

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

**2020–21 BUDGET ESTIMATES AND
2019–20 ANNUAL REPORTS**



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
THURSDAY, 19 NOVEMBER 2020**

**SESSION SIX
DEPARTMENT OF THE PREMIER AND CABINET**

**Members
Hon Alanna Clohesy (Chair)
Hon Tjorn Sibma (Deputy Chair)
Hon Diane Evers
Hon Aaron Stonehouse
Hon Colin Tincknell**

Hearing commenced at 6.45 pm

Hon SUE ELLERY

Leader of the House representing the Premier, examined:

Ms REBECCA BROWN

Acting Director General, examined:

Ms ANGELA KELLY

Deputy Director General, Recovery Implementation and State Services, examined:

Ms EMILY ROPER

Deputy Director General, Intergovernmental Relations and COVID-19, examined:

Ms STEPHANIE BLACK

Deputy Director General, Policy and Coordination, examined:

Mr GREG ITALIANO

Government Chief Information Officer, examined:

Mr GARY MEYERS

Director, Corporate Services, examined:

Ms MEGAN INGLIS

Director, People and Governance Services, examined:

The CHAIR: Good evening, members. This is the hearing with the Department of the Premier and Cabinet. On behalf of the Legislative Council Standing Committee on Estimates and Financial Operations, I welcome you to this evening's hearing.

Please state whether you have read, understood and signed a document titled "Information for Witnesses".

The WITNESSES: Yes.

The CHAIR: It is essential that all your testimony before the committee is complete and truthful to the best of your knowledge. This hearing is being recorded by Hansard and a transcript of your evidence will be provided to you. It is also being broadcast live on Parliament's website.

The hearing is being held in public, although there is discretion available to the committee to hear evidence in private. If, for some reason, you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session before answering the question.

Members, before asking your question, I ask that you identify whether it relates to the budget papers or annual report and provide the relevant page number.

Minister, do you have a brief opening statement?

Hon SUE ELLERY: No; I do not, thanks, Chair.

The CHAIR: From an indication prior to the commencement of the hearing, all members present have questions to ask. We have allocated approximately 10 minutes for five of the members, with Hon Peter Collier receiving the bulk of the remainder of the hearing. We will start with Hon Aaron Stonehouse.

Hon AARON STONEHOUSE: I have a question about something that does not appear on a specific page of the budget. You could consider it as part of the total appropriation of the agency, I suppose, so page 65. I have some questions about the various committee meetings—I will call them committee meetings, because I am not too sure what to call one of them—that the various ministers and officers attend, but first off I would like to understand a little bit more about the State Disaster Council. The State Disaster Council is convened at the declaration of a state of emergency. Does that State Disaster Council meet within the confines of cabinet or does it sit outside of cabinet?

Hon SUE ELLERY: There are actually two committees formed that meet at the same time. There is the State Disaster Council in relation to the state of emergency, and the Security and Emergency Committee of cabinet is a standing committee of cabinet. During COVID, both those committees have met concurrently on each occasion. The difference between a meeting of cabinet and a meeting of a cabinet subcommittee is that in the cabinet subcommittee you have officials as well as ministers. Is it helpful if I go through the members?

Hon AARON STONEHOUSE: No, that is okay. There is the Security and Emergency Committee, and it is a standing committee of cabinet, so normal rules and procedures of cabinet meetings would apply, other than the fact that there are agents or officers there other than cabinet ministers. The State Disaster Council is not a subcommittee of cabinet; that is not something that falls within cabinet normally, is it?

[6.50 pm]

Hon SUE ELLERY: It was established on 16 March, but it meets concurrently with the SEC, so it is treated the same as SEC, in that its deliberations are covered by the same protocols that cover all meetings of cabinet or subcommittee meetings of cabinet.

Hon AARON STONEHOUSE: If it was not for this concurrent meeting of SEC and SDC, SDC would be any other council meeting where normal rules, procedures and provision of information to the public would apply; however, in this case they are meeting concurrently, so the provision of information to the public is governed by the rules of cabinet.

Hon SUE ELLERY: I will just get some advice, but my understanding is that SDC only exists in respect of a particular crisis, so it is not ongoing, but I am just going to double-check.

Hon AARON STONEHOUSE: Yes, that is my understanding, too.

Hon SUE ELLERY: I am advised SDC is effectively two things. It is only advisory, so it does not make decisions. When they are meeting concurrently, it is ourselves as a version of SEC who make the decisions. The SDC is established under section 63 of the Emergency Management Act and it was triggered by the crisis that was the pandemic.

Hon AARON STONEHOUSE: That is my understanding, too. Who made the decision to have SDC and SEC meet concurrently?

Hon SUE ELLERY: I am advised it was cabinet. To make sure that I am not misleading anybody, I might take that on as a supplementary and I will double-check that. But my recollection, as a member, was that it was cabinet.

[Supplementary Information No F1.]

Hon AARON STONEHOUSE: Thank you. I am happy to receive it as supplementary information. I think it is interesting, because it is curious, of course, that the State Emergency Coordinator, who is receiving advice from SDC—there is certainly a lot of public interest in the advice that he receives, a lot of public interest in the health advice he receives and the conversations that go on at those meetings. Of course the public has no idea, because it is meeting concurrently with SEC and so cabinet-in-confidence applies. I am sure you can appreciate that that may raise a few eyebrows and lead to perhaps speculation, warranted or unwarranted. But I would be very interested to hear who made that decision.

Moving on from there, there is another type of meeting. I do not know what this meeting is called, but the police commissioner, the State Emergency Coordinator, revealed its existence to this committee when he appeared as a witness earlier. As I said, I do not know what this committee is called, but it meets at about 8.00 am almost every day, maybe three times a week, perhaps. That includes the Premier, it includes the Minister for Health, it includes the Commissioner of Police, I think it may include some officials from DPC and perhaps the Public Sector Commissioner and a few other officials. If you could give me a little information about what that meeting is, what it is called and what protocols apply there—is that a cabinet meeting, or is it something else?

