

**COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE**

*Tenth Report — “Response to Attorney General’s Request to Conduct an Inquiry” — Tabling*

**MR P.A. KATSAMBANIS (Hillarys)** [12.11 pm]: I present for tabling the tenth report of the Community Development and Justice Standing Committee titled “Response to Attorney General’s Request to Conduct an Inquiry”.

[See paper [4018](#).]

**Mr P.A. KATSAMBANIS:** On 27 October 2020, the Community Development and Justice Standing Committee received a letter from Hon John Quigley, MLA, Attorney General, which forms appendix two of the report I just tabled. As reported by several media outlets, the letter was with regard to Mr Aaron Cockman’s request that the Attorney General direct the State Coroner to hold a public inquest into the death of Mr Cockman’s family members on 11 May 2018 in Osmington. The Attorney General advised the committee that he had received advice from the Solicitor-General of Western Australia, Mr Joshua Thomson SC, that the Attorney General was unable to make such a direction. The Attorney General considered that the Community Development and Justice Standing Committee was best placed to conduct a formal inquiry into the matters raised by Mr Cockman and was hopeful that the committee would agree to undertake an inquiry. As the Attorney General’s request was made publicly, the committee thought it appropriate to respond publicly and explain why it is unable to undertake an inquiry at this time.

A committee inquiry typically includes the following stages: scoping and determination of the terms of reference; announcing the terms of reference; advertising and calling for submissions; writing to stakeholders; receiving, reviewing and analysing submissions; researching; holding hearings; seeking expert advice; planning and travelling for future hearings or investigations; writing and adopting a report; reporting to the Legislative Assembly; and, eventually, receiving a government response. Depending on the nature of an inquiry, not all stages may be necessary. The length of each stage will vary depending on, for example, the number of submissions received or hearings held, whether and to where the committee travels, and the length of the report. However, it would not be unreasonable to expect a scoping period of between one and two months, a submissions period of six to eight weeks, and the holding of hearings over the course of several months, as well as two to three months to write, finalise and adopt a report. Some stages must occur in order. For example, scoping an inquiry should occur before the terms of reference are determined, and a government response can be prepared only once the report is tabled.

Other stages often overlap and run concurrently and, in some cases, some stages need to be revisited. For example, a committee may hear from a major stakeholder during the scoping stage, at an initial hearing, and at a hearing towards the end of the inquiry, to test potential findings and recommendations. In some inquiries, a committee may decide to issue an interim report, as this committee did during its inquiry into the protection of crowded places from terrorist acts, to clarify and define issues under active consideration and seek further submissions from stakeholders. A smaller inquiry with specific and narrow terms of reference and few stakeholders may be able to report within a few months. A larger inquiry with broad terms of reference and many stakeholders can take significantly longer—in some cases, several years.

At the time of receiving the Attorney General’s letter, the Legislative Assembly had three sitting weeks, and the committee only two meetings, scheduled for the remainder of the fortieth Parliament. A standing committee can continue to meet when the Legislative Assembly is not sitting; however, when the Legislative Assembly is prorogued, a standing committee’s activities are suspended and, upon dissolution, the committee is terminated. The date of prorogation and dissolution are at the discretion of the Governor upon advice from the government. However, if not dissolved earlier, the Constitution Acts Amendment Act 1899 provides that the Legislative Assembly will be dissolved on 31 January 2021. This set deadline would provide the committee with, at most, three months to conduct an inquiry.

Although the terms of reference for the potential inquiry have not been determined, the committee anticipates that it would be a sensitive and significant inquiry into a horrific and tragic event, with considerable legal complexities associated with inquiring into the operations of, and potentially the law governing, the Family Court of Western Australia. Clearly, the committee does not have enough time to tackle such a difficult inquiry in the comprehensive fashion that the situation demands and that the Cockman family and other families affected by this tragedy deserve.

