

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — DAVID FARNELL

Standing Orders Suspension — Motion

MR M. McGOWAN (Rockingham — Leader of the Opposition) [12.12 pm] — without notice: I move —

That standing orders be suspended so far as to enable the following motion to be debated —

That this house calls on the Premier to dismiss the Minister for Child Protection for her, and her department's, failure in the case involving convicted child sex offender David Farnell.

We believe this is a matter of some urgency for this Parliament. We seek some time for both sides, so the opposition can put its case on the performance of the Minister for Child Protection in a case that has received world attention, and the failure and cover-up on the part of the minister and her department. We think this matter deserves some time for this house to examine the issues of who knew what and when, and why there was a failure to investigate Mr Farnell and his activities in relation to the child, and to hear the government's defence in this case. Rather than putting all the arguments surrounding these matters at the moment I am seeking an indication from the Leader of the House as to whether the government agrees with that.

Mr J.H.D. Day: We will agree to 20 minutes, but if you sit down, we will make some comments.

Mr M. McGOWAN: Twenty minutes a side? Okay.

MR C.J. BARNETT (Cottesloe — Premier) [12.13 pm]: The Leader of the House is more generous than I am, and he will comment in a moment about this motion. I want to take a brief moment to make an observation about this Parliament. Almost every week, the opposition brings in a motion to suspend standing orders.

Ms M.M. Quirk: And you never did it?

The SPEAKER: That is enough thank you. Let us hear this.

Mr C.J. BARNETT: Not very often. If we go back and look at the history of sittings this year and last year, almost every other week —

Mrs M.H. Roberts: Once in three weeks?

Mr C.J. BARNETT: I just want to make a brief comment.

Almost every other week there is a motion to suspend standing orders. I happen to think that the opportunities for the opposition in this house are very fair and reasonable. There is three hours of private members' business every Wednesday; question time, obviously; and also a matter of public interest debate every week. In addition, this opposition moves to suspend standing orders. I will do a count and find out how many weeks the opposition has actually done it so far this year and last year. It is very frequent. This provision is there to deal with matters of urgency. I am not commenting on this particular motion.

Several members interjected.

The SPEAKER: Order, members!

Mr C.J. BARNETT: The language from the member for Girrawheen is inappropriate.

Mrs M.H. Roberts: You must like bullying the member for Girrawheen. You should get over her.

Mr C.J. BARNETT: I am well and truly over her, I can assure you of that.

If the opposition is dissatisfied with the arrangements for private members' business, the government is open to a discussion about that. Maybe there is a case for having two matters of public interest formats each week, and reducing the other private members' time. Maybe there is an opportunity for members to get up and make statements of more than 90 seconds—to make five-minute speeches on any issues they want. We are seeing here an abuse of the Parliament. Every other week the opposition is seeking to have a second private members' session. If the opposition wants to change the format of the Parliament, we are happy to talk about that.

The other observation I make about the Parliament is that, historically, the tabling of reports of committees has not tended to take up much time in the Parliament. It is now taking two hours or more almost every week.

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen!

Mr C.J. BARNETT: If we are going to get into a format, which has happened over recently years, of extensive reports with every member of the committee commenting on the report, I do not have an objection to that, but it

should not be in government time. Maybe we should have an hour or two on Wednesday morning for committee reports, and everyone can say whatever they want. The point that I am making is that the government time —

Several members interjected.

The SPEAKER: Order! Member for Warnbro!

Mr C.J. BARNETT: I am trying to make a rational point. Some are listening, but most others are not.

The time allocated for the opposition is adequate. If the format can change, and the tabling of committee reports can be at a different time, when committee members can be present, that is fine; we are willing to look at that. However, the time for the government of the day to conduct its legislative program is being severely constrained by suspensions of standing orders and multiple and long speeches on committee reports.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro! Can you wind this up now please, Premier?

Mr C.J. BARNETT: I am responding to the request to suspend the standing orders. I want to make those points, because this government has an agenda for legislation. We want to get that through, and we want reasonable government time.

Mr M. McGowan: We are talking about child sex offenders, and you are talking about government time!

Mr C.J. BARNETT: The Leader of the Opposition just does not get it, does he? I am not commenting on this particular motion and the topic, but it is not acceptable to this government that government time be continually encroached upon. I placed the opposition on notice that if it continues to do this, the government will move to change sitting hours and sitting days in this chamber.

MR J.H.D. DAY (Kalamunda — Leader of the House) [12.18 pm]: My comments to the motion follow those of the Premier. He has well made some points that have been aired in here previously, and I do not need to go over all those again. The substance of the issue that the opposition wishes to raise is obviously a serious matter, but it is highly debatable whether there is the degree of urgency that is being suggested here. Nevertheless, we are a government that is accountable, open to scrutiny and not frightened of issues being debated.

Ms M.M. Quirk interjected.

