PARLIAMENTARY COMMISSIONER AMENDMENT (REPORTABLE CONDUCT) BILL 2021

Second Reading

Resumed from 7 April.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.38 pm]: I am hoping that somebody might let the shadow Attorney General know that the Parliamentary Commissioner Amendment (Reportable Conduct) Bill is in the house, because I would hate to deny the Parliament the opportunity to have the sort of fulsome debate on this particular piece of legislation that it deserves. Obviously, we have had a good day in the Parliament thus far with a frank exchange of views —

Hon Dan Caddy: I haven't.

Hon Dr STEVE THOMAS: I am not sure you had a good day. I think you guys are a bit flat today, to be honest. I expected more, but as it turns out this is a particularly important piece of legislation and I very much look forward to the contribution of the shadow Attorney General, my good friend Hon Nick Goiran, so I will not hold up the house's great anticipation any more.

HON NICK GOIRAN (South Metropolitan) [2.40 pm]: I rise as the shadow Minister for Child Protection on behalf of the opposition as we consider the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021. At the outset, I thank the Leader of the Opposition for assisting the smooth transition of this bill and indicate to members that I was away from the chamber on urgent parliamentary business listening intently to the very interesting decision in the Federal Court on another matter I spoke of earlier this week. I am sure this will attract the attention of members.

The ACTING PRESIDENT (Hon Peter Foster): Can I clarify whether you are the lead speaker?

Hon NICK GOIRAN: Indeed, I am.

I speedily note that, regrettably, on that matter that had taken my attention on urgent parliamentary business, it appears that the taxpayers of Western Australia will be significantly out of pocket, but we will take that up on another occasion.

In contrast to that matter, we have before us a bill that I am pleased to indicate has the support of the opposition. It is the type of matter that warrants bipartisan support. The bill before us seeks to implement four recommendations from the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse. The four recommendations are 7.9, 7.10, 7.11 and 7.12. Specifically, I note that the royal commission recommended that state and territory governments should establish nationally consistent legislative schemes—reportable conduct schemes based on the approach adopted in New South Wales, which obliged heads of institutions to notify any oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees. As I said, it is indeed the case that the opposition supports not only this bill but the broadening of the scope and net of responsibility around child protection. Our analysis is that this bill will improve our child protection framework, which members will know I have for an extended period of time been indicating needs all the help it can get. It is regrettably, in our own context here in Western Australia, a system that is broken and in much need of not only repair but also support. This cannot be done in a top-down approach; it needs to be done in conjunction with a grassroots approach. I note that the Royal Commission into Institutional Responses to Child Sexual Abuse made a number of findings from the historical sexual abuse cases that it considered, and as a result of those findings developed a number of recommendations. That was both good and appropriate.

As we turn to the bill before us, specifically, the bill will amend the Parliamentary Commissioner Act 1971 to confer this new oversight duty on reportable conduct to the Ombudsman of Western Australia. The scheme will provide for independent oversight by the Ombudsman on how organisations handle allegations of, and convictions for, child abuse. Members will see, if they have an opportunity to consider the bill, that it compels heads of certain institutions, both government and non-government, to notify the commissioner, that is, the Ombudsman, of reportable conduct abuse involving children within their organisation. That might be employees, volunteers or contractors. The purpose of doing this is that the commissioner, being the Ombudsman, can review the findings and undertake investigations of their own. This particular scheme will apply to organisations that exercise what has been described as a high degree of responsibility for children and where there is a heightened risk of child abuse. The organisations that meet those threshold indicators will need to notify the Ombudsman of allegations and convictions of child abuse involving their employees. The bill will also provide mechanisms to minimise duplication of interviews and investigations, and provide for consultation and sharing of information between the Ombudsman and some other investigative-type bodies, for example, the Western Australia Police Force. The Ombudsman can exempt any organisation from an investigation if they are of the view that the matter is being or has been investigated by another appropriate person or body. I note that this point was specifically raised by the opposition in the briefing it had. We were briefed on this bill on Thursday, 27 January this year. The briefing was primarily conducted by the Ombudsman of Western Australia, who, as per usual, was very conscientious and fulsome in his explanation to the