Hon SUE ELLERY: No; that is the daily meeting that the Premier convenes, because we are in a pandemic and it does not have a name, but it meets daily to consider matters related to the pandemic. The State Recovery Controller, who had a previous position—Sharyn O'Neill—is part of that. If I give you an example, honourable member, when we were dealing with the pandemic at its peak and, for example, the question about what we do around schools was a live issue, I attended those meetings. That is a daily morning catch-up. What are the numbers overnight? You would expect that kind of meeting to be held.

Hon AARON STONEHOUSE: Sure, I can appreciate the need to have regular meetings, of course. Is there something I can call it to refer back to it? When an email is sent to put it in someone's diary, what are they referring to it as? What is it known as colloquially, if not officially?

Hon SUE ELLERY: Honourable member, I refer to it as the 7.30 meeting, because they were happening at 7.30 when I was attending it. I do not know that it has a name, honourable member.

Hon AARON STONEHOUSE: The 7.30 meeting, or the 8.00 am meeting, according the police commissioner. The Premier convenes those meetings, there are a number of ministers and officials that attend those meetings, there is a briefing undertaken and there is information shared. There would be minutes recorded of those meetings, no?

Hon SUE ELLERY: No.

Hon AARON STONEHOUSE: Because the way the police commissioner, the State Emergency Coordinator, described it was that it was chaired by the Minister for Health. It sounds like it at least had some structure. Are we talking about the same meeting, now?

Hon SUE ELLERY: I am sure we are talking about the same meeting. The meetings that I attended, I do not know that I could formally say I suppose anyone was chairing them. I assumed that they were chaired by the Premier, but they are a daily touchpoint about what has happened in the last 24 hours. They are not meetings at which, to my recollection, minutes are taken and then circulated. That is not what it is for. It is a daily touchpoint on what has happened in the last 24 hours and what is likely to happen in the next 24 hours. So, "There is a boat arriving from X"—whatever is the issue of the day.

Hon AARON STONEHOUSE: So you are saying that they are not deliberative, there are no resolutions at the end of these meetings?

Hon SUE ELLERY: No.

Hon AARON STONEHOUSE: Has there ever been a resolution at the end of one of these meetings?

Hon SUE ELLERY: I only attended the ones that were related to my portfolio. I am sure decisions are made about what time the daily media conference is going to be, or something like that, and there may well be decisions made about how to deal with a particular issue, but in the same way that the Premier of the state, the Deputy Premier of the state; Minister for Health, indeed me make decisions every single day about issues of the day without recording that as a deliberative decision, that is the nature of running the business that we run, which is the business of government.

Hon AARON STONEHOUSE: Sure. I am just trying to piece together, I suppose, where decisions are being made and in what order. I can appreciate that you do not attend every meeting in your capacity as Minister for Education and Training. Would you be able to provide as supplementary information perhaps an answer as to whether or not minutes are recorded? Because if there are resolutions —

Hon SUE ELLERY: Honourable member, minutes are not recorded. I appreciate the line of questioning and I take no issue with you wanting to understand the process, but every single day—it would not be uncommon for me to meet with my staff at the start of the day and say, “X is happening today; this is how we are going to deal with it.” We do not go off and write a set of minutes about that. That is just how you run your business. That is the process. Sometimes, honourable member, decisions are made because they have to be made. That does not mean minutes are kept.

Hon AARON STONEHOUSE: The reason why I am asking this—I am not trying to be difficult—is the State Emergency Coordinator has told us that sometimes decisions are made as a result of a resolution of the SDC, or official advice from the SDC, or perhaps the SEC, and it is all unclear perhaps where those might overlap and where they do not. But then at other times, there are decisions made outside of SDC. What I am trying to figure out is have there ever been resolutions as a result of the 7.30 or 8.00 am meeting that have resulted in a direction being issued by the State Emergency Coordinator? If that is the case, then I would like to know the circumstances under which that happened. Can you tell me if there has been a resolution of this early morning meeting that has resulted in a direction being issued by the State Emergency Coordinator?

Hon SUE ELLERY: I can tell you that there will have been decisions made at the early morning meeting about taking perhaps certain matters to SEC or SDC, but I can also tell you, honourable member, decisions are made every single day about matters that arise. So, for example, there would have been decisions made once information was clear on Monday, or whatever day it was, that the situation in Adelaide was occurring. Sorry, I cannot even remember what day we became aware of Adelaide. There would have been decisions made from Sunday afternoon—that is when it was. Sunday afternoon, there would have been decisions made. There were decisions made from that time that have not been to an SDC, SEC. They were decisions that had to be made because they had to be made.

[7.00 pm]

Hon DIANE EVERS: My first questions relate to page 65, where the Aboriginal cultural centre is first mentioned, by having \$2 million put to it for planning. Could you give me an update on what is happening there? I am interested to know where this is going and what the time frame might be, the location and things like that.

Hon SUE ELLERY: The department is currently planning preliminary consultation and engagement with key stakeholders. That is happening this month, in November. Following that, there will be

further engagement with Aboriginal communities throughout WA, starting in April next year, to come up with a comprehensive stakeholder engagement and management plan. It is anticipated that a detailed business case will be developed following that, to be developed around the middle of next year. A further \$2 million contribution from the Australian government was announced in September as part of the Perth City Deal. That will see the project's scope broadened to include consultation on design and preliminary development of an architectural concept for the centre.

Hon DIANE EVERS: Do you have any idea where it will be located?

Hon SUE ELLERY: As it is part of the Perth City Deal, we are looking at alternative sites in the city near the water, but I cannot be more specific than that.

Hon DIANE EVERS: Another development that I understand is coming along is Harvest Terrace, numbers 1, 3 and 5. Can you give me an update on what would be happening there?

Hon SUE ELLERY: I will ask the acting director general to comment on that.

Ms BROWN: Since the middle of 2018, the Department of Finance has been leading a project to resolve office accommodation issues at Parliament House. In 2019, Pivot Group was named the preferred tenderer for the development. A final design meeting was held earlier this year through sessions with representatives from the public service, the Leader of the Opposition party, the leader of the secondary party, the Parliamentary Services Department, the Legislative Assembly and the Legislative Council. The feedback from those meetings was positive, with no fundamental issues. Obviously, work has continued since then to progress that project.

