PARLIAMENTARY COMMISSIONER AMENDMENT (REPORTABLE CONDUCT) BILL 2021

Second Reading

Resumed from 11 August.

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.54 pm] — in reply: I thank Hon Nick Goiran for his indication that the opposition will be supporting the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021. I will seek to address the seven issues that the member raised in his second reading contribution.

The first was the issue of resourcing. The commissioner—that is, the Ombudsman—has been resourced to undertake the reportable conduct scheme. Resourcing was appropriated in the 2021–22 budget, with $6 611 000 over three years, commencing in 2022–23. The resourcing provided was based on very careful consideration of the expected workload of the commissioner, following extensive consultation with stakeholders and the experience of other jurisdictions, particularly New South Wales and Victoria, that undertake a reportable conduct function.

For the first year, 2022–23, there will be nine FTEs, at a cost of $1.4 million. Notifications will commence for relevant state government and selected non-government institutions and training and capacity building for institutions, including institutions scheduled to commence in 2023–24. Examples of non-government institutions in phase 1 include non-government schools, out-of-home care services, childcare services and health service providers. In the second year, 2023–24, there will be 15 FTEs, at a cost of $2.4 million. Notifications will continue for institutions that commenced in 2022–23 and notifications will commence for the remaining institutions, with ongoing engagement, training and capacity building for all institutions. Examples of non-government organisations commencing in phase 2 include disability services, religious institutions, accommodation and respite services, and other non-government services for children not already commenced in phase 1. If there is any further need identified upon taking the jurisdiction, the commissioner will address the need at that stage.

The Ombudsman will be committing significant resourcing to working very closely with all sectors, including the not-for-profit sector, to ensure that the obligation to report will be supported fully and properly by the Ombudsman and communicated in a way that is least burdensome for entities and results in the least possible workload for them. Importantly, the Ombudsman's office has already consulted extensively with entities, including the not-for-profit sector, and will continue to do so, both in the implementation of the reportable conduct scheme and in an ongoing way. Everything that the Ombudsman does in relation to training and resourcing for entities, including the not-for-profit sector, will be done during implementation and into the future. In short, the Ombudsman's role in training and resourcing is a permanent role for the Ombudsman, and the Ombudsman will have a dedicated team with a dedicated permanent recurrent budget.

The second issue the honourable member raised was training for organisations. The commissioner will work closely and cooperatively with stakeholders in key sectors and individual organisations included in the scheme to provide education, advice and guidance to assist entities to build their capacity to meet their reporting obligations for the scheme. This will include developing tailored guidance and support materials and education programs for each sector in collaboration with peak bodies for the sector, with which the Ombudsman already has very well developed relationships, and providing advice and guidance to relevant entities to assist them in their handling of individual investigations.

The provision of education, advice and assistance is set out in the functions of the commissioner, and include educating and providing advice to relevant entities to assist them to identify and prevent reportable conduct; notifying and investigating reportable allegations and reportable convictions; and supporting relevant entities to make continuous improvement in the identification and prevention of reportable conduct and the reporting, notification and investigation of reportable allegations and convictions. Everything that the Ombudsman will do in relation to training and resourcing for entities, including the not-for-profit sector, will be done during implementation and in the future. The framework and time lines are that the first year will be phase 1, the second year will be phase 2, and then it will be ongoing for all institutions. Practically, this will include training, a help hotline, pro forma forms and information sheets, among other things. The Ombudsman has extensive experience in providing this sort of support to entities.

The third issue that was raised by the honourable member was the seven-day period for notification. Providing information within a seven-day working time frame will facilitate the protection of children. The notice that will be required to be provided to the Ombudsman within seven working days will include information that would be readily available to the head of the entity, such as whether the police have been contacted about the matter; details of the reportable allegation or the reportable conviction; and the risk assessment made and the risk management action taken, or proposed to be taken, by the relevant entity to protect the child or other children while the matter is investigated. At the time of notification, it will not be required that an investigation by the entity has been completed or even commenced. The outcome of the entity's investigation and the action taken by the entity following a finding of reportable conduct is a separate report that must be given to the commissioner, under proposed section 19Z, as soon as practicable after the end of an investigation. Accordingly, legal or industrial advice would not normally

be required in order to notify the commissioner of a reportable allegation or reportable conviction. However, in the event that it was, an extension may be sought from the commissioner as set out in proposed section 19U(4)(a). Based on extensive consultation with stakeholders by the Ombudsman's office, the time frame of seven working days was selected to strike a balance between the importance of responding expeditiously to serious matters while also allowing sufficient time for the relevant entity to identify that the allegation is a reportable allegation, take initial risk-management action and prepare the notice. The initial draft of the bill had a time frame of three working days for notification, similar to that in Victoria. Based on feedback during the initial consultation, this was changed to seven working days, similar to that in New South Wales. This feedback also supported including provisions that the head of the entity be required to provide only the information of which they are aware, and can seek an extension from the Ombudsman. These changes were included in the bill.

During consultation on the green bill, there were three submissions that raised the seven-day time frame; one suggested 14 days and two suggested that notification should be as soon as practicable. Meetings were held with all three of these stakeholders and the explanation for the seven-day time frame was provided, including the option of extension to further accommodate their concerns. The option of seeking an exemption from providing certain information was proposed. The stakeholders indicated that they were satisfied with the explanation. Provision for exemption has now been included in the bill. Based on this consultation, provisions have been included to enable the heads of relevant entities to meet this time frame and provide additional information later, if required. This includes providing for the relevant entity to only provide information of which it is aware in proposed section 19U(3); a request for extension for providing the notification in proposed section 19U(4)(a); and a request for an exemption from providing certain information in the notification in proposed section 19U(4)(b). The Ombudsman intends to establish systems to make it as simple and efficient as practicable for entities to make such requests. The Ombudsman will be working collaboratively with entities, including developing guidance material, so that the report requirements are understood. The approach in other Australian jurisdictions supports the government's approach. The requirement that the head of the entity provide a written notification or report of reportable allegations and reportable convictions of which they become aware to the oversight body is included in the legislation for all other jurisdictions with established reportable schemes. In New South Wales, the notification must be within seven business days and there is a penalty for not complying. In Victoria, notification must be within three business days after the head of the entity becomes aware of the reportable allegation, and more detailed information must be provided within 30 days. There is a penalty for not complying with this requirement. In the Australian Capital Territory, a report must be given within 30 days after the head of the entity becomes aware of the allegation or conviction, or another period allowed by the Ombudsman.

