

*Standing Committee on Estimates and Financial Operations — Seventy-eighth Report —  
“2019–20 Budget Cycle — Part 1: Estimates Hearings and Related Matters”*

Resumed from 16 October 2019.

*Motion*

**Hon STEPHEN DAWSON:** I move —

That the report be noted.

**Hon NICK GOIRAN:** Notwithstanding the non-presentation of an explanation by members of the Standing Committee on Estimates and Financial Operations, I think it warrants us spending a moment to consider the work that has been undertaken by this committee. The seventy-eighth report was tabled on 16 October last year. I believe this is the first opportunity that this report has had to be considered by the Council. I have said previously that I congratulate the Standing Committee on Estimates and Financial Operations for the way in which it goes about the budget estimates process. This particular report—a member of the committee may want to correct me if I am wrong—deals with the most recent budget estimates cycle.

I appreciate the fact that the committee allows members to put forward suggestions on which agencies might be brought in as part of the estimates process. It repeats that exercise when it comes to the annual report hearings. In this particular instance, members may be interested to turn to the appendix, which usefully sets out the hearings that took place during the most recent budget estimates process. It will not be long before we will be doing that yet again. I would like to explore a number of areas, given that I attended several of those sessions, in particular, the session with WA Health on 18 June 2019. My attention is also drawn to the work of the committee the following day, 19 June last year, when the Department of Communities was brought forward, in particular, the sections of that massive megadepartment, which was amalgamated, that deal with child protection and the prevention of family and domestic violence. In addition, as best as my recollection serves, I was also present the following day, 20 June 2019, when the Department of Education was being examined by the committee. I would not mind spending some time considering those particular hearings and the outcomes that arose as a result of those hearings, including answers to the questions that were provided prior to the hearings, as well as the supplementary answers given to questions provided after the hearings.

In addition, in my cursory examination of the seventy-eighth report, I note that the committee made six findings and two recommendations and that the government tabled a response, tabled paper 3491, on 5 December last year. I have no doubt that members of the committee will want to draw to our attention the relevance of those particular findings and recommendations and whether the government’s response, which was tabled last year, satisfies the concerns of the committee or satisfies the spirit of the recommendations that were made. I will leave it to those members to pursue those matters, given that I was not a member of the committee and was not involved in any of the deliberations that led to those findings and recommendations. As I said, I foreshadow that at an appropriate moment, I would like to spend some time examining the outcomes of those hearings that I was involved in in the budget estimates process.

**Hon COLIN TINCKNELL:** I want to make a few comments on the seventy-eighth report, “2019–20 Budget Cycle — Part 1: Estimates Hearings and Related Matters”, which was tabled in the Legislative Council in October 2019. The committee spoke to 11 agencies during various hearings. We also asked questions of 24 other agencies. I also wanted to mention that one of the things that was important to us was looking at, asking questions about and getting information on the special purpose accounts. These areas have grown recently, according to the figures. These are funds for specific purposes. It was one of the areas that we looked at. Each year we would like to focus on different aspects of expenditure. In the last report, there were six findings and two recommendations.

The committee extends its appreciation to all the ministers, the public servants and Council members who participated to assist the committee in consideration of the estimates. I commend the report to the chamber.

**Hon NICK GOIRAN:** As I foreshadowed, I would like to take a moment in the time available to me to consider some of the outcomes of the hearings that I was involved in. I will start with the hearing on 19 June last year. This hearing was undertaken by the committee with the Department of Communities, but specifically on child protection and the prevention of family and domestic violence. If members have the report at their disposal, they will see at pages 21 and 22 that the committee has helpfully identified a large volume of bullet points that summarise the key themes that were addressed at the hearings. Some of the key themes are of particular interest to me. The first one that I highlight is the revelation that at that time—in June last year—there were approximately 800 unallocated child protection cases across the state. That number should alarm members: there are 800, certainly as at June last year, unallocated child protection cases in our state. That is more than two unallocated child protection cases a day across the state. If the department were to address that backlog of 800 and steadily work through that at the rate of two a day, it still would not finish by the end of the year. There are 800 unallocated child protection cases. The questions that need to be asked are: What is the government doing about that backlog? Who is looking after the

best interests of those 800 children who have unallocated cases? Has anything been done since June last year on that matter or, again, has this been considered by the government to be a low-level priority?