Hon DIANE EVERS: Can you give me an idea of when it will start breaking ground? I could mention that I am in 7 Harvest Terrace.

The CHAIR: Is that a declaration of a potential conflict of interest, honourable member?

Hon DIANE EVERS: The noise might get to me a bit.

Ms BROWN: There is still detailed planning work that does not have a specific time yet.

Hon DIANE EVERS: So it is still some months off, you would think?

Ms BROWN: Yes.

Hon DIANE EVERS: I have just one more question on the financials, page 74, the income statement. I am curious to know why supplies and services has gone up \$10 million in the current year but not in the preceding or succeeding years. I am just wondering why supplies and services increased by \$10 million.

Hon SUE ELLERY: The difference is reflected in the following: remote Aboriginal communities, the COVID-19 emergency relief fund, the state recovery plan, the Aboriginal cultural centre planning project, the Wellington Dam mural, the Collie art trail, COVID-19 communications funding, the remote communities economic transformation project, the Office of Digital Government cybersecurity operation centre, the streamlined budget process incentive for taking that path and the Yamatji nation Indigenous land use agreement implementation.

Hon DIANE EVERS: It is a nice list of things. I guess "supplies and services" is quite a broad line item. It is just that one year. So all those things are this year and they were not occurring last year?

Hon SUE ELLERY: I am advised that that is the difference between those two figures. That adds up to about \$8.7 million.

Hon COLIN TINCKNELL: Considering we are on that subject, I have one more thing on that. I am used to being third or second in place, having my fellow members pinch some questions from me!

All those little projects are going on in Collie, and they are great. That is fantastic. However, considering the skills of the population of Collie, which has a major skill base, is the government planning any major projects in the near future? I know this is looking forward, but it is mentioned in the budget papers.

The CHAIR: If it is contained in the forward estimates, honourable member, then it is okay.

Hon COLIN TINCKNELL: I am looking at that major thing. I know it is not easy. We have lithium down the road at Kemerton but nothing at this stage big in that skill base.

Hon SUE ELLERY: Wearing another hat, and not related to this part of the budget—I am the Minister for Education and Training—an awful lot of things are happening in that space to assist that workforce transition, skill up, skill sideways. I will see if I can get more information about the work that has been done through the Collie delivery unit. There is the Collie industry development and attraction fund, \$60 million; the Collie Futures fund, \$20 million; the DMIRS licensing centre in Collie; the \$2.5 million Collie emergency services vehicle manufacturing facility; \$13.4 million in the emergency management facility; the \$2.7 million investment into the WesTrac technology autonomous training facility; the heavy haulage driving training centre, which I have some engagement with as the minister for training; \$10 million in the Collie adventure trails project to establish Collie as WA's leading trail town; \$1.5 million for the Collie mural trail; \$5.7 million to establish a water-based recreation facility at Lake Kepwari; and \$4.4 million for the Tourism Collie tourism readiness project.

I note your question is about what the state development arm, if you like, is doing with respect to attracting a major private sector business there.

Hon COLIN TINCKNELL: Because of that skill set that is already there.

Hon SUE ELLERY: I am happy to take that as a supplementary and see if we can provide you with some additional information. But that part of your question is probably best directed to the state development JTSI arm of the Premier's portfolio. I do not know that I can add anything more here.

Hon COLIN TINCKNELL: Thank you.

I refer to page 44 of the annual report and note that 39.2 per cent of employees in the department are male and 60.8 per cent are female. There is an imbalance. What explains this imbalance and what are we doing to address the imbalance?

Hon SUE ELLERY: So you would like more men to be working for the department?

Hon COLIN TINCKNELL: No; I am just wondering about the imbalance. I am just wondering whether that is an issue for the department.

Hon SUE ELLERY: I do not particularly see it as an issue. We have tried to address the fact that many women are working in the public sector at disproportionate levels. They kind of drop away as the positions get more senior, so we have certainly been trying to address that. You are the first person who has ever put the idea in my mind that somehow we have a diversity problem in DPC.

[7.10 pm]

Hon COLIN TINCKNELL: There is a gender imbalance; it is quite clear.

Hon SUE ELLERY: There is. Are you concerned that that might have some impact?

Hon COLIN TINCKNELL: No; I am wondering whether you have a plan to fix that imbalance.

Hon SUE ELLERY: No, because I am not sure that we would see that as being disproportionate representation, given the public sector workforce itself. I am not sure that we would see it as being disproportionate.

Hon COLIN TINCKNELL: Okay; that is your view. The next question is on the annual report again, page 45. It is talking about the 530 FTEs compared with the 483 last year. I note that other changes in DPC were not affected by machinery-of-government changes, such as the amalgamation in 2017, so what explains that FTE jump?

Hon SUE ELLERY: Chair, if I can, the agency is now doing an increased number of initiatives. There is the Collie delivery unit, that is five FTE—sorry, these numbers are small—the royal commission into institutionalised child sexual abuse, the SAPPR, and then there were some FTE around Our Priorities, but we put that work on the backburner during COVID and those FTE were transferred to COVID responsibilities. SAPPR is that—I can never remember what they all stand for—strategic assessment of the Perth and Peel regions. There were some machinery-of-government changes around Aboriginal policy and digital government and some structural changes in the Government Garage, PEO support—that is parliamentary and electorate officer support—ministerial officers and electoral officers.

Hon COLIN TINCKNELL: Okay. My last question is on the annual report, page 29, and it refers to the \$29 billion cost relating to cybercrime in Australian businesses. Do we know what the cost is to Western Australian businesses?

Hon SUE ELLERY: That is a good question. Mr Italiano, would you like to answer that question?

Mr ITALIANO: No; we would not have an accurate estimate for Western Australian businesses. Western Australian businesses that are the victims of cybercrime would report that to the federal authorities, so they would be captured in those numbers.

Hon COLIN TINCKNELL: Okay, it is all centralised at this stage.