The fourth issue raised by the honourable member was around the definition of an investigator. The broad definition of "investigator" in the bill is consistent with the definition in New South Wales' Children's Guardian Act 2019, which defines an investigator as "a person conducting an investigation on behalf of the head of a relevant entity, including a delegate." The office of the Ombudsman has consulted those responsible for reportable conduct schemes in New South Wales and Victoria and I am informed that the expertise of investigators has not been an issue for their jurisdictions. To provide for this matter in the bill may have the unintended consequence of entities, including small entities, hiring external investigators at significant cost in situations in which it is not necessary, especially as they can and will get guidance from the commissioner. Nonetheless, the office of the Ombudsman will work closely and cooperatively with stakeholders in key sectors and individual organisations included in the reportable conduct scheme to provide education, advice and guidance to assist in building their capacity to meet and comply with this scheme. This will include developing tailored guidance, support materials and education programs for each sector in collaboration with peak bodies for the sector, and providing advice and guidance to organisations to assist them in their handling of individual investigations. The Ombudsman intends to include information on the qualities expected in an investigator in the guidance and support materials and education programs for entities. Further, the Ombudsman will be informed of the name and contact details of the investigator under proposed section 19W(1)(b) when the investigator is engaged by the head of the organisation, and will be able to assess whether investigators are suitably qualified as part of the Ombudsman's role to monitor investigations. It is noted that some of these allegations can be very complex and will require specialist skills to investigate. This is, however, currently the case. In modern, well-governed entities, heads of entities would already be undertaking an investigation if they received an allegation of child abuse by an employee, including engaging specialist support and advice if required.

The fifth issue raised by the honourable member went to whether the government should consider deleting proposed sections 19ZH(3)(b) and 19ZH(3)(c). Provisions for disclosing information about the progress and findings of the investigation and the action taken in response to the findings by the child who is the subject of the conduct being investigated and a person who has parental responsibility for that child are included in the legislation for all other jurisdictions with established reportable conduct schemes. In Victoria and the ACT, these provisions are permissive rather than mandatory; the information may be disclosed. In New South Wales, the information must be disclosed unless the person disclosing the information is satisfied that the disclosure is not in the public interest. The provisions in this bill are consistent with two out of three of the other jurisdictions—Victoria and the ACT—and,

in New South Wales, although information must be disclosed, there is provision that it will not be disclosed if it is not in the public interest. The permissive provisions in the bill are based on the Victorian and ACT legislation. In addition to promoting a nationally consistent approach, disclosure has not been mandated in the bill as it may be inappropriate in some circumstances; for example, when the child does not have the capacity to understand the disclosure, when the person with parental responsibility has been a perpetrator of abuse against the child who is the subject of the alleged abuse, or where there is a historical case when contacting the alleged victim or person with parental responsibility would not only require significant resources but also may re-traumatise them. During the consultation process it was recognised that, as a general principle, information would be disclosed unless there was a good reason not to, with key circumstances in which information should not be disclosed included the bill. Consistent with other states, this principle will be reflected in the Ombudsman's guidance material and will be subject to oversight by the Ombudsman's office. As part of its education and capacity building function, the Ombudsman's office will be supporting organisations to responsibly disclose investigation information. The child or their parents will also be able to make a complaint to the Ombudsman if they are not satisfied with the disclosure of information. In this context, proposed section 19ZH(3)(b) relating to disclosure of information to parents when the child has sufficient maturity and understanding to consent and does not consent, and proposed section 19ZH(3)(c) relating to circumstances prescribed by regulation, could be deleted leaving the decision about disclosure discretionary in these circumstances. Guidance about releasing information in these circumstances will be included in the Ombudsman's guidance and support materials and will be subject to monitoring by the Ombudsman's office. The decision will also be informed by the paramount principle, under proposed section 19K, that any person performing functions under the reportable conduct scheme must have the "best interests of children as the paramount consideration". The other circumstances in which information must not be disclosed will be retained. These are circumstances in which disclosure would put the wellbeing of the child or the safety of any other person at risk, or contravene the Children and Community Services Act 2004, section 124F, "Confidentiality of reporter's identity" or section 240, "Restrictions on disclosing notifier's identity", or compromise a police investigation or other certain investigations.

With respect to the sixth item raised by the honourable member about protection for a person who makes a report about the head of an entity, under the bill, a relevant employee of a relevant entity who becomes aware of a reportable allegation or reportable conviction that relates to the head of the entity must report the matter to the commissioner. Proposed section 19V(2) states —

> A person may disclose any information to the Commissioner that the person believes on reasonable grounds —
>
> (a) reveals reportable conduct involving the head of a relevant entity; or
>
> (b) is otherwise relevant to a reportable allegation involving the head of a relevant entity.

The bill provides protections for people making a report, including people making a report about the head of the entity to the commissioner. These protections expand existing protections under the Ombudsman's legislation to provide significant protections from liability under section 30AA and victimisation under section 30B for people undertaking their responsibilities under the scheme. This includes protection for people who make a report or notification of a reportable allegation or reportable conviction or act as a witness in an investigation. The bill provides for protection from liability for a person acting in good faith who gives a report, notification or information to the commissioner or the head of the relevant entity or who gives information for an investigation, does not incur civil or criminal liability or liability to be punished for a contempt of court, is not taken to have breached any duty of confidentiality or secrecy imposed by law, and is not to be taken to have breached any professional ethics or standards or any principles of conduct applicable to the person's employment or to have engaged in unprofessional conduct. These protections are similar to those in other WA child protection legislation, including the Children and Community Services Act 2004 and the Working with Children (Criminal Record Checking) Act 2004.

I turn to protection from victimisation. A person cannot do anything likely to be to the detriment of another person who may in the future make a complaint, provide information in the course of or for the purposes of any investigation under the act, make a report to the head of a relevant entity or the commissioner or give a notification to the commissioner of a reportable allegation or reportable conviction, provide information for an investigation of a reportable allegation or reportable conviction to the commissioner or the head of a relevant entity or exercise a power or perform a duty imposed by the act. The penalty is $8 000 or imprisonment for two years.

With regard to protection from publishing identifying information, a person must not publish identifying information for a child who is the subject of reportable conduct or a person making a reportable allegation or reportable conviction to the head of the relevant entity or the commissioner. The seriousness of publishing such information is reflected in the penalty of two years' imprisonment or $8 000. This is consistent with the existing penalty for victimisation.