Mr J.H.D. DAY: It is very interesting that the member for Girrawheen laughed at that comment, because the record of the member for Girrawheen in chairing a committee has not been good, to put it very mildly. We might canvass that issue another time.

Standing Orders Suspension — Amendment to Motion

Mr J.H.D. DAY: I move —

To add after “debated” —

, subject to the debate being limited to 20 minutes for government members and 20 minutes for non-government members.

MRS M.H. ROBERTS (Midland) [12.19 pm]: The opposition will agree with the government’s amendment. I point out that this is 40 minutes only in this week’s parliamentary sitting. The nonsense spouted by the Premier is just that—nonsense. He says this happens every week; it does not. This is the first week in the current three-week sitting block that we have done this. It is not another MPI and it is not another hour; it is just 40 minutes. The nonsense that the Premier spouted about committee reports is just that. He should reflect on some of the comments he made when he was sitting on this side of the chamber. If we check the records—I intend to—we will find that no more time is given to committee reports now than was the case in the past. The fact of the matter is that when we are sitting in government, it feels as though committee reports are taking longer and that more people are speaking on those reports. But I have sat on the government side of the house, and on numerous occasions I have listened to every member of a committee from the Liberal Party and the National Party speak to committee reports. So that is just nonsense.

The Premier has said that we can talk about the standing orders. That is a good suggestion, and perhaps that is something that we should take up. We should actually look at the facts as we do that. We should look at how long committee reports are taking. If the Premier is offering a second matter of public interest a week in exchange for a reduced amount of private members’ time, that is something that we could consider as well.

Let us also remember, when it comes to this government’s legislative agenda and the handling of Parliament, how the government has misused it. The government declared about 20 bills urgent in its first year in government. That is because it could not get its act together. The government manages the Parliament very badly

and in a very shambolic way. The government is the one that continually needs to declare bills urgent. Therefore, when government members talk about time wasting in this place, they should reflect on their own activity. As one of my colleagues interjected, the Legislative Assembly finished about an hour earlier last night. So, if the government's agenda is that pressing, bring it on.

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

The SPEAKER: As this is a motion without notice to suspend standing orders, it will need an absolute majority in order to succeed. If I hear a dissenting voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MR M. McGOWAN (Rockingham — Leader of the Opposition) [12.21 pm]: I move —

That this house calls on the Premier to dismiss the Minister for Child Protection for her, and her department's, failure in the case involving convicted child sex offender David Farnell.

Is it not interesting? We moved a motion for the suspension of standing orders to enable this house to deal with an incredibly important issue about the performance of the government in protecting vulnerable children from child sex offenders, and all the Premier could do was stand in here and complain about the standing orders and the management of this house—which is within his control. The reason we had to move for the suspension of standing orders on this matter, which the Premier downplays —

Mr J. Norberger interjected.

The SPEAKER: Member for Joondalup, I call you to order for the first time. I want to hear the Leader of the Opposition.

Mr M. McGOWAN: The reason that we have to move for the suspension of standing orders, on the occasions on which we do, is that there are so many scandals and so many examples of impropriety, poor management and losses of money by this government, and that is what the opposition has to do to raise the issues.

Several members interjected.

The SPEAKER: Member for Forrestfield, I call you to order for the first time, and member for Carine, for the first time. Let us see if we can get this thing going.

Mr M. McGOWAN: There are so many scandals that that is what we have to do to raise the issues. Today, we are raising this issue. I will tell members why this issue is urgent and why we have to deal with it now. The information on this issue came out last night in upper house question time, due to the diligence of Hon Stephen Dawson, who asked a question of the Minister for Child Protection about the case of Mr David Farnell, a world famous case, involving overseas surrogacy and, as it subsequently emerged, a person who was convicted of child sex offences—in fact, more than a score of them—having custody of a small child. We asked that question last night, and it turned out that the fact that Mr Farnell had custody of a small child in his residence in Bunbury was reported to the Department of Child Protection and Family Support as far back as 15 May of this year. What happened in the intervening period until that matter became world famous with the exposé in late July—early August? Absolutely nothing happened. The department did nothing on these issues.

The answer from the Minister for Child Protection stated in part —

- (1) On 15 May 2014 information was provided to the Department for Child Protection and Family Support that a Mr Farnell had been previously convicted for child sexual abuse offences and had a child in his care through an unknown arrangement. However, at that time, Mr Farnell's address and circumstances were unknown.