Mr ITALIANO: That is correct, member, yes.

Hon MARTIN PRITCHARD: Just a very quick one, if I may. I am just following on from Hon Diane Evers' line of questioning with regard to some of the decisions. I noticed in the annual report, page 24, what I think has been put in there is an invigoration of the Aboriginal Advisory Council of WA. I look through and notice quite a number of eminent people on that committee. I am just wondering what interaction that has with the Premier and cabinet with regard to the decisions of Premier and cabinet in that area?

Hon SUE ELLERY: Thank you, honourable member. It is considered a strategic state-level partner of government, so it provides advice to government on a range of issues, including on the new National Agreement on Closing the Gap, a 10-year commitment by parties to improve the outcomes for Aboriginals and Torres Strait Islanders. Over the next few months we will be developing our jurisdictional implementation plan to support that national agreement in partnership with the council. We are working with the council to develop an Aboriginal empowerment strategy following consultation with Aboriginal organisations. That strategy will support the objectives of that new national agreement on Closing the Gap and broader state objectives with respect to Aboriginal people. The Aboriginal empowerment strategy includes proposals being developed by the council for an independent office of accountability and an Aboriginal representative structure as pivotal planks, and in his speech in NAIDOC Week last week or the week before, the Minister for Aboriginal Affairs outlined that some of these objectives, including that new Aboriginal representative structure, would be the formal Aboriginal voice. That is consistent with our commitment to the Uluru statement. The council is working closely; we consider it a strategic partner and look to working together on a range of matters to improve outcomes for Indigenous Western Australians.

Hon PETER COLLIER: I have a number of questions. I guess I will go to some that will require to be on notice, I would suggest. First of all, with regard to page 46 of the annual report on FOIs, I was just

wondering if I could get the total number of FOIs received by DPC in 2017–18, 2018–19, 2019–20 and 2020–21 to date?

Hon SUE ELLERY: I think I will need to take that on supplementary notice. If it is of any interest to the honourable member, though, there were some figures published by the New South Wales government's Information and Privacy Commission that indicated that in the year 2018–19, which is the most current, Western Australia had the highest number of applications per capita, and for full or partial access granted, Western Australia got 94 per cent; access denied, six; decisions made within the statutory time frames, 90 per cent; and the percentage of claims that were reviewed, 0.9 per cent, which was the lowest in the country.

Hon PETER COLLIER: Okay. My second question is what was the total number of FOIs received by ministerial offices in 2017–18, 2018–19, 2019–20 and 2020–21 to date?

Hon SUE ELLERY: I will have to take that as a supplementary.

Hon PETER COLLIER: The third, for each answer to my first and second questions, how many of the applications were not finalised within 45 days after the access application was received?

Hon SUE ELLERY: I will take that as a supplementary.

Hon PETER COLLIER: And fourth, for each answer at 1 and 2, how many applications were extended more than twice?

Hon SUE ELLERY: I will take that as a supplementary.

The CHAIR: We will make that group of questions regarding electorate officers F2.

[Supplementary Information No F2.]

Hon PETER COLLIER: The next one is regarding FTEs from page 74, budget paper No 2, volume 1. Can you confirm the number of FTEs employed in DPC over the years 2017–18, 2018–19, 2019–20 and 2020–21?

Hon SUE ELLERY: I will have to take that on notice.

Hon PETER COLLIER: How many for each year were employed on contract?

Hon SUE ELLERY: Yes, I will take that on notice.

Hon PETER COLLIER: How many FTE had been transferred from short-term contract to full-time staff from the department for each of those years?

Hon SUE ELLERY: I will take that as a supplementary.

Hon PETER COLLIER: How many hours and days of sick leave have been taken from 1 January 2020?

The CHAIR: Honourable member, I am just going to take that group as a supplementary. Do we have an answer to that one?

Hon SUE ELLERY: I will take that on supplementary.

The CHAIR: I will leave all of that open for F3, if you want to continue, if it is the same kind of data.

[Supplementary Information No F3.]

Hon PETER COLLIER: Yes, you should have that, because we have a new system now that we have to log in to.

Hon SUE ELLERY: Yes; I have said I will take that as a supplementary.

Hon PETER COLLIER: Okay. How many hours and days of mental stress leave have been taken from 1 January 2020? Do you have that? Is that a category?

Hon SUE ELLERY: I will have to check. I am not sure. There is personal leave. I know from my own agency—I do not think it is broken down into the reasons why people take personal leave. I am just advised it is not.

Hon PETER COLLIER: Okay; let us scrap that one. How many claims for workers' compensation have been submitted since 1 January 2020?

Hon SUE ELLERY: We should have that. Yes, we can take that.

Hon PETER COLLIER: How many complaints have been submitted or received for bullying from the department in 2017–18, 2018–19, 2019–20 and 2020–21?

Hon SUE ELLERY: We would be able to find that, I think. We will take that as a supplementary.

The CHAIR: That is still part of that same data, which is F3.

[7.20 pm]

Hon PETER COLLIER: With regard to the government's air fleet, presumably the government still has the King Air and the jet?

Hon SUE ELLERY: Yes.

Hon PETER COLLIER: They are still used. As in previous years, can I please get an outline from 1 January to today of the trips taken on both those aircraft, where from and where to, who travelled, and the title?

Hon SUE ELLERY: Are we able to provide that?

Hon PETER COLLIER: The minister has done that every year. I ask for that every year.

[*Supplementary Information No F4.*]

Hon PETER COLLIER: I refer to budget paper No 2, volume 1, page 66, in relation to the COVID pandemic. It says —

The department coordinates advice across all portfolio areas to ensure that the State's unique position is well represented at meetings of the National Cabinet and other related forums.

Is the official position of the government and DPC now one of eradication as opposed to suppression?

Hon SUE ELLERY: I am advised that through National Cabinet, the position that we agree with, there is a suppression strategy with an aim of zero community cases.

Hon PETER COLLIER: In that instance, it is not so much flattening the curve anymore; it is zero community cases means eradication. Is that correct?

