoral Affairs:

I refer to the deployment of Kimberley Aboriginal Rangers to the Stirling Range National Park to assist with the response effort to fire affected Department of Biodiversity, Conservation and Attractions assets, and ask:

(a) Can the Minister confirm that indigenous rangers have been brought down from the Kimberley to support efforts to upgrade fire affected infrastructure in the Stirling Range National Park;

(b) If so, were local aboriginal groups consulted on this decision; and

(c) If so, was consideration given to the utilisation of local indigenous rangers in addition to those already deployed to assist with this effort;

(d) Would the Minister consider giving indigenous rangers on the South Coast and Great Southern the opportunity to travel to the Kimberley to assist in that region?

Mr R.R. Whitby replied:

(a) In response to community calls for an expedited reopening of key attractions in the Stirling Range National Park (SRNP) after the bushfire, a Department of Biodiversity, Conservation and Attractions (DBCA) work crew was sent to support DBCA's Albany District in bushfire recovery actions. Some of the work crew that travelled from the Kimberley region were Aboriginal people employed by DBCA.

(b) The team deployed was a DBCA work crew. They were deployed, as per normal business practices, to undertake DBCA work in another region.

(c) The Southern Aboriginal Corporation rangers have assisted with walk trail repairs in the SRNP. The Gnowangerup Aboriginal Corporation was also provided an opportunity to be contracted for the trail repairs but did not take up the offer.

(d) Yes. This would be an operational response coordinated by DBCA as part of its normal business practices, if and when required.

BUSHFIRES — STIRLING RANGE NATIONAL PARK

6080. Mr D.T. Redman to the Minister for Aboriginal Affairs:

I refer to the deployment of Kimberley Aboriginal Rangers to the Stirling Range National Park to assist with the response effort to fire affected Department of Biodiversity, Conservation and Attractions assets, and ask:

(a) Can the Minister confirm that indigenous rangers have been brought down from the Kimberley to support efforts to upgrade fire affected infrastructure in the Stirling Range National Park;

(b) If so, were local aboriginal groups consulted on this decision;

(c) If so, was consideration given to the utilisation of local indigenous rangers in addition to those already deployed to assist with this effort; and

(d) Would the Minister consider giving indigenous rangers on the South Coast and Great Southern the opportunity to travel to the Kimberley to assist in that region?

Mr B.S. Wyatt replied:

Please refer to the response to Legislative Assembly Question on Notice 6079.

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