The seventh issue that the honourable member raised with respect to the act is protection for the entity. Under the bill, if the head of a relevant entity becomes aware of a reportable allegation or reportable conviction involving

a person who is an employee of the relevant entity, the head of the entity must notify the commissioner. Proposed section 19V(1) states —

> The head of a relevant entity may disclose any information to the Commissioner that the head of the relevant entity believes on reasonable grounds —
>
> (a) reveals reportable conduct involving an employee of the relevant entity; or
>
> (b) is otherwise relevant to a reportable allegation involving an employee of the relevant entity.

The entity will have the same protections it has now under industrial legislation and other legislation that requires it to report externally, including obligations to report to police and regulatory bodies, mandatory reporting, and for government organisations to the Corruption and Crime Commission. The bill also provides for specific protections for the head of a relevant entity who notifies the commissioner of reportable allegations or reportable convictions. These provisions expand existing protections under the Ombudsman's legislation to provide significant protections from liability under section 30AA and victimisation under section 30B for people undertaking their responsibilities under the scheme. This includes protection of people who make a report or notification of a reportable allegation or reportable conviction or act as a witness in an investigation. The bill provides for protection from liability for a person acting in good faith who gives a report, notification or information to the commissioner or the head of a relevant entity or gives information for an investigation, does not incur civil or criminal liability or liability to be punished for a contempt of court, is not taken to have breached any duty of confidentiality or secrecy imposed by law and is not taken to have breached any professional ethics or standards or any principles of conduct applicable to the person's employment or to have engaged in unprofessional conduct. These protections are similar to those provided in other WA child protection legislation that I have already referred to.

With regard to protection from victimisation, a person cannot do anything that is likely to be to the detriment of another person because they have made or may in the future make a complaint, provide information in the course of or for the purpose of any investigation under the act, make a report to the head of a relevant entity or the commissioner or give a notification to the commissioner of a reportable allegation or reportable conviction, provide information for an investigation of a reportable allegation or reportable conviction to the commissioner or head of a relevant entity or exercise a power or perform a duty imposed by the act. The penalty for that is $8 000 or imprisonment for two years. That deals in some detail with the seven issues the member raised about the bill.

I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

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

Clause 1: Short title —

Hon NICK GOIRAN: This is a 27-clause bill. At the outset, I thank the Leader of the House for the response on behalf of the government to the second reading debate. I make the observation that this is perhaps an example of when there is some benefit in having a short adjournment between the start of the second reading debate and the conclusion of it.

Hon Sue Ellery: I want to place on the record that I thought the response I was given by these officials was outstanding. I wish every agency would follow their lead.

Hon NICK GOIRAN: It is a good segue to what I was going to say. I am not sure whether in this instance the explanation is because of the short adjournment of a few days between the start of the second reading debate and the conclusion of it or because the Ombudsman's office has been intimately involved in the passage and preparation of this bill or, indeed, it could be a combination of the two. In any event, it is the case that the response that has been provided was most comprehensive and it is appreciated by the opposition.

At the outset, I might also note, through the chair to the Leader of the House, that the response sufficiently captures four of the seven issues. Three issues need some further interrogation. With respect to resourcing, training and the two elements on protections, the responses were most comprehensive and there is no real need to pursue those matters any further. By way of some interim notice, as we consider these 27 clauses, at some stage I would like to pursue the other three elements, dealing with, firstly, the seven working day time frame, secondly, the notion of the investigator, and, thirdly, restrictions on disclosure. Before we get to that, there is one final introductory remark from me before my first question. In terms of the 27 clauses, I might add that the opposition's primary questions, which will not come as any surprise, relate to clause 7. When we get to clause 7, they will be quite extensive; otherwise, most of the other clauses, from our perspective, can be passed without comment.

Beginning with clause 1, I note for the Leader of the House, who is in her representative capacity for the Minister for Child Protection, that the recommendation made in the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse from December 2017 was—I think both the Leader of the House and I made mention of this in our second reading contributions—that state and territory governments establish nationally consistent legislative schemes and reportable conduct schemes based on the approach adopted in New South Wales that obliges heads of institutions to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees. The Leader of the House made mention of the fact that the government has had regard to not only the New South Wales model, but also, from what I gather, the Victorian and the ACT models. Noting that the royal commission has asked for us all to work together to establish nationally consistent legislative schemes, how consistent is this scheme that is currently before us when compared to those in the other states and territories?

Hon SUE ELLERY: There are only three jurisdictions that have done it. The approach taken was to be as consistent as possible, but when there was a difference between those three, Western Australia chose the best for Western Australia. When it was necessary to consult, it went with the views of the Western Australian people who were consulted.

Hon NICK GOIRAN: The Leader of the House gave one example in her reply about the issue of the disclosure restrictions, as I have coined them. The approach that was taken by the government—we will look at this in more detail when we get to the relevant clause—was consistent with Victoria and the ACT, and differs from the New South Wales model. I think the Leader of the House said in her reply that the government chose to be consistent with two out of three of the models. Are there other examples in the 27 clauses where this occurs?

Hon SUE ELLERY: I also referred in my second reading reply to the time required—that is, the number of days within which the head of an entity must provide the initial report to the commissioner. In the Victorian model, it was three days; Western Australia chose seven days. There were variations within that as well. I will just check whether there was anything else.

I can advise that when I was talking before about the number of days within which after becoming aware of reportable conduct the head of the entity has to report to the commissioner, there was one jurisdiction—I think it is the ACT—that has 30 days. The royal commission took the view that that was actually too long and kind of erred against the principle of protecting the child in the first instance. I do not have a list, honourable member, but there are some other areas in other provisions set out in clause 7 where there is a difference between jurisdictions. As I described earlier, the same approach—the principle, if you like—was taken when there was a difference between jurisdictions in that we chose the best for Western Australia. I can bring these to the member's attention as we get to them, but I do not have a list of them.

Hon NICK GOIRAN: One of the areas in which there is this divergence is what I would regard as the reporting time frame. As the Leader of the House said, Victoria has three days, the ACT has 30 days and Western Australia is taking the approach of seven working days. The other is the disclosure restrictions. The Leader of the House does not have a list, at this stage at least, but is it fair to say that to the extent that there are inconsistencies in the national approach, they will be found in clause 7? We can unpack that further when we get to clause 7, which is where, as I have foreshadowed, the majority of the questions lie. Perhaps I will be guided by the Leader of the House about how she might want to tackle that when we get to clause 7. Clause 7 in itself runs from page 4 of the bill through to 40. I can indicate that I have questions on the vast majority of those individual proposed sections.

