



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2022

LEGISLATIVE COUNCIL

Wednesday, 23 February 2022

Legislative Council

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THE PRESIDENT (**Hon Alanna Clohesy**) took the chair at 1.00 pm, read prayers and acknowledged country.

BLACK COCKATOOS

Petition

HON STEPHEN PRATT (South Metropolitan) [1.03 pm]: I present a petition containing 1 071 signatures couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled,

We the undersigned are concerned that the ongoing destruction and degradation of feeding, roosting and nesting habitat, and other threatening processes, are pushing the three species of South West Black Cockatoos towards extinction, and recommendations for their protection, including Habitat Protection Plans and Recovery Plans, are not being sufficiently implemented. If this continues, it will lead to the extinction of the Ngolyenok/Carnaby's Cockatoo; the Ngolak/Baudin's Cockatoo; and the Karak/Forest Red-tail Black Cockatoo.

We therefore call on the Legislative Council to recommend that the Government initiate an immediate moratorium on the clearing of habitat, including clearing of the Jarrah Forests for mining bauxite and other minerals; and the clearing of the Gnangara pines which the Ngolyenok/Carnaby's Cockatoo depend on, until such time as their natural food habitat can be restored; and conduct an inquiry into the population decline for all three species which will consider:

1. The need for an emergency plan to save the South West Black Cockatoos by stopping the clearing of habitat; increasing restoration; improving fire management to reduce health and habitat impacts; and intervening to stop the shooting of Ngolak/Baudin's Cockatoo, particularly by orchardists.
2. An assessment of the efficacy of current plans to deal with threats to the South West Black Cockatoos.
3. An assessment of the obstacles which have prevented progress in implementing critical recommendations in Habitat Protection Plans and Recovery Plans.

And your petitioners as in duty bound, will ever pray

[See paper 1080.]

PAPERS TABLED

Papers were tabled and ordered to lie upon the table of the house.

DEPUTY CHAIR OF COMMITTEES

Appointment

On motion without notice by **Hon Sue Ellery (Leader of the House)**, resolved —

That Hon Dr Brian Walker be appointed as Deputy Chair of Committees.

FAMILY AND DOMESTIC VIOLENCE — AWARENESS

Motion

HON SANDRA CARR (Agricultural) [1.07 pm]: I move —

That this house notes —

- (a) the public interest that has been generated from the recently aired *See What You Made Me Do* television series aired on SBS about people's experiences of family and domestic violence; and
- (b) the efforts of the McGowan government to address this issue in the community through a significant increase in funding, awareness and legislative reform.

In the foreword to her book *On Reckoning*, Amy Remeikis writes —

To anyone who carries the cloak of trauma with them—we see you, and we believe you. You didn't deserve any of it and you didn't do anything wrong. And you're not alone.

It is strange, is it not, that we must make such statements to those who are survivors of family and domestic violence. Surely, that should be our default position. Surely, that should be our starting point. We have a problem with family and domestic and sexual violence in Western Australia. It is an issue throughout our state, in our cities and suburbs and across our regional rural and remote communities. It is little wonder that women across the state and indeed the country are angry. We are angry and we are frustrated and we have had enough. As young Australian Brittany Higgins shared at the March 4 Justice —

I watched as people hid behind throwaway phrases like due process and presumption of innocence while failing to acknowledge how the justice system is notoriously stacked against victims of sexual crime.

It is little wonder that women have had enough. It is little wonder that women are marching for justice. During that speech Higgins also noted —

I am cognisant of all the women who continue to live in silence;

The questions we must ask are: Why the silence and invisibility? Why are women and children made to disappear into their trauma? Why does a young woman have to campaign for women to speak or to let them speak? Why are we silencing and gaslighting those who most need our help, support and care? We have a crisis in this state and in this country that is aided and abetted by that silence and our unwillingness to engage, speak out, make noise, ask questions or act on our suspicions. We have a whole community responsibility to address that silence. In Western Australia, two-thirds of assaults in 2021 were related to family and domestic violence, with eight family and domestic violence homicides as of 7 December last year. One in five Western Australian women have reported experiencing partner violence since the age of 15. Violence against women and children has been estimated to cost Australia \$22 billion annually. Family and domestic violence is also the leading cause of homelessness for women and children. Aboriginal women and children experience family violence at a disproportionately high rate, with Aboriginal women 32 times more likely than non-Aboriginal women to be hospitalised from family violence. The National Community Attitudes towards Violence Against Women Survey found that one in five Australians believe family and domestic violence is a normal reaction to stress and that, sometimes, a woman can make a man so angry that he can hit her without meaning to. One in three Australians believe that if a woman does not leave her abusive partner, then she is responsible for the ensuing violence. Two in five Australians would not know where to go to get outside help if experiencing domestic violence.

We must ask ourselves: What have we consistently done wrong? What are we continuing to do wrong that is causing such horrifying statistics? Statistics are not people. Statistics do not show us blood and bruises. They do not show us the pain and trauma and suffering of everyday people. It is significant that the McGowan government, as part of its response, has appointed Western Australia's first dedicated Minister for Prevention of Family and Domestic Violence. The McGowan government has taken unprecedented action to address this issue across the state by investing an additional \$126 million since coming into government, but we still have a long way to go. Although we have invested \$60 million to boost services and help prevent family and domestic violence, we have also launched the *Path to safety: Western Australia's strategy to reduce family and domestic violence 2020–2030*. The McGowan government's new strategy to prevent family and domestic violence across Western Australia is a long-term vision to enable people to live free from domestic violence. It sets a clear, whole-of-government community plan for reducing and responding to family and domestic violence over the next decade. It is investing \$14.2 million in a law reform package, \$7.3 million to boost prevention of family and domestic violence and \$4 million in supporting survivors' initiatives.

This is a reflection of the groundswell of anger and an increasing demand for change. There has to be change because women are suffering. Women are being harmed, survivors are self-harming, and women are dying in this country, and that has been enabled by our inaction and failure to see our personal responsibility to protect our women and children. It is well and truly time for us to take a deep, painful and uncomfortable look into our collective socialisation and ask and answer the questions with brutal, unflinching honesty. Why? Why do these conditions remain and what can we do to help? While women stood outside the Australian Parliament, inside, the current Prime Minister of Australia said that they were lucky because in other countries, such protests would have been met with bullets—that is, met with violence. When the bar is so very low that women should be thankful that they are not being shot and killed for seeking their fundamental right to safety, it seems safe to say that we have a serious problem. But, in fact, it is not even safe to say that because when family and domestic violence and sexual violence is addressed and discussed in the media, survivors tell us that the chance of them becoming at a greater risk of harm increases—perpetrators become angered and the likelihood of them experiencing greater suffering increases. After all, the place in which women and children are least safe is in their own homes. With the proliferation of technology, this has become even more the case as victims find themselves monitored, manipulated and controlled in ways that are readily enabled by technology. Those who hold power are using media and technology to serve their own nefarious ends. To the Prime Minister, with all due respect, I will say that women are being met with bullets—with violence, with abuse, with sexual assault, and with coercive control. Women are dying. Women and children are being murdered, beaten, raped, groomed and assaulted every single day in this country, so do not tell us we are lucky. Do not tell us about your cosy, clarifying chats that you have had in the comfort of your own home while women and children in this country continue to suffer at the hands of perpetrators.

We have a culture that is steeped in the fetid stench of entitlement and proprietary rights. Violence, power and control place our community at risk every day. These rights—this entitlement to power and complete control over the lives of women and children—is revealed in gut-wrenching detail in Jess Hill’s *See What You Made Me Do*. It lays bare—for all who could stand to watch it—the horrifying experience of women and children each and every day in this country. Embedded in the title of Hill’s book and subsequent documentary series is the sinister victim blaming that underlies the problem—what “you” made me do. The insidious questioning and prevalent undermining of survivors is a significant and ongoing contributor to the problem. Remeikis’ *On Reckoning* asks —

Ever notice how you never hear he said/she said about any other crime? ... No-one has ever characterised a burglary as they said/they said. The only time the discourse ever pits two stories against each other is when a woman raises an allegation against a man.

The National Community Attitudes towards Violence Against Women Survey in 2017 found there was a declining understanding of what constitutes violence against women. Alarming, this is particularly the case in the 16 to 24 male age group. This tells us in no uncertain terms that we are failing our young men. If, as a result of our failings, our young men inevitably commit the crimes that we failed to teach them were wrong, what then? At what point do we accept our social and community responsibility to be part of the prevention of family and domestic violence and sexual assault?

The McGowan government is working to address this. We have begun, although it must be acknowledged that there is still much to be done in primary prevention. Current initiatives include a \$7.3 million boost to primary prevention of family and domestic violence. Primary prevention is expected to have the greatest long-term impact on reducing the rates of family and domestic violence. We are implementing the WA respectful relationships teaching support program to teach students about positive and respectful relationships from a young age and help prevent domestic violence before it starts. As a result of a 2017 McGowan government election commitment, the respectful relationships teaching support program was introduced in schools in 2019. In 2021, we committed to an additional \$1.3 million to expand this program to 12 additional schools each year over the next four years, starting in July 2022. This will give a total of 128 schools the opportunity to participate. We will also expand the respectful relationship approaches to sport and recreational clubs.

These are all appropriate steps to be taken to respond to the family and domestic violence crisis. We are responding to what the data and the research tells us. Notably, in legislative reform, one of the key changes is a new, specific criminal offence for suffocation and strangulation, which is an important risk factor in the context of family violence. Research tells us that when a female has been the victim of strangulation, she is seven times more likely to be the victim of homicide. Moreover, the McGowan government takes the issue of sexual harassment and assault extremely seriously. As a government, we are cognisant that women face an unacceptable and disproportionate risk of sexual violence. All women and girls deserve a life free from violence and assault. Protecting women and girls against violence, discrimination and harassment in their homes, their workplaces and their communities is a priority for the McGowan government. Western Australia has one of the highest rates of sexual assault in Australia, with the number of victims of sexual assault recorded having increased by 10 per cent from 2019 to 2020—the highest it has been in 28 years. It is clear that we have a crisis. Former Australian of the Year Grace Tame, and Brittany Higgins, and of course the many revelations about the culture of our Parliaments and those who serve within them, have drawn attention to these significant problems. As current news makes us painfully aware, women and children from all walks of life are at risk; no one, it seems, is spared.

Last year, the Minister for Women’s Interests, the Attorney General and the Minister for Health made a joint commitment to commission Western Australia’s first sexual violence prevention strategy, *Path to safety: Western Australia’s strategy to reduce family and domestic violence 2020–2030*. A whole-of-government approach is needed to address this devastating issue in our communities and to support the prevention of sexual violence. The strategy will be victim-centred and focused on making sure we have the right supports in place for victims; identifying potential barriers to reporting; and holding perpetrators to account. Although sexual violence impacts women in greater numbers and the overwhelming number of perpetrators are male, the strategy will adopt a broad lens and look at the impacts of sexual violence on boys, men and the LGBTQIA+ community.

To complement the strategy, earlier this month the Attorney General and the Minister for Women’s Interests announced two major reviews of Western Australia’s sexual assault laws. The state government recognises the need to improve our laws and processes to assist victims to get justice, and we are committed to making that happen. The reviews will be concurrent and complementary, to examine issues relating to sexual offending. The Law Reform Commission of Western Australia has been tasked with reviewing the sexual offence laws contained in the Criminal Code and providing advice on possible amendments to enhance and update these provisions. This will include considering whether the concept of affirmative consent should be reflected in the legislation, how mistakes and knowledge of consent should be dealt with under the law, and the factors that might invalidate consent, such as coercion, fraud or deception—for example, through “stealthling”—and whether “special verdicts” should be used. The Department of Justice, through the Office of the Commissioner for Victims of Crime, will undertake a separate project to examine the end-to-end criminal justice process for victims of sexual offending, from reporting an offence, to the release from custody of the offender.

Last year, the McGowan government passed legislation to expand the mandatory reporting requirements to include ministers of religion, early childhood workers, out-of-home-care workers, registered psychologists, school counsellors and youth justice workers. The Children and Community Services Act 2021 implements recommendations of the final report of the *Royal Commission into Institutional Responses to Child Sexual Abuse*. The safety of children is at the heart of the mandatory reporting reforms, which will better protect children by increasing by an estimated 55 000 reporters the number of people who will be legally required to report child sexual abuse. The extension of mandatory reporting laws to ministers of religion and a number of other professions will send a clear message that child safety must always be paramount. Child sexual abuse reforms advocates like Grace Tame have congratulated the government on implementing those important reforms. As Ms Tame noted, “this is what understanding and progress looks like.”

I would also like to take this moment to recognise the establishment of the Grace Tame Foundation. This is a not-for-profit philanthropic organisation established by the 2021 Australian of the Year, Grace Tame, to campaign for and help fund initiatives that work to prevent and respond to sexual abuse of children and others. This is particularly important, because child sexual abuse is intrinsically linked to family and domestic violence. Statistics tell us that one in five children experience sexual abuse. The Grace Tame Foundation aims to ensure that the Australian government and the governments of states and territories take appropriate action by enacting laws, delivering educational programs, and encouraging social behaviours. It also promotes attitudes that will fulfil obligations to ensure that the right of children to be safe no matter where they are, as per the United Nations Convention on the Rights of the Child.

Finally, I would like to add my voice to the collective disgust that has been expressed towards those who would release “that image” of a young Grace Tame in an attempt to undermine her. As Ms Tame noted, trauma responses are many and varied —

“It can be ugly. It can look like drugs. Like self-harm, skipping school, getting impulsive tattoos and all kinds of other unconscious self-destructive maladaptive coping mechanisms. ... Whilst I do not seek to glorify, sanitise or normalise any of these things, I also do not seek to shame or judge survivors for ANY of their choices.”

I would like to add to that a recent story. I guess the addition is that it can also look like suicide. I send my condolences on the recent loss of a child sexual abuse survivor—a friend of mine lost a family member to suicide after years of trauma; it just became too much for that young person.

I commend Ms Tame for one again taking the opportunity to educate, even when she is being attacked in such a cruel and cowardly manner. Her strength in the face of such vile and cruel actions is both breathtaking and humbling.

I will end where I began, by reading the words of Amy Remeikis —

To anyone who carries the cloak of trauma with them—we see you, and we believe you. You didn’t deserve any of it and you didn’t do anything wrong. And you’re not alone.”

HON NICK GOIRAN (South Metropolitan) [1.25 pm]: I rise on behalf of the opposition to contribute to the motion that has been moved by Hon Sandra Carr. I thank the honourable member for giving notice of this motion and moving it. I note that the motion seeks that the house do two things. The first is to note a recently televised series. The second is to note the efforts of the state government on the broader issue of the prevention of family and domestic violence. I also want to acknowledge the honourable member’s comment in her contribution that we still have a long way to go and associate myself very much with that sentiment.

With respect to the television series, and, indeed, also the book to which the member referred, it is confronting. It highlights the sickening and devastating impact of family and domestic violence, in particular coercive control. It is quite appropriate that the honourable member has brought that to our attention.

I hasten to add at this point that it is also very important that this house does a number of other things this afternoon. That includes noting the continuing and unacceptable toll that family and domestic violence has on women, men and children. That certainly was covered by the honourable member in introducing the motion. It would be unfortunate if we were to pass this motion this afternoon without also thanking the police and the people who work in counselling and support services for those who experience family and domestic violence. That includes those people who provide perpetrator rehabilitation programs. On behalf of the opposition, I want to thank those people who journey alongside survivors of family and domestic violence and those who have, or who are, rehabilitating themselves.

In preparation for today, I have had the opportunity to look at some of the statistics provided by the Australian Bureau of Statistics. In the last reporting period, 2020–2021, family and domestic violence offenders accounted for 21 per cent of all offenders in our state who were proceeded against. That is, the rate was 319 family and domestic violence offenders per 100 000 persons. In Western Australia, an act intended to cause injury was the most common principal family and domestic offence. It accounted for nearly half the offences, at just short of 48 per cent.

It probably would not surprise the honourable members here today that most of the family and domestic violence offenders were male, comprising some 83 per cent, and 17 per cent of the offenders were female. The statistics indicate

that there were 534 male family and domestic violence offenders per 100 000 and 107 female family and domestic violence offenders per 100 000. I do not know about other members, but sometimes these statistics roll off the tongue, but it is difficult to actually comprehend what that means in practice, particularly when we are talking in the realm of “per 100 000”. I think it is a little bit easier to understand the figures for female family and domestic violence offenders as one in 1 000 and for male family and domestic violence offenders as five in 1 000. For every 1 000 people we know, five men and one female would be a family and domestic violence offender.

The Western Australia Police Force’s most recent annual report also tells us at page 7 that the number of family and domestic violence reports was 19.3 per cent above the five-year average. For reasons that are not necessarily analysed or articulated during that reporting period of the last financial year, we saw a nearly 20 per cent increase in the number of reports of family violence.

It is also instructive to look at the Department of Communities’ last annual report. At page 132, it indicates that 15 127 cases were supported by a community sector organisation funded by the department. Earlier in the report at page 9, it refers to the government spending \$69 million on preventing and responding to family and domestic violence in the reporting period. Interestingly, elsewhere at page 18, it assesses the average cost at \$4 614. I think that is something that the Department of Communities needs to look at, because it has simply applied 15 000 cases to the \$69 million that was spent. That is probably not the best metric to use, because one would certainly hope that the cost of prevention, which in some respects is a little unknown, would be far greater in quantum than that and consequently the cost of preventing and responding to family and domestic violence per case would be far less than \$4 614.

I note that the government released, albeit belatedly in July 2020, a 10-year family and domestic violence strategy. It will not surprise members to know that I have been critical in the past about the length of time it took for that strategy to be put in place. But we are here now and we have the strategy, and it was released by the government in July 2020. What we do not learn from the department’s most recent annual report is how the government is tracking with this 10-year strategy. It is very important and appropriate that the government formulates and puts together a strategy, but it is also incumbent on the government when it implements a strategy to transparently report on its progress. It is certainly my view that the government has a duty to advise us, if possible this afternoon, what it has done to achieve the items that are set out in the strategy. The *First action plan 2020–2022* is the first stage of the 10-year strategy. I note that the action plan is supposed to be completed by June this year. I will give some examples for members. The first of the actions in the action plan that is to be completed by June 2020 is —

The COVID-19 Family and Domestic Violence Taskforce will plan and develop actions as part of the National Partnerships Agreement on COVID-19 Domestic and Family Violence Responses. The Taskforce will consider:

- The needs of women and children experiencing, or at risk of domestic violence.
- Ensuring the visibility and accountability of perpetrators.

The obvious questions are: Has this been done; and, if so, when was it completed? What are the needs of women and children experiencing or at risk of domestic violence that were considered by the task force? How is the visibility and accountability of perpetrators being ensured? Has this task force compiled a report? When will it be tabled?

The second action in the first action plan is —

Track and respond to demand variances that relate to victims and perpetrators of family and domestic violence, as a consequence of COVID-19.

Once again I ask: What have these demand variances been? Did they require a response? How was this data collected?

The third action is —

Implement online Family Violence Restraining Orders and electronic monitoring trial for family and domestic violence offenders as per the provisions of the Family Violence Legislation Reform (COVID-19 Response) Act 2020.

The questions that arise include: What has been the uptake of restraining orders? What are the results of the electronic monitoring trial?

The fourth action says that the government will —

Develop a family and domestic violence dashboard that tracks and reports demand data, to support monitoring and analysis of current and emerging data trends and inform planning.

Has this been done? Who has access to this data board? What are the emerging data trends and how do they inform training?

The fifth action is —

Co-design the Aboriginal Family Safety Strategy with Aboriginal people and communities.

Has this been done? Who was involved in this co-design strategy? How will this strategy be implemented? Will the government table a copy of this strategy?

The sixth action sees the government —

Develop a corporate engagement framework to support a coordinated and strategic approach to seeking investment in family and domestic violence prevention.

What is not known is whether the framework has been completed, who was involved in establishing the framework, how much investment has been secured through this corporate engagement and whether this amount of investment has been quantified.

The seventh action sees the government —

Explore best practice models for engaging and responding to the needs of children and young people impacted by family and domestic violence.

What was the result of this exploration? What are the best practice models for engaging and responding to the needs of children and young people? Where are these best practice models currently in practice?

Keep in mind, President, as I move to the eighth action that these are all matters in the first action plan. It is not to be confused with the 10-year strategy. This is the first action plan that is to be completed by the middle of this year.

The eighth action sees the government —

Establish and monitor service delivery of the new Peel and Kwinana refuge models.

We know that they have been established, but how is the monitoring of the service occurring at these refuges? How is the information informing other decision-making? Perhaps most importantly, what has been the demand on these refuges?

The ninth action sees the government —

Set up and monitor implementation of the two new one-stop family and domestic violence hub pilots.

The questions that I have include: How many people are passing through the hubs on average every week? What are the key performance measures for these hubs?

The tenth action has the government —

Develop a framework for improving WA's perpetrator response system that considers and integrates the emerging national and international evidence relevant to this work.

Has the framework been developed? What is the recommended approach for improving WA's perpetrator response system? What are the gaps in the existing system that require improving? How does the framework integrate national and international evidence?

The eleventh action has the government —

Support community-led prevention activity and efforts, such as 16 Days in WA—Stop Violence against Women campaign, and draw on established expertise, such as Our Watch, to ensure alignment with good practice in primary prevention.

