

Mr John Kobelke; Mr Colin Barnett; Mr Alan Carpenter; Mr Jim McGinty; Speaker; Ms Sue Walker; Mr Bob Kucera; Mr Ben Wyatt; Mr John Hyde; Mr John Quigley; Mr Paul Omodei; Mr Max Trenorden

SENATOR DAVID JOHNSTON - ALLEGATIONS ABOUT WA POLICE

Standing Orders Suspension - Motion

MR J.C. KOBELKE (Balcatta - Leader of the House) [10.15 am] - without notice: I move -

That so much of standing orders be suspended as is necessary to allow consideration of the following motion forthwith and that the times as set out for a matter of public interest under standing order 100 be applied to the debate -

That this house expresses its strong support for Commissioner Karl O'Callaghan and the Western Australia Police and rejects the outlandish and unsubstantiated attack by Senator David Johnston.

Senator Johnston is not known to many people, but apparently he is a Liberal senator from Western Australia. He made accusations in federal Parliament that related to a claim that the Commissioner of Police had perpetrated a fraud and that police in Western Australia were corrupt. He did that without evidence, and we think it is appropriate that this house put on the record its support for the commissioner and the police and reject those allegations. It is such an important matter that standing orders should be suspended. I spoke to the Leader of the Opposition at nine o'clock and raised the prospect of this motion. I want to make it absolutely clear that this is not a stunt. This is a very grave matter that should be taken seriously; therefore, we gave the opposition time to get its thoughts in order, and we hope opposition members will support the motion. I understand that members will support the motion to suspend standing orders and then we can get on with the debate. That will give all members an opportunity to express their views on this issue. Clearly, I hope that an overwhelming majority of members, if not all of them, will support the motion to support the Commissioner of Police and the Western Australia Police and totally reject the outlandish allegations that have been made.

MR C.J. BARNETT (Cottesloe) [10.17 am]: The opposition will agree to the motion to suspend standing orders to allow the debate to take place. I note that the motion that will be moved is essentially a double-barrelled motion. It expresses support for the police, and I do not think many people in this house would have difficulty in agreeing with that; however, the second component of the motion is to reject what is described as an outlandish and unsubstantiated attack by a federal senator. It is double-barrelled; it has both a positive and a negative component to it. I find it interesting that great indignation is being expressed by members opposite. Where was the government, for example, when the member for Mindarie launched an attack on the police over the Mallard case only a matter of weeks ago in the Parliament? Where was the Minister for Police and Emergency Services in defending the integrity of the Western Australia Police on that occasion? The opposition is happy to support our police force and our Commissioner of Police, but let us be genuine and consistent in these issues. The opposition agrees to the motion to suspend standing orders.

Question put and passed with an absolute majority.

Motion

MR J.C. KOBELKE (Balcatta - Leader of the House) [10.18 am]: I move -

That this house expresses its strong support for Commissioner Karl O'Callaghan and the Western Australia Police and rejects the outlandish and unsubstantiated attack by Senator David Johnston.

The member for Cottesloe wanted to raise an issue about a particular matter raised by the member for Mindarie. Specific issues arise from time to time and people can take issue with them. However, in this case, an allegation has been made by Senator Johnston under parliamentary privilege in the federal Parliament that the Western Australian Commissioner of Police had perpetrated a fraud. In a moment I will outline why there is absolutely no substance to that allegation. It is an outlandish and untrue statement. The senator went on to refer to matters relating to a prosecution against Joe McDonald and suggested that the police had acted corruptly. Again, judgments are made about prosecutions. Sometimes the prosecutors get it right; sometimes they do not. People are entitled to have views about the way in which a case is prosecuted. However, the implication by Senator Johnston that the way in which this case was handled was corrupt shows that he is out of touch. Obviously one can only enter into conjecture about why he would make such outlandish statements that cannot not be substantiated. What we do know is that Karl O'Callaghan became the Commissioner of Police during the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers. He became commissioner at a most difficult time, and he has come through that in a most outstanding way. The police have taken up the commissioner's Frontline First policy. Not only are there more police on the beat, but also a range of offences has been tackled resulting in a major reduction in crime. Indeed, in some areas the reporting of crime has increased. The changed family domestic violence laws and the effective way in which our police force, under Commissioner O'Callaghan, has pursued those who perpetrate domestic violence have

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resulted in an increased number of reports of domestic violence assault and threatening behaviour. Therefore, the increase in numbers is not negative; rather, it is a positive thing. The police force has taken that matter seriously and has been very proactive in calling to account those who perpetrate domestic violence. The record of the police force under Commissioner O'Callaghan is one that we can be proud of.