Hon SUE ELLERY: I guess the member will draw the conclusion that that is eradication. That is the position that we have adopted as part of national cabinet, so that is the position that the entire nation has taken.

Hon PETER COLLIER: Yes, possibly, but not necessarily New South Wales.

Hon SUE ELLERY: New South Wales is part of the National Cabinet that agreed. In line with the National Cabinet decision on 16 April, the WA government supports a suppression strategy with the goal of no community transmission. This decision was informed by the AHPPC, and the AHPPC continues to provide advice to National Cabinet to inform deliberations on COVID-related national priorities. I will just check. There has been no change out of National Cabinet, which New South Wales is a part of.

Hon PETER COLLIER: I know. But the compelling part of what the minister has just stated is a suppression component, with the goal —

Hon SUE ELLERY: — of no community transmission.

Hon PETER COLLIER: That is right. With that in mind, what is the current position of the government with regard to the relaxed border? I am not advocating anything. I just want to know in my mind does this now mean that if there is one case in Queensland or one case in Tasmania, the border will go up? What is the position?

Hon SUE ELLERY: I think the Premier's position has been quite clear. We will act on the advice of the Chief Health Officer. It was the colloquial "hard" border. It is now a controlled border. We have adjusted, on health advice, for example, to take account of South Australia. There is effectively a hard border between Western Australia and South Australia. There is a controlled border, with a couple of variations to it, so there is a different set of circumstances for New South Wales and Victoria than there is, for example, for people seeking to travel to Western Australia direct from Queensland or Tasmania. That is the position. If the Chief Health Officer advises government that we need to do something different with our border, government will act on that advice.

Hon PETER COLLIER: With regard to the sewerage testing, on what date did sewerage testing commence across all of the metropolitan area?

Hon SUE ELLERY: I will see whether we have that here, but the Minister for Health is leading that work. No, we do not have it here. That would need to be addressed to the Minister for Health.

Hon PETER COLLIER: So the minister cannot give us that information?

Hon SUE ELLERY: I will give the member an undertaking that I will seek it, but I will be seeking it from the Minister for Health.

[Supplementary Information No F5.]

Hon PETER COLLIER: If I could move back to the staffing profile, not within DPC but within ministerial offices, have there been any incidents of bullying in any ministerial offices over the last 12 months?

Hon SUE ELLERY: No.

Hon PETER COLLIER: Good. Does the minister have or does DPC have the staffing profile of ministerial offices say from 1 January 2019 and then as of today's date?

Hon SUE ELLERY: I have a staffing profile that is current at 29 October 2020. I am not allowed to table things, am I? I give them to the committee and it determines —

The CHAIR: The committee will assign status at its next private meeting.

Hon SUE ELLERY: I will hand this document to the committee staff member. The honourable member wants to go back —

Hon PETER COLLIER: To 1 January 2019.

Hon SUE ELLERY: I will have to take that as a supplementary.

[Supplementary Information No F6.]

Hon PETER COLLIER: With regard to the changes to the members' email system, the Outlook system that took place with Office 365, or whatever it is, the newfangled thing that we have —

Hon SUE ELLERY: I know what you mean!

Hon PETER COLLIER: Can someone tell me why we made that change?

Hon SUE ELLERY: Good question!

The CHAIR: May I compliment you on that question, honourable member.

Hon SUE ELLERY: We can probably get a generic answer, but I would be delighted, if that is not satisfactory, to take it as a supplementary. Let us start and see how we go.

The CHAIR: Who is going to answer that?

Hon SUE ELLERY: Mr Italiano.

Mr ITALIANO: As I said, it is a bit difficult for me to comment on the specific reason, but moving to Office 365 is a very widespread practice across the sector at the present time. Office 365 is a cloud-based product that Microsoft offers. It has security features. It is generally cost effective. It is far easier to provision mobility so that you can access your email from any device at any time. There are a number of other licensing advantages associated with moving to 365. It is a very common strategy that is being adopted the public sector. It really reflects that when agencies' email systems are coming to end of life, they are choosing not to replace that with on-premises physical servers but are taking advantage of moving to the cloud with their email systems. Typically, that means agencies will take not just their email but other Microsoft products as well from the cloud as part of that transition. So security, convenience, cost.

The CHAIR: Thank you, Mr Italiano.

Hon SUE ELLERY: If the member wanted to ask a question about why it chews up our mobile phone numbers, I would be happy to take that as a supplementary.

Hon PETER COLLIER: I have to be honest. As a humble member of Parliament, I do not find it more advantageous than its predecessor, and I have to say a lot of my colleagues feel the same. Having said that, can I please ask, re security, does anyone else have access to our emails now as a result of this transition?

Hon SUE ELLERY: Mr Italiano can provide an answer, I guess, perhaps explaining how the system works, but the question I think is: are MPs' emails accessible by anyone that they were not accessible to before the transition occurred. Is there an answer to that?

Mr ITALIANO: No change.

Hon SUE ELLERY: No change.

[7.30 pm]

Hon PETER COLLIER: Great. That is very, very important, because I have to say, I really like your IT section in DPC. It is exceptional; I have always said that, but they were not, dare I say it, definitive when I asked that question. Do not get me wrong; I have no issues. Anyone can have a look at my emails, I have got no care apart from if it is with a constituent. Do not take it personally, DPC, please. I have always supported you guys with this—that somehow you guys access all our emails. As you understand, in the Legislative Council that is quite a sensitive issue at the moment—that you guys sit there and trawl through our emails, which I do not think occurs, but there is now this perception. You have extinguished that now—the same security system exists with the new system as with the old system, and DPC does not access our emails. Is that correct?

Hon SUE ELLERY: No change.

Hon PETER COLLIER: Good, okay, thank you.

I refer now to budget paper No 2, volume 1, page 69, "Administration of Executive Government Services". Is there such a thing as the small local commitments fund for up to \$20 000 for government members?

Hon SUE ELLERY: No.

Hon PETER COLLIER: Not aware of that?

Hon SUE ELLERY: I am not.