opposition on the matters contained in the bill that is before us. I further note at this point that during the briefing, it was the view of the opposition that it would be helpful to have a proper appreciation as to the level of consultation that had occurred on this bill. We were subsequently informed by the Ombudsman, through the channels of government, that indeed there had been consultation with 132 stakeholders on the bill before us. We were notionally told that all the stakeholder feedback that had been provided on the bill was accommodated. That is something I intend to examine a little more when we go into Committee of the Whole House on this bill, but as a preliminary comment I note, firstly, the extensive stakeholder consultation undertaken by the Ombudsman; and, secondly, it was said that all the feedback provided was accommodated.

In due course I will highlight some issues associated with the bill before us, but before doing so it is appropriate that we consider this bill in the overall context of what is happening in our state, as this is a bill that implements the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. For example, the revelations that were made more than five years ago on the prevalence of child sexual abuse in the west Pilbara region, particularly in the Town of Roebourne. Members who were here at that time, and perhaps members who were not, will be aware that this led to an operation by WA police named Operation Fledermaus. This has been discussed on multiple occasions both in this chamber and the other place. I note that on 11 April 2018, a matter of public interest was raised in the other place and the Minister for Child Protection, who remains the Minister for Child Protection at this time, stated —

> I wish that I could say that every child in Roebourne will be protected against sex abuse. I wish I could say that about over 600 000 children in Western Australia, but we need a more sophisticated understanding about child safety. If the royal commission taught us anything, it is to understand that we need laws, systematic response and a deep community buy-in to understand where children are unsafe and how to instil protective behaviours within our everyday life.

Around the time of that operation and the remarks made by the minister in the other place, the opposition uncovered the distressing situation, which I have raised on multiple occasions, of victims of sexual abuse being forced to face their attackers at school every day. Those two matters are linked. In response to those revelations, on 27 November 2018 the Leader of the House—I note that the minister is away on urgent parliamentary business—in her capacity as minister representing the Minister for Child Protection said —

> In any community, it is difficult to be able to ensure that offenders and victims never come into contact with each other. The important response is to create safety by developing trust, increasing the networks around the child and protective behaviours education.

What we have there is two senior ministers in the same calendar year heavily underscoring the importance of protective behaviours education. As will become clear in a moment, I do not quibble with either of those senior ministers when they highlight the importance of instilling protective behaviours in our children and, in particular, students at school. For reasons that will become obvious in a moment, the question becomes: is that actually happening in our schools in Western Australia? It is one thing for governments and senior ministers to mention this aspiration; it is another thing for it to be delivered.

On the following day, 28 November 2018, the same point was reiterated by the Leader of the House representing the Minister for Child Protection in response to my question without notice 1242. She stated —

> In any community, it is difficult to ensure that offenders and victims never come into contact with each other. The primary response is to create safety by maintaining engagement and developing trust, increasing the networks around the child and through the provision of protective behaviours education.

This was repeated on 20 February the following year when, in response to my question without notice 66, the Leader of the House stated —

> The important response is to create safety by developing trust, increasing the networks around the child and protective behaviours education.

We were further reassured on this point on 11 June 2019 when the Leader of the House in her capacity as Minister for Education and Training answered question without notice 2118 from Hon Alison Xamon, the former Greens member of this place. She stated —

> In addition, schools deliver protective behaviours and respectful relationships education.

Once again, on 3 December 2019, the Leader of the House representing the Minister for Child Protection responded to my question on notice 2647 as follows —

> The Department of Education provides funding for the delivery of face-to-face protective behaviours professional learning for school staff. The decision to access this professional learning is made at the school level. Principals also have the option to request a workshop for the parents of their students to assist them to support the protective behaviours education being provided by the school.