In conclusion, although the committee considers an inquiry into these matters to be worthy of further investigation, it is not in a position to undertake the inquiry itself during what remains of this term of Parliament. The committee is also not able to bind the activities of a future committee in a future Parliament. Therefore, whether the Community Development and Justice Standing Committee of the forty-first Parliament decides to consider this matter further is a matter for it, once established, after the forty-first Parliament commences following the March 2021 state general election. However, in making the letter of the Attorney General public through the tabling of it in this report, the committee is making it available to that future committee for its consideration.

Although I am the chair of the committee, personally I think that the Cockman family and the other families who have been affected by this tragedy have a right to demand answers and they deserve an opportunity to at least seek

some of those answers. I hope that the issue is looked at during the forty-first Parliament by a committee, whether it is the Community Development and Justice Standing Committee or some other committee, to enable those families to, at the very least, have an opportunity to put their views into the public sphere and demand the answers that they so far have not got from our system.

*Eleventh Report — “Hearings Held with Agencies Responsible for COVID-19 Response” — Tabling*

**MR P.A. KATSAMBANIS (Hillarys)** [12.18 pm]: I present for tabling the eleventh report of the Community Development and Justice Standing Committee titled “Hearings Held with Agencies Responsible for COVID-19 Response”.

[See paper [4019](#).]

**Mr P.A. KATSAMBANIS:** On 11 March 2020, the human coronavirus known as COVID-19 was declared a worldwide pandemic by the World Health Organization. Shortly afterwards, on 15 March, the Minister for Emergency Services made a declaration of a state of emergency in Western Australia. On 16 March, the Minister for Health declared a public health state of emergency. The declaration of the state of emergency, the first since the Emergency Management Act 2005 was enacted, triggered the operation of the State Emergency Coordinator and the establishment of the State Disaster Council. The State Emergency Coordinator, the Commissioner of Police, is responsible for coordinating the emergency response during a state of emergency. Chaired by the Premier and including relevant ministers and the State Emergency Coordinator, the State Disaster Council is the mechanism through which government is kept informed of developments in response to a state of emergency. Various other bodies and officers also manage and participate in the state government’s response to the COVID-19 pandemic.

The declaration of the state of emergency has been extended approximately every 14 days and remains in place. It has now been more than eight months since that initial declaration. During a state of emergency, the State Emergency Coordinator and other authorised officers are granted emergency powers to make directions regarding the movement of people, the closure of places and quarantine conditions, amongst other things. In consultation with the Chief Health Officer and various others involved in the state government’s response to the COVID-19 pandemic, the State Emergency Coordinator has made directions that have affected all Western Australians. Since March 2020, to prevent the spread of the coronavirus, all Western Australians have been subject to restrictions on movement, varying in severity, based on evolving health advice over time. Many businesses were forced to close for a short time; thankfully, it was a short time. People who could began working from home. At one point, travel between intrastate regions was not allowed unless certain exemption criteria were met, and Western Australia’s border was closed to everyone, subject to specific exemptions.

The Community Development and Justice Standing Committee oversees emergency services, community services, police and 18 other portfolio areas. Given this role, the committee thought it important to gain an understanding of how the state’s emergency framework operated and the role of each of the emergency response bodies or officers and their activities. We also wanted to know how lessons being learnt during the management of the state’s response to the COVID-19 pandemic were being captured so that they could be leveraged off in the event of a future state of emergency or if things during the current state of emergency become more urgent and more immediate than they are at this point in time in Western Australia. Unfortunately, the onset of COVID-19 contributed to the committee extending the duration of an earlier inquiry, leaving insufficient time before the conclusion of the fortieth Parliament for the committee to conduct a formal inquiry into how the Western Australian government was responding and had responded to the COVID-19 pandemic. Also very importantly, the committee recognised the need for lead government agencies to focus on service provision and their response to the rapidly evolving pandemic whilst also ensuring the health and safety of staff and the public. The committee took a very bipartisan view on this; we wanted our lead agencies to be out in the field doing the work that needed to be done, rather than being brought into inquiry after inquiry. We were very cognisant of treading lightly in this space whilst our wonderful first responders and emergency services workers across all agencies were doing the work, which they continue to do, out in the field.