Hon PETER COLLIER: Okay. It has come to our attention that there have been government members putting that information on official letterheads, offering commitments of up to \$20 000.

Hon SUE ELLERY: There is no such fund that exists in government. I am a member of ERC, honourable member, and I would know if such a fund existed. There is not.

Hon PETER COLLIER: Okay. This will need to be taken on notice: the total amount spent on consultants in 2017–18, 2018–19, 2019–20 and 2020–21.

Hon SUE ELLERY: I think that is provided by way of regular report, but I am happy to take it as a supplementary.

[Supplementary Information No F7.]

The CHAIR: I just interrupt to say that because the staffing profiles were tabled in the Legislative Assembly, they are therefore a public document and the committee does not need to meet to assign status to it. It is a public document and a copy will be provided to you in a moment.

Hon PETER COLLIER: Thank you. I turn to radio and print advertising. Can I get the amount that was spent on both areas for the same years—2017–18, 2018–19, 2019–20 and 2020–21? Is that possible?

Hon SUE ELLERY: I will have to take that as a supplementary.

Hon PETER COLLIER: Can you also include within that the amount that is spent on the 7West Media group, please?

Hon SUE ELLERY: If we are able to, yes.

[Supplementary Information No F8.]

Hon PETER COLLIER: I take you to page 74 of budget paper No 2, volume 1. Can you advise why the costs associated with supplies and services has increased 34 per cent from \$25.6 million in 2019–20 to \$34.4 million in 2020–21?

Hon SUE ELLERY: I will do my best. Honourable member, you might have ducked out, but this was asked at the beginning by Hon Diane Evers. There is a difference of some \$8.7 million, and I listed the projects. I will quickly do them again. Remote Aboriginal communities COVID-19 emergency relief fund; state recovery plan; Aboriginal cultural centre planning project; Wellington Dam mural and Collie art trail; COVID-19 communications funding; remote communities economic transformation project; Office of Digital Government cybersecurity operations centre; and streamlined budget process—there is an incentive for 2020–21; and the Yamatji nation Indigenous land use agreement implementation.

Hon PETER COLLIER: The remote Aboriginal communities component that you mentioned, how much was that for?

Hon SUE ELLERY: It was for \$2.1 million—that is the remote Aboriginal communities COVID-19 emergency relief fund.

Hon PETER COLLIER: What did that involve?

Hon SUE ELLERY: I am advised that it was a fund set up to enable small grants to be made to those remote communities that needed emergency work done on a range of areas. As I am sure the honourable member will be aware, there was an increase in people going back to their communities, as Western Australian Indigenous people were very frightened by COVID, as a high-risk group. That

fund was established to assist them. I can advise that to date the sorts of projects that have been applied for include community access track grading; food transport and storage facilities; signage at community entrances; communications infrastructure; translation of COVID-19 messaging; and PPE supplies.

Hon PETER COLLIER: Thank you. I refer to budget paper No 2, volume 1, page 66. Again, it is a COVID issue with regard to “Significant Issues Impacting the Agency”. Can you tell me what role DPC has had in the approval process of major events, especially those they would consider high risk from a COVID perspective?

Hon SUE ELLERY: I am advised none. The Chief Health Officer dealt with those matters

Hon PETER COLLIER: So DPC has no involvement. Okay. I refer to page 74, budget paper No 2, volume 1. With regard to the community programs, can you please explain why the community grants fall from \$7 million in 2019–20 to under \$4 million in 2022–23?

Hon SUE ELLERY: You are looking at “Community Grants” down the bottom of that page?

Hon PETER COLLIER: Yes.

Hon SUE ELLERY: We think the main reason for that was the completion of work done at Brockman House, which is in my recollection a community centre in, I think, Lockridge; it is in the eastern suburbs—maybe somewhere around Bayswater. That work will be completed, and that is why the figure drops in that year.

Hon PETER COLLIER: That was a grant, though, was it not?

Hon SUE ELLERY: Yes, for Brockman House, and the expenditure in 2020–21 is \$2 million, and in 2021–22, \$2.1 million, and then it will be completed.

Hon PETER COLLIER: One more. With regard to the employment of Aboriginal people in DPC, are you able to provide me the figures for Aboriginal people employed in DPC for 2017–18, 2018–19, 2019–20 and 2020–21?

[7.40 pm]

Hon SUE ELLERY: I suspect to get the backwards figures, we will have to take that as a supplementary. Do you have any information here about numbers currently? We will take the whole thing as supplementary, Madam Chair.

[Supplementary Information No F9.]

Hon PETER COLLIER: That should give DPC a bit of work to do over the next week. Thank you very much.

Hon AARON STONEHOUSE: Thank you for the answer you gave earlier clarifying what the government’s position is that national cabinet is suppression with zero communication. It gets a little confused. That sounds like eradication to me, but if that is the definition we are using for suppression, that is okay. What I was wondering is with the changing border situation, back in June, the Premier said, as you have repeated now, border decisions are made based on health advice. He also said back in June that—I am quoting from an ABC article —

“In terms of picking and choosing between the states, as I’ve said many times, the advice we have is that is unconstitutional, and that is confirmed by the Federal Government.”

I understand that the health advice may have changed. Has the Premier or DPC received updated legal advice to support the change in border arrangements.

Hon SUE ELLERY: There was a little matter in the High Court, honourable member.

Hon AARON STONEHOUSE: I am talking specifically here about what the Premier was talking about was the suggestion that travel bubbles could be open; that you could treat different states differently rather than having a blanket ban on travel for all states. The Premier's position back then was quite clearly that we had to have a one-size-fits-all consistent rule across all jurisdictions. He said that he had legal advice to back that up at that time and then he repeated that advice. Now, of course, the situation has changed and we have travel between some states and not with others; we have just put back in place our border with South Australia. At that time, the Premier suggested he had legal advice that he could not pick and choose which states to open travel to. Now, obviously, we are. Has the Premier received updated legal advice that backs up the new border arrangements we have in place?