Those are six examples of either the Minister for Child Protection or the Leader of the House in her capacities as Minister for Education and Training and minister representing the Minister for Child Protection reiterating and repeating the importance of the delivery of protective behaviours education. This has also drawn the support of other honourable members in this place. On 27 May 2021, Hon Dr Sally Talbot stated —

> What transpired from that visit was not just the Blaxell inquiry, but one of Blaxell's recommendations was that we should begin to teach protective behaviours in every Western Australian school. That is now the case. Protective behaviours is now on the curriculum.

Again, I do not quibble with the honourable member quoting that. In fact, the honourable member has my support because what she said is quite true: protective behaviours is now on the curriculum. We are of one mind on that point. The issue, once again, is: is it happening? It is one thing for protective behaviours education to be on the curriculum, but is it being delivered in the fashion that has been promised?

Further to that, on 15 December 2021, I raised this matter once again with the Minister for Education and Training in question without notice 1202. My question was —

> In the current calendar year, how many schools have delivered the protective behaviours program?

The response was —

> All public schools are required to implement protective behaviours education.

We can see that we are getting to the heart of this matter. Although there is bipartisan support for protective behaviours education, bipartisan aspiration for that education to be delivered, and bipartisan recognition that protective behaviours education is in the Western Australia curriculum, when the opposition asks the government the next reasonable question that follows on from that—whether it is being delivered, and specifically, how many schools have delivered the protective behaviours program—it is telling that the Minister for Education and Training's response on 15 December last year was —

> All public schools are required to implement protective behaviours education.

We know that; that is our bipartisan aspiration—that all public schools implement protective behaviours education—but are they doing so, and how many have done it? It is really an evasive non-response to that question.

This was reiterated on 23 February 2022 when I followed up on the matter and asked —

> Is the Department of Education's protective behaviours program being implemented across K–12 year groups in every public school?

The response was —

> All public schools are required to provide protective behaviours education to all year levels.

The point has been missed either accidently or on purpose by the Minister for Education and Training when the opposition has once again asked whether it is being implemented. The response is simply that it is required to be done. This calls into question whether the government has satisfied itself in its own mind that this is indeed occurring or not. I note that the Standing Committee on Estimates and Financial Operations had the opportunity to have an annual report hearing with the Department of Education on 31 March this year. The pertinent point in the *Department of Education: Annual report 2020–21* is found on page 24, where it states —

> For the 2020 school year, 100% of schools indicated that protective behaviours education was being fully implemented. Schools will continue to be supported to ensure full implementation during 2021 and beyond.

On the surface, one might be satisfied by taking comfort in the fact that 100 per cent of schools have indicated that the protective behaviours education was being fully implemented. One would say that that indeed sounds wonderful. The government and the opposition share an aspiration with this matter, and then we have the government's report indicating that it has been fully implemented. The question remains: is it true? That was the subject of some examination in the annual report hearing on 31 March. On 31 March I extensively questioned the Minister for Education and Training and her staff on this matter. I might say that essentially, in summary, I did not take the matter any further because what became apparent is that the government is not really sure or cannot really be said to be satisfied that this is actually occurring. Briefly, by way of further explanation, I asked on 31 March in this annual report hearing —

> Well, before the director general adds to that, can I just ask about the kindergarten program, which is the one that I am interested in, because we are all clear now that it begins in kindergarten—through the health curriculum? What is provided to those students? Is that a program or a document that is capable of being tabled?

The response from the Minister for Education and Training was —

> No. We can give you descriptors of the curriculum, but each school will deliver that curriculum in the way that they deliver the curriculum in their school.

A little later I asked —

> It does not exist. Yes; that is fine. Minister, how do we then know that every kindergarten student is receiving protective behaviours education?
>
> **Hon SUE ELLERY**: Because schools have to report and because schools are required to implement the curriculum. What we do not mandate is how they deliver the curriculum.