So the department had a report made to it that a convicted child sex offender had a young child in his custody through an unknown arrangement, but the department said that it did not know where he was. It could have looked up the *White Pages*, as we have done, and there he is, listed. It could have asked the police, who have a database in relation to these matters, and it could have found out in that way. It could have just asked some journalists; they would have found out within half an hour, because they would have done their job and found out these matters. We have a case of a convicted child sex offender who had custody of a young child of unknown origin, and the Department for Child Protection and Family Support did not do anything in relation to that issue from 15 May until 4 August. When the issue came to public attention because of the ABC reports in late July involving baby Gammy in Thailand, and the subsequent reports in *The West Australian* in early August that revealed that Mr Farnell was a convicted child sex offender and apparently had in his custody a young child,

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suddenly some action was taken. The answer in the upper house last night indicated that suddenly some action was taken on 4 August, when the department took steps to ascertain Mr Farnell's whereabouts and to make some contact with him. So, from 15 May until 4 August, absolutely nothing happened in relation to this case involving a convicted child offender with a young child. It was only because of media reports that something occurred. In the period from 4 August until last night, it was never revealed by the government that it had received a report on 15 May that Mr Farnell had custody of a young child of unknown origin.

So all these questions were out there about what had gone on. All these questions were out there about someone who was a convicted sex offender undertaking surrogacy overseas and having a young child. That was a national and a world story of significance. In all that period from 4 August until 23 September, the government did not reveal what it knew—namely, that a report had been provided on 15 May that Mr Farnell had custody of that child.

I want to tell members what happened during that time. The Minister for Child Protection, who is the subject of this motion, undertook media interviews, television interviews and television press conferences on 7, 9 and 12 August, and on 2 and 12 September. She undertook comprehensive radio interviews on at least two occasions. She undertook numerous other interviews with the written press in relation to these matters. In the whole time from 4 August until 23 September, despite being asked, she did not reveal that a report had come in on 15 May about Mr Farnell having custody of a young child.

To me, that is a cover-up. The government covered up that relevant consideration, and if it had been revealed, the Minister for Child Protection would have suddenly had to answer questions. Why did the Premier do nothing about it? Why did the Department for Child Protection and Family Support do nothing about it? Why were no steps taken? Why were no welfare checks done? All those questions could have been asked had the minister revealed the pertinent fact that on 15 May the department was informed. We know that for at least six weeks the minister hid that relevant piece of information. I will give an example of that. She was asked by Gary Adshead on his morning program on radio 6PR on August 7, "Are you satisfied at the moment, right now, that the baby, the baby girl,"—baby Pipah in Mr Farnell's custody—"is in fact safe and in good care?" The minister's response was, "We've not had any considerations or any issues brought to us to the contrary". In other words, she did not tell the truth. What she said was not true. The department was advised on 15 May, yet the government covered up that relevant fact—it covered up a fact about the welfare of a baby in the custody of a child sex offender. That is unforgivable. That is a sackable offence. For that she must go.

Mr C.J. Barnett interjected.

Mr M. McGOWAN: What does a minister have to do in this government that has a consequence? The Premier exercises no standards. This matter is another example of no standards being exercised, and he snipes and sneers across the chamber on an issue involving the child protection and welfare of a baby.

What is the minister's excuse? The minister came up with this excuse this morning: she said that the department did not follow up the issues that were revealed to it on 15 May because "the department was under pressure at that time". Does that mean that other examples are slipping through the cracks? Do we need to ask a question about every single child sex offender in Western Australia to determine whether or not they have a small child in their custody to prompt some action by the government? Is that what we need to do to get some action from the government? That is what the minister's answer indicates. Her excuse is that "the department was under pressure at that time". In other words, despite all the claims and despite all the minister's bombast and rhetoric about how she is taking up the case of child protection, it is not true. She said that the department was under pressure, so now she is blaming a lack of resources for what has gone on here. Who has been in government for six years? The Liberal-National government has been in office for six years of record revenue and record royalties. For six years the Liberal-National government has claimed that it is making child protection a priority, yet the minister is saying that the department was under pressure. No doubt the government will say that it is doing a great job. Who introduced mandatory reporting? It was the Labor government. Who introduced working with children checks? It was Labor. Who created a specific Department for Child Protection? The Labor government did. Who boosted the budget by \$500 million? The Labor government did. Who made a mess of it? It was the Liberal-National government. That is what today's motion is all about.

From 15 May the alarm bells were ringing, and what did Minister Morton do? She turned off the alarm, rolled over and went back to sleep. That is what happened, and that has jeopardised the welfare of a child in the custody of a convicted child sex offender. Who knows how many other cases are out there because of this government's culture of secrecy and cover-up, which has been demonstrated in this case? It is unforgivable for the minister to have known about these events for at least six weeks, or probably more—I expect that it is a lot more than that—and to have not revealed a pertinent fact. Members know that these agencies send briefing notes about these issues to ministers all the time. It is not acceptable for her to have known about these issues and to

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have not revealed a pertinent fact about an issue about which journalists had asked her on numerous occasions. I think the culture of cover-up and secrecy demonstrated by this minister deserves her dismissal from this very important portfolio.