How is the government measuring this campaign's success? How much money is being spent on this campaign? Is the broader community benefiting from the messaging? What impact are the messages having? Does the messaging extend beyond those who work within the sector and how would we know?

The twelfth action sees the government —

Strengthen approaches to risk management and information sharing by:

- Updating the Common Risk Assessment and Risk Management Framework.

Has this been done? When was it completed? The twelfth action continues —

- Exploring suitable information sharing practices across justice, health and community services.

What are those practices? How is this information being shared? What measures are in place to ensure that this information is being kept private and stored safely? The twelfth action continues —

- Bolstering these practices in the Family and Domestic Violence Response Teams.

What is not readily known is how many of these teams exist, where these teams exist and what measures has the government implemented to achieve this goal? Still on the twelfth action, the government has committed to —

- Introducing a family and domestic violence specific tool ... to identify offender treatment needs in both community and custody settings and designed to inform case management actions and outcomes.

Has the tool been introduced and who is using it? What other jurisdictions are using it? What offender treatment options are currently available in the community and in custody? Are they different? How does the tool inform case management actions and outcomes? How is its effectiveness being measured? This very substantial twelfth action also requires the government to —

- Updating practice in health settings through:
 - a. A state-wide mandatory policy for family and domestic violence screening.

Is the policy in place? Can a copy of the mandatory policy be tabled? What level of stakeholder consultation was done during the policy development? What are the penalties for not adhering to this mandatory policy? That same sub-item on updating the practice in health settings would also see —

- b. Strengthening ante-natal responses to family and domestic violence.

Has this been done; and, if so, how has it been done? Which ante-natal services have received education and response measures? What has been their feedback? The twelfth item concludes with the government —

- c. Developing a family and domestic violence framework for responding to family and domestic violence for all Health Service Providers.

Has that framework been completed? When will this framework be implemented and who was involved in developing this framework? How did they define “all Health Service Providers” and what education on this framework is being offered?

I will conclude my assessment of this by looking at the thirteenth action that sees the government —

Enhance family and domestic violence learning and development by:

- a. Developing a family and domestic violence workforce capability framework across all agencies and services in the sector to improve safe and effective responses to family and domestic violence.
- b. Implementing the Safe and Together Program model throughout Department of Communities child protection staff.
- c. Identifying opportunities for education and raising awareness of Non-Fatal Strangulation.

Once again, has any of that been done; and, if so, how? In that short period of time I should indicate to members that I am only halfway through the 26 action items, but I think that honourable members get the picture. The government has quite rightly put together a 10-year strategy and also a two-year action plan, which is due to expire in a few months. With respect to merely those 13 action items—half of the matters that are listed—there are a number of questions that the government ought to answer. Although the government has a duty to implement the 10-year strategy, and the opposition has a duty to hold the government to account for the timely and competent implementation of that strategy, what cannot happen is that a document is published at great cost to the taxpayers and then the serious work of the prevention of family and domestic violence is simply kicked into the long grass.

I will conclude with a quote from the book *See What You Made Me Do*. For the benefit of honourable members and also Hansard, the quote begins at page 338. It states —

In the suffocating heat of a Melbourne summer, I met with Jocelyn Bignold, the CEO of McAuley Community Services for Women. There was only one 24-hour crisis shelter for domestic violence victims in Victoria, she told me, and she was in charge of it. As we spoke, Bignold was clearly preoccupied. She had good reason to be: as far as she knew, McAuley would have to close in six months’ time, on July 1. The immediate threat to her shelter—and many others around the country—was the expected cancellation of a funding arrangement ...

The quote continues on page 339 —

In January that year, no-one in the sector had been told whether their funding would be renewed. ‘I’ve got nothing to tell me on paper what the plan is for funding services after the 30th of June’ said Bignold her eyes flashing with anger.

That experience that has been set out in the book is entirely consistent with the experience of every single government-funded stakeholder that I have met with who has been or is doing work to support those impacted by family and domestic violence. One very substantial step that the government could take to help these organisations is to guarantee their funding so that they do not need to expend as much energy on applying and reapplying for funding. I do not think that those hard working service providers need that uncertainty and nor do the victims and survivors of family and domestic violence for whom these people advocate.

HON SAMANTHA ROWE (East Metropolitan — Parliamentary Secretary) [1.45 pm]: It is a pleasure to be able to rise this afternoon on behalf of the government to support this motion. Last year, I had the privilege of being the Parliamentary Secretary to the Minister for Prevention of Family and Domestic Violence; Women’s Interests, Hon Simone McGurk, and to be involved in some of the crucial work that she and our government were doing to support women, children and families experiencing family and domestic violence. Before I move onto part (a) of

the motion today, I want to firstly acknowledge and thank Hon Sandra Carr for bringing this motion to the house and also for her very passionate contribution on what is a very important issue for not only Western Australia, but also Australia. I would also like to thank Hon Nick Goiran for his contribution this afternoon. I am sure that many more contributions will be made around the chamber and I look forward to listening to those.

I would like to start with part (a) of the motion on the television series aired on SBS last year that was based on the book by Jess Hill *See What You Made Me Do*. For those members who are not aware, Jess Hill is an author, a journalist and a speaker, particularly on topics around social issues and gendered violence. I have had the opportunity to listen to Jess Hill speak at a Rockingham and Kwinana family and domestic violence conference held in Rockingham last year where I represented the minister. The conference was run by the Lucy Saw Centre Association, South Coastal Health and Community Services and SCALES Community Legal Centre, part of a network of services that look after the south corridor and help support women and children experiencing family and domestic violence. I take this opportunity to thank them collectively for the very important work that they do every single day. Jess Hill presented at that conference via Zoom on her book *See What You Made Me Do*. She also touched on the areas of coercive control, which I found very interesting. For those of you who have read *See What You Made Me Do*, and it appears that a number of members in the chamber have read it—I admit that I have only read parts of the book because, at times, I find it really challenging to read. It is quite stressful to read these stories of people who have experienced family and domestic violence. It is one of those books that lays on my bedside table and every now and then I pick it up, read a bit more and then put it down. It might be a couple of weeks before I come back to it. The minister kindly lent me this book when I first became her parliamentary secretary. I want to share with some members, who may not be aware of this book, some of the issues that it highlights. I also want to state that it is based on exhaustive research. That is really important to highlight. It is quite compelling storytelling. It also dismantles the myth and the logic of victim blaming. It challenges our views on what we thought we knew about domestic violence. This is just a taste —

At the office of Safe Steps, Victoria's 24/7 family violence helpline, the phones have gone quiet. 'I get nervous when they stop ringing,' says one worker. It's a rare occurrence. At its busiest, Safe Steps receives a call every three minutes. Many women are repeat callers: on average, they will return to an abusive partner seven times before leaving for good.

'You must get so frustrated when you think a woman's ready to leave and then she decides to go back,' I say.

'No,' replies one phone counsellor pointedly. 'I'm frustrated that even though he promised to stop, he chose to abuse her again.'

A year into my reporting on domestic abuse, I had a terrible realisation. It was 2015, and I was hanging clothes out to dry on a stunning summer night alive with the screeching of fruit bats. The air was cool on my skin. I felt content, peaceful; safe. As I walked towards our back steps, washing basket in hand, a cascade of thoughts swept through me with such force it made my eyes sting. To feel safe in the dark—even in my own backyard—was a *privilege*. How many women would never feel safe in their backyard? How many would be approaching their back steps with a sense of dread? How many would be steeling themselves for what might happen to them in bed that night? How many would feel their breath quicken at every rustle of leaves, terrified that somewhere in the dark, the man they once loved was waiting for them?

We talk a lot about the danger of dark alleys, but the truth is that in every country around the world the home is the most dangerous place for a woman. Of the 87,000 women killed globally in 2017, more than a third (30,000) were killed by an intimate partner, and another 20,000 by a family member. In Australia, a country of almost 25 million, one woman a week is killed by a man she's been intimate with. These statistics tell us something that's almost impossible to grapple with: it's not the monster lurking in the dark women should fear, but the men they fall in love with.

This is a book about love, abuse and power. It's about a phenomenon that flourishes in private and in public, perpetrated mostly by men who evade scrutiny. It's about all the questions we don't ask, like: 'Why does *he* do it?' It's about turning our stubborn beliefs and assumptions inside out and confronting one of the most complex—and urgent—issues of our time.

For the first time in history we have summoned the courage to confront domestic abuse. This has been a radical shift, and in years to come, 2014 will likely stand as the year the Western world finally started taking men's violence against women seriously.

It goes on to tell the story of Rosie Batty, which I am sure most members in the chamber are already familiar with, so I will not continue. If members have not had the opportunity to watch the program, I recommend the book, even though I found it very challenging at times. It is written in a very riveting and compelling way, thanks to the great work of Jess Hill.

I would now like to touch on paragraph (b) of the motion before us because it is really important. When we are talking about family and domestic violence, there are a number of things that we have to do. We have to invest money as a government to make sure that we have appropriate places for women and children to go for their safety.

We have to make sure that we are investing in preventive services and projects, and we also have to make sure that we are building awareness in the community on this issue. Then, of course, we have to make sure that there is legislative reform. My colleague Hon Sandra Carr touched a little on some of the money that we are investing in this space. Other members may also do that during their contributions. I was primarily going to focus on some of the legislative reform that I think is really important in this space—reform that helps women and children who are suffering from family and domestic violence.

One of the most significant progressive law reforms that we have seen in family and domestic violence is the Family Violence Legislation Reform Act 2020. That legislation was passed in June 2020. It amended nine separate acts across six ministerial portfolios. These new laws put WA at the forefront of the fight against family and domestic violence. One of the key changes that came about from this legislative reform relates to strangulation and suffocation. Many members would know that strangulation is a common act in family violence. It is not just the physical act that impacts the victim; it is also an act that tells the victim that the perpetrator can kill them. The act of strangulation is an act of power over another person. Often, it is the final warning in the context of domestic violence. Non-fatal strangulation is known as a red flag for ongoing severe violence or homicide in domestic violence. The introduction of this new offence tells victims that we recognise the nature of the act and that family violence is about power, control and coercion. It tells perpetrators that we will not accept crimes continuing to occur in homes across our state. Often, the act of strangulation leaves no outward signs of injury, which makes it really difficult to prove as a criminal matter. However, as of November 2021, 646 charges of strangulation or suffocation were laid, which demonstrates increasing awareness in this offence and that victim survivors continue to come forward. There is no doubt that this new offence will save lives.

One of the other areas of legislative reform that I would like to touch on is persistent family violence. That was also introduced as a criminal offence. This offence recognises that for many victims of family violence, the offending is ongoing. It occurs daily, weekly or monthly. It is persistent in the life of a victim. This is the first criminal offence in Western Australia that contains the words “family violence” in its title. One of the issues that is raised in the book *See What You Made Me Do* is coercive control. Coercive control refers to that persistent abuse and behaviour that aims to manipulate, intimidate and isolate victims, whether it be emotionally, socially or financially. In addition to the persistent family violence offence, new provisions were introduced to the Evidence Act 1906 to allow relevant evidence of coercive control to be admissible in criminal proceedings. This allows the courts to consider underlying patterns of coercive control in relationships. Experts can give evidence about the impact of coercive control and the judge can give directions to the jury about family violence. This is really important. This can also be prosecuted with existing offences in the Criminal Code, which are often behaviours displayed in relationships involving coercive control, such as threats, stalking and certain sexual offences.

The Restraining Orders Acts 1997 also defines family violence as including any behaviour by a person that coerces or controls a family member or causes them to be fearful. The victims may apply for a restraining order if they have been subject to coercive or controlling behaviour. Like Hon Sandra Carr said, we absolutely acknowledge that there is still work to be done, particularly with regard to coercive control. It raises a number of complex legal and policy issues that are being considered by governments at a state and national level, but we need to make sure that we get this right. We are focused on achieving the best outcomes for victims and survivors; we owe that to them, at the very least.

I would like to make note of some other initiatives across some of the other portfolios that assist with helping victims of family and domestic violence. They relate to the changes that were made to the Residential Tenancies Act. They ensure that victims are not left to pay for damage and debts that they are not responsible for. Of course, that can occur quite often in cases of family and domestic violence, where property can be destroyed and it is not the fault of the victim. We introduced antenatal screening in the public health system to support women who are about to give birth because, shockingly, they are at high risk of violence. We also introduced paid leave and other measures for public sector employees who are affected by family and domestic violence.

We implemented the WA Respectful Relationships teaching support program pilot to teach students about positive and respectful relationships. That is really important, because we want to prevent people becoming perpetrators and committing violence against women and children. We are also training more frontline police officers to help them better identify and respond to family and domestic violence. I think we have done a significant amount of work, including the funds that have been invested since we came to government in 2017 and the appointment of the very first Minister for Prevention of Family and Domestic Violence in WA. Millions of dollars have been spent in this area and will continue to be. We have started the 16 Days in WA campaign to raise awareness of this issue in the community. Many members of Parliament from all sides of politics attend this event each November, and that is fantastic to see.

We have also introduced really important legislation and reforms that help women and children who are experiencing family and domestic violence. Again, I want to thank Hon Sandra Carr for moving this motion today, highlighting this important issue and reminding everyone in this chamber how important it is for us to continue to work on preventing family and domestic violence.

HON JACKIE JARVIS (South West) [2.03 pm]: I rise today to speak in support of this motion, moved by Hon Sandra Carr, and I thank her for bringing such an important subject to the house. I also thank Hon Nick Goiran for his comments and his many, many questions. I think that is a great sign, because it shows that we will be talking about this subject in this forty-first Parliament for a long time to come. I, too, look forward to understanding more about the Path to Safety action plan and the 10-year strategy, and how they are being implemented. I also thank my colleague Hon Samantha Rowe for outlining some of the legislation.

As we all know, family and domestic violence is not an isolated event but a pattern of ongoing, repetitive and purposeful use of physical, emotional, social, financial and/or sexual abuse. Last year I had the opportunity to visit a number of police stations in my large south west electorate and when I asked at various police stations which offences created the biggest workload, I was a bit shocked to discover that it was family and domestic violence and child sexual abuse that kept uniformed officers and detectives busy. On one particular occasion—I do not want to dwell on which police station it was—I was actually told by a police sergeant that they know when the FIFO shifts are ending and starting by the number of family and domestic violence calls that they get in that town. We know that the mining industry has taken a long, hard look at itself over the last 12 months in respect of sexual harassment and sexual assault in the workplace. The next step may be for those companies to consider how their work schedules and the FIFO lifestyle impact on family life. The town where the police sergeant told me that is a place with lots of lovely families in lovely homes, leading Instagram-worthy lives, who are experiencing this family and domestic violence. It is everywhere.

I am also particularly concerned when we see family and domestic violence that involves children, or child sexual abuse by a trusted adult. We need to recognise the significant impact that that can have on a child. We know that it can be hugely detrimental; we have seen many cases of people who have suffered lifelong trauma as a result of childhood abuse. We also know that both family and domestic violence and child sexual abuse is often understated and underreported. Although the figures are shocking, the true story is probably even more shocking.

Hon Sandra Carr talked about Grace Tame and Brittany Higgins, and their speeches at the National Press Club. I will not revisit that, but I was reminded that Grace Tame became a household name as a brave and passionate advocate for systematic changes to prevent child sexual abuse. We may remember that she was the first female in Tasmania to be granted the right to speak under her own name about her personal experience of sexual abuse as a child. Grace first appeared in public as part of the Let Her Speak campaign run by sexual assault campaigner and award-winning journalist Nina Funnell. The Let Her Speak campaign was about giving sexual assault survivors the right to tell their own stories in their own words, without the risk of prosecution.

As a reminder—I think most members know the story—Grace Tame was groomed and repeatedly sexually assaulted by her high school maths teacher, a man who was in his 50s at the time, when she was just 15 years old. Her abuser pleaded guilty to having sexual contact with a minor aged under 17 years and was sentenced and jailed, but after he was released from jail he was quite active on social media. He gave interviews via video that were shared widely online. My understanding is that he actually included a photo and the name of Grace Tame as his victim without her permission. Under the Tasmanian law of the time, Grace Tame was unable to speak publicly and she campaigned to have that changed. Hon Samantha Rowe spoke about the WA Evidence Act, and I was pleased to discover that under that legislation, a person can authorise the release of their name as a victim in matters of sexual offence, as long as that person is aged over 18 years, they are not mentally impaired and they are able to make that judgement call. Therefore, we have a mechanism to allow victims to speak about their assault if they wish to do so. This is really important, because although Grace Tame and Brittany Higgins are outstanding examples of very brave women, not all women are that brave, or they might have a lot to lose by speaking out. I cannot imagine the fear and repeated trauma that must be experienced by speaking about certain experiences.

I have no lived experience of family and domestic violence or child sexual abuse, but I have done a significant amount of work in the area of sexual harassment, and at times, sexual harassment includes sexual assault. I know, from having spoken to dozens of women and young men—I say “young”, because sexual harassment is generally a crime committed against younger people—that speaking out can have repercussions for people’s careers and mental health.

In the case of domestic violence, speaking out could actually cost them their lives or their homes. I also have a very interesting example of how certain people, when they speak out, get much more media attention. Members may recall that, in June last year, I spoke about a certain member of Parliament. I do not want to go back over that, but I spoke about a sexual harassment case. In my speech, all I had done was recount a story that women through the generations have told, when one woman warns another woman about a person’s behaviour. I know from my many years in the workforce that that is a common thing to do—people say, “Stay away from this person; avoid that person.” I was publicly threatened with defamation. I was told my comments were scurrilous, which means that my comments were false, when I recounted the story. If I had taken the opportunity to repeat those comments outside Parliament, all I would have done is almost compel other women to come forward and talk about their situation, but that was not my story to tell. It is really important to remember that using the media or going public with stories is not everyone’s chosen path and, for many victims, it can actually lead to severe damage. I applaud women who have the strength to do that, but for many women, it creates a fear for their careers, their lives and their homes. It creates fear about the breakdown of their families.

Hon Sandra Carr mentioned funding so I do not want to revisit that, but the reality is that there will probably never be enough money to solve this problem. This is a huge systemic issue. All we can do as a government is to try our best to provide avenues for those women or children who do not have voices. I will speak briefly about the Respectful Relationships program. I am the mother of three daughters, and it horrifies me to think that my three daughters are more likely to be attacked in their homes by an intimate partner than by a stranger. I do not have sons. I do not know anything about raising sons. I meet many young men, however, who are friends of my daughters or their boyfriends, and they are all lovely, respectful young men. I take great pride in the people who my daughters mix with. My 17-year-old daughter, however, recently told me a story about a close friend of hers who had a boyfriend, whom I have met—he seemed a nice kid—who had been a bit critical of this girl posting photographs of herself on Instagram in her bikini or her shorts. I can assure members that 17-year-old girls put lots of photos of themselves on Instagram. A group of friends gathered around this girl and said, “He cannot tell her to remove photos from her Instagram page. He cannot tell her what to.” This girl, being really unsure of herself, was not sure what to do. I am sure probably many women have had boyfriends in the past who have demonstrated behaviours bordering on coercive control. I took that opportunity to tell my daughter the story of Hannah Clarke, the Queensland woman who in 2020 was killed along with her three children by her estranged husband. I think petrol was poured into her car. If my reading of that incident is correct, Hannah Clarke had never experienced physical violence against herself or her children. It was all about coercive control, and the first act of physical violence that she experienced resulted in the death of her and her three young children. I told my daughter that story to show her that she needed to stand by her friend and be there for her, because the young man who made those comments to her is on the wrong path. Perhaps he needs to be brought into line as well.

I am really grateful for the Respectful Relationships program, because that is absolutely the key. I am also incredibly grateful that I was in the house when we passed mandatory reporting laws. We look to protect child sex abuse victims through mandatory reporting. I absolutely welcome the stand that we are taking in reviewing sexual assault laws. I look forward to Hon Nick Goiran’s many questions on our delivery of the strategy, because he is right—he is here to keep us to account, and by God, that is what he does!

HON DR BRIAN WALKER (East Metropolitan) [2.16 pm]: I could speak to you, President, about this topic for hours, but I will not, you will be pleased to know. I will take just a few minutes.

First, I thank Hon Sandra Carr for bringing forward this immensely important topic. For a moment, may I expand this into the wider area because the points the member brought out form one part of a larger ocean of violence? If I could generalise for a moment, right now we have a problem with violence in our society, and, obviously, here we see physically weaker members—women and children—suffering tremendously, but it is also true that practically all areas of society are suffering from violence now. Violence is a method of communication; it is an aberrant method of communication. It is a failure of the ability to properly communicate with the other and also with yourself. We have a fundamental problem. As a doctor I deal with all forms of violence on a regular basis. I will come back to domestic violence shortly, but all forms of violence are to be repudiated, whether it in the workplace, where a person is being bullied, or has an oppressive manager. It does not matter whether a person is being physically or mentally harassed, nor who or where they are, all of this is wrong.

The fundamental issue here, as other members have stated, is one of control. Let us get back to domestic violence, which is where the focus will be today—control. The loss of control, or the perceived loss of control, always results in anxiety. Anxiety is a perception, whether real or imaginary, of the loss of control. When we have anxiety, we try to take measures to protect ourselves from that loss of control. In the domestic violence situation, we have, of course, the perceived or actual loss of control—someone who is being abused by someone who is stronger physically. The other aspect here is the person who is committing the crime, because we see that what has been brought out here—this leads on to what the McGowan government has done to increase the funds being given to manage domestic violence—is barely scratching the surface, because we are not dealing with the cause. As long as we do not deal with the cause, the situation will continue. It has to be a multifactorial treatment of a very complex problem, for which there are no easy solutions.