Hon SUE ELLERY: I am happy if the member wants to start by tackling themes, if you like, and where that might crossover between related clauses. We will see how we go.

Hon NICK GOIRAN: I think that is probably a good approach and I note that there are six subdivisions in that clause, so perhaps we might be able to tackle the questions by subdivision.

Does this bill capture instances when the reportable conduct might lead to the death of a child?

Hon SUE ELLERY: I am advised yes.

Hon NICK GOIRAN: Has there been specific consultation with the coroner in that respect?

Hon SUE ELLERY: I am advised that the member would be aware, given the Ombudsman's other role with respect to child death reviews, that the Ombudsman has an ongoing working relationship with the coroner. I am advised that there was not specific consultation on the provisions of this bill, but the Ombudsman would consult with the coroner if that was required and they do have a well-established working relationship.

Hon NICK GOIRAN: Therefore, if the death of a child arises because of reportable conduct, does it automatically then meet the test of being a child death that is subject to investigation by the Ombudsman?

Hon SUE ELLERY: No, not necessarily. If the honourable member casts his mind back to those provisions, that relates to children in the care of the state, so it would depend if that were the circumstance.

Hon NICK GOIRAN: We could consider in it two categories—that is, those deaths of children who were in care of the state and those that were not. With respect to the first category, if there is reportable conduct and it

leads to the death of a child who is in the care of the state, by virtue of the existing provisions in the parliamentary commissioner's act and his existing roles and responsibilities, he would then take an inquiry into that death. If the child is not in the care of the state, who would then undertake an inquiry into the death?

Hon SUE ELLERY: Depending on the circumstances, we imagine in the first instance it would be the police and it may subsequently be the coroner as well.

Hon NICK GOIRAN: If we compare and contrast those two scenarios, in the first instance, there is no danger of there being any, if you like, duplication of effort because the Ombudsman is involved in both instances. However, in the second scenario, the Ombudsman has been notified of reportable conduct but, tragically, the conduct has led to the death of a child and that child's death is then being investigated by the police and/or the coroner, albeit the coroner would be waiting for a brief from the police in any event. How does the Ombudsman intend to deal with—I would not say conflict—that situation to minimise the prospect of duplicative investigations?

Hon SUE ELLERY: Otherwise they may run concurrently; is that what the member is talking about?

Hon Nick Goiran: That is right. That would be a possibility.

Hon SUE ELLERY: The short answer is that a police investigation takes precedence, and I am advised the provisions in the bill will provide for that to occur. I think for all practical purposes, there would be discussions between the Ombudsman and police, and that agreement would be reached on how to go forward, but the intention is not to impede the investigation by the police when they may well obviously be pursuing criminal proceedings.

Hon NICK GOIRAN: That is encouraging to hear, and it is consistent with what the opposition was told in the briefing by the Ombudsman. Which provision in the bill ensures that the police investigation will take precedence?

Hon SUE ELLERY: I am advised it is proposed section 19ZG.

Hon NICK GOIRAN: Proposed section 19ZG is found at page 35 of the bill and refers to the commissioner and also the Commissioner of Police—"commissioner" in this instance being the Ombudsman. Page 36 indicates the commissioner, being the Ombudsman —

> … or the head of the relevant entity may —
>
> (a) suspend the investigation or finding until otherwise advised; and
>
> (b) take steps to manage any risks while the investigation or finding is suspended.

Does that mean this notion of the police investigation taking precedence is ultimately discretionary on the part of the Ombudsman or the head of the relevant entity?

Hon SUE ELLERY: Yes. But, honourable member, we go further down that page and look at —

> (4) Before making a decision under subsection (2)(b) about the steps to be taken to manage risks, the Commissioner or the head of the relevant entity must consult with, as the case requires —
>
> (a) the Commissioner of Police or the officer in charge …

Et cetera.

Hon NICK GOIRAN: It might be a timely opportunity to get to the bottom of one of the issues that was raised in the second reading debate: the breadth of the investigator. One of the remarks that was made was that modern organisations would already be doing investigations anyway. Might it be the case that a modern organisation, as the minister described them, might presently, in the absence of the reportable conduct scheme, take the approach that it has received information and its protocol or procedure is to immediately report that matter to the police? The modern organisation will then not do any internal investigation and the like. It will just be satisfied that it has complied with its responsibilities by reporting the matter to the police. I imagine that that would be not uncommon for modern organisations. Will that approach still be available to an organisation or an entity notwithstanding the passage of this bill?

Hon SUE ELLERY: Yes. I am advised that under subsection (2)(b) of proposed section 19J, "Object and principles", on page 13, criminal conduct or suspected criminal conduct should be reported to the police.

Hon NICK GOIRAN: I agree that that is what the legislation says and that is an important object and the principle of the legislation, and that is that criminal conduct or suspected criminal conduct should be reported to the police. That is an important, at the very least, aspiration. However, the distinction is that we will be imposing as a matter of law this reportable conduct scheme. These modern organisations must comply with the provisions in the reportable conduct scheme. They do not currently need to do so. What I was saying earlier is that at the moment their practice might be to say, "I have had this information. I am very deeply concerned about it. I am now going to report the matter to the police and I will leave it with them", and they will be sufficiently satisfied they have done the best they can at that point in time. Although the objects and the principles will encourage them to continue to do that, my understanding is that, at present, it could be argued that that would be inadequate. They would not have fully

complied with their obligations by doing so. My question is: if they did that and simply said, "Look, our practice always has been we just report this matter to the police; they are the best people to investigate this matter", and considering what the minister said earlier about police investigations taking precedence, will that be sufficient for an organisation to have complied or might this modern organisation still find itself needing to implement another element, whether that be reporting the matter to the Ombudsman as well as the police?

Hon SUE ELLERY: I think it will depend a little on the circumstances. Irrespective of whether they report to the police, they are going to be required under this legislation to provide that report within seven days of becoming aware of reportable conduct or an allegation thereof. I will get advice, but I imagine that the commissioner will have a look at what they have to provide, which is, basically, "Okay, what have you done so far?"; and, if they have not referred it to the police, I suspect the commissioner's office would do that.