MS A.R. MITCHELL (Kingsley — Parliamentary Secretary) [12.36 pm]: This matter is of serious concern and, of course, greatly concerns everyone in the community. No-one wants to learn about situations in which a baby's safety may be put at risk. No-one wants to hear the stories that have come out in the past few weeks in which families and children have been put at risk through no fault of their own. A baby, a child, cannot protect themselves, so of course this is a very, very serious issue, and it is one in which the Department for Child Protection and Family Support certainly takes great care and which takes priority. The department's first priority is the children, and it will do everything it possibly can to make sure that no child is put at risk.

I put forward that this matter was raised with the Department for Child Protection and Family Support in the south west through not a dedicated contact, but one that was vague and unclear and that perhaps at that time did not get the attention that it should have. The minister accepted that yesterday. The minister said that this was —

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland!

Ms A.R. MITCHELL: The minister said that the matter was probably not given the priority that it should been given. Let us also remember that child protection workers—I am sure that many of us have never walked in their shoes or done the job that they do, and never see what they see or never have to put up with what they have to put up with each day—prioritise the cases they have to deal with and act on them. They made a decision.

Mrs M.H. Roberts: It was a child sex offender.

Ms A.R. MITCHELL: We do not know that, because I do not think that anyone has asked what other things those caseworkers were dealing with at the time.

Mrs M.H. Roberts: They had higher priorities than a child sex offender with a baby; is that what you are saying?

Ms A.R. MITCHELL: They made a decision that there were other cases of higher priority.

Mrs M.H. Roberts: What were they?

The SPEAKER: Member for Midland, I call you to order for the first time.

Ms A.R. MITCHELL: Thank you, Mr Speaker.

Ms M.M. Quirk: What cases were taking priority?

The SPEAKER: Member for Girrawheen!

Ms A.R. MITCHELL: Those people make decisions on a daily basis. They make wise decisions and act on them, and they will react if they have made the wrong decision. They admit that. They know. They spend time with each other working through the cases. The information they had was vague and unclear, and they lacked detail on some of the matters. But we have said, and they have agreed, that they did not make the right decision and did not act in the right way in this situation. In fact, another assessment team took over because it was considered they had not made a wise decision in the case of Pipah. Pipah is obviously the most important part of this whole process. Baby Pipah, who was there, is the most important part of this process now. Can I just say as well, I think a couple of people said that the minister knew on 15 May. The minister stated in her answer in Parliament yesterday that the minister's office found out on 4 August and the minister found out on 4 August.

Mr M. McGowan: Why didn't she reveal it then?

Ms A.R. MITCHELL: The minister did not know on 15 May of the situation that had been vaguely reported to the office of Child Protection and Family Support in the south west. The opposition has called for the minister to resign because she has covered up over that time. That is, in fact, inaccurate.

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan!

Several members interjected.

Ms A.R. MITCHELL: It is not accurate that she has covered up in this case. I think members opposite all know and, as we would expect, the minister is not operational; she does not go into every case that every case worker in Western Australia deals with.

Several members interjected.

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The SPEAKER: Member for Girrawheen, I call you to order for the first time. There is plenty of time left on the clock for the opposition and question time is coming up when you can ask questions. I want to hear from the parliamentary secretary.

Ms A.R. MITCHELL: The minister does not know about every case, whether they are high-importance cases or other cases, unless a specific briefing note is brought forward. Her office received nothing from the Department for Child Protection and Family Support until 4 August. There was no briefing note. No minister knows every case that goes on. No previous minister had received that information. Like members opposite and like everyone else, we are quite concerned—extremely concerned—when we learn about people who have a past that none of us really understands or wants to accept. Mr Farnell came forward. He did not come forward before that because his sexual offences occurred before reporting was mandatory. A lot of those things are quite different now from when he came through. Of course, as soon as that was realised, a very, very serious and thorough investigation began, and it is ongoing. It is not something that occurs after there has been one discussion with a couple of people. There is a very serious ongoing investigation.

I have to say that during my brief time within this portfolio, learning how the Department for Child Protection and Family Support works has been quite eye-opening.

Several members interjected.

The SPEAKER: Members!

Ms A.R. MITCHELL: The staff are very thorough and they work directly and indirectly to make sure they get accurate information. They work through a number of avenues to ensure that everything they gain can be cross-checked against other information rather than accepting one person saying something and therefore making a decision based on one aspect of information, so the work is very, very comprehensive. As I said, the delay has been longer than we would perhaps have anticipated, but Mrs Farnell's mother died. As members may know, Mrs Farnell is Chinese and she went back to China and took Pipah with her. The Department for Child Protection and Family Support obviously supported that because it was important that the mother had the opportunity to be with her family and grieve with them and go through that process. That extended for a period of weeks. It was not as though she flew out Sunday and came back Wednesday. As members may well understand, Chinese culture encourages families to be together at these times. The Department for Child Protection and Family Support thought it was a very good opportunity for Mrs Farnell to step away from the situation. At the same time, having been fully briefed on Mr Farnell's previous situation, she could think through those things. At the same time, the Department for Child Protection and Family Support, along with other agencies, was keeping a very close eye on Mr Farnell and his activities and movements. Those sorts of things are going on the whole time as well as the constant—I say again, the constant—investigation of baby Pipah's situation now and will go on into the future.