I turn to the allegation that the commissioner has perpetrated fraud in promoting the Burglar Beware campaign. I will outline some statistics, although, given that a number of members wish to speak, I will not go through them in great depth. Last month alone forensic police identified 295 offenders on the DNA database from evidence that they had collected. The accusation that DNA is not being used to catch criminals is totally without foundation. Of those, 153 DNA matches were made in one month alone for burglaries, and the offenders have since been charged. That is why the burglary rate is falling. In the time that the commissioner has been in his position - using the nearest quarters - the number of burglaries has dropped by 25 per cent. DNA matches are helping the attack on burglary. To suggest that the Commissioner of Police is a fraud is totally contrary to the facts. To use vaguely related data to make an accusation of fraud against the commissioner is simply a personal attack on a commissioner who is doing a brilliant job. The drop in Western Australia's burglary rate and the improved clean-up rate clearly show that the commissioner and his force are targeting burglary and using DNA effectively to achieve results.

Senator Johnston also made an accusation of corruption. There is a range of ways in which an accusation of corruption can be taken up. Indeed, the Corruption and Crime Commission is open to people to pursue a matter if they think there has been corrupt activity. The Commissioner of Police has actively stood officers aside or had officers resign from the force when he has felt that an issue needed to be addressed. Whether that issue involved a lack of confidence in a particular officer or whether it was to make sure that the police are seen to be beyond reproach and that there is no suggestion that the police are involved in misconduct or corruption, the Commissioner of Police has been very active in ensuring that the right thing was done and that it was seen to be done. Commissioner Karl O'Callaghan has put his stamp on the Western Australian Police in the little over two years that he has been in the job. The way in which he relates to the public proves that he is a good advocate for the police. The commissioner has been open to the media. In my personal dealings with him in the short time that I have been the Minister for Police and Emergency Services, I have found him to be open and straightforward. He deals with issues on their merits. The suggestion that the actions of a police prosecutor in a lower court reflect on the Commissioner of Police is beyond my comprehension. I know that Senator Johnston is up for preselection in the Liberal Party. However, making outlandish charges against the commissioner and the force, to give himself a profile at a time when he might be looking for support within his own party, is extreme behaviour. Members opposite might have an issue with the police in certain areas. Indeed, police officers are human and they do not always get things right. However, our force is full of outstanding and dedicated officers who do an extremely difficult job to the best of their ability. I hope this motion receives the full support of members opposite. It is no good just saying that we support the police. The police and the Commissioner of Police are under vicious attack - the commissioner is also under personal attack - from Senator Johnston. We must make it clear that not only do we support the police and the commissioner, but also we reject these accusations. There is a process that can be used if there is an issue with a particular police officer. However, the house must totally reject the slur on the commissioner and the denigration of the Western Australian Police. We on this side of the house clearly reject the accusations, and we are genuinely seeking support from the opposition. The public is in no doubt about this issue. The standing of the commissioner is such that people will see this for what it is; that is, political grandstanding for whatever reason. I will not enter into conjecture about what motivated Senator Johnston to speak out in such an outlandish way and in a way that is not backed by the truth. The public knows that there is no basis to his accusations, given the commissioner's presentation and actions and from what they know about him. I hope that members opposite will support us in a unanimous statement to make it absolutely clear that this Parliament and the people of Western Australia support the Commissioner of Police and the Western Australian Police.

MR A.J. CARPENTER (Willagee - Premier) [10.28 am]: I support the motion. I was stunned to hear Senator Johnston's accusations. I cannot believe that he made them. They are baseless and damaging. Indeed, there is no doubt that they were designed to damage. I cannot figure out why he made those accusations, because they have no basis. I do not think that anyone who seriously analysed the commissioner's performance would believe that there is any basis to the allegations. A more serious allegation could not be made than that the Commissioner of Police has acted in a political partisan way and that under his leadership the police have become corrupt in a party-political sense. That goes against every tenet of good government and the good administration of the community. I am amazed that Senator Johnston has made these allegations. Senator Johnston has historically made comments that I have profoundly disagreed with. Indeed, I profoundly disagreed with the comments he made during the native title debate. However, they are of a completely different order and nature from the comments he made about the commissioner. I can understand that people get upset when their