I thank the member once again for bringing this to our attention. It is a very honourable thing to do, and we must take this seriously because it is destructive to every aspect of our society. People are coming to me because they cannot sleep, and asking for more sleeping tablets. I ask them why they are not able to sleep and they say they just cannot sleep. What is going on? People are coming with anxiety, asking for cannabis for some kind of relief from anxiety. I ask them why they need it, and the stories come out. I am seeing a tsunami—a tidal wave—of violence that is often expressed in domestic violence, which then is hidden. I have dealt with this all my clinical career. I have sewed people back together with massive slashing wounds. These are the ones who survive, of course. What particularly hurts is when you see the children being brought in—the ones we see in the emergency department who have diseases and damage or who were dropped. We are told that the baby fell from the cot, but it the story simply does not hold water. I remember. I have pictures on my phone of an emaciated child, just about a hair’s breadth from death due to neglect. It hurts us—the carers, the doctors and the nurses and other people—because we are seeing this and nothing can be done because I in my clinic find myself utterly powerless to manage this. There is another pill. What can we do about this? We will see a psychiatrist.

I have to tell members about the psychiatric approach to managing this. A person has stress because they are being beaten at home. Their husband or boyfriend is coming back angry because he lacks control. He is fearful for his job and nothing is the way it should be so he takes it out on the family. He wants and tries to exert control. He does that by doing awful, unspeakable things to the family, who breathe a sigh of relief when he goes again. People say to that person, “Why don’t you leave?” They have that look on their face. I can see it in front of me now. Many years ago, I asked a woman who had been brought in yet again after being beaten why she was going to go back. She said, “Because he loves me.” I have seldom in my life heard such a sad thing.

We have control, anxiety and inadequate communication. I put to members that we in this chamber suffer from miscommunication as it is. We fail to make ourselves understood or to understand what is really being said. I will give an example I was told many years ago. The husband walks into the house and the wife is doing the dishes—why is the wife doing the dishes, by the way? Why not the husband? He walks in and says, “Let’s go for a walk.” She says, “A walk would be nice, but I’m doing the dishes. I can’t go; I’m busy.” He then says “Why?” That is a stupid question, of course. The wife is thinking “That’s a stupid question. I’m doing the bloody dishes!” What started out as a nice invitation to go for a walk ends up as a fight. I am sure we have all experienced this in some form or another. Then it degenerates of course into the smack, because he thinks she never does what he wants, and it gets worse and worse. Members can see that communication, or lack of communication, started this. Perhaps one of the solutions we ought to offer, apart from court management and prison sentences, is to teach people how to communicate.

When do we start teaching people how to communicate? I have been thinking about this for decades. We start when a child is about four years old. That is when we start to learn to communicate—how to understand another person and make ourselves understood in a respectful manner, because we are all different but we are all the same. Who is going to teach the four-year-olds? Because teachers most certainly have not learnt how to communicate. This is a multigenerational thing going back thousands of years. We have not yet learnt how to communicate as sophisticated, civilised human beings because we have not been taught by parents, who were not taught by their parents and so it goes on. If we do not fix this, the circle will keep going round and round. It will be repeated. We will try as best we can to fix this. I will sit in my room with the doctor wondering, “How do I fix this?” It is actually our job. We need to take the bull by the horns and fix it, because it is a societal problem that we can manage.

I think prevention is the best way to do this. Yes, we need to have a legal approach and some form of control of that. I used to work in corrective services. I remember an awful man who was released from prison but had a violence restraining order against him and was not to approach his ex-wife. But he did. He walked up to her, stabbed her eight times and was happy to go back to prison thinking that he had seen her off properly. That is foul. He is in prison still and may he never come out. What was he doing that for? Was it to salvage pride?

A member: Power.

Hon Dr BRIAN WALKER: It was power, indeed.

There are so many emotions going on but none of them are positive because we have not learned to communicate with ourselves or with others in a way that allows us to be true human beings, to be civilised and to express that one universal power that matters—that is, love. Because nothing else really matters, does it? Treating that would be a way to move forward.

I am very much in favour of using psychedelics and cannabis. What we are looking at here is post-traumatic stress disorder. We have looked at the sexy side of veterans coming back from Afghanistan or police suffering PTSD, and so we should, but they are actually the minority. There are hundreds of thousands of people in our society who suffer PTSD because of things out of their control. They are suffering. We ought to be able to do something for them. I can tell members from the horse’s mouth that the medical approach, the psychiatric approach, does not do anything at all. Doctors can give people as much Quetiapine, Clonazepam and Temazepam as they like, but it will not work. It might suffice to bring things down a little bit to allow people to become calmer until the other person comes along and beats them senseless once again or even worse.

I am not going to mention the physical, mental, social and psychological abuse of children, and how they then grow up to become adults who do the same thing because that is all they have learnt. They have not been taught the communication that they need because it was not learnt by their parents.

The caution I give here, absolutely supporting what Hon Sandra Carr has said, is that we need to look at having a broader approach. Yes, we need money for psychiatric and legal services, but we need to effect a change in the thinking process of the whole population because this matters to each and every one of us. There is not one of us who would not benefit from that. There is not one of us who could not brighten the life of someone near and dear to them by improving the way they think, speak and understand—the way we communicate with ourselves and with each other. This is an intimate matter for every single one of us. Everyone here should take this idea home and work on it because it matters to not only this very important topic, which I heartily support, but also every single person in this state, in this country and, in fact, in this world.

HON AYOR MAKUR CHUOT (North Metropolitan) [2.26 pm]: I acknowledge my colleague Hon Sandra Carr for the wonderful motion she has brought to the table today for us to discuss. It is a very important motion because violence against women or any person is unacceptable. Sadly, violence is a big problem in our society and we really need to bring the issue to the table. I wanted to acknowledge Hon Sandra Carr for that.

Women in a mixed culture, especially in the culturally and linguistically diverse community, are affected by this. Social factors also make Indigenous women and women in the CALD community, as I mentioned, particularly vulnerable and they are the ones who are mostly affected. That is to do with a lack of English language skills, unemployment and cultural trauma, such as experienced by people from Third World countries. It is very important for us to talk about it. These factors also make it more difficult for women to get help and support. They do not have English language skills and there is nowhere to go or to reach out to. A study of migrant and refugee women in Australia found that 40 per cent of those who experienced family and domestic violence did not share their experience with anyone. That is because there is nowhere for them to go or they are afraid because of the cultural aspect of it.

The statistics on violence against women in Australia are increasing. It is a criminal offence. One in three women in Australia have experienced physical violence since the age of 15. One in five women have experienced sexual violence since the age of 15. One in four women have experienced emotional abuse since 15 as well. One in two women have experienced sexual harassment in their lifetime. And shamefully, in Australia one woman is murdered every week by her current partner—that is, someone who they truly love and trust—as my colleague mentioned earlier. Aboriginal women are 32 per cent more likely than non-Aboriginal women to be in hospital due to family violence.

Violence against women and their children has been estimated to cost Australia \$22 billion annually. Here in Western Australia, no matter who you are or what background you come from, you are either directly affected by family and domestic violence because of someone you know, or you know someone who knows someone. It is in the city, the villages and the country. It affects people who are poor, middle class or upper class. It affects people who are black, white or rainbow coloured. It affects the disadvantaged and the privileged in similar ways as well, because it is about power and control. It can be seen out on the street, but mostly it is not. Mostly, it is hidden. It is an invisible burden carried by families—mostly women and their children—and by hospitals, police and emergency services. They suffer the most because they are the ones who see the scenes first. Family and domestic violence harms women in the North Metropolitan Region and, of course, throughout our society. It is mostly caused by men, but not always. The harm of family and domestic violence is also experienced by girls and boys, men and the elderly. Most of the time the elderly are very vulnerable because they cannot defend themselves. It is a blight on our state's conscience.

This Parliament celebrated Edith Cowan's 100th anniversary last year, in 2021. Edith felt moved to enter this place to better the lives of women and children. She was greatly affected by her own father's murderous act committed against her stepmother. Why is it still going on? That was 100 years ago. It is because it is a man's problem most of the time. Violence is a man's problem. It is a problem around identity, self-regulation, power and responsibility. It requires men to stand up and say that enough is enough—that they want to do better and they want their son to do better. Fortunately, I belong to a government that understands this. Our Premier is a man who says that enough is enough. The McGowan government is an aware and compassionate government, a government that is serious about action and change. It is energised and ready to address this complex community issue through a significant increase in funding, messaging and legislative reform, as my colleague mentioned earlier.

Proudly, this government has appointed Western Australia's first dedicated Minister for Prevention of Family and Domestic Violence. That is how committed it is to addressing what is, most of the time, men's abuse in our society. The McGowan government has launched the *Path to safety: Western Australia's strategy to reduce family and domestic violence 2020–2030*. It is our long-term vision for a Western Australia where all people live free from family and domestic violence. I will read out a brief overview of our 2021 election commitments: a \$60 million boost to help prevent family and domestic violence; \$29.5 million on a Safe Home, Safe Family package for women and children fleeing violence; \$7.3 million to prevention programs and training, which is a very sensible one—prevention is very important; \$4 million will be invested in new supporting survivors' initiatives; and \$14.2 million for a law reform package.

The government introduced the most comprehensive family violence legislation in Western Australia—the Family Violence Legislation Reform Act 2020. It was passed in June 2020. It amended nine separate acts across six ministerial portfolios and will keep perpetrators accountable. The McGowan government has committed over \$2 million to train 300 first responders, such as paramedics and GPs, to help recognise and respond to family and domestic violence. There was also an investment into new women's refuges in 2020—Warlang Bidi in the Peel region and Andrea Mia in Kwinana. Additionally, we are establishing an \$8.7 million refuge facility in the East Metro region and a \$4.3 million rapid rehousing pilot to quickly help women and children into transitional homes, because, most of the time, when women get into those situations, they do not have anywhere to stay. I am really proud of that commitment.

We understand that prevention is a long-term goal to ending family and domestic violence and that is why we are focused on strategies that educate our children. The WA Respectful Relationships teaching support program teaches students from a young age about positive and respectful relationships. I heard that from the Leader of the House a few days ago. It is so important. We will also expand Respectful Relationships approaches to sport and recreation clubs and organisations in 2022.

As a member for North Metro and a member of the culturally and linguistically diverse community, I commend the McGowan government for being committed to action that promotes equality and respectful relationships. For this reason, I highly support and really appreciate Hon Sandra Carr for bringing this wonderful motion to the table.

HON WILSON TUCKER (Mining and Pastoral) [2.36 pm]: I rise to support the motion and I thank the honourable member for raising this very important topic today. I admittedly do not have much experience when it comes to family and domestic violence. I can thank, in part, a privileged upbringing for my ignorance on this topic. I think I could ask a lot of us about whether we have things we would like to change about our childhoods and how we were raised. But if I put it in terms of whether someone has experienced family and domestic violence first hand, if they have not, I do not think they really have a lot to complain about. One of the benefits I have found of being in this place is that it gives you the privilege of being exposed to a lot of different topics, and certainly enough to be dangerous. I think the longer members are in this place, the less of an excuse they have of not having that firsthand experience. This is one of those topics, certainly with the resources that are available to members of this place.

As I listened to members' contributions, I was not surprised to hear some heartbreaking statistics being shared, especially around a disproportionate representation of the Indigenous population for family and domestic violence. I would like to take this opportunity to point out that the National Agreement on Closing the Gap does track family and domestic violence for the Indigenous population. I am sure that all members are aware there are 17 different targets and outcomes for Closing the Gap, to which all states and territories are signatories. The thirteenth target states that "Aboriginal and Torres Strait Islander families and households are safe"—that is the target. The outcome we are striving for is —

By 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced at least by 50%, as progress towards zero.

The latest data states that in 2018–19, the national average was 8.4 per cent. That is, 8.4 per cent of Aboriginal and Torres Strait Islander females aged 15 years and over had experienced domestic or physical abuse or were threatened with physical harm. I would also like to state that Western Australia is the second worst state with the second highest rate when it comes to that target. We are above the national average of 8.4 per cent. We are at nine per cent, second only to New South Wales.

I am glad to hear that there has been investment recently in this space, and I am glad to see that we have a dedicated minister and portfolio for this very important topic because it clearly deserves it. But clearly, more needs to be done, especially in respect of our Indigenous population.

It is just a short contribution from me. In closing, I think it is important to advocate for these issues at all levels of our society. We heard from Hon Jackie Jarvis about the conversations we are having federally, which is fantastic to see. Certainly we should be looking to have a debate here at the state level as well, which is exactly what we are doing here today. I thank Hon Sandra Carr for raising this matter today. I hope to address my personal knowledge gap on this issue, and I will certainly put the SBS series on my to-watch list.

HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary) [2.40 pm]: I, too, would like to thank Hon Sandra Carr for moving this very important motion because it should be discussed in this chamber. It is a conversation that has been front and centre in the federal sphere for a while now but, unfortunately, I personally have been let down by a lack of leadership on a federal level. It would support states such as Western Australia and Australia as a whole, if the federal government lead the conversation, rather than just moving alleged—or found to be proven—offenders to the back bench for a little bit of time out and then shuffled back into cabinet. That sends the wrong message on what has been discussed in this place today around what we want to see.

I see a lot of similarities with what Hon Wilson Tucker has said; this job exposes us to things that we are not normally exposed to. Since 2017, I, too, have been exposed to child sex abuse survivors and people from family and domestic violence situations, which has forced me to grow and build my knowledge on what we are doing to move forward, particularly in the goldfields region. I believe that it has now put me in a position in which I have ended up being, in some situations, a survivor's last lifeline. Survivors go through the story of all the different organisations and people they have trusted to go through a process to find a better life. In a lot of the situations that I have encountered, I, as a member of Parliament, have tended to be their last hope. I think as members of this place and the other place, it is our role to ensure that we connect the dots for them.

I want to talk about people not being just "dot connectors", but leaders in support, in exposing domestic violence perpetrators and, more importantly, in providing a safe space for women who are having one of the most serious

and frightening experiences of their life. One such place is the Women's Health Care Centre in Kalgoorlie. I started working with the clinic back in 2017 when it did not have a full-time GP. I believe most women's healthcare clinics do not have GPs. I believe we are trying to address that at the moment. Providing a GP means that it not only is a safe space for women to get health checks but also provides all the wraparound services. CEO Gloria Moyle is an amazing advocate who is not backwards in coming forward. She is one of the best lobbyists I have ever seen in getting what she wants to see in that space. She is also a very good at explaining the real-life situation that we face. The stories and situations that she would have seen of the years would be traumatising for many people. But she had an amazing ability to bring me into the fold of the organisation and allow me to understand, from a firsthand perspective, the challenges that women are facing. Just having a GP meant that a stream of women came in for check-ups, but stayed to talk to counsellors about bigger issues. In turn, that exposed domestic violence situations.

I will also mention the women's refuge in Kalgoorlie. It does an amazing job as well. Mandy Reidy, who is there at the moment, has been another strong advocate in expanding the refuge and has worked very closely with our local member, Ali Kent. The refuge has a new playground and new equipment that create a better and brighter space. I know a lot of members have mentioned this, but it is not often that someone seeks refuge once. They go through it many times. I think the average was seven times before someone ends up leaving a domestic violence situation. The refuge and the women's healthcare clinic become a safe space where women feel comfortable. That is important, particularly in regional towns. I know the women's refuge in Port Hedland has a similar role that it has done for many years. It would be remiss of me not to mention the great work that it is doing there.

As part of the government strategy, we delivered a family and domestic violence hub, which was interesting. It was very hotly contested by local organisations to run it, but when it came through, it was done in such a way that I can only commend the department and the people who won the tender. It has such cultural significance in respect of feeling safe and comfortable when someone walks into the hub. They have taken every single bit of time they could to ensure that someone from the lands that comes in, someone who lives locally, will feel comfortable and safe in that space. Culturally appropriate things that we would not expect people to think of have been thought of. The organisation that is running it now is doing a great job. It is at the end of Brookman Street. It is great to see that the government has followed through on that commitment and put the hub there. It creates a space that is a one-stop shop for someone who needs assistance.

I want to mention someone who has not only been a strong advocate for raising awareness of domestic violence but has also transitioned into protection against violence, and that is Sandy Taylor. Sandy was a big part of an event that was held every year, and I got involved in it probably seven or eight years ago. It is called Walk a Mile in Her Shoes, and it literally means walk a mile in her shoes. Participants have to put on high heels or whatever shoes they can find that will fit their feet. For me, that was quite difficult with size 13 feet. Men from male-dominated industries and people who we would not expect to participate come out, put on women's shoes and then walk one mile. A lot of women are there in support. I remember Minister McGurk was there in 2017 and there was just so much information and so much of a conversation happening. It was really inspiring to go there to support not only raising the awareness, but also processes for protecting women against violence in the first place.

I think the conversation has really changed over the past five to 10 years from raising awareness that domestic violence is real, and it is there, and it happens every day, and it could be next door to us and it does not judge us on the colour of our skin or our situation—domestic violence is real—to now: let us protect people against domestic violence. I think that is a really good indication of where we are heading. Hon Samantha Rowe mentioned domestic violence week.

I commend all the unions in Australia, right across this country, that have been fighting for domestic violence leave. Employers will not do it without being pushed, which is, in my view, a shame. Unions—the Australian Council of Trade Unions, along with all its affiliates—have been pushing for domestic violence leave. Just think about it: if somebody comes into work fatigued or tired, we do not know the situation. Back when I was an organiser, I heard about a young lady who was up until five o'clock in the morning having a row with her partner and then she went in for a 12-hour shift to work on heavy machinery. What was going on in the household was not her fault, yet she did not have sick leave and could not afford to take a day off without pay. There are other situations in which people need to attend court to apply for an apprehended violence order or for financial reasons and they end up losing money from their workplace, but they also probably put themselves in a spot in which they are taking time off and their employer is not aware of the situation. The more conversations we have about employers doing the right thing without being forced to do so by unions—just putting it there because it should be there—the more we will make that conversation a bit easier for employees to have with their employers and the more people will access that right, which is what it should be.

As I touched on earlier, I feel as though we have been let down by the federal leadership in this country, particularly over the last three years. Where we are heading as a state has been touched on many times. The role of Minister for Prevention of Family and Domestic Violence was created, so we are trying our absolute best as a state. It has been really hard to watch some of the rhetoric, games and political footballs being created around violence against women, bullying and harassment, and women just being treated differently in general because of their sex. Every time there is some sort of media grab from Scott Morrison or Barnaby Joyce, there is so much insincerity from them. From

my perspective, it is sickening. I do not see the member for O'Connor, Rick Wilson, doing anything notable in that space; nor does he call out any of his colleagues who have been in that situation. As I said earlier, it seems to be almost common practice for members of the federal government to take a back seat for a month and then get re-elevated to cabinet, which is just not on.

I wish to add my absolute praise for Grace Tame and Brittany Higgins. I have been honoured enough to hear Rosie Batty speak twice. Talk about powerful. There is not a dry eye in the room after Rosie has made a speech. I am very glad that women of that calibre are out there speaking on this crisis that we see across the country and the world. Grace Tame has held herself up admirably and, as we saw at the National Press Club, has fought against continued abuse for calling out perpetrators. Members in this chamber will be aware of the comments that Grace made about the threats she received for her actions after being awarded Australian of the Year. It is absolutely shameful to think that that would come from anywhere. Everyone is aware of this woman's story. It is absolutely disgraceful. I take my hat off to Brittany Higgins for giving the speech that she did at the National Press Club. The work that these women are currently doing will make the Parliament, and this country, only better. Let us not forget that it is not just in Parliament where women are mistreated with violence or bullying and harassment; it is happening in many workplaces, particularly male-dominated industries.

One of the things that I am proud of the Labor Party for is its affirmative action. The affirmative action rules that are in place in the Labor Party have ensured that 52 per cent of the caucus are women, which is a massive achievement and goes a long way to ensuring that people understand that it is changing. As members walk through the halls of Parliament, a lot of the pictures they see are of white men. That is changing. I am very grateful to be living in this day and age when things are changing. Hopefully, that is being reflected in a lot of other workplaces. Workplace employers showing respect and understanding for those experiencing family and domestic violence can play a part in assisting those people to get through a tough time in their life. It should not be a burden on a person's employment. When someone is put in a position of crisis, they should have the ability to work with their employer to ensure that they do not lose one of the very few things they may take away from their relationship—that is, their genuine employment.

Again, I would like to thank Hon Sandra Carr and everyone who has contributed to the motion.

I will touch on one other point that I nearly forgot. There was a very worrying situation a couple of years ago, and I have not seen another report about it since. When the federal government introduced the cashless welfare card in the East Kimberley, there were some genuine fears about what would happen. I do not think the federal government took a really hard look at some of the effects. One of the things that came out of a report by, I believe, the University of Adelaide was that there was a significant increase in domestic violence in the East Kimberley after the cashless welfare card was implemented. That was because the federal government changed the system, and the flow-on effects from that happened to be an increase in domestic violence. That is a very scary thought. There were a lot of promises when the cashless welfare card was introduced to have hubs for financial support and counselling services. It was said that the goal was to reduce gambling and the use of alcohol and drugs; however, it was just a way of monitoring welfare recipients by restricting 80 per cent of their welfare to the card and 20 per cent to cash. Obviously, people were trying to get hold of the 20 per cent of their welfare that was cash and were putting others in a position in which they either gave up that money or faced the consequences. I absolutely call upon the federal government to stop pushing through this cashless welfare card without understanding the ramifications that it can have on families and, in particular, vulnerable people in our society. I know that it has plans to push this card further, but I absolutely call upon it to take a step back and realise that when a small change is made, it can be a massive change for somebody's home life.