Hon Nick Goiran: Different story, sure.

Hon SUE ELLERY: I am just going to get advice on the substance of the member's question. There are two elements, honourable member. In the first instance, when the entity provides that initial notification, they will be required to identify whether they have referred it to police, and the Parliamentary Commissioner for Administrative Investigations' office will monitor that. The commissioner's office will then have two options. The office can say to the entity, "You should report that to the police", or of its own volition can report it to police. Then there is a third element at proposed section 19P(1), which states —

> The Commissioner may exempt the head of a relevant entity from commencing or continuing an investigation.

One of the reasons that exemption might be provided is that the matter is being dealt with by police.

Hon NICK GOIRAN: Thank you for that, minister. That is helpful, but I want to tackle the reverse of that situation. In the scenario that the minister helpfully set out, the entity goes to the Ombudsman and thereafter a course of action might take place. The Ombudsman might say to the entity, "You should report this matter to the police", or the Ombudsman might say that they will exempt the entity from doing an internal investigation and the like. I am particularly mindful of the reverse scenario in which the entity has gone directly to police first, rather than to the Ombudsman.

Hon Sue Ellery interjected.

Hon NICK GOIRAN: Understandably, from their perspective, they think they have gone to the highest investigative authority in Western Australia—the experts in the field of looking into child sexual abuse and the like. I suspect neither the government, nor the opposition, nor the Parliament want to trap people through procedures for no particular purpose. At the end of the day, if police have been informed and are actively investigating a matter of child sexual abuse, that is a good thing and it is consistent with the objects and the principles of the legislation. What I would not want to see is that we then say to the entity, "Look, we've caught you out. You have reported it to police but you have failed to report the matter to the Ombudsman, and now you will be chastised and a penalty will be applied against you." Has that come up in the consultation process? As part of that process, is there going to be some form of direct communication from the police to the Ombudsman? It is the reverse of what we were talking about earlier, whereby the police say that it is a matter under the reportable conduct scheme that the Ombudsman needs to know about and they will have a conduit, or a shared information technology system, that will deal with that.

Hon SUE ELLERY: I will get some advice in a minute. While I am getting that advice—I am sure the member picked this up in the briefings he received—my sense of this is that the approach to be taken by the commissioner will be very much an educative one. There will be education and training provided, but we are not going to capture everybody in that. We will not capture everybody who is already running a business or those people who set up a business maybe five months after that educative public discussion has occurred. My sense of it is that there will be a deliberate consideration by the commissioner's office that it is about assisting people, the entities, to meet their obligations rather than taking a blunt-instrument approach in the first instance. I will check whether there is anything further I can add to that.

There are two things. First, in the discussions with the other jurisdictions where this is already in place, the method, or approach, that I described with the commissioner taking an educative role rather than a blunt-instrument approach is what has happened in those jurisdictions as well, so there are no cases of somebody being used as the poster boy or girl for doing the wrong thing. Secondly, I am advised that there are provisions within the legislation that will require ongoing consultation between the commissioner and police. That is not a provision that will require or mandate the police to notify the commissioner, but in the course of having regularly scheduled formal consultation processes, it is anticipated that they will have agreements about when they should be notified, what it should look like and how it should be done. It will not be mandated but it is anticipated that there will be a close working relationship and mechanisms will be put in place so that both sides talk to each other when they need to.

Hon NICK GOIRAN: The bill applies to government as much as it does to the private sector. If there is a scenario in which the reportable conduct has occurred within the Western Australia Police Force itself, that would then

trigger a need for police—presumably, the Commissioner of Police as the head of the entity—to report to the Ombudsman, and that seems appropriate. Perhaps we will not be able to tackle this issue completely when we consider this bill, but it might be worth the government noting it for the next iteration of the legislation. It seems to me there would be some benefit in, at the very least, considering an obligation on the part of police to notify the Ombudsman of all such instances. It would at least close the gap. I am heartened to hear that the intention of the government and the Ombudsman is to not take a heavy hand on the entities, particularly if they have already reported to police, but it seems there is an opportunity to close that information loop by simply having police understand, as a matter of practice—perhaps they will do this in any event—the need to provide the information directly to the Ombudsman so that there is no gap. I make that point as an observation. I very much doubt there will be sufficient time, let alone appetite, to look at amending the legislation to deal with that. I thank the minister for those heartening responses on the approach that will be taken by the Ombudsman, including comparing it with the experience in other jurisdictions.

I now look at the role of the Commissioner for Children and Young People. To what extent will this new role, new function, that the Ombudsman will be taking on intersect with that of the Commissioner for Children and Young People?

Hon SUE ELLERY: I am advised that the same consultative arrangements that apply between the commissioner's office and police for these provisions will apply between the commissioner's office and the Commissioner for Children and Young People's office, in that there will be regular consultation on matters of interest to both.

Hon NICK GOIRAN: The Commissioner of Police is expressly mentioned in the bill before us, and presumably was consulted about the bill.

Hon Sue Ellery: Yes.

Hon NICK GOIRAN: Can the same be said for the Commissioner for Children and Young People?

Hon Sue Ellery: Yes.

Hon NICK GOIRAN: To be clear: the Commissioner for Children and Young People was consulted about the bill but is not necessarily referenced in the bill.

Hon SUE ELLERY: On page 45, under clause 12, which will insert proposed section 22AA(4), it states that the commissioner may consult with any of the following: the Commissioner of Police, the Commissioner for Children and Young People and then there is a list.

Hon NICK GOIRAN: Minister, did either the Commissioner of Police and the Commissioner for Children and Young People raise any concerns about any of the provisions in the bill?

Hon SUE ELLERY: No. They did not raise any concerns that were not resolved through the consultations. If it is helpful to the honourable member—I think he raised this in his speech in the second reading debate—I have been advised that during the consultation process, which was fairly extensive, a number of themes were raised. One of them was the definition of "reportable conduct". Additional information was provided to stakeholders, and they were satisfied with that information. Regarding the interface with other regulatory systems, they commented on the interface between the proposed scheme and other regulatory systems, including the potential duplication of notification requirements and investigations, which goes to the member's point. The Ombudsman outlined the themes that I have described in answer to the member's questions, and stakeholders were satisfied with that information.

