

BUSINESS OF THE HOUSE

Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [4.00 pm]— without notice: I move —

That private members' business notices of motion 2, 16 and 9 be taken next.

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [4.00 pm]: Mr Acting Speaker —

The ACTING SPEAKER (Mr T.J. Healy): The motion is not in your name.

Mrs L.M. HARVEY: Mr Acting Speaker, I wish to speak against this motion.

Once again, we are today witnessing the government of Western Australia using its powers in this chamber to try to block the opposition from talking to the issues that we seek to raise in this Parliament that are of importance to the community of Western Australia. We have been negotiating in good faith with the Leader of the House about the order of private members' business to be debated this afternoon—in our time, private members' time—in the three hours the opposition gets to raise matters in this place and to scrutinise the government. We have been in this process for pretty much the whole day with the Leader of the House.

Mr D.A. Templeman: I wasn't here until half past one.

Mrs L.M. HARVEY: We wanted to move private members' business notice of motion 9, the victims of child sexual abuse motion. We wanted to debate this issue because it is of importance to a large number of victims of child sexual abuse, who were made a promise by this government during the election campaign. That promise was that legislation would be brought to this Parliament forthwith to ensure that in Western Australia the statute of limitations prohibiting civil litigation for victims of child sex abuse would be lifted. The motion we wanted to debate first in this chamber today, was given notice of by the Leader of the Opposition and states —

That this house notes the failure of the McGowan government to introduce legislation to remove the statute of limitations for victims of child sex abuse, which it said was a priority; and calls on the Attorney General to apologise for raising the expectations of victims of child sex abuse when he was in opposition, and failing to deliver now that he is in government.

We are not acting recklessly in seeking to debate private members' business in the order we wish to debate it. We made inquiries of the government Whip about whether there is a problem with the Attorney General being in this chamber or present in the Parliament. We know from being ministers that ministers often need to attend functions and events. They are required to obtain a pair from the opposition so that they can go to an event or function and fulfil their duties as ministers. As we have seen in this chamber from time to time, members need to be absent. They might need to be out of the chamber because they have a medical appointment, they are unwell, there is a family emergency or they might be attending a funeral. In those circumstances, there is always agreement from both sides of the house that a pair be arranged. Generally, there is consensus to support people when their families are going through crisis or those sorts of matters. The government Whip advised us that the Attorney General needed to be away on other business from 5.30 pm today, so there is no reason whatsoever that this motion concerning the Attorney General's portfolio could not be debated between 4.00 and 5.30 pm because the minister is clearly here in the chamber. There should not have been a problem agreeing to varying the order of business as the opposition asked.

Mr D.A. Templeman: Tell the truth about when I was notified. I was not here until after 1.30. So when you say we have been talking about it all day, it's not true.

Mrs L.M. HARVEY: I stand corrected.

Mr D.A. Templeman: Tell the truth because that reflects on me.

Mrs L.M. HARVEY: I apologise, Leader of the House; I did not mean to misrepresent the time we have been negotiating this. I will say that I remember what it was like to be a minister in government during private members' time. Often, as ministers would be aware, there would be an order of business in private members' time and sometimes the opposition then, in a bit of a stunt, would find out that ministers needed to be in other places to fulfil other duties, attend functions or whatever, and the opposition would request a variation to the order of business. The Leader of the House at the time, Hon John Day, always accommodated the opposition's request because his view and that of the Barnett Liberal government was that opposition time was opposition time. That is the time when the opposition gets to debate their motions; they own that time. They should have the ability to vary the order of business and debate motions as they see fit. That is what we asked for today.

We have seen very poor form by this government due to the contempt with which they treat parliamentary convention. We saw it with the allocation of members to the Joint Standing Committee on the Corruption and Crime Commission. We have laboured that point ad nauseam and will labour that point again because having no member of the

Liberal Party from this chamber on the committee, every time the CCC hands down a report in this place, the opposition will not know the content of the report. We saw that contempt with the appalling stunt by the Minister for Health today trying to threaten the opposition by interfering in some kind of legal process of trying to hold the Minister for Health to account over his decision to take practical completion of the Perth Children's Hospital. Those decisions need to be scrutinised by the opposition in this Parliament. Parliamentary privilege is designed to protect members of Parliament when they are scrutinising a range of matters without fear or favour, and certainly without fear of being threatened in an amateur and naive way by the Minister for Health, for example, with ramifications as a result of our going about performing our duties, as we are supposed to do, as a democratically elected opposition in this state of Western Australia.

On the substantive issue—I really feel for victims of child sex abuse—I understand that there has been extensive debate on this matter. Yes, as a government, we were found wanting in this respect. Legislation was introduced in the Parliament by former member for Eyre Dr Graham Jacobs that sought to lift the statute of limitations to allow victims of child sexual abuse to sue perpetrators of sexual abuse for damages or, indeed, the institutions responsible for their care at the time the abuse occurred. I think it is fair to say that at the time, the legislation was examined by the government. However, we found the legislation wanting. Instead of trying to improve that legislation, we decided not to support it. Indeed, the legislation introduced by the former member for Eyre and, indeed, supported very vocally by the now Attorney General, would not have achieved what the opposition at the time was hoping it would achieve. In 2016, *The West* online ran an article that states —

Mr Quigley said —

He is now the Attorney General.

the statute of limitations was shutting victims out of the legal system.

“There is an old legal maxim—justice delayed is justice denied,” he said.

“To delay this any longer exposes these people to further injustices.”

Mr Quigley said the motion was a “seminal moment” for Parliament because it would separate MPs into “protectors of paedophiles” or “champions of the victims”.