I pause there to note that that is true in the sense that the government does not mandate how schools might deliver the curriculum. Again, this is the point. On what basis is the government able to satisfy its mind that every school, every kindergarten class, every year 3 and year 7 class is indeed implementing the protective behaviours education program or curriculum, however they might be doing it? Further in that session, I pursued this a little further by saying —

> I am just wanting to get an assurance that there is some data, or some audit has been undertaken, that gives the department sufficient confidence to say that 100 per cent of schools indicated that protective behaviours education was being fully implemented.

The Deputy President might recall this was an annual report hearing and earlier this afternoon I quoted an extract from page 24 of the relevant annual report that specifically declared or asserted that 100 per cent of schools had indicated that this protective behaviours education was being fully implemented, yet, as is apparent from the ongoing transcript of this particular matter, it becomes clear that there is no basis for having that level of satisfaction. Later in the hearing, I asked about the reviews that had been conducted in schools. It was said, in accordance with that annual report, to be some 217 public school reviews that had been undertaken. The minister indicated that this was a quality assurance exercise. I asked —

> So with the school reviews—the 217—would part of that be an assessment as to whether a school is undertaking or implementing the Protective Behaviours education?
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> **Hon SUE ELLERY**: It would be around the curriculum. I can get the director general to set out the things that a school review—it is a formalised process, the things that are set out.
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> **Hon NICK GOIRAN**: I do not want to know all the bells and whistles about school reviews; I just want to know whether a school review is going to be specifically looking at Protective Behaviours education.
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> **Hon SUE ELLERY**: Well, I can answer that question now. No, it will not be specifically looking at that. It will be looking at a range of things, and Protective Behaviours goes to the culture of the school, it goes to the curriculum, it goes to seeking feedback from the school board, the parent group et cetera, and they may pick up that there are issues around Protective Behaviours.

I then further responded by saying —

> … I appreciate that the school review is going to be broad and is not a review specifically to do with Protective Behaviours.

I followed on later in that session by asking —

> It is definitely not something on their, for example, reviewer's checklist. They do not go into a school and say, "How are we going with Protective Behaviours?"
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> **Hon SUE ELLERY**: No, they do not.
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> **Hon NICK GOIRAN**: Right. Might be an idea, because it might then support this notion that 100 per cent of schools are fully implementing Protective Behaviours if someone is actually checking.

That is ultimately the point. It is no good us having this bipartisan shared aspiration that protective behaviours education is being delivered at all year levels in all schools if nobody is checking. To simply just leave it as a survey that might be provided is inadequate. Some type of audit needs to be conducted to ensure that what we are wanting is actually happening, rather than this self-reporting, self-checking system that appears to be in place.

A Safer WA for children and young people: 2020 progress report refers to the national strategy. This is the progress report by our government in Western Australia about its progress in implementing the royal commission's recommendations. Recommendation 6.2, paragraph (b) of the royal commission states —

> prevention education delivered through preschool, school and other community institutional settings that aims to increase children's knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. The education should be integrated into existing school curricula and link with related areas such as respectful relationships education and sexuality education. It should be mandatory for all preschools and schools.

I note that, in contrast to the Department of Education, it appears that the Department of Justice is able to quantify and qualify its delivery. The same cannot be said about the Department of Education. On 15 December 2021, I posed the question —

> What are the names of the current programs, endorsed by the department, that are delivering a protective behaviours preventive curriculum to schoolchildren?

The Minister for Education and Training responded —

> The Department of Education provides its own protective behaviours education program for schools.

It appears that every time we ask a question about this matter we either get the response that there is a requirement for these things to be done or we get, what is in effect, a non-answer or a non-response. When we ask for the names of the current programs that are endorsed by the department, we are told that the Department of Education provides its own protective behaviours education program for schools. One might think that program that the Department of Education, by its own word, provides to schools could be named, but that is not the case. In fact, when I asked about the so-called program in the annual report hearings on 31 March 2022, one of the minister's staff, Ms Rodgers said —

> Thank you, minister. You are right. Protective Behaviours education is mandated in the curriculum, so schools are required to deliver that. It is a curriculum, not a plug-and-play program. It is not a kind of unique specific program that is delivered to every child through every teacher.