Again, I thank Hon Sandra Carr for moving this very worthy motion in the chamber.

HON MARTIN ALDRIDGE (Agricultural) [2.57 pm]: In the brief time that is available to me, I want to make some remarks about the motion moved by Hon Sandra Carr, and I thank her for the opportunity to do so. I have certainly listened intently to the contributions from all the speakers and I think everyone has brought a different experience and a different perspective to this at times very complex and confronting issue. Like many others who have spoken, I do not have a lived personal experience of family violence, but I have certainly had experience in providing support to my constituents on this issue and also on related child protection issues. They are some of the most complex and challenging matters that I have had to personally deal with in my office, and I think that has given me at least some perspective on the issue and the challenges, but I am certainly no subject matter expert.

I heard Hon Jackie Jarvis talk about the impact on policing, and I think that is a very real issue. Certainly, the police officers I have spoken to in my electorate have given me a unique insight into their role in this issue, particularly the lack of options outside the metropolitan area and our regional cities for crisis accommodation, whether that be for women and children or for perpetrators being removed from the family home. I want to put on the record that this is an issue that has been exacerbated in particular by the housing challenges that we face in Western Australia. When police are called to these situations, a serious lack of options are available, particularly for police and families.

The other thing that I want to talk about, which the motion in its current form does not do but all the presenters have touched on, is the important work of those people working particularly in our community services sector. I have

already mentioned the police, but the role that our health professionals play who work in the public health system in particular and at the front line of this issue is important to note, and all members have, to some extent, noted that in their contributions. Their role is extraordinarily challenging.

There has been a lot of talk about how we solve this problem, and it is not going to be easy. I heard Hon Sandra Carr and Hon Dr Brian Walker talk about some of the societal challenges and how entrenched they are. It made me reflect on a conversation when we dealt with the Public Health Amendment (Safe Access Zone) Bill. Hon Peter Collier spoke about how important language is and how sometimes some of these problems start in the simplest form with our youngest people. I will draw on one experience. I have young children—two boys and a girl—who were in years 1 and 2 and kindy last year. The boys came home with this rhyme: “Girls are weak, chuck them in the creek; boys are strong like King Kong”. I am sure that these little rhymes have been around for a long time, but they are interesting to consider. I sat down with my boys and talked about this issue and how we respect each other and we are equal. I wondered how often, when those things are not addressed, they become entrenched and contribute to some of those societal issues that are so complex to then resolve. The impact of intergenerational trauma on children, the issues that often we have to face in our schooling system and the lack of understanding about the impact of trauma on children is something that I am not going to have time to explore in the time remaining. Our school system really struggles with supporting children who have experienced family violence in particular, but it is getting much better at it.

The DEPUTY CHAIR: Member, I will interrupt you to give the call to Hon Sandra Carr. The standing orders allow the mover of the motion to have five minutes in reply.

HON SANDRA CARR (Agricultural) [3.02 pm] — in reply: I take this opportunity to thank everyone for supporting this motion and for their contributions today. I will begin by thanking Hon Nick Goiran for his contribution, particularly in terms of his analysis and questioning around legislation and the performance of government. I think that those are important questions to ask and we must always continue to reflect on how we can do better. As we have heard today on a number of occasions, there is a desperate need for us to do better.

I would also like to thank Hon Samantha Rowe for her contribution today. I agree with her in terms of how she shared the impact of the book *See What You Made Me Do*. It is a very challenging read. I have quite a vivid memory of sitting on a flight and reading some of that book. I had to put it down because I felt like I was going to throw up. It is a challenging read, but a very worthwhile read. I urge people who have not had the opportunity to engage with that text to read it and improve their understanding of and empathy with the experiences of people living with family and domestic violence and the resultant trauma.

I am testing my memory now to go back through the other speakers. I would also like to thank Hon Jackie Jarvis for her contribution. Her discussion about Brittany Higgins and Grace Tame was particularly important, but also the way in which she brought that back to her family and used real-life opportunities to educate her daughters and benefit some of her children’s friends. That is a particularly important story to relate because that is exactly how we adopt that whole community responsibility to ensure that we address this problem.

On the subject of anecdotes, I would also like to thank Hon Martin Aldridge for the story he shared about how he addressed the little rhyme that his children came home with. It is an excellent story that reminded me of when one of our delightful former radio hosts spoke about putting one of our former Prime Ministers in a chaff bag and throwing them out to sea: “Girls are weak, chuck them in the creek”. It does matter. It is a problem and it is ongoing. If people think that it is okay to speak about someone like that who holds the highest office of our country, then the actions of someone like Hon Martin Aldridge in educating his children before it becomes a problem are so profoundly important. I really do thank him for sharing that story and showing that leadership within his own family.

I would also like to thank Hon Dr Brian Walker for talking about the broader picture and how complex it is to address issues within society around the way that we communicate with each other and where our behaviours and responses really come from. That is quite a deeper and more philosophical discussion, but it is equally as important and a great contribution to help us understand how we can form policy and responses to problems such as these.

Thank you also to Hon Wilson Tucker for his contribution and acknowledgement that it is a learning process and we all have a responsibility, as part of our community responsibility, to address this problem, inform ourselves and be a part of the solution.

Thank you also to Hon Ayor Makur Chuot for her contribution, representation and discussion around the culturally and linguistically diverse community and how it is important to ensure that all people are represented and discussed. It showed that family and domestic violence is a matter that impacts the whole of society. It does not matter who you are or where you are from; it is a problem that we all have to address.

Finally, I would like to finish by thanking the people working in the services who help those people experiencing family and domestic violence. I thank them so much for their time, effort and work. I am so sorry that they have to continue to beg for funding. I hope that that is something that we all collectively work together to address rather than just standing here and talking about it today. Thank you.

Question put and passed.

COMMITTEE REPORTS — CONSIDERATION*Committee*

The Chair of Committees (Hon Martin Aldridge) in the chair.

*Joint Standing Committee on the Corruption and Crime Commission — Second Report —
If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of
excessive use of force allegations against members of the WA Police Force — Motion*

Resumed from 16 February on the following motion moved by Hon Dr Steve Thomas —

That the report be noted.

The CHAIR: Members, I will draw to your attention to the business program that has been adjusted based on feedback from the committee last week. The Acting Clerk has taken on the concerns expressed and you will notice now that sometimes there will be up to three times listed. For example, on this committee report, it is the continuation of remarks of Hon Nick Goiran with five minutes remaining, one hour and one minute remaining on the motion in total, and one minute until the motion is postponed and cycled, in accordance with the standing orders. I hope that that provides some clarity. I give the call to Hon Nick Goiran.

Hon NICK GOIRAN: In one minute, I will make the following observation. I thank the Acting Clerk for taking on the feedback that was initiated by Hon Pierre Yang and supported by me last week. I think it is a helpful initiative. I say to the Standing Committee on Procedure and Privileges that when it is looking at these types of things, today demonstrates that this is a pointless exercise. I can speak for a minute without any problem. If I seek to defer the matter, we would be pushing the minute to next week, which serves no particular purpose. I indicate to members that there are matters in this report that still need to be examined.

Quickly, by way of summary, the government provided a response to this report. It is worthwhile considering the two recommendations that it said it does not support and the one recommendation that it said it will note.

Consideration of report postponed, pursuant to standing orders.

*Joint Standing Committee on the Commissioner for Children and Young People — Second Report —
Report review 2020–21: Examination of selected reports by the Commissioner for Children and Young People*

Resumed from 18 November 2021.

Motion

Hon JACKIE JARVIS: I move —

That the report be noted.

The second report of the Joint Standing Committee on the Commissioner for Children and Young People, *Report review 2020–21: Examination of selected reports by the Commissioner for Children and Young People*, was tabled in this place on 18 November 2021. I note that the chair of the committee, Robyn Clarke, overviewed a number of reports, together with her deputy and other members of the committee.

Today I wanted to focus on item 3, the commissioner's report on the decline in wellbeing for girls. It seems to be a theme today. Perhaps it is a slightly depressing time to be the mother of three daughters, having read through this report. I am particularly interested in the government's role versus where we stand on policy versus shining a light on matters. I note that this report comes out of a key finding of the commissioner's 2019 Speaking Out survey. That report identified that young females across WA rated their wellbeing less favourably than young men, particularly in the areas of mental health, self-perception, relationships, personal safety and experience of independence. As a result of this and troubled by these findings, the Commissioner for Children and Young People conducted a literature review of current evidence to further understand this, both in Australia and globally. This was published last August in a report entitled *Exploring the decline in wellbeing for Australian girls*. The findings will be used to develop a work program for the commissioner's office that will include analysis of relevant Speaking Out survey data. That is great. The government cannot always fix problems but we can certainly shine a light on them and then we can look at what public policy settings will allow us to act on that.

I want to note a number of points in the committee's report. A literature review found that from the age of 11, girls begin to have a lower health-related quality of life, with greater experiences of headaches, stress, tiredness, regular period pain and other menstrual symptoms that impact their daily activities. I find it extraordinary that in 2022, we are still talking about young girls suffering from symptoms such as this. As a sufferer of endometriosis, I certainly understand their pain but I wonder how much the medical profession perhaps pays heed to these concerns of young girls. I will not go through all the points or read the report verbatim; I just want to comment on some stuff. For young girls—that is, tween to teen girls—close friendships provide critical support but the emotional intensity of these friendships make them vulnerable to relationship breakdowns. Anyone who has been the mother of a teenage girl will know that. We know that there is a relationship between the exposure to media that objectifies girls and women and the internalising of beauty ideals, which lowers self-esteem, self-objectification, body surveillance, depression

and eating disorders. Again, I am not sure how we address this access to media or how we as a state government can intervene in this regard. As I said, if we shine a light on these things, at least we have half a chance of trying to address these situations.

Interestingly, there were comments about girls continuing to experience everyday sexism through the chores they are assigned at home, the family rules about going out at night, expectations about what subjects they might do at school and perhaps warnings from their parents about sexual harassment on the street. Given what we heard during speeches on the previous motion, we obviously know that girls are much more susceptible to violence within their own homes.

We know that females appear to be more negatively affected by their technology use than males—things such as Snapchat and TikTok. See, I am so up with the young people! It is troubling. Again, we need to really think hard as a place where state legislation is enacted about how these findings might influence our public policy perceptions. I am glad to see that the Commissioner for Children and Young People will be following up the review of this literature finding by creating two advisory committees: one for girls in metropolitan areas and a mixed group in a regional area. It is hoped that the discussions from these groups will guide forums of larger groups of young women so we can identify how services and discussions can improve girls' wellbeing.

During an earlier motion, we talked about the vulnerability of women. I dislike talking about women in the context of being the weaker sex. If girls already feel that they are behind the eight ball and perhaps not as worthy of happiness or healthcare than their male counterparts, it is really important that we look at what we can do to address that.

The chair of the committee, Robyn Clarke, MLA, notes the following in the report, which I will read with your indulgence, chair —

One of the achievements of 2020–21 that stands out to the Committee is the administration of the second Speaking Out Survey, and we look forward to seeing the analysis of results over the next months.

The other piece of work that we regard as particularly important—the exploration of the decline in wellbeing for girls—emerged from the results of the first Speaking Out Survey. This is a great demonstration of the value of the survey, which can reveal insights that warrant further investigation. The wellbeing results for girls are alarming and we are hopeful that the follow-up activities to the literature review produce solutions that will make a difference.

I certainly wish the committee all the best in giving oversight to that work that is being done by the commissioner.

The Speaking Out survey provides children and young people a voice through the survey but also through advisory groups, forums and personal visits of the commissioner and his staff as a key function. The report notes —

Of great importance also is the support provided to government agencies and organisations to adhere to the Child Safe standards and to ensure agencies are hearing complaints and involving children and young people in decision-making.

I absolutely commend the work of the committee in continuing this oversight for the Commissioner for Children and Young People. I wish the members of this joint committee all the best for the future in report reviews.

Hon PIERRE YANG: I rise today to echo the sentiments of Hon Jackie Jarvis on the report of the Joint Standing Committee on the Commissioner for Children and Young People. I think it is very important that this house look at it closely. Although there are only a few pages in this report, it refers to a number of important documents that the committee looked at during the work that was carried out by the office of the Commissioner for Children and Young People over the past year.

With your indulgence, Mr Chair, I wish to talk on a few things that I talked about in consideration of a previous report by this committee; I talked about the committee's terms of reference. Today I wish to very quickly refer to the terms of the commissioner. I think this is important in terms of my contributions on reports of the Joint Standing Committee on the Commissioner for Children and Young People. If people in the future look at the remarks I have made in relation to this committee and the reports produced by it, they will appreciate that I addressed not only the terms of reference of the committee but also acknowledged the role of the commissioner, who the committee actually provides the oversight role for. If I may, the role of the commissioner is actually set out under the Commissioner for Children and Young People Act 2006. Under that act, the commissioner is independent and reports to the Parliament of Western Australia. He or she is an advocate for all children and young people under 18 years of age in WA; must act in the best interests of children and young people; and is required to give priority to the interests and needs of Aboriginal and Torres Strait Islander children and young people, and to those who are vulnerable or disadvantaged. He or she must also have regard to the United Nations Conventions on the Rights of the Child.

The current commissioner is Jacqueline McGowan-Jones. As we know, Mr Colin Pettit was the previous commissioner, and he served in that role from November 2015 to January 2022—a very long period of service to the state in the role of commissioner. I had the opportunity to have him come to a committee that I was part of in the last term of government and answer the questions of the committee. I found him to be a passionate advocate for

Western Australian children and young people. As I have on a previous occasion, I want to thank him for his service and wish him all the very best in his future endeavours. I also want to add my best wishes to the current commissioner in her new role, since she took over in January 2022. She has had a distinguished career and vast experience of working in the public sector, the private sector and non-government sector organisations. We are well placed to have a capable commissioner advocating for the rights and interests of Western Australian children and young people.

Among the documents referred to in the second report, as we heard from Hon Jackie Jarvis, are the two Speaking Out surveys. The first one was tabled in January or February 2020, which was at the beginning of the pandemic. The second survey was commissioned by Mr Colin Pettit. As stated in the survey, which was published some time ago, he brought it forward to ensure that we have strong evidence to understand how children and young people are being impacted by COVID-19.

We are very fortunate to live in a progressive, modern state and community. Although children and young people are not yet able to exercise their democratic rights at the ballot box every three or four years, they have other ways of presenting their views to let people know how they feel, how they think and how they see the ways in which adults should look after our planet, and we have only one planet. That is just my comment along the way.

I want to address a particular aspect of one of the surveys referred to in the report. It is mentioned that more than three times the number of participants who participated in the first survey took part in the second; 16 532 children and young people were involved in this landmark survey. I think that is a magnificent achievement on the part of the Office of the Commissioner for Children and Young People. I think it is very, very important. Let us not forget that in Western Australia we have 610 000 children and young people. Two of them are my children—just two!—but that means that almost a quarter of Western Australia’s population are under the age of 18. That is a huge cohort, so it is very fitting that we have a commissioner to advocate on their behalf. It is also very fitting that we have the Joint Standing Committee on the Commissioner for Children and Young People to provide that oversight role of looking after children and young people in Western Australia.

Both the commissioner and his office worked very hard in conducting these surveys, and the office actually does a lot of other work. I bring to members’ attention a point on page 2 of the report, which states —

The CCYP has produced resources to assist organisations to become child safe (guidelines; self-assessment and review tool —

And other documents. These resources were downloaded 1 589 times, and I wish to commend the current and previous commissioners for their work.

Hon DAN CADDY: Firstly, for the benefit of Hansard, I want to speak to the second report of the Joint Standing Committee on the Commissioner for Children and Young People, *Report Review 2020–21: Examination of selected reports by the Commissioner for Children and Young People*, following on from Hon Pierre Yang and Hon Jackie Jarvis. I wholeheartedly endorse everything Hon Jackie Jarvis said, and as I go through this I will also briefly touch on the Speaking Out surveys—not just their results, but what they have led to. I acknowledge the members of that committee for the hard work they have done. I note that my colleagues have already acknowledged the chair of that committee, Robyn Clarke, MLA, the member for Murray–Wellington. The other members of that committee also deserve acknowledgement—my good friend the deputy chair, Hon Neil Thomson, MLC, and the other members, the new and incredible member for Albany, Rebecca Stephens, MLA, and my good friend and colleague Hon Ayor Makur Chuot. It would be remiss of me not to point out the hard work that is done by the committee officers, Dr Sarah Palmer, Ms Lucy Roberts and Ms Carmen Cummings.

I note as a bit of a segue here that the report was tabled on the same date, 18 November 2021, as the third report of the Joint Standing Committee on the Commissioner for Children and Young People, *The merits of appointing a commissioner for Aboriginal children and young people*. Although that is not covered in this report, I must say that I look forward to speaking to that report once it finds its way up the order of business in this place.

This report is the result of the committee’s review of the activities of the Commissioner for Children and Young People during the 2020–21 period. It is worth noting that the report also covers and considers two other important reports that were tabled after that financial year. One of those reports was a comprehensive literature review of research here and overseas into the decline in the wellbeing of girls. Hon Jackie Jarvis spoke about that report in some detail. I probably will not do that; she has already said much of what I had wanted to say.

This second report of the committee is a critical report. Members in this place have spoken about it and would be well aware of the gender gaps that exist in society. The most obvious of these is the pay gap for men and women across the state and across many industries. This is before we even address the lopsided number of men to women on boards and in executive positions. I do not need to go into any more detail about this, because every member in this chamber would know exactly what I am referring to. It was the Commissioner for Children and Young People’s Speaking Out survey, as mentioned in the report—the first such survey—that first identified the existence of a gender gap for teenagers. The teenage gender wellbeing gap, which is defined as the measurable difference in wellbeing between boys and girls during their teenage years, is what this survey got to. The report outlines some troubling issues

being experienced by teenage girls. In part, it makes for pretty confrontational reading. My understanding from reading this report is that this has led to a similar survey, but this time with significantly higher numbers participating. I understand that the collation of data is complete and the report is awaiting publication.

This report was very much pushed by the Commissioner for Children and Young People at the time, Dr Colin Pettit. Members have heard me speak about Dr Pettit previously in this place. I again extend my thanks to him for the incredible job he did during his tenure as Commissioner for Children and Young People. I will come back to that a bit later. Later in the report there is a “Summary of performance”. That is telling, because it says what a great job he did. I have previously spoken at length to reports from this committee and have acknowledged his role in that. I also want to recognise the incoming Commissioner for Children and Young People, Jacqueline McGowan-Jones. I look forward to catching up with her—as I am sure many of my colleagues in this place do too—tomorrow.

I want to take the opportunity in the time that I have left to outline the key functions of the Joint Standing Committee on the Commissioner for Children and Young People. The members of this committee, like my good friend Hon Ayor Makur Chuot, and those members who were on the previous iteration of this committee, such as Hon Donna Faragher, would be well versed in the functions and workings of this committee. However, those of us who have never had the fortune to serve on this committee may not realise the ambit of this committee. I will read in the committee’s functions; they are outlined in the report and are very brief. These functions were agreed upon by both houses of Parliament, being that it is a joint committee. The functions are —

- i) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
- ii) examine Annual and other Reports of the Commissioner; and —

That is what we would expect. It continues with the third, and best, function —

- iii) consult regularly with the Commissioner.

The third leg of this is critically important. The first two legs of this would not surprise anyone—to know that the committee and the members of the committee play a review and regulatory role. That is evident from the name of the committee. What is not so evident is that there is a genuine and real relationship between this committee and the office of the Commissioner for Children and Young People and the commissioner—at that point himself, and now herself. There is constant and regular contact between the members of the committee and the commissioner’s office.

I said earlier that I have looked at part 5 of the chair’s foreword, “Summary of performance”. This is where the committee evaluates the job of the commissioner and the office of the commissioner. It is no surprise to me, and it should not be a surprise to anyone here, that the report states the following—I am again reflecting on the previous commissioner, Dr Colin Pettit, because of the timing of this report —

... the Commissioner continued to meet the requirements of the position and met or exceeded all performance targets.

The chair of the committee, Robyn Clarke, summed up beautifully not just the good work that the commissioner did, but also some of his future endeavours for the office. She said —

There are a broad range of ways that children and young people can be disadvantaged and/or vulnerable, and the CCYP endeavours to reach all of these groups, even if every group does not receive the same amount of attention ...

She said later, and this interests me —

Greater resourcing would enable the CCYP to better fulfil the function under section 20 of the *Commissioner for Children and Young People Act 2006* to ‘give priority to, and have special regard to, the needs of Aboriginal children and young people and Torres Strait Islander children and young people; and children and young people who are vulnerable or disadvantaged’.

Members, this ties in with what will hopefully eventuate from the third report of the committee that I referred to earlier—namely, a commissioner specifically tasked with the responsibility for young Aboriginal people and children in this state.

This report is extremely positive. It reflects extremely well on the outgoing Commissioner for Children and Young People. It reflects extremely well on the office of the outgoing Commissioner for Children and Young People. It also speaks very well to the harmony between the committee and the commissioner.