On 9 September, the committee resolved to conduct a series of hearings into the Western Australian government’s response to the COVID-19 pandemic. The committee decided to invite agencies or officers to discuss aspects of emergency management, including preparedness, response, recovery and support for those most affected. These hearings were held in public to enable media attendance and the publication of transcripts, which then became available to the public. The committee held hearings with the State Emergency Management Committee, which is ably chaired by Hon Dr Ron Edwards; the State Emergency Coordinator, police commissioner Chris Dawson, and his senior staff; the State Recovery Controller, Sharyn O’Neill, who is also the Public Sector Commissioner, along with the acting director general and deputy director general of the Department of the Premier and Cabinet; and the State Welfare Coordinator, Michelle Andrews, who is also the director general of the Department of Communities, and many of her senior staff. We thank all those people and the agencies behind them for making themselves available for those hearings.

If the committee had had more time before the end of the fortieth Parliament, we might have embarked on a formal inquiry into the state government's response to the COVID-19 pandemic. Ideally, such an inquiry would be conducted after the state of emergency ceases to have effect. Such an inquiry would have allowed the committee to consult more broadly and consider evidence from a range of other stakeholders. It might be that this or another committee of the forty-first Parliament will decide to embark on a COVID-19-related inquiry.

I think I speak for every Western Australian in hoping that the current declaration of a state of emergency and the ongoing declarations cease to have effect sooner rather than later. I think that is an expectation on a global basis, but we will have to wait and see what happens in the future. The committee would sincerely like to thank the State Emergency Management Committee, the State Emergency Coordinator, the State Recovery Controller and the State Welfare Coordinator for meeting with the committee to discuss their roles and activities during a time of great uncertainty and when they have significant demands on their time, as I outlined earlier. The committee also extends its thanks to all the government and non-government workers who have been involved in responding to the COVID-19 pandemic. In some cases, they have been separated from family and risked their own health to care for others, to ensure that essential services are maintained and the state continues to function.

Of course, we also thank the public of Western Australia. It is really because of the public's compliance with the necessary restrictions on movement and other things that has reduced the spread of COVID-19 and saved lives. With no community transmission of COVID-19 since April 2020, our state has been able to ease restrictions and we have returned to a state of near normality. It is a new normal. I think most people have been using that term because it is likely to be with us for a significant time. We have seen what has happened on almost a weekly basis, including this week in our neighbouring state of South Australia. We wish South Australia all the best in its endeavours to bring the recent outbreak and community spread under control as soon as possible. Our state finds itself in a very strong position to respond to the ongoing risks of the COVID-19 pandemic, including anything that resembles what has happened in South Australia over the past few days. Of course, we cannot be complacent. I think that, right at this stage, complacency remains one of our biggest threats in the COVID-19 space.

This report will be the last report of this committee to be tabled in this Parliament. It has been a wonderful ride. It was the first opportunity I have had to chair a committee. Being a non-government member of the Parliament, I wondered how it would work, what sort of direction the committee would take and what sort of direction the relationship between the committee and the government would take. Right from the outset, I sought to make this a truly bipartisan committee. As I have said in here before, I am a true believer in the ability of the parliamentary committee process to effect great work on behalf of Western Australians in a bipartisan manner, to gather evidence and to guide future reforms that benefit our state. I like to think that we have achieved that in this committee, in no small part because of the members of the committee. The deputy chair, the member for Burns Beach, and the member for Bunbury have been with me for the entirety of the journey of the committee. The two previous members from the Liberal Party, my colleagues the member for Carine and the member for Dawesville, were of great assistance. They have been more recently replaced by the honourable member for Churchlands and the honourable member for Vasse. They too have contributed in their way to the functioning of the committee. As I said, I hope that those who had not served on a parliamentary committee before recognised the value of the process. I trust that some of them may become advocates for a strong and well-resourced parliamentary committee system that works in a bipartisan multiparty manner to continue to effect good recommendations for good reform in this state.