The West online of 21 October states —

Shadow attorney-general John Quigley drew gasps of incredulity from Government benches when he told Deputy Premier Liza Harvey a no vote would prompt her daughters to ask,

“Mummy, why did you vote to protect paedophiles today?”

The now Attorney General said that when he was in opposition. Then, when he gets into government and he has the power to bring forward this legislation, what does he do?

Mr S.K. L'Estrange: He said that it was a number one priority going to the election.

Mrs L.M. HARVEY: He said that it was a number one priority, along with a range of other initiatives. What have we seen brought to this chamber in the seven or so months since the government came to power in March this year? We have had 41 bills read into the houses of Parliament. Eight of those are from the thirty-ninth Parliament, are somewhat administrative in nature and have already been constructed. The legislation that is required to be passed includes bills such as the Health Practitioner Regulation National Law (WA) Amendment Bill 2017, the Statutes (Minor Amendments) Bill 2017 and the Appropriation (Recurrent 2010–11 to 2015–16) Supplementary Bill 2017. They do not need drafting priority. It is simply a matter of taking the legislation that was introduced in the thirty-ninth Parliament and reintroducing it in the fortieth Parliament. I take no issue with those eight bills. However, let us look at the remaining bills that have been read in ahead of a bill to lift the statute of limitations to allow victims of child sex abuse to sue perpetrators.

The bills that have been given priority over lifting the statute of limitations for victims of child sex abuse include the Animal Welfare Amendment Bill 2017; the Corruption, Crime and Misconduct Amendment Bill 2017; and the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017. The latter two are election commitments and are very complex legislation. I put it to the Attorney General that if he put the drafters of those two pieces of legislation to work on lifting the statute of limitations to allow civil litigation for victims of child sex abuse, we would have that legislation before us and it would have been passed by the end of 2017, as was promised to these victims of child sex abuse in the lead-up to the election. We also have the Court Jurisdiction Legislation Amendment Bill 2017 and the Courts Legislation Amendment Bill 2017. The government agreed to the Criminal Code Amendment (Industrial Manslaughter) Bill 2017. I take no issue with any of this legislation, but I do not believe that it should have been prioritised ahead of victims of child sex abuse. The Historical Homosexual Convictions Expungement Bill 2017—once again, I take no issue with the bill but victims of child sex abuse needed to be prioritised commensurate with the commitment made.

I am nearly finished; I know that the government has agreed to allow us to change the order of business as we requested, but I want to read in this other legislation. The Local Government Amendment (Auditing) Bill 2017 was put ahead of victims of child sex abuse, as was the Mines Safety and Inspection Amendment Bill 2017; the Occupational Safety and Health Amendment Bill 2017; the Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017; the Pay-Roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017; the appallingly drafted Salaries and Allowances Amendment (Debt and Deficit Remediation) Bill 2017, which will no doubt be banging around in the Legislative Council for quite some time given that it was such a poor piece of legislation; and the Statutes (Minor Amendments) Bill 2017. This is the one that really sticks in my craw: the Tobacco Products Control Amendment Bill 2017 was drafted ahead of victims of child sex abuse being able to achieve justice in Western Australia. The other appalling piece of legislation, the Western Australian and every other state and New Zealand jobs bill —

Several members interjected.

Mrs L.M. HARVEY: On behalf of the opposition, I thank the government for acquiescing to our request to have the order of private members' business in private members' time be in the order in which the opposition would like to debate the motions. I appreciate that, Leader of the House. I accept that the Leader of the House was not back here until 1.30 pm today, but between 1.30 pm and four o'clock, there have been several demands and lots of negotiation across the chamber. That should not be the way that a government elected with such a substantial majority operates in this state. It needs to give the opposition the opportunity to scrutinise the decisions and priorities of government, and we will use today's private members' time to do that.

Amendment to Motion

MR B.S. WYATT (Victoria Park — Treasurer) [4.15 pm]: I move —

To delete "2, 16 and 9" and substitute —

9, 2 and 16

As the Leader of the House has indicated, the government will support this request, but I am kind of curious. There are a couple of points I want to ask about. Presumably, last night when the opposition gave notice of its private members' business motions, its first priority was major infrastructure projects. I am looking at the email. I want to clarify that last night when the opposition gave the government notice of its priorities for private members' business today, the priorities were these three motions: firstly, major infrastructure projects; secondly, Western Australia's GST share; thirdly, and finally, victims of child sex abuse. I have been here a little while and we very rarely get to debating a third private members' business motion. We have not seen that for a long time. The issue that the opposition wants to debate now is a priority and we are happy to do that, but last night it was their third and final priority.

Mrs L.M. Harvey: There was an administrative error in the office.

Mr B.S. WYATT: I did not interject on the Deputy Leader of the Opposition. It would seem that things have changed over the last day, but I am not going to sit here for a minute and listen to a person who sat in government for eight and a half years and did not seek to correct this issue at all. Indeed, when the member was a minister in the cabinet, she said that we should oppose the then member for Eyre's private member's bill that sought to do the exact same thing. Let us reflect for a minute upon the record of the member for Scarborough on this issue. Last night it was not a priority. Today it is a priority. The Liberal Party was in government for eight and a half years and it was not a priority at all. In fact, it was such a non-priority that it voted against lifting the statute of limitations. Let us put that on the record. The Leader of the Opposition will stand and put the case and I dare say the Attorney General will respond, but I want to be clear that the government has not sought to do anything other than debate the priorities of the opposition as given to the government. However, we will allow the priorities of the opposition to change from what they were just last night to allow this issue to be debated. Indeed, I look forward to the Attorney General's contributions.

Amendment put and passed.

Question (motion, as amended) put and passed.