Hon NICK GOIRAN: I rise to contribute to this second report of the Joint Standing Committee on the Commissioner for Children and Young People. Before I do, on a procedural note, following up from my earlier remarks on the second report of the Joint Standing Committee on the Corruption and Crime Commission, I note, if I understand how this will work, that we will continue to debate this matter for another 29 or nearly 30 minutes and at the end of that there will be one minute and 40 seconds to continue this debate when we next resume. I reiterate that I would welcome the Standing Committee on Procedure and Privileges looking into this perhaps unintended consequence of what is otherwise a seemingly good arrangement.

With respect to the report before us, members will be aware that the Joint Standing Committee on the Commissioner for Children and Young People has spent some time analysing some of the reports that were produced by the former Commissioner for Children and Young People. I want to take members to the committee's examination of the commissioner's annual report from the last financial year 2020–21. At page 3, under the heading "Prioritising the needs of disadvantaged and vulnerable children and young people", the committee tells us —

The Commissioner continues to urge the government to support and implement the recommendations from the 2017 Royal Commission into Institutional Responses to Child Sexual Abuse. Mr Pettit noted 4 years of the 10-year implementation period had now passed and progress had been slow. He said the Royal Commission had revealed that children are not safe in a range of environments and this needed to be addressed with greater urgency across all states.

The source of that information is a transcript of evidence provided on 13 October 2021. Less than six months ago, the outgoing Commissioner for Children and Young People drew to the attention of the parliamentary committee that has responsibility for this area that he considers that the McGowan Labor government needs to be urged to support and implement the recommendations, and has expressed some concerns that the addressing of these recommendations needs greater urgency. I would like to think that notwithstanding the fact that this report, the second report, does not mandate a response from the government, someone from government will provide a response to these concerns by the outgoing commissioner. I look forward to that occurring, whether it is today or on the next occasion.

I also draw to members' attention that the commissioner has reported on the decline in wellbeing for girls. Some members have already touched on this particular point. It is perhaps timely that this would be raised, given the earlier motion resolved by the house. Page 3 of the committee's second report states the Commissioner for Children and Young People's office —

... conducted a literature review of current evidence to understand the reasons for the gap, published as *Exploring the decline in wellbeing for Australian girls* in August.

That is a reference to August last year. The committee goes on a little later to say —

Some of the detailed key findings include:

- There has been a significant decline in adolescent emotional wellbeing since 2012, particularly among girls, who are significantly more likely to have anxiety and depression, lower self-esteem and lower resilience.
- From 11 years of age girls begin to have lower health-related quality of life than boys with greater experiences of headaches, stress and tiredness. Regular period pain and other menstrual symptoms impact their daily activities.
- While girls are generally more engaged with school and do better academically than boys, their sense of belonging at school has decreased considerably since 2003 and girls are now much less likely than boys to feel like they belong at school.
- Female young people perceive a greater decline in the quality of their relationship with their parents as they transition from primary to high school (or through puberty). Close friendships provide critical support, but the emotional intensity of these friendships make them vulnerable to relationship breakdowns and the likelihood of greater distress.
- There is a direct relationship between exposure to media that objectifies girls and women and the internalising of beauty ideals, which can lead to low self-esteem, self-objectification, body surveillance, depression and eating disorders.
- Many girls continue to experience everyday sexism, including through the chores they are assigned at home, family rules about going out at night, expectations about doing maths and science, and being sexually harassed on the street.
- Children and young people are online almost constantly, and females appear to be more negatively affected by their technology use than males—including in mental health outcomes such as anxiety and depression.
- Many young people do not appear to have a good understanding of enthusiastic consent in intimate relationships. Over one-third (36.8%) of sexually active female Australian students have had unwanted sex.
- Female young people are less likely to feel safe at home, at school, in their community or on public transport.

The last point raised is —

- Female young people are more likely to be sexually assaulted by a relative or family member, experience intimate partner violence, sexual harassment and sexual assault, and to be cyberbullied.

As I say, it is timely to consider those comments and findings that arise from work of the Commissioner for Children and Young People, particularly in light of the motion that we have just debated. All those items and assessments make for difficult reading, particularly for any father who has one or more daughters, but it should also be impactful for any Western Australian. As I say, it underscores the points that have been made by honourable members.

In the remaining time, I would also like to draw to the attention of members the fourth chapter of this report, which deals with the commissioner's review of the Department of Communities placement of children with harmful sexual behaviours in residential care settings. I will not spend too much time on this because there is a motion on the notice paper in my name dealing with this issue, but I am grateful that the Joint Standing Committee on the Commissioner for Children and Young People has thought it important to highlight and provide a whole chapter to this important review. Members will know that in October 2020, the Minister for Child Protection asked the Commissioner for Children and Young People to review the department's policies in this area. This was after a major scandal was exposed because a teenage girl, whose pseudonym is Macie, had the courage to come forward and expose what was going on. In September last year, the commissioner tabled that report, the independent review. Page 5 of the committee's report states —

It found that Macie's placement in a residential care home with a child with a history of —

Harmful sexual behaviours —

was not unique or an isolated practice in WA. Many —

Department of Communities —

senior staff and managers acknowledged that children are at risk within residential care from the HSB or abusive behaviours of other young people.

Later in this report, the committee says —

During a hearing with the Committee, the CCYP's director of policy, monitoring and research said that while HSB was mentioned in the DoC's manuals the language and definitions were not consistent; guidance for staff needed to be clearer and more accessible. The manual did not compare favourably with equivalent manuals in other jurisdictions. The DoC needed to devote time and energy to fixing this.

That was in the transcript of evidence of 13 October last year by the Director of Policy, Monitoring and Research, Natalie Hall. The question remains: has the department done anything about this? Has the government done anything about this? Once again, I call on the government to provide a response. The Commissioner for Children and Young People says that the department needs to devote time and energy to fixing this. Has it devoted time and energy to it, and has it fixed it? At the moment, we do not know, but there is an opportunity for the government to provide a response and give us this information.

Hon KLARA ANDRIC: As a former member of the Joint Standing Committee on the Commissioner for Children and Young People, I welcome the opportunity to speak on the *Report Review 2020–21: Examination of selected reports by the Commissioner for Children and Young People*, which was laid on the table of the Legislative Council on 18 November 2021. As mentioned in the chair's foreword, the committee reviewed the Commissioner for Children and Young People's 2021 activities and looked at two other reports tabled after the end of the financial year. As Hon Dan Caddy mentioned, key functions of the committee include the following —

- i) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
- ii) examine annual and other reports of the Commissioner; and
- iii) consult regularly with the Commissioner.

I am pleased the commissioner's office has either completed or commenced all the main projects listed in its work plan and outlined in the annual report under the plan's three key platforms, including responses from hundreds of children and young people on the impact of COVID-19. Unsurprisingly, the responses indicated that there were negative impacts on children, but that they were not widespread. I am pleased to read in the report that COVID-19 impact monitoring will continue with the analysis of the *Speaking out survey 2021*, in which questions specifically relating to the pandemic were asked.

The second Speaking Out survey was performed with approximately 16 500 children and young people across all regions and three education sectors sharing their views. Fieldwork was expanded to the second half of 2021 to include children outside mainstream education and included students with special needs and in remote communities. I look forward to the publication of the reports on these cohorts which, to my understanding, are yet to be released; however, I am advised that they are due to be released sometime early next year.

I am pleased that the office of the Commissioner for Children and Young People has continued to work to support and understand the needs of disadvantaged and vulnerable children in Western Australia, with targeted projects in Aboriginal communities as well as young people affected by mental health issues, abuse, poverty, detention and

disabilities. In consultation with the Ministerial Taskforce into Public Mental Health Services for Infants, Children and Adolescents aged 0–18 years in Western Australia, the Commissioner for Children and Young People was able to share with the task force information to assist it and respond to some of the key early findings. A key early finding in the commissioner’s *Speaking out survey 2019*, and one that stood out for me, was that young females in WA rated their wellbeing less favourably than young males, and it was picked up across multiple areas, including mental health, self-perception, relationships, personal safety and experiences of independence. The report advises that this trend is consistent with international data, which shows a decline in the emotional wellbeing of young people, specifically young women, with an even further widening of the gender wellbeing gap. The reasons for this trend prompted the Commissioner for Children and Young People’s office to conduct a review of current evidence to gauge a better understanding for the reasons behind the growing wellbeing gap between young females and young males. The findings were published in August as *Exploring the decline in wellbeing for Australian girls*. The data will be used to develop a work program for the commissioner’s office and will include relevant Speaking Out data. The report includes areas such as mental health, general health, engagement in schools, relationships, equity, social media, identity, body image, sexual health and feeling and being safe.

The second report of the JSCCCYP was extensive; however, I will mention some of the key findings on page 3. In particular, it states —

There has been a significant decline in adolescent emotional wellbeing since 2012, particularly among girls, who are significantly more likely to have anxiety and depression, lower self-esteem and lower resilience.

...

While girls are generally more engaged with school and do better academically than boys, their sense of belonging at school has decreased considerably since 2003 and girls are now much less likely than boys to feel like they belong at school.

Female young people perceive a greater decline in the quality of their relationship with their parents as they transition from primary to high school (or through puberty). Close friendships provide critical support, but the emotional intensity of these friendships make them vulnerable to relationship breakdowns and the likelihood of greater distress.

As the mother of a 15-year-old, I can attest to the importance of relationships and that is noted in this report. Particularly for children and adolescents and those who are going through puberty, it is a difficult time and is often a very challenging period emotionally for young children. The report notes also —

There is a direct relationship between exposure to media that objectifies girls and women and the internalising of beauty ideals, which can lead to low self-esteem, self-objectification, body surveillance, depression and eating disorders.

Many girls continue to experience everyday sexism, including through the chores they are assigned at home, family rules about going out at night, expectations about doing maths and science, and being sexually harassed on the street.

It notes further —

Children and young people are online almost constantly, —

Just as a side note, my 15-year-old often listens to proceedings in this house and listens in after school, so if she is right now, I note that this is not just something that her mother is constantly telling her! It continues —

and females appear to be more negatively affected by their technology use than males—including in mental health outcomes such as anxiety and depression.

...

Female young people are less likely to feel safe at home, at school, in their community or on public transport.

...

The report highlights that many female children and young people experience inequality as a normal aspect of their everyday lives, and it has long-lasting impacts on their self-esteem, mental health and overall wellbeing.

I take this opportunity to outline some of the comparisons between the 2019 and 2020 Speaking Out Survey statistics, which have been published. The key statistics outlined from the surveys are that student ratings of their overall physical health in 2021 are far less favourable when compared with the data for 2019. More students rate their life as the worst possible, especially in high school. More students have found parents, online counselling and telephone helplines helpful for emotional health support. I believe all these findings are important to ensure that our children, youth and young people in Western Australia are provided with the services they require for support. I take this opportunity to thank the joint standing committee and congratulate the new Commissioner for Children and Young People, Jacqueline McGowan-Jones, on her appointment. I, too, look forward to meeting her tomorrow.

It is extremely important to recognise the commissioner's role in advocating for children and young people in WA and investigating, advising and reporting independently to Parliament about any issues that concern children and young people and how integral it is in the ongoing commitment of the joint standing committee to understand the needs of children, listen to their voices and put their interests first.

Hon MARTIN PRITCHARD: I want to make some brief comments with regard to the second report, *Report Review 2020–21: Examination of selected reports by the Commissioner for Children and Young People*. Before I do, I commend many of my colleagues—many strong women and men on my side of the house—for making comments in, I think, reaction to a challenge that was put out by the opposition that many backbenchers on the government's side were not making contributions during committee reports. It is lovely to see strong women and men on my side of the chamber who have responded positively to that, with most of them now making very good contributions. I might suggest that the same challenge be put out to the opposition benches. Hon Nick Goiran is very, very confident and often makes very, very good contributions but very few others on the opposition benches do.

In making comments about this report, if multiple people make comments, they often follow the same ground, and I am going to follow the same ground a little bit as well. We had a motion earlier this morning on which many speakers wanted to speak so I did not get an opportunity to make a contribution. It was a very good motion moved by Hon Sandra Carr with regard to *See What You Made Me Do: Power, Control and Domestic Abuse*. As other members indicated, this report seems to tie in quite well with that. I want to particularly refer to Hon Wilson Tucker, who made the comment, "If you come from a privileged background, you often do not recognise the challenges that others do." I think this report goes very much into that with regard to the challenges that women face and often men do not. We can often forget that because, as I said, in this place there are many strong-willed and confident women who take up seats in this house. As I said, the men may not understand or fully comprehend the challenges that they have gone through to get to this place.

The report is quite concerning because it deals with and recognises the challenges that particularly young women face. A number of the dot points in the report have been commented on before, but I want to go through them because it really challenged me to see that we do not seem to have made a lot of progress on the lot of young women, particularly with regard to sexual harassment and such.

Just looking at the report, one dot point states —

- Many girls continue to experience everyday sexism, including through the chores they are assigned at home, family rules about going out at night, expectations about doing maths and science, and being sexually harassed on the street.

I have turned my mind to that particularly because I have two daughters who are grown confident women in their own right and probably know how to deal with many of the issues that they face on a daily basis, but I have two grandchildren, one four years of age and the other seven months of age. As I said, I would have hoped that we would have made progress on the challenges that they will face. It will not be long before they face the same challenges. Looking further on, a dot point states —

- Many young people do not appear to have a good understanding of enthusiastic consent in intimate relationships. Over one-third ... of ... active female Australian students have had unwanted sex.

We have a long way to go in that regard. It is a good thing that this committee is turning its mind to it and, as one of the other members indicated, giving them a voice about their concerns. As I said, I hope that we turn our minds to those concerns. Another dot point states —

- Female young people are less likely to feel safe at home, at school, in their community or on public transport.

These are the dreadful things that young people are telling us through this committee. It continues —

- Female young people are more likely to be sexually assaulted by a relative or family member, experience intimate partner violence, sexual harassment and sexual assault, and to be cyberbullied.

The last one bit of that worries me the most. Through my children, and I presume soon my grandchildren, I know that young people tend to spend a lot of time on their phones and the internet. Cyberbullying is one of the things that I did not have to face when I was young, but young people of today do have to face it.

I am not going to go too much into this report. As I said, many of the people on my side of the chamber have made comments that I would only be repeating. I will not go into it any further. I will give other people an opportunity to speak. But I want to reiterate the challenge issued by the opposition that people on the government side of the chamber have taken up. I hope to hear more opposition members make some comments on committee reports into the future.

Hon PIERRE YANG: Thank you, chair, for the opportunity to speak on the second report of the Joint Standing Committee on the Commissioner for Children and Young People, *Report Review 2020–21: Examination of selected reports by the Commissioner for Children and Young People*. Before I get into the substantive part of my second

contribution today, I want to echo what Hon Nick Goiran said when we were on the previous report and add my thanks to the Acting Clerk and his team for adding an extra line to clarify how much debate a report has for a particular day. I think that is very helpful for our future preparations for Wednesday's consideration of committee reports. Mr Chair, given that we have only a very short time, I take this opportunity to give you a shout-out for your contribution in the last motion about educating young children, which was moved by Hon Sandra Carr, and what you mentioned about your son and boys and girls in school. We can all learn from your leadership in the sense that no-one chose to be born into a male body or a female body or the body of a person of European, Asian, African or American heritage. We are born the way we are; we did not choose. It is important that we ensure that we judge and regard people based on their behaviour rather than their gender, cultural background or any other criteria for which they had no choice. It is wonderful, chair, to hear your story. We can all learn a few things from you.

Turning to the second report, I was talking about the resources that were provided to the Commissioner for Children and Young People.

Consideration of report adjourned, pursuant to standing orders.

Progress reported and leave granted to sit again, pursuant to standing orders.

TRANSPORT LEGISLATION AMENDMENT (IDENTITY MATCHING SERVICES) BILL 2021

Second Reading

Resumed from 22 February.

HON NEIL THOMSON (Mining and Pastoral) [4.11 pm]: I resume my remarks on the second reading of the Transport Legislation Amendment (Identity Matching Services) Bill 2021. Members who were in the chamber yesterday will recall that I had started to discuss the considerations and discussions that were part of the Identity-matching Services Bill 2019 and the Australian Passports Amendment (Identity-matching Services) Bill 2019. I was reflecting on some of the issues around technology and some of the cautionary comments that had been raised at various times, including points that had been raised as part of that discussion as far back as 2008. I noted that there had been similar conversations in other state jurisdictions. For example, the New South Wales Parliament had the Road Transport Amendment (National Facial Biometric Matching Capability) Act 2018.

I will move on because there was a level of bipartisanship when some concerns were raised; we saw that when all states and the commonwealth agreed to the intergovernmental agreement. Then opposition federal leader Bill Shorten offered cautious support for the identity matching system when he stated —

We think that biometric technology can be a real addition in terms of keeping Australians safe.

I agree with Hon Bill Shorten on that —

But of course, when it comes to the final detail, we'll wait to see what the final detail from the government is. But I just want to reassure Australians that Labor takes a bipartisan approach to good ideas about keeping Australians safe.

The then federal Leader of the Opposition at the time of the intergovernmental agreement took a cautious approach, and there was a level of bipartisanship across the major parties. Then shadow federal Attorney General Mark Dreyfus also stated at the time —

... on the face of it, these measures appear sensible; but we will wait to see the detail of what is being proposed ... It is important that the balance between security and privacy —

That is really the issue —

is maintained in the face of new threats and there are appropriate protections in place.

Those comments relate to the general discussion on the intergovernmental agreement that gives effect, I guess, to the processes that we are debating now. It is about achieving a balance between security and privacy. We are highlighting the point about privacy. In my commentary I referred to how privacy is becoming a problem in the digital age with the use of technology and the privatisation of systems that can intrude into the lives of people. The ubiquitous nature of that is increasing in the community and the issue becomes more important.

I note that the Australian Greens expressed opposition to the measures. Their then justice spokesperson Senator Nick McKim stated —

“Creating a massive database of people's photographs is a privacy invasion that creates a honeypot for hackers.”

I do not necessarily agree with those comments. I understand the concerns and I do not discount those concerns, but insofar as government data is concerned, one would hope that security measures are sufficient to provide a level of protection, notwithstanding some of the comments I will make later in relation to a report by the Corruption and Crime Commission into TRELIS, which I think is pertinent to this discussion. We have seen misuse of government data, so it is not something that I think we can completely discount, but I think there must be a level of vigilance

with respect to the management and privacy of data, which is obviously a concern. That is probably expressed in here in more forthright terms than I might otherwise use in my comments in relation to the bill that we are now considering. Those are relevant comments and they give a feel for the sorts of issues that have been raised.

We know that people's privacy is important. In some jurisdictions there is the extreme use of data, especially biometric data with respect to facial recognition that takes things to a whole new level. But we would hope that in our liberal democracy the utilisation of our data is restricted and used in an accountable manner. We are not in the business of creating some sort of social credit platform that we see and read about in other jurisdictions, which I think is always inevitably of concern as our technology improves. But I do want to comment on the commonwealth's role, because it is probably at the heart of why the opposition is not opposing the legislation. This might be a matter for the lead minister on the bill to explain as we go forward. We have seen that some delays are happening at the federal level and we are interested in what the impact of that will be on how that will play out with respect to the adoption of this legislation. I assume that, notwithstanding the federal process, there will be an ability to adopt and implement the technology and framework that this bill will give effect to.

In terms of progress at the federal level, the Identity-matching Services Bill 2018 and the Australian Passports Amendment (Identity-matching Services) Bill 2018, which are also part of this process, were introduced to the House of Representatives in February 2018 to provide a legislative basis for some of the measures in the 2017 Intergovernmental Agreement on Identity Matching Services. The bills were referred to the Parliamentary Joint Committee on Intelligence and Security for inquiry. However, these bills lapsed, without further debate, upon the dissolution of the House of Representatives on 11 April 2019. The bills were reintroduced to the house on 31 July 2019 as the Identity-matching Services Bill 2019 and the Australian Passports Amendment (Identity-matching Services) Bill 2019 and were again referred to the Parliamentary Joint Committee on Intelligence and Security for further inquiry. The committee tabled its advisory report in October 2019, in which it recommended that the Identity-matching Services Bill be redrafted and that it should not proceed past the second reading stage in the house. In addition to the minister's second reading speeches available on the Australian Parliament's website, links to relevant commentary can be found. There are related statements from Hon Mr Hastie—I cannot remember his first name; I am having a mental blockage.

Hon Sue Ellery: Andrew.

Hon NEIL THOMSON: It is Hon Andrew Hastie; I should know, because he is a colleague. I was just having a slight mental blockage. Again, Mr Dreyfus —

Hon Sue Ellery: Mark.

Hon NEIL THOMSON: Mark; I thank the Leader of the House for her assistance. I appreciate that. Hon Mark Dreyfus also made comments on the tabling of the report.

The main point is that the federal bills are yet to be finalised. Perhaps the Leader of the House could explain, during the clause 1 debate or in her reply to the second reading debate, what will be gained by the introduction of this bill now, noting some of the things that are happening at the federal level and the integration and management of this information across jurisdictions, given the broader objectives outlined in the explanatory memorandum. I will be interested and curious to hear a response to that as we go forward.