That seems to fly in the face of the response provided by the minister on 15 December 2021, some three months earlier, when she said —

> The Department of Education provides its own protective behaviours education program for schools.

I have concerns that this is a missed opportunity to safeguard our children and teach them the schools that may protect them from abuse, particularly when one considers the deep traumatic impact that even one incident or one instance of child sexual abuse can have, for many decades. I do not want to be satisfied and I do not intend to be satisfied by a response from the government, no matter who provides it, that simply reiterates the line that this is a requirement. The requirement is acknowledged, conceded and supported by the opposition, but we want more than the mere requirement; we want delivery on the requirement. We want to be satisfied that the protective behaviours program is being implemented in every classroom in Western Australia. At this point in time, the minister and the government have not provided that information to the satisfaction of the opposition and I invite them to take the opportunity that this particular bill provides, or some other mechanism available through the house, to provide that information.

With those contextual remarks made, I return to the particular provisions or issues associated with the bill that is before us. As I say, this bill has 27 clauses. There are seven issues that I want to bring to the government's attention and I welcome a response from the minister, who is away on urgent parliamentary business. I understand the government intends to adjourn this debate until the next sitting of the house, at which time the minister responsible for this particular bill will have had the opportunity to consider these matters and provide a reply on behalf of the government. That being so, I encourage a fulsome response to these particular issues.

The seven issues that the opposition has identified in the bill that is currently before us are as follows. The first is the issue of resourcing. This was raised with the Ombudsman at the briefing that we received on 27 January because there is going to be a significant extra workload imposed upon the Ombudsman's office by virtue of the bill that is before us. As I recall, the government intends to bring in a requirement for groups to be added in different time frames. That is, perhaps, something that can be conveniently explored when we consider, for example, clause 2 in the bill before us. From that briefing, my recollection is that the government indicated that certain groups would be captured by the legislation earlier than others. That is a point worth noting because it demonstrates that there will be a substantial workload on the part of the Ombudsman. When the opposition queried the level of resourcing, it was, at one level, pleasing to hear from the Ombudsman that he was satisfied with the appropriated amount for resourcing in the budget. Nevertheless, it is our view—we intend to look at this a little more closely when we examine the various provisions of the bill—that the resourcing concerns need to be assessed given the extra work required for the Ombudsman's office.

The second issue that was raised or that we have identified is about training. It is the view of the opposition that long-term training and resourcing for organisations will be needed beyond the initial funding and training and it would be pleasing to hear what the government plans for the training and resourcing of organisations. It would help if that could be put into some kind of framework that includes some time lines and expectations for when the training resourcing will be undertaken.

The third issue that has been identified is what we would probably describe as an unrealistic time frame. By way of explanation there, I draw the minister's attention specifically to proposed section 19U(2)(i). That particular provision of the bill, which is found in clause 7, requires the head of a relevant entity to advise the commissioner—that is the Ombudsman—in writing, on how they intend to proceed with the matter, within seven working days of being notified of the reportable allegation or conviction. The observation we have made about this is that this time frame of seven working days will make it difficult for an entity to obtain industrial and/or legal advice. Although it is conceded that it is the intention of the government that not all organisations are captured by this particular scheme—it is intended to capture those organisations that exercise a high degree of responsibility for children and within which

there is a heightened risk of child abuse—those threshold levels are not indicative of the structures and supports that might assist an organisation in fulfilling its responsibilities. An organisation might be small and yet exercise a high degree of responsibility for children and be operating in circumstances of a heightened risk of child abuse. Under this proposed section, that organisation would need to comply within seven working days. The question becomes: to what extent will that be reasonable for an entity if it needs to obtain industrial and/or legal advice? We would welcome a response from the government on this issue, perhaps an indication of the basis upon which seven working days was considered to be a reasonable time frame, and whether any of the stakeholders—remembering that some 132 stakeholders have already been consulted on this bill—have raised any issues about this particular clause of the bill.