Hon NICK GOIRAN: Minister, I am looking at that provision on page 45 that allows for consultation or the sharing of information by the Ombudsman with four officers—albeit, as I understand, for the third and fourth officer, the same CEO is being referred to there. When we look at those—if we like—three individuals, we can easily identify, and already have in the earlier dialogue, the role of the Commissioner of Police. It is obvious when we are dealing with this matter why the Ombudsman might need to have a dialogue and consultation with the Commissioner of Police. It is also obvious why they might need to refer to the director general of the Department of Communities, because they may have information about a child who is at risk and who might need to be considered as a child who needs to be taken into care. But it is a little less obvious with respect to the Commissioner for Children and Young People. It goes to my earlier question about the intersection between this new role that the Ombudsman will take and the role of the Commissioner for Children and Young People.

Why was it decided that it would be important for the Ombudsman to have the power to share information with the Commissioner for Children and Young People, who, ordinarily, under her legislation, does not have a role in individual cases, but deals with matters at only a systemic level?

Hon SUE ELLERY: If I may, I will see whether the advisers think that I need to add anything to this.

The member is quite right. The Commissioner for Children and Young People's role is a kind of systemic policy advice role, if I can describe it in its broadest terms in that sense. Therefore, for those purposes, I would imagine

there would be down the track—not at the beginning—issues that are brought to the attention of the Commissioner for Children and Young People about how this regime is rolled out that the Commissioner for Children and Young People might have a view that the policy may need to be tweaked to take account of the experience of children under the terms of the regime. That is not something that I think is going to happen immediately, but there may be other matters from time to time. Previous Commissioners for Children and Young People have done reports on all manner of things, including some that overlapped into matters affecting children in the care of the state. I am just going to check in case there is anything further that I need to add. There is nothing further to add to that.

Hon NICK GOIRAN: Is this sharing of information between the Ombudsman and the Commissioner for Children and Young People an approach that is consistently taken in the other jurisdictions?

Hon SUE ELLERY: I am advised that the other jurisdictions have this function sitting in the same area of government as the function for their equivalent Commissioner for Children and Young People, so that is the difference. This sits with our Ombudsman. I think that is probably a quirk of history because our Ombudsman has also taken on the child death review function and a range of other functions, so it makes sense to add this one.

Hon NICK GOIRAN: Is the minister indicating, then, that in the other jurisdictions—New South Wales, Victoria and the ACT—this role that we are about to give to the Ombudsman is undertaken by the Commissioner for Children and Young People in those other jurisdictions?

Hon SUE ELLERY: I will check. I do not know whether it is the person or whether it sits within that area of government. I am advised that it is the equivalent commissioners, but I am also advised that those commissioners, for example, also have responsibility for their equivalent working with children check, which is not the same here.

Hon NICK GOIRAN: Therefore, in New South Wales, is it the Commissioner for Children and Young People who will have this role with respect to the reportable conduct scheme—the same in Victoria and the same in the ACT?

Hon Sue Ellery: One of them is called the children's guardian, but —

Hon NICK GOIRAN: That is in Victoria, I think.

Hon Sue Ellery: Yes.

Hon NICK GOIRAN: Yes. This then leads to the next question, minister. Why was the decision taken to give this role to the Ombudsman rather than to the Commissioner for Children and Young People? Was that something that was actively considered?

Hon SUE ELLERY: I think what I am being advised is that in those other jurisdictions, they are bigger—I am going to use the word "entity", but I do not mean entity in the sense of the bill. They are bigger entities and they have a combined function that is not just a policy advice role; they are also providers of various enforcement arrangements, whereas in Western Australia, those roles have been split. But as the Ombudsman's role already deals with matters related to, for example, child death review, it was deemed that it would be most appropriate and it would fit best with the Ombudsman's office.

Hon NICK GOIRAN: This will be a comment rather than a question, minister, on this point. It troubles me how much we seek to give to the Ombudsman in Western Australia. This is not a criticism directed at just this government because it is something I have observed over four terms of Parliament. It seems that governments of various persuasions almost reflexively, or instinctively, provide these new, expanded roles to the Ombudsman. It was mentioned in the reply to the second reading debate that in the first year, as I understand it, another nine full-time equivalent staff will be provided to the Ombudsman at a cost of $1.4 million, and in the second year it will be 15 full-time equivalents at $2.4 million. To the extent that I commend the government for looking at the resourcing issue and making sure that the Ombudsman will be adequately resourced to undertake this very significant role, one could argue that those 15 full-time equivalents at $2.4 million could just as easily have been provided to the Commissioner for Children and Young People, and that organisation could have undertaken this child-focused role. The Ombudsman has an enormous remit in Western Australia, not only with regard to children, but we also have a specialist organisation and, in fact, an officer of the Parliament—I understand the Commissioner for Children and Young People reports directly to the Parliament—who could, arguably, just as easily take on this role in their specialist capacity. I think it was the McGowan government, although it might even have been the Barnett government, or both, that gave the Ombudsman responsibility to oversee various administrative functions undertaken by police with regard to covert operations and the like. That is a quite distinct role for the Ombudsman and very different from what we are talking about here, which is understandably very child-focused. The point I am making now is not going to be addressed by this bill; it would require wholesale changes, and the opposition and I are not suggesting that that should be the case at this time. But for the benefit of the further consideration of government in this forty-first Parliament, I implore the government to not necessarily, from here on in, send every new function and role to the Ombudsman, who already has an enormous responsibility, but to give due consideration to specialists like the Commissioner for Children and Young People.

That takes me to my next question. Looking at the reportable conduct schemes in the other three jurisdictions that have moved in this area, being New South Wales, Victoria and the ACT, it appears that the government or perhaps the Ombudsman's office has undertaken some inquiries with those three other jurisdictions. What was the nature of those inquiries and can anything be provided to Parliament, either now or in the not-too-distant future, that summarises the interactions between the Western Australian Ombudsman and the reportable conduct scheme providers in the other jurisdictions?

Hon SUE ELLERY: I have not seen anything that can be tabled, but I will just check. I am advised that the Ombudsman's office visited each of the three jurisdictions very early on and has had subsequent telephone conversations about specific things, but that has not been pulled together in one list.

Hon NICK GOIRAN: The minister mentioned earlier that, as far as we know, there has not been an instance in one of the other jurisdictions in which someone might have been captured for failing to provide a report to the relevant entity—let us say the Commissioner for Children and Young People or the guardian in the relevant jurisdiction. There has not been, if you like, a conviction for that, in circumstances in which that particular entity or person has already reported the matter to the relevant local police force. That was encouraging to hear, and at the very least, it is instructive for the Ombudsman here to take the approach that has already been indicated. That said, are we aware of other convictions that have arisen as a result of the penalties that are in place in the other jurisdictions that we are looking to impose here?