I also note that this bill was referred to the Standing Committee on Uniform Legislation and Statutes Review, and there was considerable discussion and consideration of it. The committee produced a very detailed report. I do not claim to be an expert on that report, but I will refer to it during the committee stage of the bill. I also ask the Leader of the House for a response to the findings and recommendations in that report, as that would help the opposition to further understand the thinking behind pushing this piece of legislation through the Parliament at this time. I note that there was a previous draft of the bill and that the bill before us appears to contain some changes from that.

Hon Donna Faragher, MLC, is the Chair of the Standing Committee on Uniform Legislation and Statutes Review. That committee reviewed the bill in its 134th report, which is available. No doubt members have made themselves familiar with that report, which contains a number of findings and recommendations that I think are pertinent to further discussion of this bill. The report outlines the progress of the commonwealth legislation on pages 3 and 4. That is a useful guide. The report also recommends changes to certain clauses, which we will go into in more detail during the committee stage. There appears to be have been some small movement between the various iterations of the bill, and I seek a response on that from the Leader of the House. I will not go into it at this stage of the discussion, but that mainly concerns clause 12, the definition of "authorised purpose" and issues around the open-ended nature of the regulation-making power. Another matter is the reporting requirements. They are the main issues, but we will go through them in a step-by-step fashion during the committee stage of the bill.

Before we move to question time I will refer to the CCC report, *A review of the Department of Transport's management of unlawful access to TRELIS*, which has been at the top of our minds during our consideration of this bill. The report was published on 5 August 2021. The issue of data security comes to the fore from time to time, and sometimes in quite spectacular ways, because of the nature of government. Again, it seems to be a relatively

bipartisan issue. Government agencies struggle to maintain their procedures to ensure that the security and original intent of data is maintained. There is always somebody within or outside of an agency who is prepared, either wittingly or unwittingly, to take actions that sometimes lead to outcomes not based on the original intent of the law or are unlawful activities with respect to people's personal data.

Debate interrupted, pursuant to standing orders.

[Continued on page 569.]

QUESTIONS WITHOUT NOTICE

CORONAVIRUS — EVENT SUPPLIERS SUPPORT PROGRAM

93. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Culture and the Arts:

I refer to the question without notice I asked on 15 February 2022, and I ask again —

- (1) What are the deemed criteria and definitions of a “ticketed” and “non-ticketed” event?
- (2) Will the criteria and definitions be tabled; and, if not, why not?
- (3) When will the program guidelines be published on the department website?
- (4) Will country shows be considered ticketed or non-ticketed events?

Hon SAMANTHA ROWE replied:

I thank the member for some notice of the question, and provide the following answer on behalf of the Minister for Culture and the Arts.

- (1)–(2) The event suppliers support program will complement the existing Getting the Show Back on the Road program. The Getting the Show Back on the Road program provides support through sharing the risk of lost ticket revenue for live performance, mass participation sporting, tourism, culinary events, and regional agricultural shows impacted by the border opening delay, COVID-19 mandated cancellations, and/or COVID-19 infections for key event personnel. Eligibility for the program includes ticketed events with projected gross ticket sales or sporting-related registration fees of greater than \$5 000 that are planned to take place in Western Australia. The Event Suppliers Support program will provide funding to eligible event suppliers who support these ticketed events. This program will be limited to event venue hospitality, staging, security, traffic management and audiovisual activities for ticketed events. It will require businesses to demonstrate a minimum 30 per cent reduction in turnover in the period 5 February to 5 May 2022 compared with the same period in 2019, or similar period to account for reporting dates.
- (3) The Department of Local Government, Sport and Cultural Industries is currently finalising guidelines and will publish them on its website when available.
- (4) Ticketed country shows will be considered eligible.

NATIVE FOREST — LOGGING — MINING ACCESS

94. Hon Dr STEVE THOMAS to the minister representing Minister for Forestry:

I refer to the government's announcement of 8 September 2021 on the ending of most native timber harvesting in Western Australia.

- (1) What volume of jarrah logs have been extracted to provide access to mining, including for bauxite and mineral sands in the 2021 calendar year?
- (2) How much of the volume in (1) was saw logs?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Forestry has provided the following information. He says that this information is not yet available. The data is currently being collated following the 2021 year end and reviewed by the Department of Biodiversity, Conservation and Attractions and the Forest Products Commission.

INDIGENOUS PSYCHOLOGICAL SERVICES REPORT

95. Hon NICK GOIRAN to the Leader of the House representing the Minister for Child Protection:

I refer to the Indigenous Psychological Services report commissioned in August 2017 that outlined 14 guiding principles for the government's consideration that focus on improving the cultural competency and capability of the department's child protection workforce and practices.

- (1) What was the cost of the report?
- (2) When was the minister first briefed after the department received the report in October 2019?

- (3) Which of the 49 recommendations have been implemented?
- (4) How many staff are yet to complete the online learning program which is compulsory for all Communities' staff, which covers Aboriginal origins, colonisation, policy impact on social development and practice considerations?
- (5) How many staff have completed the Deadly Ways of Working training?

Hon SUE ELLERY replied:

- (1) The report cost \$418 700.
- (2) The Department of Communities received the first version of the report from Indigenous Psychological Services on 17 May 2019 and provided a briefing to the minister on 24 May 2019.
- (3) The Department of Communities has published the key actions it is undertaking to improve its cultural competency and capability across the department, which are informed by the recommendations in the Indigenous Psychological Services report. Of the 18 key actions identified, one key action has been implemented—this is key action 16, which relates to bodies of work exploring improvements to Communities' data collection and analytics; 14 key actions are in progress; and three key actions are pending implementation.
- (4) Approximately 26 per cent of the total workforce has yet to complete this training. New staff are recommended to complete this course in their first six weeks of employment, so this figure includes employees who have recently commenced and are still undertaking their required training.
- (5) A total of 152 staff have completed the training since the pilot was launched in July 2021. In January 2022, this training commenced rollout for all Department of Communities staff.

CORONAVIRUS — SCHOOL CAMPS

96. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to the minister's press statement titled "High caseload measures for schools and childcare", which outlined additional health measures to be implemented across WA schools. Will the minister table a copy of the Chief Health Officer's advice to the government in relation to the cancelling or postponing of school camps?

Hon SUE ELLERY replied:

I thank the member for some notice of the question. The Chief Health Officer's advice is reflected in the Department of Education's operating guidelines and frequently asked questions. As such, I table those documents, together with a letter from the Chief Health Officer confirming this.

[See paper [1081](#).]

COMMUNITIES — SERVICE PROVIDERS — HOMELESSNESS

97. Hon Dr BRAD PETTITT to the Leader of the House representing the Minister for Homelessness:

- (1) Is the Department of Communities providing service providers with funding specifically for, or a supply of —
 - (a) rapid antigen tests for clients and staff; and
 - (b) appropriate personal protective equipment for essential workers and frontline staff?
- (2) Is the Department of Communities providing people who are experiencing homelessness —
 - (a) a safe place to isolate while waiting for a PCR test result; and
 - (b) support and accommodation if they test positive for COVID-19?
- (3) Is the Department of Communities working with the Department of Health to provide specific funding for homelessness service providers to deliver vaccines to people experiencing homelessness? If yes to (3), could the minister please provide a breakdown of funding provided, and to whom?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) (a)–(b) The state government will be providing rapid antigen tests and other appropriate PPE to community service organisations.
- (2) (a)–(b) If an individual requiring to self-isolate is referred by WA Health to Department of Communities, emergency welfare and accommodation support will be provided.
- (3) The vaccination effort is being led by the state Vaccine Commander in conjunction with WA Health. To increase the vaccination rate among people experiencing homelessness, WA Health and specialist homeless organisations have provided pop-up vaccination clinics in locations frequented by people experiencing homelessness.

MARTUWARRA FITZROY RIVER — EXPLORATION TENEMENTS

98. Hon WILSON TUCKER to the minister representing the Minister for Mines and Petroleum:

I note that the recently granted Aries and Calwynyardah exploration tenements form part of a proposed diamond mining precinct across the whole catchment of the national heritage-listed Martuwarra Fitzroy River. Did the Minister for Mines and Petroleum satisfy himself before granting the Aries tenement on 10 October 2017 that it will not cause contamination in the form of —

- (a) ammonium nitrate in groundwater;
- (b) asbestos in waste rock dumps;
- (c) waste rock releasing salts or acids into waterways; or
- (d) any other toxic chemicals such as perfluoroalkyl or polyfluoroalkyl substances, petrochemicals, metals in soils or groundwater?

If so, what information, studies, data, assurances and undertakings has the minister obtained to form those views?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Mines and Petroleum has provided the following answer.

- (a)–(d) The granting of an exploration licence does not authorise mechanised ground disturbance. Any subsequent mining will require assessment under the state’s environmental legislation.

PROJECT APPROVALS — FRONTLINE OFFICERS —
DEPARTMENT OF PLANNING, LANDS AND HERITAGE

99. Hon TJORN SIBMA to the Leader of the House representing the Minister for Planning:

I refer to the 2021–22 state budget allocation of a \$120 million package to recruit 150 frontline officers to speed up project approvals across five agencies, including Department of Planning, Lands and Heritage.

- (1) How many additional officers has DPLH been funded to recruit for this purpose over the estimate?
- (2) How many of these officers have been recruited to date?
- (3) How much of the additional funding has been spent on the above purpose to date?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. A breakdown of offices by portfolio is not available in the time required.

- (1) It has been funded to recruit 33.
- (2) There have been 27.
- (3) There has been \$931 882 as at 31 January 2022.

CORONAVIRUS — VACCINATIONS — PRISONERS

100. Hon PETER COLLIER to the minister representing the Minister for Corrective Services:

I refer the minister to his response to question without notice 79, asked on Tuesday, 22 February 2022.

- (1) What strategies has the government implemented in Western Australian prisons over the past six months to ensure that all prisoners are vaccinated?
- (2) Have all prisoners in Western Australian prisons had access to vaccinations over the past six months?
- (3) What strategies are in place to cater for a COVID outbreak in any of Western Australia’s prisons?

Hon ALANNAH MacTIERNAN replied:

I thank the member for some notice of the question. The following information has been provided by the Minister for Corrective Services.

- (1) The Department of Justice has completed two phases of COVID-19 vaccinations within the custodial estate. Phase 1 ran from 1 July 2021 to 2 September 2021 and was available to all consenting adult prisoners. Phase 2 ran from 23 November 2021 to 16 December 2021 and was available to all consenting adult prisoners and young people 12 and over within the custodial estate, and to staff.

The department has now engaged a private medical provider to undertake a further mass vaccination program across all prisons and Banksia Hill Detention Centre, which commenced on 15 February 2022. The private medical provider is contracted to undertake a continual rolling vaccination program on an as-needs basis. To date, 624 prisoners, 12.2 per cent, have received one dose of a COVID vaccine; 3 441 prisoners, 53.5 per cent, have received two doses of the vaccine; and 749 prisoners, 11.7 per cent, have received three doses of the vaccine. Presently, 77.4 per cent of prisoners have received at least one dose of the vaccine.

- (2) Yes. Refer to the response for question (1).
- (3) Containment plans and pandemic plans are now in place in all custodial facilities, which reflect the directions set by the department to identify prisoners and staff who may have COVID-19 upon reception/entry to reduce the risk of the introduction of COVID into facilities. Further strategies are in place to identify and manage prisoners with COVID-19 symptoms. The corrective services COVID-19 task force coordinates all operational activities and forward planning to ensure that best practice responses are in place.

METRONET — ARMADALE RAIL LINE — PERTH–BUNBURY FASTER RAIL BUSINESS CASE

101. Hon JAMES HAYWARD to the Leader of the House representing the Minister for Transport:

I refer to the Armadale line closure and the Perth–Bunbury faster rail business case.

- (1) In light of the announcement that the Armadale line will close for 18 months, will the upgrades to the line include considerations for faster rail to Bunbury?
- (2) If yes to (1), what consideration has been given to the *Australind* service as part of the Armadale line upgrades and will they result in faster travel times to Bunbury?
- (3) Why has the minister approved upgrades to the Armadale line when the \$8 million Perth–Bunbury faster rail business case has not yet been completed?
- (4) Is the current upgrade to the Armadale line indicative of a McGowan government preference to use the Forrest Highway route for a faster rail service to Bunbury?

Hon SUE ELLERY replied:

- (1)–(2) The Bunbury faster rail business case process is ongoing.
- (3)–(4) It is unclear why the member believes that works on the Armadale line, including the removal of level crossings, the Byford rail extension and connecting the line to the Thornlie–Cockburn Link, should not take place until the Bunbury faster rail business case is complete.

METRONET — ARMADALE RAIL LINE — CONSULTATION

102. Hon Dr BRIAN WALKER to the Leader of the House representing the Minister for Transport:

I refer the minister to the proposed 18-month closure of the Armadale line to allow for Metronet connectivity and the removal of various crossings.

- (1) Were any or all of the local mayors whose councils contain portions of the line consulted ahead of the announcement of the closure; and, if so, on what dates, and in the interests of transparency, will the minister table any responses received?
- (2) Were the local members in the other place consulted, or did they themselves hold consultations on behalf of the government; and, if so, on what dates, and in the interests of transparency, will the minister table any responses received?
- (3) Were any other bodies, organisations or individuals consulted ahead of the announcement; again, if so, on what dates, and in the interests of transparency, will the minister table any responses received?
- (4) If none of these individuals or bodies have been consulted to date, what plans, if any, does the government have to consult with them in the near future?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1)–(4) The state government made the decision to announce the closure 12 months in advance in order to allow for extensive consultation to be undertaken with the community. A number of different shutdown options were considered; however, it was determined that other options such as shorter, more frequent shutdowns over a longer period would be more disruptive to the community over the longer term. Prior to the announcement, the Metronet managing director personally contacted the relevant local councils.

It should be noted that after the initial announcement by the commonwealth government to fund the Victoria Park level crossing removal project, the minister met with the relevant councils. Both the City of Canning and the City of Armadale requested that their councils be considered for Metronet projects and funding. The minister subsequently took this up with the commonwealth.

PCR TESTING — GERALDTON

103. Hon MARTIN ALDRIDGE to the Leader of the House representing the Minister for Health:

I refer to instances of regional residents in Geraldton and Yalgoo being unable to access polymerase chain reaction testing in recent days.

- (1) Why was a COVID-19 testing clinic in Geraldton closed for several hours on Saturday morning when it should have been open?

- (2) Will the minister commit to an urgent review of testing locations in regional WA to ensure PCR testing is accessible to Western Australians who need it in a timely manner?
- (3) Will the minister commit to publish an up-to-date list of testing locations on a central website so regional residents can easily locate their nearest available testing location?
- (4) What action is the state government taking to ensure PCR testing is accessible in regional WA?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) The COVID-19 testing facility at Geraldton Health Campus was closed between 10.00 am and 12.30 pm on Saturday, 19 February 2022 due to staff availability. Throughout this period, testing remained available at the emergency department.
- (2) WA Country Health Service has COVID testing available at all sites. Rapid antigen tests are now an acceptable diagnostic tool and should be used when PCR testing is not practicable.
- (3) The most up-to-date regional testing locations are published on healthywa.wa.gov.au
- (4) WA Country Health Service has COVID testing available at all sites.

METRONET — ELEVATED TRAIN LINE — VICTORIA PARK AND CANNINGTON

104. Hon NEIL THOMSON to the Leader of the House representing the Minister for Planning:

I refer to the media release of 20 February announcing another \$2 billion spend on Metronet.

- (1) Do the majority of residents who live near the proposed elevated train line between Victoria Park and Cannington support this proposal?
- (2) Were any concerns raised by the Western Australian Planning Commission about the future amenity after the line is elevated; and, if yes, what were they?
- (3) Does the minister have the support of the following local governments —
 - (a) Town of Victoria Park; and
 - (b) City of Cannington?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) The level crossing removals were a key 2019 pre-election commitment by the federal Liberal government. If the state Liberal Party opposes this project, members will need to raise these matters with their federal Liberal colleagues.
- (2) The member does not appear to understand the role of the Western Australian Planning Commission.
- (3) Metronet has been working productively with local communities and local government authorities for a number of years and continues to engage with the community on the project.

Several members interjected.

The PRESIDENT: Order!

CORONAVIRUS — HOMELESSNESS

105. Hon STEVE MARTIN to the Leader of the House representing the Minister for Health:

I refer to the government's rough sleeper action plan and media reports that a homeless person who has been staying at a CBD shelter has tested positive to COVID-19.

- (1) Can the minister outline what conditions would have to be met to trigger the implementation of the action plan?
- (2) How many beds would be made available under the action plan?
- (3) What resources would the Department of Health make available to implement the plan?
- (4) Is there a regional component to the action plan?
- (5) What are the current vaccination rates for the homeless population in Perth?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) The action plan is owned and managed by the Department of Communities. Health advises that consideration is given to the risk impact of compounding triggers whilst having regard to the specific circumstances of the event and overall public health risk. This may include, but is not limited to, the number of infections

in the community, exposure sites and geography of concern, any lockdown restrictions and directions in place, any positive cases within the rough sleeper communities and identification of rough sleepers as close or casual contacts.

- (2) This question should be directed to the minister representing the Minister for Homelessness.
- (3) Health will provide resources proportionate to the circumstance and broader operating environment, including the number of community cases.
- (4) This question should be directed to the minister representing the Minister for Homelessness.
- (5) The Australian Immunisation Register does not record current housing status as part of the COVID-19 vaccination process. Unfortunately, this means that the WA COVID-19 vaccination program cannot provide data on the coverage rate for people experiencing homelessness.

CORONAVIRUS — PUBLIC SECTOR — LEAVE

106. Hon Dr STEVE THOMAS to the Leader of the House representing the Minister for Public Sector Management:

- (1) Can the minister confirm that Western Australian public servants have received an additional 20 days' sick leave and 10 days' carer's leave; and, if so, is this leave a COVID measure?
- (2) How many public servants are eligible for the additional leave and in what departments and occupations?
- (3) What are the start and end dates for the additional leave entitlements?
- (4) What is the cost of this measure to the wages budget?
- (5) Will this leave entitlement accrue or be retained if unused after the end date, and can it be cashed out by public servants?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) Public sector employees have not received an additional 20 days' sick leave and 10 days' carer's leave. Under Public Sector Labour Relations Circular 6/2020, public sector employees may access up to 20 days paid COVID-19 leave if they test positive to COVID-19; are experiencing an adverse vaccine reaction; are presenting for COVID-19 tests and isolating, awaiting test results; are subject to a government requirement to isolate or quarantine; or are required to care for someone else in particular circumstances.
- (2) All public sector employees, including casuals, can access COVID-19 leave.
- (3) The 20 days of COVID-19 leave was introduced on 23 March 2020. On 5 February 2022, COVID-19 leave was reset to 20 days for every public sector employee irrespective of the number of days taken by an employee before that date. There is no end date for COVID-19 leave.
- (4) No additional funding has been provided to agencies for COVID-19 leave. Agencies are expected in the first instance to accommodate this leave from within their existing approved salary budgets. Additional funding for individual agencies may be considered at a later date, depending on the actual take-up of this leave.
- (5) COVID-19 leave is not accruable and cannot be cashed out.

SCHOOLS — PROTECTIVE BEHAVIOURS PROGRAM

107. Hon NICK GOIRAN to the Minister for Education and Training:

I refer to question without notice 1202, asked on 15 December 2021.

- (1) Is the Department of Education's protective behaviours program being implemented across K–12 year groups in every public school?
- (2) If no to (1), which year groups receive protective behaviours education?
- (3) What quantity of time for each year group is mandated or recommended by the department for the implementation of the protective behaviours program?
- (4) When was the minister last briefed regarding the implementation of the program?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) All public schools are required to provide protective behaviours education to all year levels.
- (2) Not applicable.
- (3) No specific time is mandated or recommended for the provision of protective behaviours education.
- (4) It was in October 2021.

METROPOLITAN CHILD DEVELOPMENT SERVICE

108. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Health:

I refer to the metropolitan Child Development Service.

What is the current median wait time to access a clinical psychologist through this service for children in the primary years of schooling?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

The median wait time is 12 months.

CORONAVIRUS — VACCINATIONS — PRISONERS

109. Hon Dr BRAD PETTITT to the minister representing the Minister for Corrective Services:

I refer to question without notice 52 and the response —

Additionally, at any time prisoners can approach health services staff to register their interest in receiving a vaccination.

- (1) Are people in prison who have registered their interest for receiving a COVID-19 vaccination placed on a waitlist; and, if not, how are registrations of interest recorded and responded to?
- (2) How many people in prison have registered their interest to receive a COVID-19 vaccination to date and how many are still waiting?
- (3) What is the average wait time for people in prison to receive a COVID-19 vaccination once they have registered interest, and what is the longest a person in prison has had to wait for a COVID-19 vaccination?
- (4) What percentage of people in prison who registered their interest are up-to-date with their COVID-19 vaccinations?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided by the Minister for Corrective Services.

- (1) The department has a statewide register of all prisoners who are due vaccines at any given time that clearly identifies the number of prisoners who require dose one, dose two or a booster dose. These numbers are used to plan where and when the clinics are required. Vaccine provision is not restricted to those who have previously expressed an interest.
- (2)–(3) The department has engaged a private medical provider to undertake a mass vaccination program across all prisons and detention centres, which commenced on 15 February 2022. Following this, the private medical provider is contracted to undertake a rolling vaccination program on a needs basis. Expressions of interest were called for from January 2022 and the present clinics commenced on 15 February 2022. As part of the mass vaccination program in prisons, prior vaccination clinics were held in November and December. Clinics are now being held for all prison sites and detention centres. The longest time that a prisoner has had to wait for a vaccine is three months—from the last clinics to the present clinics.
- (4) The percentages are 12.2 per cent, or 624 prisoners, have received one dose; 53.5 per cent, or 3 441 prisoners, have received two doses of the vaccine; and 11.7 per cent, or 749 prisoners, have received three doses of the vaccine. Overall, 77.4 per cent of prisoners have received at least one dose of the vaccine.