As I said before and I will say again, decisions are not made based on one interview with one person. The process has to be quite robust and involve friends and other family members to ensure there is total understanding. As I said before, Mrs Farnell is Chinese and she may not have fully understood the situation. Case workers use interpreters when working with Mrs Farnell to make sure she understands the extent of the cases recorded against Mr Farnell. Those sorts of things need to be very thoroughly explained because Mrs Farnell has to understand the situation. As I said, at the same time, this process has taken longer than we would like.

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan!

Ms A.R. MITCHELL: We are not dealing with 15 May; we are talking now about the process needed to make sure baby Pipah is safe and she will have a future that is positive and one in which she will be happy and grow up in a very positive environment. That process is going on; it is the focus of the investigation. The focus is on the ongoing safety and wellbeing of a young girl who lives in Western Australia. Those sorts of things are absolutely paramount and the way this investigation should be going on. It should not be an investigation on who said what and when or who knew what and when. This investigation is about making sure a young girl in Western Australia will be safe throughout the rest of her life. Those are the matters that count. Those are the things the Department for Child Protection and Family Support is working on and that the minister is supporting the department on.

The Leader of the Opposition's intent is off focus. We are concerned about the child, but he seems to be concerned about someone he thinks knew something, although the minister said in Parliament yesterday that she did not know. The matter should be closed. We are focusing on making sure that that child—baby Pipah; that little girl—is going to be safe and is going to have a future in Western Australia because we are making sure

everything is okay. We do not know what the future might look like at the moment because that investigation has not been completed. We do not know whether she will stay with her mother and father or whether the mother may need to live separately. We do not know, but that is what we are focusing on. That is the important thing from our point of view. That is why we believe we are supporting the Department for Child Protection and Family Support. We said earlier that we thought —

Several members interjected.

Ms A.R. MITCHELL: — and they agreed, that the department had made a mistake but it is acting now as it should be; it is working very thoroughly. We believe that the focus we have on this investigation is the way it should be, not the sort of investigation members opposite are seeking, because that is not going to achieve anything. As I said, we are making sure that our investigation will ensure that baby Pipah—a lovely girl—has a safe future that will see her achieve all she can in life. The investigation should not be focused on whether someone said this or did not say that. The minister agreed that the delay should not have occurred and the Department for Child Protection and Family Support agreed. In the meantime, everything has occurred that should occur and everything will occur to make sure that this child will be safe going forward.

MS L.L. BAKER (Maylands) [12.48 pm]: What the member has just told the house is pathetic—absolutely pathetic. This is a matter that the minister cannot resile from. This is about a child's life and a child's safety. What is the most complex and sensitive portfolio in any government? It is the child protection portfolio. It is the most difficult area to work in and without any question the minister has failed absolutely. She has failed to inform the public of Western Australia and she has let a child stay in a questionable situation. Members opposite have defended her by saying that ministers do not know everything that goes on. Do members know what a minister's job involves? It involves risk-management systems with their staff and their department. The minister must have a system in place through which these kinds of issues are raised with her. She has failed to have that kind of risk-management system in place and she has failed in the risk-management of a child, and that is not acceptable. The government has done this before; it has form in this area, and it is still showing its form in neglecting children. The government has now deferred the Blaxell recommendations for four years; it has deferred the child abuse recommendations —

Several members interjected.

The SPEAKER: Member for Wanneroo, I call you to order for the first time.

Ms L.L. BAKER: The Premier has sat and said he will not implement the Blaxell recommendations into child protection that the Commissioner for Children and Young People was to implement.

Several members interjected.

The SPEAKER: Member for Warnbro, I call you to order for the first time.

Ms L.L. BAKER: The Premier has said that he will not implement those recommendations for another two years. That makes four years since Blaxell handed down his recommendations—four years before the children in this state get a better child protection and reporting system. This is just another instance in which a minister has turned her back and has not put the right systems in place and has conned the people of Western Australia.

MR C.J. BARNETT (Cottesloe — Premier) [12.50 pm]: Mr Speaker, this is a notorious case for the surrogacy arrangement in Thailand, and for the Farnells to bring back the little girl and to leave the little boy behind, suffering, as he does, from Down syndrome. It has attracted international attention. It has provoked the Thai authorities to review their entire approach to adoption and surrogacy arrangements, and it is making a lot of people think very carefully about this area.

As I was saying earlier, I resent and reject the comments made by the member for Maylands that this government does not care about child protection. I absolutely reject that; it is an appalling statement to make.

Several members interjected.

The SPEAKER: This has been a pretty good debate within tolerances; I do not want it to deteriorate.

Mr C.J. BARNETT: It is appalling to accuse people of not caring about child protection. It is an appalling thing to say in a Parliament or anywhere else.