The fourth issue associated with this legislation is the definition of an investigator. To understand this, one most turn to clause 5 of the bill, which seeks to amend section 4 of the Parliamentary Commissioner Act 1971. Indeed, clause 5 of the bill deals with the insertion of certain definitions in alphabetical order and gives the new or amended definition of an investigator. The definition of "investigator" is going to be broad, and specifically I note that it will read —

> ***investigator***, conducting an investigation under Part III Division 3B, means a person or body conducting the investigation under that Division on behalf of the head of a relevant entity for the purposes of the reportable conduct scheme;

It seems to me that there will be many CEOs who lack the expertise and capacity to investigate allegations or convictions of child abuse involving an employee adequately and appropriately. A person might be an effective and efficient chief executive officer, but that does not in and of itself make them an effective investigator, least of all having any expertise or experience in that respect.

I note that proposed section 19W(1)(a)(ii) provides that an employee of a relevant entity may investigate the reportable allegation or conviction and proposed subparagraph (iii) permits the engagement of an external investigator. The question that we would like the government to answer is: what does it intend will be the level of skill and qualification required by an employee to undertake one of these investigations, given the potential nature of the allegations? Although it is again acknowledged that there is provision for the engagement of an external investigator, that, of course, will come at some cost. One can very quickly see how a CEO might make the decision for fiscal reasons to entrust an employee to undertake the investigation rather than engage an external investigator. If it is going to be the case that it will be done in-house for the sake of potentially saving money, is there an expectation by government or—indeed, perhaps the best person to respond to this is, in fact, the Ombudsman—an intention by the Ombudsman to set out any guidelines for organisations? If they choose not to use an external investigator and instead intend to use one of their own employees, is it expected that that employee will have this level of experience, expertise or education when it comes to undertaking these sensitive investigations into child abuse?

The fifth issue that the opposition has identified in the bill before us is one that I would ask the government to give serious consideration to and to consider amending the legislation. During the short break that we will have over the next few days before the next opportunity to consider this bill, I ask the government to turn its mind to clause 7 of the bill. I raise this now in the spirit of hoping to expedite this part of the debate when we get to it, hopefully next week.

Clause 7 of the bill will insert a large number of sections in the form of part III, division 3B. It is, if you like, the primary division that will insert the reportable conduct scheme into the Ombudsman's legislation. But the particular proposed section that I draw the government's attention to is 19ZH(3), which deals with the disclosure of information and specifically the disclosure of information to a child, parent, guardian or other person with parental responsibility. Members will see that this proposed section begins at page 37 and carries over to page 38, but it is the existence of proposed subsection (3)(b) and (c) that causes some query or concern. Members will see there that when one considers the whole of proposed section 19ZH, the commissioner or the head of a relevant entity are permitted under proposed subsection (1) to disclose information to the child who is the subject of the reportable conviction or reportable allegation, or to a parent or guardian of the child who is the subject of this matter. They may disclose that information. They do not have to, but they may. This gives the Ombudsman or the head of the relevant entity the power—the authorisation of Parliament under force of law in Western Australia—to have the discretion to disclose that information. However, later in this section, proposed subsection (3)(b) indicates that the commissioner or the head of the entity must not disclose information if the disclosure would be to a parent, guardian or other person, and the commissioner or the head of the relevant entity is satisfied that the child has sufficient maturity and understanding to consent to the disclosure and the child does not consent to the disclosure. I ask the government and the Ombudsman to give consideration to this.