PUBLIC HOUSING — CLIMATE CONTROL POLICY

110. Hon WILSON TUCKER to the Leader of the House representing the Minister for Housing:

I draw the minister's attention to the Victorian government's April 2021 announcement of an initiative to install reverse-cycle air conditioning in public housing properties in northern Victoria. In Western Australia, the *Housing Authority rental policy manual* guarantees only ceiling fans and insulation to public housing properties in the north west.

In light of recent extreme temperatures in our state's north west and policy changes in other jurisdictions, will the minister commit to reviewing the public housing rental policy with an aim to decrease climate discomfort and improve energy efficiency?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. Before I give the answer, I think it is amusing that Victoria has put air conditioning into public housing. They need heating; I do not know that they need air conditioning so much.

I thank the honourable member for some notice of the question. The climate control policy for public housing was last amended in 2015 and is based on Bureau of Meteorology climate zones. The state government provides cooling in homes through cost-effective means for tenants, including ceiling fans, higher ceilings, roof and wall insulation and appropriate design.

The McGowan government's priority and focus is delivering the \$2.1 billion investment towards expanding the supply of social housing across the state.

PUBLIC SECTOR — 2017 SERVICE PRIORITY REVIEW

111. Hon TJORN SIBMA to the Leader of the House representing the Minister for Public Sector Management:

I refer to the recommendations and suggested actions for public sector reforms outlined in the final 2017 *Service priority review*.

- (1) What progress has been made overall in implementing recommendation 13 of that review, which is to “redesign executive performance systems to clarify contemporary leadership expectations and to measure success”?
- (2) Specifically, what progress has there been in amending applicable legislation to clarify responsibilities for CEO appointment performance management and termination and to develop and introduce a mechanism for performance-based remuneration for CEOs?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1)–(2) Recommendation 13 has been implemented. A strength and performance agreement is in place for directors general, *Commissioner's Instruction 30: Chief Executive Officer Performance Management*, issued on 21 July 2021, including for the first time new measures such as a clear letter of expectation for performance from the relevant minister and board chair outlining key priorities and deliverables; reference to public administration requirements in sections 7, 8 and 9 of the Public Sector Management Act 1994; direct feedback on performance by a range of government and non-government stakeholders; self-assessment against contemporary leadership requirements; performance discussions at the mid and end of the performance cycle with the Public Sector Commissioner; and joint performance discussions with ministers, board chairs, the Public Sector Commissioner and the director general. Performance agreements for other CEOs have been strengthened, with the addition of public administration requirements in sections, 7, 8 and 9 of the Public Sector Management Act.

GERALDTON HEALTH CAMPUS

Question without Notice 90 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.01 pm]: I would like to provide an answer to question without notice 90 asked by Hon Martin Aldridge.

I seek leave to have the response incorporated into *Hansard*.

[Leave granted for the following material to be incorporated.]

ANSWER:

- (1) Tenders for the main works contract for the Geraldton Health Campus Redevelopment closed in September 2021. Global supply chain and skilled workforce issues have significantly impacted on tenders across a range of projects.
- (2)–(3) The effect of the delay in awarding the project tender is still being assessed to minimise delivery risk and improve value for money outcomes.
- (4) The total budget for the forward works of the redevelopment is \$6.7 million.

**JOBS, TOURISM, SCIENCE AND INNOVATION — PROJECT APPROVALS —
FRONTLINE OFFICERS**

Question without Notice 77 — Answer Advice

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [5.01 pm]: I would like to provide an answer to Hon Tjorn Sibma's question without notice 77 asked on 22 February 2022.

I seek leave to have the response incorporated into *Hansard*.

[Leave granted for the following material to be incorporated.]

Answer

The Department of Jobs, Tourism, Science and Innovation advises:

- (1) Eight
- (2) Four, Three positions are currently under offer.
- (3) Approximately \$225,000

TRANSPORT LEGISLATION AMENDMENT (IDENTITY MATCHING SERVICES) BILL 2021*Second Reading*

Resumed from an earlier stage of the sitting.

HON NEIL THOMSON (Mining and Pastoral) [5.02 pm]: I will do my full time.

Hon Alannah MacTiernan: Would you like us to interject on you to keep you company?

The PRESIDENT: Order, minister. Member, would you like to continue your remarks?

Hon NEIL THOMSON: I will continue my remarks, but I will decline the invitation of the honourable member for interjections.

I note that this is the fourth time I have had to get on my feet on this legislation. I trust this will be the last time that we debate the second reading stage. My comments are a response to the comments made by the Australian Greens Senator Nick McKim, who commented on the broad issue of biometrics data that is stored in government databases. He said that creating a massive database for people's photographs is an invasion of privacy and would create a honey pot for hackers. I have said that I did not think I would necessarily agree with that position, but I note the Corruption and Crime Commission report of 5 August 2021. A number of comments in the overview of that report provide a level of concern about the rigour and security that is applied to our own databases. I reflect on the long history of government data. In recent times we have seen, for example, data used in ways that it was not intended, even with our COVID-19 tracing app. The data was used for purposes beyond the initial intention and remediation measures had to be put in place to secure the data so that it would be used only for its initial purposes. We hoped that people whose motivations might not be positive would still register on the COVID app to enable that data to be used for the original and very important purpose for which it was collected, which was for the management of COVID.

The transport executive and licensing information system has had a long history. That is a very important database on which much identifying information is held. It has had a chequered history since its development, including its cost. The unauthorised access of it has also created certain problems, and I will comment on that. I hope that the government has done some work since this report was released to secure that data and provide a level of assurance so that the comments by Senator Nick McKim are not true and that we can demonstrate that the government can be trusted to hold considerable information, particularly biometric information, to be used only for the purposes outlined in the statutory framework.

The report's overview is worth noting, particularly the third point, which states —

Of the WA government databases, TRELIS holds the most personal information about members of the WA public.

The fourth point states —

Confidential and sensitive information on TRELIS could be exploited for personal or criminal reasons.

I make the point that this is not just an issue for the jurisdiction of Western Australia. These days, data can be accessed from anywhere around the globe and used for those purposes outlined by the CCC by any nefarious person or parties who have the capability to do so. It is very important to secure that data. The fifth point states —

The WA community has an expectation that personal information held in TRELIS is protected, not only from external hackers, but from abuse and unlawful access by the more than 3,000 persons authorised to use TRELIS to perform official duties.

We know that throughout government people have to be authorised to utilise information. From time to time, whether it be TRELIS, police information, other personal information and even information that is held in the area of planning information, which is my background, when that access is not used in the right way, it can be used to advance someone's interest. Certainly, it can be used in an unauthorised and unlawful way. The sixth point states —

The Commission undertook a thematic review of unlawful accesses to TRELIS under Corruption, Crime and Misconduct Act 2003 (CCM Act) s 41.

It considered more than 100 incidents of unlawful access to the transport executive and licensing information system. Clearly, this is not something that has happened on just a few occasions, but it happens more regularly than is desirable. I imagine that the desirable level would be zero, but we know that that is not always possible and I think the community deserves a level of confidence that this will be improved.

The eighth point of the Corruption and Crime Commission's *A review of the Department of Transport's management of unlawful access to TRELIS* states that the review showed that the Department of Transport was reluctant to treat unlawful access to TRELIS by authorised persons as serious misconduct and that the department's default position was that unlawful access was a mere conflict of interest. That is probably one of the most concerning findings and is worthy of further discussion. The CCC effectively said that the Department of Transport was not taking unauthorised use of data seriously enough. As we have greater capacity to collect more data, we should be taking it more seriously.

It goes to the heart of some of the recommendations in that report about the need for greater scrutiny by this place of both the overarching legislation and the effectiveness and operational aspects of the management of data, because we are getting more data. I reflect on an incident when I was a younger person travelling through Africa. As I was travelling on a motorcycle from Zimbabwe to South Africa, I was pulled over on the side of the road by a rather burly South African police officer. He asked me for my licence and I produced my then New Zealand licence. It was simply a little handbook containing a sticker with a handwritten signature of the local police officer. It had no photo and was just a little crumpled up book that had been in my back pocket for the months I had been on the road. I recall the comment by the officer that it was obviously very easy to forge. Despite the condition of my motorcycle at that time as I came to the end of a journey of nearly 15 000 kilometres, he fortunately waved me on. The older members of this house can probably relate somewhat to that anecdote.

People talk about big data and it being the great nirvana of the private entities. This is why to some extent it is somewhat moot to take a hardline position, as the Australian Greens have done in this case; so many photos are being taken and there is so much technology. These days, one needs to only look at a phone and it will turn itself on. I had to take a new photo with a mask on for my phone. People can scan their face with a mask on to unlock the phone; the mask just needs to be slightly down to open the phone. It saves tapping in a password. Technology is improving and iris recognition and hand scanning are coming our way. I make that point only because there is a certain inevitability about it. It is a fact we have to live with. The community should be reassured that the government is doing everything it can to ensure its privacy is protected to the extent to which the incursion of technology on our privacy is becoming much more ubiquitous. It is harder and harder to protect that, but it is vital that reports such as the Corruption and Crime Commission's report of 5 August 2021, and other crime-fighting and anticorruption agencies, continue to guide the practice to protect our data to the greatest extent and hold accountable those public servants who are trusted with information that is not available to the general public and can be used in a combined way to impact the lives of individuals. It may not be for the initial intent, which we all support, which is the protection of our community, but also providing a level of safety to enable our crime-fighting agencies to tackle those who might want to do things they should not be doing and to interdict some of the increasingly sophisticated challenges that might come our way.

The ninth point of the CCC report states that the commission is concerned by the approach referred to in the previous point—the default position of the Department of Transport. This is where there probably has not been enough assurance yet. I am happy to stand corrected and have outlined to me what has been done since this report by the department to not have that default position but to take any unauthorised use as serious misconduct and deal with this and create a stronger culture within the agency in order to ensure that the data is utilised in its lawful way. The report states —

The Commission is concerned by this approach. Unlawful access to TRELIS is a criminal offence and is serious misconduct as defined by the CCM Act s 4.

That is, the Corruption, Crime and Misconduct Act 2003. The eleventh point, the last I will read, states —

This report outlines the Commission's review findings and makes formal recommendations to DoT to improve its management of the serious misconduct risks associated with the access of information in TRELIS.

Of course, the question is: what has been done in relation to that matter proceeding forward?

This is an excellent report that goes to the heart of some of the concerns that are outlined in the other excellent report of the committee chaired by Hon Donna Faragher, MLC, in August 2021. I will seek some guidance as we go through committee. It might be that we deal with some of the recommendations and findings of the committee in debate on clause 1, or we may choose to go through sequentially.

Hon Sue Ellery: It would make sense, in the context of the committee's views, if you do it in the relevant clauses.

Hon NEIL THOMSON: I appreciate the interjection. I also ask that we make sure we do not miss any of the report's recommendations. I am sure that the government considered this report as part of the drafting of the bill. I am willing for that approach and want to make sure that we cover all the findings, recommendations and detailed discussion within the report. As I said, I am not an expert at this. I do not think anyone is expecting any member to be an expert on this subject, but a number of honourable members have sat in detailed consideration with the support of their committee secretariat and officers. They have spent some time on it and that is very important. I hope that the officers who will be present in the chamber will be well versed in the report and be able to respond to those findings. In the time remaining, I will go through the findings and recommendations of the report in detail so that they are, for the purposes of *Hansard*, considered.

Finding 1 states —

The open-ended regulation making power in the definition of 'prescribed person' in clause 12, proposed section 11(C)(1) of the Transport Legislation Amendment (Identity Matching Services) Bill 2021 erodes the Western Australian Parliament's sovereignty and law-making powers.

Recommendation 1 states —

The Government amend clause 12, —

We will go to clause 12 —

proposed section 11(C)(1) of the Transport Legislation Amendment (Identity Matching Services) Bill 2021 to limit the people or classes of people to whom identifying information can be disclosed.

I think that is very much a matter for consideration, noting, in the case of the TRELIS report, that 3 000 people have access to it. Again, I will be interested in that. Finding 2 states —

The reference to clause 1.2 of the intergovernmental agreement in the definition —

I stand corrected on that —

of ‘authorised purpose’ in clause 12, proposed section 11(C)(1)(c) and clause 19, proposed section 14(1)(c) of the Transport Legislation Amendment (Identity Matching Services) Bill 2021 erodes the Western Australian Parliament’s sovereignty and law-making powers.

With respect to that aspect, the committee sees it as an erosion of the Parliament’s sovereignty and lawmaking powers. Finding 3 states —

The definition of intergovernmental agreement in clause 12, proposed section 11B(1) of the *Road Traffic (Authorisation to Drive) Act 2008* and clause 18, proposed section 12(1) of the *Western Australian Photo Card Act 2014* erodes the Western Australian Parliament’s sovereignty and law-making powers.

On those three findings, recommendation 2 states —

The Government amend clause 12, proposed section 11(C)(1)(c) and clause 19, proposed section 14(1)(c) of the Transport Legislation Amendment (Identity Matching Services) Bill 2021 to prescribe the seven purposes listed in clause 1.2 of the intergovernmental agreement.

Recommendation 3 states —

If Recommendation 2 is not agreed, the Government amend clause 12, proposed section 11B(1) and clause 18, proposed section 12(1) of the Transport Legislation Amendment (Identity Matching Services) Bill 2021 to give effect to the following:

intergovernmental agreement means the Intergovernmental Agreement on Identity Matching Services between the Commonwealth, the States, the Australia Capital Territory and the Northern Territory made on 5 October 2017, as in force on 5 October 2017.

Finding 4 states —

The operation and effectiveness of the proposed Transport Legislation Amendment (Identity Matching Services) Bill 2021 should be reviewed as soon as practicable after the end of 5 years of operation, and every 5 years thereafter, and reported to Parliament.

I think the idea of a review is that it is not a sunset clause; it is a review. That seems to be important, given the concerns about other issues around data management. That is a worthy finding. Recommendation 4 states —

The Transport Legislation Amendment (Identity Matching Services) Bill 2021 be amended to insert provisions into the *Road Traffic (Authorisation to Drive) Act 2008* and the *Western Australian Photo Card Act 2014* such as the following:

- (i) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Transport Legislation Amendment (Identity Matching Services) Act 2021*, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which the *Transport Legislation Amendment (Identity Matching Services) Act 2021* section 2 comes into operation.
- (ii) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

We are coming close to the end of this report. I will close my remarks at the end. Finding 5 states —

The limitation of the reporting requirements contained in clause 12, proposed section 11J(2)(b) and clause 24, proposed section 17B(2)(b) of the Transport Legislation Amendment (Identity Matching Services) Bill 2021 impacts the Western Australian Parliament’s sovereignty and law-making powers.

Recommendation 5 states —

The Government amend clause 12, proposed section 11J(2)(b) and clause 24, proposed section 17B(2)(b) of the Transport Legislation Amendment (Identity Matching Services) Bill 2021 to delete the words ‘that is likely to result in serious harm to a person to whom the information relates’.

Those are the findings and recommendations arising from the report. There is obviously quite a bit of detailed reflection within the report, including the minister’s position. There seems to have been an intervening report, a previous report and consideration—there had been some movement. The reflections of the minister on this bill indicate that since this report there has been no change to the bill. I am willing to be corrected on that matter.

I think it is worthy, given the serious consideration by members in this place, particularly members of the Standing Committee on Uniform Legislation and Statutes Review, for this report to be fully considered, and certainly for this place to be fully cognisant of the reasons they have not been considered.

In summing up, I want to again reiterate the fact that within the opposition there is a sense that the intent of the intergovernmental agreement is definitely supported, and this was discussed with a degree of gravity and consideration. That intent is to provide our enforcement agencies with the capacity to identify persons and utilise biometric capability within the scope laid out within the IGA, noting, as Hon Mark Dreyfus mentioned, that there needs to be a balance of the issues of security and privacy. That is a very good way of looking at it.

Hon Alannah MacTiernan interjected.

Hon NEIL THOMSON: That is the position. There was that feeling because, first, the commonwealth is still grappling with this issue, and, second, there were concerns around the management of private information as outlined in the Corruption and Crime Commission report. There was sufficient concern as to what value will be gained by putting this legislation through at this time. We are not opposing the bill. We certainly support the intent of the bill, noting the very detailed and thoughtful recommendations that were made by the Standing Committee on Uniform Legislation and Statutes Review. I trust that in the committee stage there will be a full, frank and open discussion about those matters going forward. On that point, I conclude my remarks.

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.31 pm] — in reply: I thank Hon Neil Thomson for his contribution. I note that the opposition will not be opposing the Transport Legislation Amendment (Identity Matching Services) Bill 2021. That is a good thing. Essentially, the essence of the proposition that the honourable member just took us through was whether we have got the balance right between security and privacy. That is what the argument boils down to. I want to make some general comments about why the government thinks it is necessary to do this and some of the controls in place and then I will talk about some of the specific issues that the honourable member raised.

I take members back to the beginning. The reason that Western Australia entered into the Intergovernmental Agreement on Identity Matching Services is that the Australian Institute of Criminology report *Counting the costs of identity crime and misuse in Australia, 2018–19* indicated that the estimated cost of identity crime in Australia during that period was \$3.1 billion, 17 per cent more than it was in 2015–16. This includes \$2.1 billion in direct losses suffered by Australian government agencies, businesses and individuals. Identity matching services will help promote privacy by strengthening the integrity and security of Australia's identity infrastructure and the identity management systems of government agencies that issue Australia's core identity documents, such as drivers' licences and passports. The types of documents that can be checked under the face-matching services are drivers' licences, including facial images; visas, including facial images; ImmiCards, including facial images; passports, including facial images; and citizenship and birth certificates. The bill will require consent to access that service. Existing WA road laws and photo card legislation already provide strict conditions around how facial images and identifying information are collected, stored, used and disclosed to ensure that the privacy of Western Australians is protected. Existing legislation permits the release of individual facial images upon request to the Western Australia Police Force, the Australian Security Intelligence Organisation and, with the prior approval of the Commissioner of Police, prescribed law enforcement officials. Members need to appreciate that there are already laws in place about sharing facial images in Western Australia and information about Western Australians.

Identity information will be subject to strong safeguards through legally binding identity matching services documents called participation agreements and participation access arrangements. These will be signed by senior representatives of other states and territories before access is granted to the Department of Transport's customer identity information.

Some of the benefits of the face-matching service proposed in the legislation before us include a faster, more convenient and secure way to verify an individual's identity for government transactions, improved road and community safety, stronger protection and prevention of identity crime and support of law enforcement and national security efforts. It is estimated that one in four Australians will be the victim of identity crime at some point in their lives. This technology will play a key role in helping to combat identity crime. Once it is fully implemented, it will help the WA government verify an individual's identity in a way that is fast, secure, convenient and private.

The service will be used in WA to fight crimes by getting dangerous drivers with fake or fraudulent drivers' licences off the road. It will assist in preventing identity crime with the prevention, detection, investigation and prosecution of identity crime. In law enforcement, it will assist with the prevention, detection, investigation and prosecution of serious offences under commonwealth and state laws. It will be used for national security by conducting or gathering intelligence for purposes relating to Australia's defence. It will be used for security and international relations and law enforcement interests in line with existing processes and protocols. It will be used for protective security with activities to promote the security of agency assets, facilities or personnel, including but not limited to security or criminal background checking. It will be used for community safety activities by identifying those individuals who are at risk or who have experienced physical harm, including but not limited to investigating

individuals who are reported as missing, identifying individuals who are reported as dead or unidentified human remains, identifying individuals when addressing significant risks to public health or safety, and identifying individuals after disaster events or other major events.

I am happy to get into the controls when we go through the bill clause by clause, but the face-matching services will use encryption and authorisation procedures approved by the Australian Signals Directorate to ensure data protection, security and confidentiality. The face-matching services are assessed and accredited in accordance with the Australian Cyber Security Centre's *Information Security Manual*—the ISM—and the commonwealth government's protective security policy framework.

One of the issues raised by the honourable member was the current situation with the federal government. I think he was referring to the fact that we are obviously about to go to a federal election and whether the commonwealth legislation will be passed in time and, if that is the case—I think this is what the honourable member meant—why we need to proceed when we do not know who will be in government, although I am fairly confident that I do know who is not going to be in government. The commonwealth's Identity-matching Services Bill 2019 was reintroduced into federal Parliament on 31 July 2019, but it is important to note that the Department of Home Affairs is already authorised to operate face-matching services through a combination of commonwealth, state and territory laws. WA does not intend to share identity information through the national hub until the commonwealth bill has passed. However, it will be necessary to build the computer infrastructure in readiness for the legislation to be in place and to do testing with dummy data. That work needs to be ongoing, irrespective of the electoral cycle. I know that it is shocking to think that public servants continue to implement things when governments are in election periods but they do; otherwise, the whole place would fall apart.

Hon Dr Steve Thomas interjected.

Hon SUE ELLERY: Yes, they probably do. Irrespective of the fact that the bill has not progressed, there are already existing authorities for the Department of Home Affairs, and the testing work does need to be undertaken. That is the reason we want to pursue this now.