No committee can operate without staff. It is as simple as that. They make us look good—everyone says that—they work diligently and they work tirelessly. They are a font and wealth of knowledge. I would like to acknowledge all the staff of the committee: the previous staff, Franchesca Walker, Dr Amy Lampard and Michele Chiasson; and especially the current staff of the committee, Alison Sharpe, Catherine Parsons and Alice Jones. As I said, they work tirelessly and they work so efficiently. They not only produce quality work, but they do so to tight time frames, sometimes under significant pressure. As members, it is important for us to pause and reflect on that and thank those people for the contribution that they make. It is not just a contribution to the committee; it is a contribution made by people who are not elected members of Parliament, just laypeople. This is a contribution that they make to bettering the state of Western Australia for all our citizens, and I sincerely thank them for the work they do and wish them very well in their future. Obviously, the support from the clerks; the Clerk Assistant (Committees), Liz Kerr; and all the staff has been wonderful as well.

As I said, I am a passionate believer that one of the great benefits of having a Parliament is having a well-run and well-functioning parliamentary committee process. Earlier in its term, the committee made a recommendation when we looked into the state election conducted in 2017 in Western Australia that there could be a joint committee tasked specifically with looking at electoral affairs. I know there is such a committee operating in the federal Parliament and in most other state Parliaments.

**Ms M.M. Quirk:** That was raised in the previous iteration.

**Mr P.A. KATSAMBANIS:** I look over at my colleague, the member for Girrawheen, who was previously a chair of the same committee and also made that recommendation. I dare say that the member for Girrawheen may not necessarily be the first to have made the recommendation either.

**Ms M.M. Quirk:** No. We were the first to call the Electoral Commission in for a hearing, though.

**Mr P.A. KATSAMBANIS:** Yes, there we are, and we followed in the previous committee's footsteps. We had the commission in again recently, and that transcript is on the record.

As I said, I hope that future Parliaments continue to resource committees in a manner that allows them to do their work properly, efficiently and for the benefit of Western Australians, and that a future Parliament considers the creation of other very, very appropriate parliamentary committees that can continue to serve Parliament and the democracy of Western Australia in the future. I have really welcomed the opportunity to be the chair of this very important committee.

**MR S.K. L'ESTRANGE (Churchlands)** [12.33 pm]: I would just like to pick up on some of the remarks made by the member for Hillarys, the chair of this fantastic committee, the Community Development and Justice Standing Committee, which had an opportunity to look into how the government has been responding to the pandemic and is responsible for the COVID-19 response. Some of the key aspects of what has gone on this year have never been seen before. The declaration of a state of emergency was the first time since the Emergency Management Act 2005 was enacted. For the great part, government has been managing the COVID-19 pandemic with a piece of legislation that had never been used before, so there will always be lessons learnt, there will always be areas for improvement and there will always be things that can be done differently. That is why it was important for this committee to have an opportunity before the fortieth Parliament rose to get some feedback from some of the key players in the space, such as the State Emergency Coordinator and the State Disaster Council. Of course, the State Emergency Coordinator is the Commissioner of Police. How did they go about responding to this emergency? The people of Western Australia in good faith have followed the directions of the professionals who have been telling them what they need to do. That has been impacting on the movement of people, with the closure of places and the quarantining conditions that people have had to abide by. Many businesses have been forced to close, travel between intrastate regions was not allowed for a time and there has been a hard border in Western Australia, subject to specific exemptions. I agree with the chair of the committee that all this requires a deep parliamentary committee dive to see how it went, and it is unfortunate that we have run out of time in that regard. I encourage the next Community Development and Justice Standing Committee to maybe look at this moving forward.