In proposed section 19ZH, there is a distinction between the Ombudsman or the head of an entity being expressly given the discretionary power to disclose information to a parent on the one hand and then, on the other hand, saying that they must not disclose that information if they are of the view that the child essentially has capacity, or what is described in the bill as a child who has sufficient maturity and understanding to consent to the disclosure and they do not consent to it. It does not take much to understand why that provision might exist. Despite the

goodwill and meaning that is no doubt attached and behind this provision, we might be creating a problem. Might it have been drafted without a complete understanding of the trauma that is experienced by a child in this particular instance? As easy as it is to understand why this provision might be in place, it should not be too difficult to think of a situation in which the provision is not meeting the intended goal. If a victim of child sexual abuse does not want to have that information disclosed to a parent, it may be because they have some misconceived concerns rather than some well-held concerns. Rather than having a situation in which the Ombudsman is forced not to provide the information to the parent, who may well be best placed to journey alongside their child at that time, it seems to me that it would be far preferable to leave it at the discretion of the Ombudsman rather than forcing the Ombudsman into a situation in which he must not disclose that information. I ask the government to give that some serious consideration.

It does not appear to me that the bill and this entire proposed section would lose anything if paragraphs (b) and (c) were deleted. The commissioner would still have the discretion to disclose the information, but, importantly, the commissioner would be restrained in the exercise of that discretion by proposed subsection (3)(a)(i), which indicates that the commissioner must not disclose that information if the disclosure would put the wellbeing of the child or the safety of any other person at risk. That seems to me to be the overarching consideration, and quite appropriately so, in the exercise of the discretion that has been provided in paragraph (i). I think it is a hindrance to then include proposed subsection (3)(b). I ask the government to give due consideration to the possibility of deleting proposed section 19ZH(3)(b). With respect to proposed subsection (3)(c), if the government is unable to indicate those circumstances that it intends to prescribe by regulations, I would ask it to delete that provision. It does not seem to be appropriate to leave a restriction on the Ombudsman's use of the discretionary power to disclose information to regulation. That is something that should be in the primary legislation. If it has simply been included as a catch-all, this is one of those circumstances in which a catch-all is not appropriate.

The sixth matter that I draw to the government's attention on behalf of the opposition is what can be described as the protection for whistleblowers. In particular, I ask the government to consider proposed section 19T(2)(b) and to consider what protection is being offered to a person who makes a report to the Ombudsman about a head of an entity under that provision. I would welcome a response to that question either in reply or, alternatively, when we head to that particular provision of the bill that I previously identified commences at clause 7.

The seventh issue that has been identified in the bill before us is what can be described as a protection for the entity. We simply ask: What protections are in place to protect the entity from industrial or legal claims from the employee who is being reported in circumstances in which that report is a mandatory report pursuant to this legislation? Is the entity adequately protected from any claims by virtue of the report that is being made, given that it will almost always be a report that has not yet been substantiated—it is subject to investigation?

In conclusion, I indicate again that this is the type of bill that the opposition believes warrants bipartisan support. We will be giving that bipartisan support. For the reasons that I indicated earlier, this matter will still require close scrutiny. It is important that we have what I would describe as truth in legislating—that is, to ensure that what the government says is going to be done in a piece of legislation is actually being done. That will necessitate the asking of a number of questions in Committee of the Whole House as we consider this 27-clause bill, with the large bulk of those questions to be addressed at clause 7 when we deal with the reportable conduct scheme.

I thank the government for giving the opposition advanced notice of its intention that the debate on this particular matter will be adjourned subject to any further speeches that might be made on the second reading today so that the minister who is away on urgent parliamentary business, in this case the Leader of the House, who is representing the Minister for Child Protection, will have the opportunity to return to the chamber next week, consider the comments made by the opposition and other members and then provide a comprehensive reply to the second reading before we then embark upon the important task of considering each of the clauses in the bill. With those remarks, I indicate that the opposition will be supporting the second reading.

Debate adjourned, on motion by **Hon Pierre Yang**.