Ms L.L. Baker: Well, do something about it, Premier.

Mr C.J. BARNETT: The member for Maylands might apologise to me and she might apologise to the minister for that.

Several members interjected.

The SPEAKER: Member for Maylands! Premier, through the Chair.

Mr C.J. BARNETT: The commitment of this government to child protection is there to be seen. There has been a huge increase in funding, and it is dealing with far more children in the care of the state; it has gone from 2 000 to 4 000. There have been all sorts of measures, such as child and parent centres in our schools—a whole range of issues. But the problems that we deal with are numerous and complex, and this is an example of a very unusual case—a very unusual situation.

The Leader of the Opposition and the Labor Party, as I said earlier, come in every week demanding someone resign or be sacked, and making accusations of cover-ups, as they have done today—“It’s all a cover-up.”

Ms M.M. Quirk: It could be “in confidence”.

The SPEAKER: Member for Girrawheen!

Mr C.J. BARNETT: The member for Girrawheen can speak for herself on that.

Several members interjected.

The SPEAKER: Through the Chair, Premier.

Mr C.J. BARNETT: I will not go back through recent history, but I remind the house that for six months, with respect to issues relating to the former member for Vasse, the Leader of the Opposition —

Dr A.D. Buti: What’s that got to do with a child?

Mr C.J. BARNETT: Because the opposition is talking about a cover-up. The opposition’s accusation is that there has been a cover-up.

Ms R. Saffioti: That’s a disgrace!

Mr C.J. BARNETT: I have not even said anything yet.

The SPEAKER: Member for West Swan, I call you to order for the first time. Premier, I want you to address the issues before us in this motion.

Mr C.J. BARNETT: With respect, I am, because the accusation made by the Leader of the Opposition —

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro!

Mr C.J. BARNETT: The accusation made by members opposite was of a cover-up, and I am addressing that issue. I make the point that for over six months the Leader of the Opposition repeatedly made a case about a cover-up relating to the former member for Vasse. I simply make the observation —

Mr D.J. Kelly interjected.

The SPEAKER: Member for Bassendean, I call you to order for the first time.

Mr C.J. BARNETT: I simply make the observation that for that six months, the Leader of the Opposition was unable to provide one skerrick of evidence of a cover-up. There was false claim after false claim; he could not produce, in six months, one iota of evidence because there was not a cover-up, and there is not a cover-up —

Mr P.B. Watson: This is an important issue, Premier.

Mr C.J. BARNETT: Yes, and I have been speaking for about one minute.

Mr P.B. Watson: You’re rubbish!

Mr C.J. BARNETT: I am rubbish, am I?

Mr W.J. Johnston: Yes! Too bloody right!

The SPEAKER: Member for Cannington, I call you to order for the first time. I ask you to watch your language in this house.

Mr C.J. BARNETT: As the parliamentary secretary has said, although the niece of Mr Farnell had made contact, there were very vague details and she did not know the whereabouts. Yes, I guess the department was in error by not reacting more strongly at that stage.

But with respect to the minister—this is all aimed at the minister—she did not know of this case on 15 May or thereafter. The minister’s first knowledge of this case, and the fact that contact had been made, was when it was first reported in the media, and the first information to the minister was on 4 August. So the minister was not aware of the case and not aware of any failure to act or to treat it as a high priority. Although the niece had made contact with very vague details back on 15 May, the first the minister became aware of this —

Several members interjected.

Mr C.J. BARNETT: Mr Speaker, this is really absolutely pointless. The Leader of the Opposition said it was a priority for him.

The SPEAKER: Member for Warnbro! Member for West Swan!

Mr C.J. BARNETT: I say again that the niece had made contact, the details were very unclear—she did not know the whereabouts and so on—and, yes, I think the department, the minister and I recognise that the department should have acted in a quicker way and given higher priority to dealing with this issue.

Mrs M.H. Roberts interjected.

Mr C.J. BARNETT: I am not talking to the member for Midland.

The SPEAKER: Member for Midland, I call you to order for the second time.

Mr C.J. BARNETT: I again state that the minister was not aware of this case and the failure of the department to give it the priority it warranted until 4 August. The minister was aware of it when it came into the media, and she received a briefing note on the matter on 8 August, which noted that the department had received a complaint relating to Mr Farnell in May 2014 but that it had insufficient information.

So, there is not a cover-up, and I resent the way in which the opposition comes into this place and attacks a very fine person in Hon Helen Morton. I resent it. Hon Helen Morton has experience in the administration of health and experience in areas such as this. She is a committed, hardworking and compassionate minister—a compassionate minister! If the opposition has any assertion to the contrary, please go and say it, because she is respected throughout this state for her attention to mental health, child protection and the like. All the Leader of the Opposition can do is throw insult and innuendo at good people! Look at his record and look at the Labor Party's record!

Dr A.D. Buti interjected.

The SPEAKER: Member for Armadale, I do not want to hear from you!