One of the people we were able to have hearings with was the chair of the State Emergency Management Committee, Dr Ron Edwards. Listening to Dr Edwards in that hearing showed me that we have a very, very experienced, measured leader who understands government, has a background in politics and government, and is able to genuinely oversee that committee with a fair degree of experience. It was good to see the calibre of leadership of that committee. We got to hear from the State Emergency Coordinator, police commissioner Chris Dawson, who has two hats. He is the police commissioner on the one hand and State Emergency Coordinator on the other. He is a very professional police officer, another person with enormous experience. As members of Parliament and citizens of Western Australia, we should be very pleased to know we have somebody of that calibre in that position. When the commissioner was giving evidence to us in his role as State Emergency Coordinator, we asked a number of questions about how the border management was going, with the G2G PASS system and quarantining arrangements. We were keen to look into a breakdown of the number of people entering Western Australia on a weekly basis since restrictions commenced and how exemptions to standard quarantining arrangements took place. We received some information about that. As is evidenced in this report tabled today, the commissioner said that he did not support a lot of those responses being made public, because he was of the view that they were coming from different areas and could not yet be verified to provide a sufficient level of confidence in their accuracy for the purposes of statistical reporting.

The committee agrees that during the state of emergency the last thing we want is for the Western Australia Police Force's efforts to be concentrated on data management. We recognise that it needs to respond to COVID-19 and make sure that staffing and resources are in the right place at the right time. However, I agree with the chair that the collation of information post-pandemic would provide a useful summary of the actual activity undertaken during the pandemic response. I think that is important, but I will go one step further. I believe there is a need for accurate record-keeping and collection of information now, including decisions made. I say that because we should always have ongoing review of our systems, processes, data and information. That is necessary for ongoing governance of the COVID-19 management. It is important for ongoing assessment of the lessons learnt, including strengths, weaknesses and areas to improve, so those improvements can occur quickly. It is also very important for procedural and legislative change down the track. It could be procedural by adjusting to changes possibly now and there could be legislative change if needed very quickly, as well. It is an important aspect. I ask that the government consider looking very carefully at improving its data management of the information that is coming through on a daily basis. It is also an important aspect of leadership and management so that decisions made and the culture of how the organisations are run can evolve with proper oversight. Data and information are important to that objective.

It was great to hear from Ms Michelle Andrews, the State Welfare Coordinator. I was particularly interested in how the homeless in Western Australia, and those specifically in the central business district of Perth, were being looked after and managed during the COVID-19 pandemic. It was of some concern to me that an accurate record or register of homeless people was not at the government's fingertips. I think there should be an accurate register of homeless people who are moving through the CBD. Even when a reason might be given that they do not have any identification or we do not know who they are by birth certificate or whatever, we should still be able to, for want of a better term, categorise and understand them. We should understand who they are, where they are and what their movements are. The reasons for that are obvious, because we need to have a really solid understanding of another aspect of government—the human terrain. We need to understand the human terrain of the City of Perth for example, to know the people moving in and out of it, so that if there were a COVID outbreak in the City of Perth, we would know who the homeless people are and where they are. We should be doing more, obviously, to look after them and give them appropriate housing or shelter, but, in any case, we need to know who they are and where they are so that we can very quickly respond if there is a COVID-19 breakout.

On behalf of this side of the chamber, and everybody in this chamber no doubt, I thank all state emergency management frontline personnel—health, police, Defence Force and all the public servants and contractors—who are involved in helping to make and keep Western Australia safe, and to follow the directions of the leaders. Thank you so much for your energy and effort to do so to date. We are not through the COVID-19 pandemic yet, as we have seen with the recent outbreak of COVID-19 in South Australia. We still have a way to go, but I thank all those frontline personnel for their efforts in keeping us safe. I also thank the community of Western Australia for doing its bit to follow directions, follow instructions and do the right thing during these difficult times.

Finally, thanks to the committee. Thanks to our chair, the member for Hillarys, for his leadership on this committee. For me, it has been a fantastic year of committee work, which has been really enjoyable, from looking at some difficult problems with the Magistrates Court situation around Australia through to dealing with COVID-19 in this report today. I thank the members for Burns Beach, Vasse and Bunbury for their collegiate and friendly approach to committee work. It has really been a pleasure. I wish all of us the best of luck in the upcoming election on the second Saturday of March. I know that we are all very keen to get out there with our communities and get re-elected so that we can continue the good committee work that this Parliament does for Western Australia.