The Department of Transport will have further control over driver's licence identity information, for example. If WA sees fit, it will be able to withdraw from the hosting agreement at any point and will not be held to any of its terms. WA will be able to withdraw driver's licence identity information data from the national driver licence facial recognition solution environment at any point with six months' notice, or suspend access to WA's driver's licence identity information by a requesting agency with 24 hours' notice. People need to understand that context as well.

I will go to some of the issues the honourable member raised around when the bill was introduced into the federal Parliament and referred to the Parliamentary Joint Committee on Intelligence and Security. The committee was critical of the structure of the commonwealth bill and made a number of recommendations, including that the bill be redrafted to follow principles of privacy, transparency and oversight, including annual reporting, and include a requirement for a participation agreement in the primary legislation. The original bill has since been redrafted, but I am advised that it has not yet been publicly released. The WA legislation complements the commonwealth legislation. It is important to understand that both will need to be in force before live operation of the national driver licence facial recognition solution can take place. Agencies at both the state and commonwealth level will be accountable for their contribution to the national system. It has not been necessary to amend the WA bill on the basis of the findings of the joint committee report, but it was developed with knowledge of what that report included. The WA bill will provide authority to disclose information, whereas the commonwealth legislation will provide authority to manage matching requests. The WA legislation is designed to complement the annual reporting recommendations in the parliamentary joint committee report and includes references in the IGA that will limit the disclosure of information. The WA legislation will limit the discretion of officers and ensure that primary and secondary legislation will follow the model of disclosure to an authorised person in an authorised organisation for an authorised purpose.

The honourable member raised the Corruption and Crime Commission's report into the transport executive and licensing information system. The Department of Transport has acknowledged the content of the CCC's review and the recommendations that it made, and is committed to continual improvement. The department has strengthened governance around the use of TRELIS and, in 2018, commenced enhanced monitoring of system user access to identify instances in which authorised users accessed the records of persons known to them. As a result of the outcomes of the monitoring, the department has amended various policies and procedures to provide explicit guidelines on user expectation, which includes not conducting licensing transactions on behalf of family and friends. The department has complied with the requirements of the Corruption, Crime and Misconduct Act by providing formal notification of detected breaches to the CCC, and since 2018 has undertaken a significant procedural review to increase user knowledge and compliance. The department is in the process of amending associated policies and procedures to meet the recommendations of the CCC and provide explicit guidelines to all system users to ensure there is strong awareness of their roles and responsibilities in the use of restricted-access computer systems such as TRELIS. The program of works associated with meeting the recommendations and enhancing governance of TRELIS use is being oversighted by a corporate executive integrity committee.

Individual user privacy will be protected through secure systems that will limit access to driver's licence information. These comprehensive security measures will protect information and identity at all times, in a similar way to those used for internet banking. The connection to the national driver licence facial recognition solution will use architecture through which each state and territory will maintain its images in a secure partition within the national driver licence facial recognition solution. This will avoid the creation of a so-called honey pot of data and will also prevent access to WA records without the WA government being aware. Searches against images will be made only by authorised officers in authorised organisations for an authorised purpose. There will be pre-approval and strict auditing of this. In the case of the face verification system, driver's licence images will not be sent and the system will simply return a yes or no as to whether the subject matches the record held by the driver's licence authority. The Department of Transport will not be collecting any additional information from customers.

The 134th report of the Standing Committee on Uniform Legislation and Statutes Review noted where the bill has narrowed definitions in several places. I will go to those specifically. For example, at paragraph 5.11 on page 7 of the report, the committee notes —

Who can be a 'prescribed person' has not been defined in the Bill. However, the definition of 'authorised purpose' narrows the type of people or classes of people to whom identifying information can be disclosed.

Further on, at paragraph 5.17 on page 9, it states —

Proposed section 11C(1)(c) and (d) narrows the scope of what is an 'authorised purpose' under regulations. Clause 1.2 of the IGA contains the purposes for which the parties agree to promote the sharing and matching of identity information. The purposes are:

- (a) *Preventing identity crime ...*
- (b) *General law enforcement ...*
- (c) *National security ...*

Paragraph 5.16 on the same page refers to the authorised purpose as being —

- (c) a purpose, prescribed by the regulations for the purposes of this definition, that is related to a purpose set out in clause 1.2 of the intergovernmental agreement; ...

Going back to paragraph 5.17, it also outlines other purposes, being protective security, community safety, road safety and identity verification.

There is further committee comment at paragraph 5.25 on page 11, where it states —

The Bill defines the regulation-making power so as to limit the purposes for which information can be disclosed. The Bill has narrowed the definition of what can be an 'authorised purpose' in proposed sections 11C(1)(c) and (d) and 14(1)(c) and (d).

I make those points not to say that the committee does not also make some recommendations on how it thinks other things could be done, but because the committee report itself acknowledged the narrowing of definitions at certain points.

I want to quickly touch on the 127th report of the Standing Committee on Uniform Legislation and Statutes Review, which made five recommendations. The government considered those recommendations and made amendments to address the committee's recommendations, which were provided for in the 2021 bill. Those amendments are described in the explanatory memorandum under the relevant clause notes.

The 134th report raised additional questions and five new recommendations. These have been carefully considered by government, but they are not supported for the reasons that I will now outline. In response to the 127th report on the 2020 bill, the definition of "authorised purpose" in clause 12, proposed section 11C(1), was amended to limit the purposes for which identifying information may be disclosed as made in regulations. The committee had also recommended that clause 12, proposed section 11C(1), be amended to limit the people or classes of people to whom identifying information could be disclosed, as did recommendation 1 of the 134th report. The recommendation to limit the people or classes of people to whom identifying information may be disclosed was analysed and considered not necessary because of the amendment already made to the definition of "authorised purpose".

The existing provisions in section 14 of the Road Traffic (Administration) Act 2008 provide that the CEO may disclose information to a prescribed person for an authorised purpose. Both criteria must be met to enable information to be disclosed. In the 134th report, paragraph 5.12, the committee noted "The power could be used to extend the range of persons or entities authorised to have access to identifying information beyond the original and principal purposes for which the information may be disclosed." This concern is unfounded as disclosure still requires an authorised purpose, which is related to the purposes of the intergovernmental agreement. In addition, it is understood that in the committee's 127th report, paragraph 5.35, the committee raised concern about the opened-ended regulation-making powers and provided as an example that the bill does not prohibit identifying information being provided to private entities for commercial purposes. The concern about the potential to extend access of identifying information to private entities is acknowledged; however, part 5 of the intergovernmental agreement makes it clear

that the services that may be made available to private sector organisations in the future will be limited to the document verification service or the face verification service. These verification services do not disclose identifying information. The document verification service provides a yes or no response to queries as to whether certain biographical information on an identity document matches the official records held by the government authority that issued the document and that the document has not been revoked. The face verification service enables a facial image of an individual to be compared against a facial image held on a specific government record associated with that same individual. This is called a one-to-one check and helps to confirm the identity of a known person. The DVS and the FVS both require the consent of the person to whom the information relates; therefore, private sector organisations will not be able to access identifying information as they will not be given access to the face identification service or the identity data sharing service.

It is also noted that the new section 11I of the Road Traffic (Authorisation to Drive) Act 2008 and section 17A of the Western Australian Photo Card Act 2014 expressly prevent identifying information from being compelled to be produced or disclosed in civil proceedings by subpoena or otherwise. These clauses are designed to continue the status quo, as the Department of Transport has not previously been subpoenaed for photographs or signatures; the department, however, regularly receives subpoenas for bulk requests of information of owners of vehicles who are allegedly liable for unpaid parking charges from private companies. These clauses prevent potential situations where companies seek to subpoena photographs and signatures used on driver authorisation documents for commercial purposes. This further supports the intent to ensure private entities will not be able to access identifying information for commercial purposes.

In respect of the second recommendation in the 134th report—again the government does not accept this. Referring to clause 1.2 of the intergovernmental agreement, rather than incorporating the text into the bill was considered the most practical way to capture the intended policy. The text of clause 1.2 is lengthy and would need to be set out in both the Road Traffic (Authorisation to Drive) Act 2008 and the Western Australian Photo Card Act 2014. Rather than incorporating the text of clause 1.2 into two acts, a short incorporation by reference was considered more appropriate. Another consideration was that the way that 1.2 is worded, it would have been necessary to make minor amendments to fit the style of Western Australian legislation. Each amendment, regardless of how minor, raises questions as to whether some change to the meaning was intended. In addition, incorporating the purposes by reservation to clause 1.2, it is clear the intent is to reflect the intergovernmental agreement to which WA is a party. If the text of 1.2 is set out in full in the two acts, it would not immediately be clear where the purposes had come from.

In respect of recommendation 3—again the government does not support this. Referring to the intergovernmental agreement, as amended from time to time, assures that the reference does not become out of date and ensures WA's continued commitment to give effect to the intergovernmental agreement on identity matching services, which is the purpose of the bill. It is also noted that it is standard drafting practice in WA legislation for intergovernmental agreements to be defined as “in force from time to time” and advice from Parliamentary Counsel's Office is that the definition remain as drafted. Note, we now have an insider in Parliamentary Counsel's Office—as an aside. Existing examples of a definition of intergovernmental agreement as enforced from time to time can be found in the following: the Electronic Conveyancing Act 2014 and the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. One reason for defining an intergovernmental agreement as “amended from time to time” is that the legislation relying on an intergovernmental agreement is aimed at bringing WA into some form of national scheme or bring WA into line with some sort of national approach. If the intergovernmental agreement and the WA legislation drift apart, the WA legislation will no longer be fulfilling that purpose. It is acknowledged that setting a reference to the intergovernmental agreement as in force on 5 October 2017 may provide protection against hypothetical future changes that could undermine the sovereignty of the WA Parliament.

Sorry, just breaking all the COVID rules!

A member interjected.

Hon SUE ELLERY: Do I detect a degree of excitement about that prospect?

However, the framing of the purposes of the intergovernmental agreement, which, as it is, meets foreseeable uses of identity matching services, along with the need to secure agreement of all jurisdictions makes it unlikely that this intergovernmental agreement will be amended. Although it is unlikely that the intergovernmental agreement will be amended, in the unlikely event that it does, it is important that WA remain in step with the national approach.

In respect to recommendation 4—again the government does not accept this recommendation. In response to committee report 127 on the 2020 bill, proposed section 11J of the Road Traffic (Authorisation to Drive) Act 2008 and section 17B of the WA Photo Card Act 2014 now provide for annual reporting. Annual reporting was introduced in response to recommendation 5 of committee report 127. Although the 134th report recommended a once-off legislative review after five years, it is considered that the proposed regular annual report will provide greater transparency and accountability regarding WA's use of WA identifying information in the national driver licence facial recognition solution.

Recommendation 5—again the government does not accept. Serious harm is the national best practice standard for triggering a notifiable data breach in the commonwealth's Privacy Act 1988. Any regime of records management requires a trigger threshold to identify issues of concern, and using serious harm would ensure consistency with other regimes nationally. For example, if an interstate officer unlawfully accessed a WA record. The WA government undertook public consultation in 2018–19 during the development of the proposed privacy and responsible information sharing legislation and this found overwhelming support for a mandatory data breach scheme similar to the commonwealth scheme. This would involve a serious harm threshold for mandatory data breach reporting.

I will add some comments about why we are progressing the bill before the commonwealth bill has passed, even though I have touched on that.

Although the bill will allow the state to meet its obligations under the intergovernmental agreement, it will also introduce other enabling provisions that will provide customer service efficiencies and enhanced customer choice by enabling photographs on one document to be used on another and support the digital strategy for WA government 2021–25 by providing customers with the ability to consent to the sharing of their information. Further, WA's participation in the national facial biometric matching capability and the use of the face matching services, as I said, requires both commonwealth and state and territory legislation to have passed and systems development to be completed. The commonwealth legislation is being developed in parallel. It is not yet passed and its timing is uncertain; however, in the interim, it is desirable to continue to develop computer systems so that WA is ready to connect with minimal delay after the passage of the bill.

The development and testing of interfaces between computer systems can typically take one year or more, so it is necessary to develop these in parallel with legislative changes. To properly test the solution computer systems, it will be necessary to disclose real WA customer identifying information for purposes such as determining photographic biometric quality as well as ensuring the system connection works as it should. There is no legislative power currently to allow the disclosure of WA customer identifying information for such systems testing. The proposed disclosure would be for solutions system testing only in an isolated testing environment that would be restricted to the Department of Transport and the Department of Home Affairs. It is important to note that the sharing of identifying information via the solution will not commence until the commonwealth Identity-matching Services Bill has passed and legally binding governance agreements have been signed.

I just need to check that I did not mislead the house before because I think I talked about not using real data. Have I misled? We do not think so. Anyway, I will come back and correct it later if I need to.

The WA legislation will rely on the commonwealth legislation establishing a solution under a written law that can be linked to an authorised purpose for which identifying information may be disclosed. Specifically, it is intended that the authorised purpose for which identifying information may be disclosed to the solution is to be linked to a written law as provided in the proposed clause 11C(1)(a) of the Road Traffic (Authorisation to Drive) Act 2008, which provides, amongst other matters, that an authorised purpose means the purpose of performing functions under a written law, a law of the commonwealth, another state or territory. Progressing now will also allow for other service delivery reforms and that is why we are proceeding.

With those comments, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Steve Martin) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 1: Short title —

Hon NEIL THOMSON: I raised a number of points in my speech during the second reading debate in response to some issues in the report from the committee. Noting the discussion around moving through specific clauses and having a bit more conversation around that, as part of the clause 1 discussion I want to pick up on a few points that the minister made. Within the context of the minister's response, she said that one of the reasons for pushing this legislation through at this point was to ensure that the government could proceed with the development of this technology. Effectively, that is what the minister was saying. That raised some questions for me because that technology can be developed without having real data.

If the government's prospect was to create that technology system, why do we require this legislation? Can we not just develop the technology without the actual legislation?

Hon SUE ELLERY: While the advisers are providing me with an answer to that, I will say a couple of things. The agency is working, as I understand it, with the Department of Home Affairs on this. They are working together. It is also the case that we do not want to be spending taxpayers' money on it without authorisation to be doing it. I will sit down in a minute to get any further advice that the advisers will give me. Members will note that in the

last few moments of my second reading speech in reply, I indicated that I thought I might have misled the house, and so I do need to make a correction. I had said in my comments that I understood that dummy data would be used, but in fact it is real data. Now if members will just bear with me.

Although some testing can be done with what is described as synthetic data, which I think means not real, closer to the launch real data must be used if the system is going to have integrity and be able to work properly. The department's experience is that testing with real data is necessary to avoid problems further down the track.

Hon NEIL THOMSON: Just so I understand the sequence of events, this legislation would pass and then there would be a process of collating real data, which is what the government is proposing to do. How would that process be undertaken?

Hon Sue Ellery: The department already has real data. It does not need to collate it; it already has it. So I do not know whether you want to refine your question a bit.

Hon NEIL THOMSON: The department already has real data, but is it to do with the biometric technology in terms of interpretation of that data? I am sure it has everyone's photo. Is it to do with the biometrics that goes behind that in order to create that identification match? Is that what we are talking about? Is that what needs to be done?

Hon SUE ELLERY: It is about having the authority to use that data to disclose outside the existing scope, working with the Department of Home Affairs. This bill gives the authority to do that. Without this bill, it will not have the authority to do that.

Hon NEIL THOMSON: I appreciate that; I guess I am trying to clarify what is going on here. Basically, the agency already has the technology to identify a person within this biometric process; the issue is simply that it is currently not allowed by law to disclose it. Is that what the minister is saying?

Hon Sue Ellery: You have a photo ID on your licence, have you not?

Hon NEIL THOMSON: Absolutely.

Hon SUE ELLERY: That is the data; that is already held. The authority given by this legislation is to disclose that data as part of the testing to working towards putting this national system in place, with WA being a participant in that.

Hon NEIL THOMSON: I thank the minister; I appreciate that. We are all learning here, I guess. It sounds to me like the technology solution that the minister talked about before, because she raised the issue about the investment that was required and the need for this law, and that the department did not want to make the investment because the investment might result in some costs not being able to be utilised if this law was not available. We had that discussion. The premise of my question is: why can the department not just do the development for state purposes? Excuse me; I would like to hear from the experts on this. It sounds to me as though there is really not a lot to do on the technology side; it is just simple disclosure of information under the law. It sounds as though the technology is already there for identity matching. Is that what the minister is saying? To me, the minister is saying that the department can already do all the identity matching it needs to do, and in fact it is simply a matter of confirming that the person is who they say they are; or is some other technology solution required in order for that process of interoperability—maybe that is the right word; I do not know—and connection between the other agencies? I am just wondering how that will work.

Hon SUE ELLERY: The data is already held. The data is the picture that was taken of the member when he went and got his driver's licence. This project is a collaboration between two large complex registries. It is a major IT undertaking, and testing is necessary to ensure that the images can be handled correctly in the home affairs system. It is also the case that under the current legislation, the authority to disclose is limited to certain agencies. The proposition set out in the intergovernmental agreement is about disclosure through to the solution. As a side bar, that is a very unfortunate name, but that is the authority.

Hon DONNA FARAGHER: I thank the minister for her responses on the committee's report. I want some clarity on her response to recommendations 2 and 3. I appreciate we will get to that in due course, but it will help me if we can look at that before we get there. I refer to the intergovernmental agreement and the statement about the IGA being "as enforced from time to time." I understand the government's reasoning on recommendation 2 in terms of prescribing that level of detail within the bill and ensuring that the relevant grammar and other things are in line. Even though I am the chair of the committee, I can appreciate that. My query relates to recommendation 3, in which it was proposed that it be amended to say "as enforced on 5 October 2017." Perhaps the minister could remind me. My recall is that there is a concern that if we were to put this in place and there were any future amendments, albeit the minister might think there will not be any, that would lead to a departure from the legislation. Would the expectation be that the government would need to introduce new legislation to deal with that? How would that be resolved?

Hon SUE ELLERY: Yes, the member's understanding of the reasons is correct. We express concern that we would deviate from that, and the solution would be that we would have to come back to the Parliament. That is obviously a time-consuming process; meanwhile, the purpose of the bill is community safety, national security and all those things, and, for those, time can sometimes be of the essence.

Hon DONNA FARAGHER: In the context of that, I suppose I am trying to think of a happy medium. In the unlikely event that the IGA were amended, would the government be able to table that amended IGA so that everyone is clear? The minister knows that when we sign IGAs, they are not necessarily always readily available, and not everyone is looking at the relevant websites every day. I want to get an idea from the government whether that would be a reasonable happy medium. In the unlikely event that a revision to the IGA were to occur, could that be tabled in both houses of Parliament?

Hon SUE ELLERY: Noting that I am the representative minister, and noting the time, if the member leaves that suggestion with us overnight, I give absolutely no commitments, but it is something that I can get further advice on.

Hon Dr STEVE THOMAS: In the second reading speech that the minister read out, there are a couple of bits in the middle here. It reads —

Within the solution system there are secure databases which hold each —

The ACTING PRESIDENT (Hon Steve Martin): Noting the time, I need to report progress.

Progress reported and leave granted to sit again, pursuant to standing orders.

CORONAVIRUS — DEPARTMENT OF EDUCATION — SCHOOLS

Statement

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [6.20 pm]: I do not normally make members' statements, but I want to make one on this occasion because there was a report on ABC online news today about the state of COVID in schools. Part of that report—I am sorry that I do not have it in front of me—referred to the Department of Education refusing to release certain information. One of the things that the department was alleged to refuse to release was the number of students and staff affected who had to quarantine. I provided that information to the media at a fully packed media briefing yesterday, so that report was not accurate.

The other part of that report, which was a bit more concerning, was that the Department of Education is refusing to release the names of schools where there has been an outbreak of COVID. I want to put on the record that I support the department's decision to not name the schools, and I will give members the reasons why. Members would have seen during the end of term 3, I think, and certainly term 4 last year, when the vaccine programs were being rolled out in schools, that anti-vaxxers were turning up and protesting at the schools and, in some cases, at the clinics where students were being bussed to. I said at the time that it was not very brave to turn up and yell at a group of 13-year-olds, but that is what some of those anti-vaxxers were doing. Before school resumed this year, there was a post on Facebook that identified a number of schools that whoever posted it indicated would be good places to hold a protest. In Kalgoorlie in the last couple of weeks, there have been anti-vax protesters expressing their point of view by driving their truck with a big sign on it into the school car parks, parking them and protesting outside the schools. I respect anybody's right to protest. I take no issue with people who are opposed to the mandates or to vaccines conducting peaceful protests. In fact, I do not even mind if they get a bit agitated, but I think they have to pick the place to do that, and they should not do that at schools.

I support the department's decision not to name the schools because I do not want to encourage those people. It is not all the people who are opposed to vaccines or all the people who are opposed to mandates, but there is a clear cohort within those protesters who are violent, who advocate violence and who have threatened violence against people, including the Premier's wife and children. I do not think it is appropriate to be giving them the opportunity to turn up at one of the schools that has been identified as having an outbreak and taking the risk that some of that cohort who are violently inclined will take part in that protest. When I am asked a question about how many schools are affected, I will answer it. When I am asked a question about how many staff and students have had to quarantine, I will answer it. But I do not think it is appropriate to name those schools for the purposes of security and the students' safety, and I support the department's decision on that.

House adjourned at 6.24 pm