Hon SUE ELLERY: Honourable member, I am not sure about legal advice, but you would have followed, obviously, the public debate where the state put an argument before the High Court and the High Court ruled in our favour around a kind of proportionate response depending on the kind of health circumstances at the time. I am going to check if I can provide you with any more than that. I am not sure that there was any legal advice, but I do not want to be misleading because we took a legal position to the courts and tested it, so our lawyers represented us in that sense and put those arguments, so I am not sure that I can take it much further than that.

Hon AARON STONEHOUSE: Are you saying it is in some part due to a ruling of the High Court?

Hon SUE ELLERY: No, no. I am saying in the recent case with Clive Palmer, if you go and look at the decision, it is around: did the state make a proportionate response to the circumstances it found itself in? I am paraphrasing the court, but, essentially, the court said, yes, the state was within its rights to make that response in the circumstances at the time. But I think, if it helps the honourable member, I am happy to take it as supplementary and get you a more finite response. I am not sure it will take things much beyond what I have said but I am happy to double-check because I am not the Premier; I am just representing him.

Hon AARON STONEHOUSE: Of course, yes. That would be helpful. There is the updated health advice that we are all well aware of, but there was, at least as far as the Premier was concerned, at some point some legal impediment. If part of the High Court ruling tested the idea that a case-by-case basis, a jurisdiction-by-jurisdiction basis could be used or could not be used as a result of that ruling, now we have been able to change that, I would like to know. But I am happy to take, if it can be provided as supplementary information, the legal basis on which the Premier has changed his position or the government has changed its position, if it was indeed the government's view.

[Supplementary Information No F10.]

Hon AARON STONEHOUSE: I have a similar question, not legal in this case but at that exact same time, the Premier also made assertions that it was in Western Australia's economic interests to keep the border closed. Has the Premier or the government received updated economic advice through Treasury or through some other source that backs up the current border arrangement or is it the government's view that the new border arrangements—our new controlled border—will actually have a negative effect on our economy?

Hon SUE ELLERY: Honourable member, I have made this point before—I am sorry if I am repeating myself tonight—but I think part of what is missed in a debate about what constitutes public health advice is that there are three components to public health advice. One is the epidemiological—the clinical; the medical—the second is economic and the third is social. In making a decision about public health matters, all three of those elements are considered. The economic is indeed considered. The Chief Health Officer in his role determining what is best public health advice, himself considers: if we make this decision about this restriction, what impact will that have socially? I give

you the example: if we close down all schools for an extended period of time, what impact will that have socially, for example, on those children who are most at risk and for whom school is the safest place? If we close down the mining industry, what impact will that have economically on the state? You balance those things against the risk epidemiologically. All of those three things are actually what is public health policy. If you are asking was there separate economic advice, I can tell you that national cabinet received at the beginning, and continues to receive, economic advice that the states act on. Treasury has a view, of course, and provides advice from time to time about the state of the WA economy, but it is the Chief Health Officer who actually has to consider balancing the epidemiological, the economic and the social.

Hon AARON STONEHOUSE: I would hope so. I remain somewhat sceptical because the advice the Chief Health Officer has provided to at least the State Emergency Coordinator in a written form that I have seen makes no mention of mental health impacts or social impacts—we could maybe consider those to be closely aligned—or economic impacts, so I remain somewhat sceptical. Perhaps he is relaying this information in the frank phone conversations he has with the State Emergency Coordinator, but it certainly is not reflected in the written advice he is providing—none at least that the government has made public to date. I would be interested as well to see what economic advice the Chief Health Officer was providing the Premier back in June that said it was good for our economic recovery to have that border arrangement without travel bubbles and such.

Hon SUE ELLERY: I appreciate you are sceptical; such cynicism in one so young is disappointing, but I appreciate that. But it is the case that what public health policy is—he does not have to spell out, here is my view social, here is my view economic, here is my view epidemiologically. That is what public health advice is.

Hon AARON STONEHOUSE: The correspondence I have read makes mention of epidemiology quite often, but never makes mention of economic or social impacts. That is your assertion. I certainly hope that is the case. I might follow this up with the Chief Health Officer if I am afforded another opportunity, but I find it curious that epidemiology features frequently in his correspondence but economic or social impacts or indeed mental health impacts do not.

I have another question if you are happy to take if we have time. This may be more for the DPC staff and advisers you have. What I am wondering is: has the Premier or any staff of his office or of DPC requested the State Emergency Coordinator to make a direction? I will make a distinction as a previous participating member did in a previous hearing. I am not talking about directing the SEC to make a direction, because they cannot, but requesting the State Emergency Coordinator to make a direction. Has that ever happened?

[7.50 pm]

Hon SUE ELLERY: Not to the best of my knowledge, and I sit on SEC.

Hon AARON STONEHOUSE: I do not mean the committee, SEC, I mean State Emergency Coordinator. At any point has the Premier or someone working for the Premier, DPC, called, written to or messaged the police commissioner in his role as State Emergency Coordinator and requested him to make a direction?

Hon SUE ELLERY: No.

Hon AARON STONEHOUSE: Has the Premier, any of his staff or anyone in DPC requested the Chief Health Officer to give specific advice?

Hon SUE ELLERY: No. If it helps the honourable member, I use my example in my portfolio, I have a situation of residential boarding facilities attached to schools and I needed advice from the Chief Health Officer about how we dealt with those. That is kids sharing dorms, sharing bathrooms,

sharing kitchens and sharing dining rooms. I requested advice on that and I said, “I would ask you to think about these things. They share bathrooms.” I painted the picture for him, or asked the director general of Education to paint the picture for him of the kinds of circumstances we were dealing with, and we asked questions. Where AHPPC ended up on residential facilities was that each facility had to have its own checklist, and as long as they satisfied some broad criteria on that checklist, they would have met the health requirements. We worked—you could describe it as workshopping—with the Chief Health Officer on how we take account of this particular circumstance. That was a request for advice and it was saying, “These are the circumstances that apply in those residential facilities.” There was not a direction; I was not saying, “And I want you to find something; I want your advice to say that they cannot share a dorm.” It was, “What is your advice, given they do share dorms? How do we manage that?”