Mr C.J. BARNETT: The assertion made by the Leader of the Opposition is that there has been a cover-up. He should give me any evidence he has of a cover-up. Give us the evidence of a cover-up!

Several members interjected.

Mr C.J. BARNETT: Where is it? Where is the evidence of a cover-up? Where is the evidence? Give it to me now!

The SPEAKER: Leader of the Opposition —

Mr M. McGowan: I am happy to.

Mr C.J. BARNETT: I am speaking.

Point of Order

Mr M. McGOWAN: Mr Speaker, the Premier has asked me to provide him with some evidence.

The SPEAKER: No, that is not a point of order.

Debate Resumed

Mr C.J. BARNETT: Sit down—I am speaking. The Leader of the Opposition did not get up —

Mr M. McGowan: Why did you ask me then?

Mr C.J. BARNETT: He can get one of his colleagues to do it.

Ms R. Saffiotti interjected.

The SPEAKER: Member for West Swan, I call you to order for the second time. That, I would have taken as a rhetorical question, Leader of the Opposition, so we will now get back to the Premier.

Mr C.J. BARNETT: Yes, this case was not handled as it should have been. I do not make this excuse, but it is a reality: there is huge pressure on that department. It deals with difficult, complex issues—child protection, dysfunctional families, child abuse; all those things can happen. It is not easy, and at least the member for Maylands acknowledged that. There are also issues of confidentiality, privacy and the like. No-one is excusing that this case was not given the priority it deserved, but the facts came out progressively: a bizarre situation in terms of the surrogacy arrangement, the tragedy of the little boy left behind, and a complaint and a vague reference from the niece that had little detail.

Mr R.H. Cook interjected.

The SPEAKER: Member for Kwinana!

Mr C.J. BARNETT: There was a vague reference by a niece with little detail. Then later evidence came out about the case in more detail. The minister was not aware of it until months later in August, and then the actions were taken. That is not ideal; I am not suggesting it is. But why is it that the Labor Party comes in with personal accusations? Why does it do that? Why does it accuse a very decent person, in Hon Helen Morton, of a cover-up? You immediately go to the gutter and accuse people of cover-ups. If you were genuine, you would have come in here with proper suggestions to avoid this sort of situation, but you did not; you came in with a personal attack on a minister. You sit there and sneer. Look at the quality of people you have on your side; look at the quality or the lack of quality of them.

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington!

Mr C.J. BARNETT: You have no right to personally attack a person of the calibre of Hon Helen Morton.

DR A.D. BUTI (Armadale) [1.01 pm]: We have here a situation of negligence, a serious breach of ministerial standard, dishonesty and a cover-up.

Withdrawal of Remark

Mr C.J. BARNETT: The member accused Hon Helen Morton of dishonesty; that is unparliamentary.

The SPEAKER: Please withdraw that remark, member for Armadale.

Dr A.D. BUTI: I never mentioned anyone's name.

Several members interjected.

The SPEAKER: Member for Armadale.

Dr A.D. BUTI: Okay, I withdraw that.

The SPEAKER: Thank you.

Debate Resumed

Dr A.D. BUTI: We also have today a shocking revelation. We had the parliamentary secretary tell us it was a vague contact—it was a non-disclosed contact. The Premier has disclosed that the contact was the niece. How could you not take that seriously? Also, Premier, what about confidentiality? It is great that he has now disclosed that it was the niece who contacted the department. Where is the confidentiality in that? We do not have a vague reference here; we have a relative contacting the department on 15 May this year. The department was aware —

Several members interjected.

The SPEAKER: Leader of the Opposition and Premier, I never heard what went on. I do not want to hear about what went on. I want to hear the member for Armadale.

Dr A.D. BUTI: The Premier has disclosed today that the niece contacted the department to voice her concerns. This is a relative; it is not a vague person out there in the community. The parliamentary secretary tried to downplay it. It is very interesting that the minister has not told us that the niece contacted the department. On 15 May this year the department was notified by the niece, as disclosed by the Premier today. The minister says that it was not until 4 August that she was aware. It is up to the minister to have processes in place and she should have been aware before that. Let us leave that for a minute. The fact is that on 4 August she was aware. She has not disclosed in her media conferences or in the Parliament that she was aware that the department knew about the situation on 15 May. How can the Premier stand up today and accuse the opposition of muckraking when we are looking at the safety of a child? The minister's responsibility is for the safety of children in Western Australia. Her department did not act. Where were the processes in place to ensure that she received notification? From 4 August, she was aware. As the Leader of the Opposition has said, she tried to put it down to the fact that the department is stressed and does not have enough resources. In Parliament on 12 March she stated —

The Department for Child Protection and Family Support works to provide a range of services and it is doing it incredibly successfully.