Hon SUE ELLERY: We are not aware. If the member is interested, I could probably find out, but the advisers here are not aware of any. They would have to go and check.

Hon NICK GOIRAN: Is that "not aware" in the sense of "we don't know" rather than "to the best of our knowledge, there hasn't been any in the other jurisdictions"?

Hon SUE ELLERY: To the best of their knowledge, there has not been any.

Hon NICK GOIRAN: Sure, in which case, if it has been investigated at some level or inquired into at one level, there is no need to continue to pursue it, but it probably reinforces the point that the Ombudsman will take an educative approach rather than a heavy-handed approach, as appears to have been the case in the other jurisdictions.

Turning to a new theme, what responsibility will a head of an entity have if a third party hires out their premises? One can imagine that a local government authority would regularly hire its facilities out. What responsibility would a head of an entity have if a third party were to hire their premises and reportable conduct occurred?

Hon SUE ELLERY: It would be the responsibility of the entity that did the hiring of the venue, unless the local government contracted that third party to provide some service on behalf of the local government. But if it was someone holding a team-building exercise in a community hall, that would be a different relationship from the local government engaging someone to run after-hours school care or something.

Hon NICK GOIRAN: So the distinction will be: a pure and simple hire of a premises or facility will not, in itself, trigger the threshold of being considered an "employee" of the entity, as I think it is termed in the bill. We are here talking about an employee of the local government—that is the scenario we are using—and the term "employee", which we will look at more closely when we get to the relevant clause; it includes volunteers, contractors and so on, but the simple hiring out of a facility does not meet that threshold. It would be different if they were expressly contracting a particular service provider.

Hon Sue Ellery: Correct.

Hon NICK GOIRAN: On a different theme, will the reportable conduct findings that will be made as a result of this new scheme cause a reassessment of a person who has a working with children card check?

Hon SUE ELLERY: It is the intent of government to give effect to that. We will not see it in this bill, but it is the intent of government to give effect to that.

Hon NICK GOIRAN: That is encouraging to hear. What might be the mechanism through which this effect will be given? Will it be a situation in which, because some other reforms are intended, there will be changes to the Working with Children (Criminal Record Checking) Act 2004 or some policy or procedural manual—that type of thing?

Hon SUE ELLERY: The relevant minister has made clear that the working with children provisions were subject to review. As I understand it, this matter has been captured in that.

Hon NICK GOIRAN: One might hear that as an indication that, in due course, there could be some reforms to enshrine that expectation. In the interim, until such time as that happens, what confidence can we have that the reportable conduct scheme findings will make their way to the CEO as defined in the Working with Children

(Criminal Record Checking) Act 2004? By virtue of that information being shared with that individual, triggering an assessment or reassessment, is there going to be a Premier's circular, minister's directive or something like that?

Hon SUE ELLERY: It will be somewhat limited. I understand what the member wants to know. There are provisions in here for consultation and discussion and working together with the relevant CEO. I think the member can assume that the matter will be dealt with in the not-too-distant future, but it will be under another piece of legislation.

Hon NICK GOIRAN: I will move on from here, but I think the indication the minister is giving to the chamber is that this is near top of mind for government at the moment.

Hon Sue Ellery: Very top of mind!

Hon NICK GOIRAN: I will move to the rollout of the scheme amongst entities. I appreciate that the minister touched on this to some degree in her reply. Is there a convenient time line that can be provided to the house as to which entities will be captured during which period of time moving forward?

Hon SUE ELLERY: The advisers are checking whether there is anything else that I need to add. In the first year, the financial year 2022–23, notifications will commence for relevant state government and selected non-government institutions and training and capacity building for institutions, including institutions scheduled to commence in 2023–24. Examples of non-government institutions in phase 1 include non-government schools, out-of-home care services, childcare services and health services. In the second year, 2023–24, notifications will continue for the institutions that I have already described and commence for the remaining institutions, with ongoing engagement, training and capacity building for all institutions. Examples of non-government organisations commencing in phase 2 include disability services, religious institutions, accommodation and respite services, and other non-government services for children that have not already been commenced in phase 1. I will check whether there is anything I need to add to that. That is all the information.

Hon NICK GOIRAN: Further to that, I turn to clause 25 of the bill, on page 56. It goes over two pages. The column 1 items are public bodies, providers of education services, providers of health services, providers of out-of-home care services, providers of childcare services and providers of youth justice services. Clause 27 of the bill, on pages 58 and 59, sets out three bodies: religious bodies, providers of disability services and providers of accommodation and respite services for children. Is it the intention that the first list, the ones in clause 25, are phase 1 and the ones in clause 27 are phase 2?

Hon SUE ELLERY: Yes.

Hon NICK GOIRAN: Let us assume that this bill passes the house unamended this week—we will get to the clause 2 debate momentarily. Is it the intention for what I am going to describe as "clause 25 entities" to be captured by the scheme in the current financial year and for the "clause 27 entities" to be dealt with next financial year?

Hon SUE ELLERY: It will depend a little bit on when it is actually implemented, but, yes, that is the general intention.

Hon NICK GOIRAN: I have three other themes to capture under clause 1. The first is on the penalties that are set out in the bill. How were the penalties in the bill determined? I imagine there will be some reference to other jurisdictions. Can the minister confirm whether that is the case and the extent to which there was a divergence of approach from the other jurisdictions, noting that the way in which some jurisdictions describe entities is different?

Hon SUE ELLERY: The officers did look at the other schemes, but they also looked at the provisions in the Children and Community Services Act in Western Australia and the penalties for offences of a similar nature relating to mandatory reporting—those concerning a written report being provided as soon as possible if an oral mandatory report is given, reporting to the CEO about a mandatory report, and the confidentiality of that report. The officers looked at the other jurisdictions and at those provisions.

Hon NICK GOIRAN: I appreciate that what I am about to say is going to take a subjective judgement on the part of the minister and her advisers, but were there instances of what I would describe as a manifest difference between the Western Australian act and the legislation of the other jurisdictions? I appreciate that there may be what could be described as small differences in approach. The minister will know if there were manifest differences, because they would have required active consideration rather than just mirroring the approach that has been taken in the other jurisdictions or under the Children and Community Services Act. Were there any manifest differences in the penalties applied; and, if so, what were they?