Hon COLIN TINCKNELL: I refer to the annual report, page 58, outcome 1, “Executive Government and Members of Parliament receives appropriate support”, which I know has not changed from last year. I note that there are no additional targets reflecting services for MPs in this year’s annual report. Given the Premier’s assurance last year that targets are in development, what progress, if any, has been made to date?

Hon SUE ELLERY: I can advise that this indicator was amended in 2018–19 to include an annual expectation survey for members, and that survey was sent by email to members. There was a 63 per cent response rate. The target was three—that is, satisfied MP average without aggregation—and the scores and participation have increased since the initial benchmarking survey. We have not measured MP’s satisfaction in the past, but the department recognises the importance of connecting with stakeholders and continuous improvement. With regard to continuous improvement, the following has been completed: web self-service for MP staff for electronic leave bookings—I am conflicted because I find that really annoying; electronic general ledgers; a new parliamentary election officers net called PO Connect has been launched; there is “Meet the Member” and “Meet the Office”; provision of colour multifunction devices; CCTV upon request; extra cleaning offered during COVID; working-from-home arrangements were supported; and each MP office received a laptop. I am told that building on the “Meet the Member” and “Meet the Office” will continue. DPC, in collaboration with DPU, which is the Dignitary Protection Unit, and Health held fixated-threat seminars—I will keep my mouth shut that perhaps they could do them in here!—aimed at educating MPs and staff on what to do in an emergency. About 66 people attended via Teams, representing 50 officers. The department is required to review their KPI and outcome-based management framework, so members of Parliament KPIs will be enhanced during this process.

Hon COLIN TINCKNELL: That is great. What discussions have taken place with the Auditor General and the Treasury?

Hon SUE ELLERY: About?

Hon COLIN TINCKNELL: That was a part of the promise from the Premier that there were going to be discussions with the Auditor General. It was to continue to develop additional targets to reflect —

Hon SUE ELLERY: Around KPIs?

Hon COLIN TINCKNELL: Yes, I believe so.

Hon SUE ELLERY: Around KPIs, there is a wider review being undertaken by Treasury, and that will include the KPIs being enhanced. I am not aware of what the member is referring to in respect of the Auditor General.

The CHAIR: Can I assist with that? Where the information came from, where the question came from, was that in last year's annual report the Premier's advice was that as part of its ongoing improvements and review of the OBM structure, the department is working with the Office of the Auditor General and Treasury to continue to develop additional targets.

Hon COLIN TINCKNELL: Yes, that is right.

Hon SUE ELLERY: The consultation with Treasury is occurring. I am not aware of discussions with the Auditor General, but I am happy to take that as supplementary. If there is further information that I am able to provide, I will.

[Supplementary Information No F11.]

Hon PETER COLLIER: Just as a follow-up, I want to confirm something to clarify that there is no ambiguity. Just with regard to those emails we talked about, I know you mentioned, minister, that nothing has changed. The DPC does not have access to our emails, do they, at all?

Hon SUE ELLERY: When I have issues with IT in my electorate office and I ring DPC IT, they can do that thing where they remote in and assist me to fix a problem, so to that extent I suppose if there was an email open when they logged in, they would see that, but that is with my permission. Are you talking about something different?

Hon PETER COLLIER: Yes, I am not talking about remote. I mean, you have to be there for them to login remotely, so that does not bother me. I am just asking: do you have any access to our emails without our knowledge?

Hon SUE ELLERY: I am advised that technically a systems administrator could previously, and could now, access, but there has been no change in those arrangements at all.

Hon PETER COLLIER: What is a systems administrator?

Hon SUE ELLERY: I am not able to get an answer, so I will take it as supplementary, but I want to give the honourable member reassurance that I know from discussions that there has been no change. If you recall, and go back and look at the *Hansard* of tonight, I asked a question: in the transition to the new Outlook 365, or whatever it is called, has anything changed in who can access MP emails? The answer to that question is no.

[8.00 pm]

Hon PETER COLLIER: No, and the reason I ask it—I only thought of it and asked after I got that clarification—is I asked this exact question two or three years ago when there were questions about this, and I was told quite categorically that DPC does not have access to our emails without our approval or without our knowledge. That is all I am asking. I do not care if it is the old system or the new one. I just want to know. I was told that the old system, they did not have access to our emails without our—I just want to make sure. I know it was saying, no, nothing has changed; I just want to make sure with the new system that DPC do not have access to our emails without our knowledge or approval.

Hon SUE ELLERY: I understand the question and to the best of my knowledge, no-one can, but because I was given an answer about systems administrators and I do not know who that is, I am going to take it as a supplementary and I am going to provide you with an answer.

[Supplementary Information No F12.]

The CHAIR: Before I formally close this hearing, I just wanted to offer thanks, because this is the final hearing of the week. On behalf of the committee I would like to thank all of the witnesses throughout the whole week of the hearings, including the ministers, for their participation. I would

like to thank the committee members and participating members for detailed engagement over the budget papers and the annual report, and significant scrutiny. I congratulate them on that. I would like to thank Hansard for their continued high-calibre work, including quick turnaround on committee hearing transcripts. I would like to thank the audiovisual staff for their patience, particularly with the introduction of witnesses to the committee. I would like to thank the committee staff for the preparation and process of hearings and for the extra workload that they took on in what is basically a double load of committee hearings, and also to the additional staff that we had on board in the running of this week of hearings. On behalf of the committee, thank you to all of you.

In closing this hearing, on behalf the committee I thank you for your attendance today. I remind members that due to time constraints, the electronic lodgement system—really pleased I do not have to say this one more time!—will not be reopened for additional questions this year.

For witnesses, I advise that the committee will forward the transcript of evidence, which includes the questions you have taken on notice highlighted on the transcript, as soon as possible after the hearing. Responses to questions on notice are due by 5.00 pm, 10 working days after receipt. Should you be unable to meet the due date, please advise the committee in writing as soon as possible before the due date. The advice is to include specific reasons as to why the due date cannot be met.

Once again, I thank you for your attendance today.

Hearing concluded at 8.03 pm