It seems to me that there is little point in the Standing Committee on Estimates and Financial Operations holding these important parliamentary hearings that ought to attract appropriate respect if revelations are made and then those in government who have responsibility for these things do nothing about them. We had an incident in the chamber just yesterday when proceedings were suspended for more than half an hour because some individuals chose not to give the chamber the respect that it is due. In a conversation that I had yesterday with some constituents, I remarked that it is disappointing when people in Western Australia do not give the chamber the same respect they would give to a court of law. The respect that would be shown in a court of law should be the same respect that is shown in this chamber, not the least because Parliament also has the power to incarcerate a person. That is the level of respect that we should be shown, but how can we expect respect to be shown if committees hold hearings at which revelations are made and governments of whatever persuasion choose to ignore the information? There were 800 unallocated child protection cases across the state as at 19 June last year. How many are there now, on 11 March 2020? Are there more or are there fewer? Are some of the 800 cases that were known in June last year still unallocated? These are questions that a responsible government would answer. These are questions that a competent government would answer. These are questions that currently remain unanswered by this administration.

I note on page 21 of the report another important theme that has been identified by the hardworking members of the Standing Committee on Estimates and Financial Operations in its seventy-eighth report. The theme that has been identified on page 21 is that the department—this revelation was made in June last year—does not collate the number of reportable offenders in the CEO’s care into a single report, but this data is included in individual case files. It may interest members to know that I have submitted a question on this particular issue, which I hope to ask in the next couple of hours during question time, to the Leader of the House representing the Minister for Child Protection. The question states —

I refer to the annual report hearing for the Department of Communities held on 12 November 2019 at which it was revealed that there is no automatic process by which the department is informed when a child in care’s birth parent is convicted of an offence.

I then intend to ask a number of sub-questions. In June 2019, it was revealed that the department does not collate the number of reportable offenders in the CEO’s care—that is, children who are reportable offenders. The department does not monitor that in a single report. It can be found, like a needle in a haystack, in the various individual files. We knew that in June 2019, but we do not know the current status of that. I can tell members that in the November annual report hearings conducted by this committee, it was further revealed that there is no automatic process when a child in care’s parent is convicted. In other words, we can see that there is a systemic problem whereby the Department of Communities, as it is now known and which has incorporated the former Department for Child Protection and Family Support, does not have readily to hand information on either whether the children in its care are reportable offenders or when the parents of those particular children are convicted of an offence.

This is crucial information for the department of child protection to have for two reasons. Firstly, as I made the point during the estimates hearing in June last year, the director general has a legal responsibility as, as I will describe it, the stand-in parent—I use the word “guardian” very loosely—for the child. The state of Western Australia has determined that whoever had the care of that particular child was not doing so at the requisite standard, so the government of the day has intervened and taken that child into its care. At that particular point in time, the CEO or the director general has legal responsibility for that particular child. If that child is a reportable offender, they have certain legal responsibilities. Surely it is incumbent on the legal guardian or carer, the person who is ultimately responsible for that child, having intervened in the family’s life, to ensure and facilitate compliance as a reportable offender, but how can the CEO or the director general do that if they are not even aware of the number of reportable offenders in their care? That point was made during the estimates hearings in June last year. I wanted the CEO to identify the number on any particular day. I was told that that was not possible in any single report but that the data is included in individual case files.

**The CHAIR:** Hon Nick Goiran.

**Hon NICK GOIRAN:** If the information is available in individual case files, as I said, asking the CEO to sift through more than 5 000 case files to work out which of those children in her care are reportable offenders would be like trying to find a needle in a haystack. That is no way to manage this important issue. If the state of Western Australia, through the director general of Communities, has decided to intervene in a family’s life by taking a child into its care for that child’s own protection, and if that child is a reportable offender, the CEO must ensure that that child is reporting in accordance with the law. But the CEO cannot possibly do that if they do not know who those children are.

This issue was identified in June last year. We are now in March 2020 and, yet again, no-one in government is able or willing to respond to these issues and say, “Yes, we thank you for bringing this to our attention in June of

last year. We acknowledge that this is a problem and these are the steps that we have taken over the last nine months to address that very issue.” There has been nothing like that. I give credit where credit is due. Certainly, the Minister for Regional Development never hesitates to deliver a ministerial statement. In fact, she is one of the most prolific deliverers of ministerial statements. I will leave it to others who are responsible for that particular portfolio to comment on the quality of those statements, but I will say this about the minister: at least she makes a statement about her issues. Other ministers seem to be mute on these points. We find out these issues in the budget estimates process. Startling revelations are made but no-one in government is prepared to respond to them. It is quite understandable on the day when certain questions are asked and certain issues are identified that no government and no person would be able to respond on the spur of the moment. But nine months later?

In this particular case, my recollection is that the Leader of the House was representing the government on 19 June last year during the estimates hearings for the Department of Communities. It is quite understandable that the Leader of the House, who is not the minister responsible for this portfolio, could not readily identify solutions to these problems. But is there any communication between the minister responsible—in this case, the Minister for Child Protection—and her representative of this place, such as, “It’s time to provide an update to the Legislative Council about these serious issues. We, the government of Western Australia, have more than 5 000 children in care, some of whom are reportable offenders. It was identified in estimates hearings in June last year that we do not know how many of them are reportable offenders and so nine months later it is time for us to update the chamber about the improvements that we have made to address this issue.” Instead, we have received no response whatsoever.