Hon SUE ELLERY: No.

Hon NICK GOIRAN: The penultimate point to raise about clause 1, from my perspective, is on the oversight of investigations. It appears that the intention of the bill before us is for the Ombudsman in Western Australia to have an oversight role when entities undertake their own investigations on reportable matters. I understand that the bill will also allow, from time to time, at the discretion of the Ombudsman, for his office to undertake an investigation. Who will oversight those investigations?

Hon SUE ELLERY: They will be subject to review by the State Administrative Tribunal.

Hon NICK GOIRAN: Is the minister saying that if there is a complaint about the way in which the Ombudsman fulfils their role and functions under the new scheme, a person might be able to take that matter to the State Administrative Tribunal?

Hon SUE ELLERY: That is correct.

Hon NICK GOIRAN: That will be of some comfort, but it is not the same as the oversight that will be provided by the Ombudsman for internal investigations. An entity will undertake an investigation and, as I understand it, the Ombudsman is required to monitor that investigation, keep apprised of the outcome, assist, educate and facilitate an efficient and effective investigation. I would describe that as perhaps a proactive and very hands-on oversight role. SAT has a more reactive oversight role—more a role of review. Is there no intention by government for there to be any other type of oversight provided? I compare and contrast that with the Corruption and Crime Commission, for which a parliamentary inspector has oversight; indeed, a joint standing committee also has oversight of its role. Will there be any oversight other than the State Administrative Tribunal?

Hon SUE ELLERY: I thank the member. I could see where he was going part way through his question, so I asked the advisers. There is no intention to have the equivalent of a parliamentary inspector–type oversight or, indeed, a parliamentary committee.

Hon NICK GOIRAN: Before I move to the final theme here, I make this observation for the benefit of government advisers. I think this once again demonstrates why it would be worthwhile to consider, in this and future instances, giving the Commissioner for Children and Young People this role, because there is a parliamentary committee that provides express oversight of the Commissioner for Children and Young People, much like there is for the Corruption and Crime Commission. In situations whereby, in this instance, the Ombudsman is going to take more than just an oversight role and will have the power to undertake their own investigations, like the CCC does, somebody needs to oversee those investigations. Simply leaving it to the judiciary in the form of the State Administrative Tribunal or the Supreme Court will not provide the same type of oversight. I think this is something that ought to be considered when this scheme comes up for review, particularly when we consider the approach taken by other jurisdictions, and also with any further matter that is going to be given to the Ombudsman, who continues to be taking on more and more roles. I note that another bill is on the weekly bulletin for this week, under which we will be looking to give the Ombudsman further responsibilities for inquiries into charitable trusts in Western Australia.

The final theme dealing with this matter is the situation of the drafting of the bill before us—that is, the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021. Who was responsible for briefing parliamentary counsel for the drafting of this bill?

Hon SUE ELLERY: It was the Ombudsman's office.

Hon NICK GOIRAN: In this place, the Leader of the House is representing the Minister for Child Protection and the Department of Communities. Was the department that the minister expressly oversees and is responsible for not involved in the briefing of parliamentary counsel on this matter?

Hon SUE ELLERY: That department did not do the briefing of parliamentary counsel. As I understand it, the minister has taken responsibility of the bill in the Parliament as a consequence of the fact that she is managing how we respond to a range of things that came out of the royal commission, so that responsibility fell to her.

Hon NICK GOIRAN: Is it a little unusual that executive government did not brief parliamentary counsel on the bill that is presently before us?

Hon SUE ELLERY: No, I am advised that this is not unusual. On the last occasion that there was a major amendment to the Parliamentary Commissioner Act to introduce a new function—namely, the child death review scheme—it was the office of the commissioner that instructed parliamentary counsel and an officer of the commissioner's office was the designated instructing officer.

Hon NICK GOIRAN: Herein lies the problem. In other words, there has been a precedent; this has happened before. The problem is that we have an organisation, albeit the hardworking Ombudsman and his office, that is briefing parliamentary counsel on the taking on of further roles and responsibilities for itself; in other words, it is responsible for feathering its own nest or building its own empire.

Hon Sue Ellery: That's harsh.

Hon NICK GOIRAN: I do not say that in a negative way towards the Ombudsman. With respect to the proper role of oversight and responsibility, and the intersection between executive government and Parliament, I think it is highly desirable that if executive government is asking Parliament to give an agency or an entity a new role or responsibility, that agency or entity does not itself brief parliamentary counsel and say, "This is how we would like it." We could end up with a scenario in which there is no complete oversight of the role of the Ombudsman. This goes to the earlier point that I made on investigations that are going to be undertaken by the Ombudsman. I have

no doubt that, in good faith, the Ombudsman has briefed parliamentary counsel on this matter, and, of course, parliamentary counsel has fulfilled its task, but it seems to me that there is a gap here whereby there is no express body that will oversee the Ombudsman's own investigations. I doubt that would have happened if a different organisation had briefed parliamentary counsel, because it would have had to expressly give this some thought. I think it is a shame that, in this instance, parliamentary counsel has been briefed by the very organisation that is going to be taking on the functions and roles. I think that the Ombudsman should have been consulted by the department of child protection, or, in this instance, the Department of Communities, or possibly even the Department of Justice should have had responsibility for briefing parliamentary counsel. It does not change anything with respect to the bill that is currently before us, and the minister will be pleased to know that I have no further questions on clause 1.

Hon SUE ELLERY: I thank the member. I note that the bill obviously went through the cabinet process. That is twofold: approval to draft and approval to print. Both require consultation with relevant agencies, as well. I make that point and thank the member for completing clause 1.

Clause put and passed.

Clause 2: Commencement —

Hon NICK GOIRAN: The minister will see at clause 2 that it is the intention of government that provisions will commence on different days. Putting to one side part 1, which will commence on the day after the bill receives royal assent, what is the intended time frame for part 2, division 2, which will then affect the rest of the legislation?

Hon SUE ELLERY: I am advised that the part 2, division 2 additional amendments will come into operation on the day after the period of 12 months beginning on the day on which section 7 comes into operation, and the rest of the amendment act will come into operation on a day to be fixed by proclamation, which includes section 7. That is to allow for some of that educative process to begin in advance of the provisions taking effect.

Committee interrupted, pursuant to standing orders.

[Continued on page 3544.]