Incredibly successfully—but it is under-resourced; it is under pressure. This is a cover-up. This is an amazing cover-up, particularly today when we have a revelation from the Premier that the niece disclosed the information to the department. Of course, the department would have taken that seriously. If it did not take that seriously, heads should roll, starting with the minister. She has the ultimate responsibility. Whether the minister has been negligent or has allowed serious breaches of her ministerial responsibilities or whether it is because of dishonesty or a cover-up, she should be sacked. If the Premier has any standard of ministerial —

Mr Mark McGowan; Mr Colin Barnett; Mr John Day; Mrs Michelle Roberts; Ms Andrea Mitchell; Ms Lisa Baker; Speaker; Dr Tony Buti

The SPEAKER: I am sorry, member for Armadale; you cannot say that the minister was dishonest.

Dr A.D. BUTI: I asked the question. The fact is that the minister has not disclosed the fact that on 15 May 2014 the niece contacted the department with this information. From 4 August when the minister says this information was disclosed to her, she has said nothing and remained silent until yesterday in Parliament. This is an amazing cover-up. There was a shocking revelation last night and a shocking revelation today by the Premier that it was the niece who contacted the department. How he can stand up and defend this minister is unbelievable. It has nothing to do with the minister's good intentions or the fact that she is a good person. She is a good person. This is about her ministerial responsibility, her ministerial standard and her duty to protect the children of Western Australia. She has failed; she has been negligent. She has breached her ministerial standard. She is engaged in a cover-up. She has misled the people of Western Australia because she has not disclosed the fact in the media or in Parliament that her department knew this on 15 May. Why did she not disclose the fact that the niece contacted the department? Why did she not disclose that? The parliamentary secretary tried to downplay that contact, but of course the Premier disclosed that it was the niece. This is a relative who disclosed that there was an issue to be considered by the department, and it did not consider the issue. This is a disgrace. If the Premier has any standards, he must deal with this minister. This is a cover-up to the hilt and the Premier knows it.

MR J.H.D. DAY (Kalamunda — Leader of the House) [1.06 pm]: I have listened to this debate—obviously both sides of it. The substance of the issue is very important; no-one denies that at all. But the opposition has completely overstated its argument; it has completely overreached. It is calling for the resignation of the minister on the basis that there has been a cover-up. There has been no cover-up by the Minister for Child Protection at all.

Several members interjected.

The SPEAKER: Member for Cannington, I call you to order for the second time.

Withdrawal of Remark

Mr C.J. BARNETT: My point of order is that the Leader of the Opposition just said, "Why did she lie about it", and I would ask that he withdraw.

Several members interjected.

The SPEAKER: Member for Wanneroo, I call you to order for the second time. Member for West Swan, you are on two calls—I have asked you to hear points of order in silence and to be silent when I stand up to speak. Member for Midland!

Mr M. McGOWAN: I said, "Why did she lie to Gary Adshead", which the Premier clearly heard, and I withdraw that statement.

Debate Resumed

Mr J.H.D. DAY: There is no evidence of a cover-up by the minister at all.

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington!

Mr J.H.D. DAY: As the Premier said of the Minister for Child Protection, there is no-one more committed to trying to ensure that children are brought up in a safe environment. I have known her for about 15 years and she is extremely committed to her job in a very serious matter.

Several members interjected.

The SPEAKER: Member for Armadale, I call you to order for the first time.

Mr J.H.D. DAY: I think the concerns that may exist in the public arena about the protection of this child should be put to one side. The department is very actively involved.

Division

Question put and a division taken with the following result —

Extract from *Hansard*
[ASSEMBLY — Wednesday, 24 September 2014]
p6821c-6832a

Mr Mark McGowan; Mr Colin Barnett; Mr John Day; Mrs Michelle Roberts; Ms Andrea Mitchell; Ms Lisa Baker; Speaker; Dr Tony Buti

Ayes (18)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman
Mr W.J. Johnston

Mr D.J. Kelly
Mr F.M. Logan
Mr M. McGowan
Ms S.F. McGurk
Mr M.P. Murray

Mr P. Papalia
Ms M.M. Quirk
Mrs M.H. Roberts
Ms R. Saffioti
Mr P.C. Tinley

Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (33)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr G.M. Castrilli
Mr V.A. Catania
Mr M.J. Cowper
Ms M.J. Davies

Mr J.H.D. Day
Ms W.M. Duncan
Ms E. Evangel
Mr J.M. Francis
Mrs G.J. Godfrey
Mr B.J. Grylls
Mr C.D. Hatton
Mr A.P. Jacob
Dr G.G. Jacobs

Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr J.E. McGrath
Mr P.T. Miles
Ms A.R. Mitchell
Mr N.W. Morton
Dr M.D. Nahan
Mr D.C. Nalder

Mr J. Norberger
Mr D.T. Redman
Mr A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Pairs

Mr J.R. Quigley
Ms J. Farrer
Mr C.J. Tallentire

Mrs L.M. Harvey
Dr K.D. Hames
Mr R.F. Johnson

Question thus negatived.