This is, as I said, just another example of the government making a mockery of the estimates process, because there are no outcomes. We can go through the charade again in a few months. The committee will ask members to identify the agencies that they would like brought in. I can go through the exercise and send the committee a nice little email saying, “Dear committee, I would like to have the Department of Communities come in and I would particularly like the officers responsible for child protection to make themselves available.” The committee can then go through the charade of calling those people in and we will dispense with the chamber for an entire week. Those of us who are interested in asking questions will sit on this side of the chamber and all the public servants will sit in the chairs opposite. We will go through the exercise for approximately an hour or two and then everyone will shrug their shoulders and go home. The committee will table a report similar to this one and it could possibly be dispensed within a matter of a few seconds with the committee’s report being noted. What will be achieved by all that? We will feel terrific once again. In my case, by that stage it will be the eleventh or twelfth time that I have gone through the exercise of budget estimates hearings, all of which to achieve what?

I remind members that during last year’s estimates, we identified approximately 800 unallocated child protection cases in the state of Western Australia. If I said to you, Mr Chair, that in June last year we identified eight unallocated child protection cases, most reasonable observers would say, “Fair enough”, because there is always going to be a process of children coming in and out of the system and it takes some time for them to be allocated, assessed and so on and so forth. Mr Chair, you would reasonably say eight is fair enough. But 800? What level is acceptable? Will the government wait until it gets to 1 800 before it considers the number unacceptable and someone decides to let us know what has happened? As I said, we can go through the charade again in a few months’ time and I can ask the question of the minister. Perhaps I will give notice of the question and say, “Last year you indicated to us, minister, that there were 800 unallocated cases in child protection. How many is the number now?” The minister will say, “Here is the number”, or, “I don’t know the number, I will need to take that on notice.” A number will be provided—and then what? The identification of the number is, in a sense, insignificant. It is the action that the government takes as a result of the identification of the problem that is significant. Yet, as has been apparent over the last nine months, there is an unwillingness within this particular administration to do anything about those things.

Members will also note about this report that on page 22, the committee helpfully identified other issues, including the number of unanswered calls to the Men’s Domestic Violence Helpline and the Women’s Domestic Violence Helpline in 2018–19. Again, I asked the question, “What is being done about that?” Unanswered calls to the men’s and women’s domestic violence helplines were identified in the hearing last year, which was nine months ago. What has been done about that? I know that in the not too distant future, this chamber will consider legislation dealing with family and domestic violence. We will address those matters in the fullness of time. I note that certain members of the government are very, very quick to proudly boast about their so-called achievements in the area of family and domestic violence. I only had to look on the internal television monitors here a little earlier today to see some of that type of behaviour in the other place. They are very quick to do those kind of things. Maybe the members who delivered some of those speeches earlier today might like to pause before they continue beating their chests about their achievements and ask themselves these questions: What is the current number of unanswered calls to the men’s and women’s domestic violence helplines? Has anything been done to address that since it was identified nine months ago, or is that an inconvenient truth that members do not really want to talk about, but are quick to put out a media release or tweet something on Twitter?

**Hon COLIN TINCKNELL:** I have been listening to Hon Nick Goiran. There is no doubt that I can feel his frustration. Being part of the Standing Committee on Estimates and Financial Operations, I think it is a very robust system. I like the committee system, and I think there are many things that we achieve. However, our Constitution gives ministers and the government great responsibility and a great independence in the way they answer questions and the way they conduct themselves in hearings, or even in this chamber, when honourable members such as Hon Nick Goiran ask some very tough questions regarding very, very important issues. I am not suggesting that we change our Constitution or the way we do business; I just think that it is incumbent upon ministers to work with their department heads to answer the questions that are asked, whether it is done at an estimates hearing or in this chamber. There are many questions that go unanswered. It is very much a frustration, and the people of Western Australia want answers to these questions. I just wanted to add that.

*Consideration Postponed*

**Hon NICK GOIRAN:** I move —

That consideration of the report be postponed to the next sitting of the Council.

By way of brief explanation, I have identified a few things that I think require a response from government. I would like to give the government the opportunity to do that before I pursue the matters further on another occasion.

**The CHAIR:** I would point out there are other ways to do this, but if you wish to proceed along that path, that is your entitlement. This matter would then resume at our next sitting week. There may be other earlier opportunities to ask questions; I am just saying.

**Question put and passed.**