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associates become the subject of police activity. However, it is just incredible to go from that point to making assertions about political partisanship on behalf of the Commissioner of Police and to call him, effectively, a liar and a fraud. I am at a loss to understand what is going on in the internecine world of the Liberal Party - perhaps that is where the answer lies. I have absolute confidence in Karl O'Callaghan as the Commissioner of Police. He has done an outstanding job. Everybody who meets him, listens to him speak and observes the way he goes about his business is positively impressed by him. People are also impressed by the record he has achieved in the short time he has been the Commissioner of Police. Senator Johnston deserves to be condemned by the Western Australian Parliament for his comments. We all know that when these sorts of allegations are made they have an impact, and that impact can only be negative. It is most regrettable that he has embarked on this course. I listened to him on radio this morning. There was no sense of contrition - none whatsoever; in fact, the contrary. I assume David Johnston went into the Senate with the intention of making these remarks. They may well have even been scripted remarks. He has now embarked upon a campaign to damage the police commissioner in this state, for what reason we can only speculate. I am certain that members on this side of the house, and I am sure the Parliament in general, will today express their full confidence in the Commissioner of Police, Karl O'Callaghan. He is doing an outstanding job in what is a very difficult position. Everyone knows that the position of police commissioner is one of the most difficult positions that anyone can hold in public administration anywhere in the world. We should consider ourselves very lucky that from our own ranks has emerged a person of such outstanding qualities. Senator Johnston should be condemned for what he has done and what he appears to be intent on continuing to do. I support the motion.

MR J.A. McGINTY (Fremantle - Attorney General) [10.31 am]: I will outline, for the benefit of those members who have not been made aware at first-hand, exactly what Senator Johnston had said and done. Senator Johnston has essentially said that the police in Western Australia, in investigating and prosecuting criminal behaviour that involved members of the Liberal Party, have done that for political reasons. He has blamed the police commissioner for that political involvement. In saying that, he instanced the charge that was laid against the Leader of the Opposition for shooting his son. The Leader of the Opposition was found guilty of that charge.

Mr C.J. Barnett: Your choice of words is not -

Mr J.A. McGINTY: The Leader of the Opposition was found guilty of the charge of shooting his son's finger off.

Mr C.J. Barnett: Shooting his son! Give us a break! It was an accident!

Mr J.A. McGINTY: He did. That is what he was charged with. The member for Cottesloe can put whatever spin he likes on it. The fact is the Leader of the Opposition was found guilty by a court of a criminal offence in this state - yet Senator David Johnston is saying that the police laid that charge for political reasons. That is disgraceful. We all know the circumstances under which the Leader of the Opposition shot his son. We understand it was a firearm offence. We all understand that. However, he was found guilty.

Several members interjected.

Point of Order

Mr C.J. BARNETT: This motion is about the comments of Senator David Johnston about the police commissioner. We agreed to suspend standing orders to debate this motion. No lesser person than the Attorney General has just accused the Leader of the Opposition of being guilty of a matter that is currently before the courts.

Mr J.A. McGinty: He was found guilty.

Mr C.J. BARNETT: It is before the courts today.

Mr J.A. McGinty: He was found guilty.

Ms S.E. Walker: You are disgusting!

The SPEAKER: Order! I am having my clerk track down at what stage the appeal is at. My understanding of the comments of the senator is that he specifically mentioned the Leader of the Opposition. The motion goes to that particular point. However, I do not know what stage the appeal is at. Perhaps the Leader of the Opposition knows what stage the appeal is at. I presume it is before a single judge of the Supreme Court, so the matter of damage is not the same as it would be if the case was being heard before a jury. However, the house should be mindful of that particular stage of those proceedings.

Debate Resumed

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Mr J.A. McGINTY: Let us not get away from the fact that in the federal Parliament yesterday, it was Senator Johnston who raised, by name, the Leader of the Opposition in Western Australia and said that he had had the book thrown at him. The implication was that this was done in an unfair political way. It was Senator Johnston who referred to the fact that the Leader of the Opposition was found guilty of that charge and was appropriately punished by the courts. We are all aware that an appeal has been lodged by the Leader of the Opposition. We wish him well in that appeal. However, that does not detract from the fact that -

Mr P.D. Omodei: Snake!

Mr J.A. McGINTY: The Leader of the Opposition is the one who shot his son, not I. He is the one who was found guilty by a court of doing exactly that. For Senator Johnston to say -

Ms S.E. Walker: You are a grubby snake!

Mr J.A. McGINTY: For Senator Johnston to accuse the police commissioner -

Ms S.E. Walker: You are a grubby snake!

Withdrawal of Remark

The SPEAKER: Order! I call the member for Nedlands to order and direct that she withdraw that comment.

Ms S.E. WALKER: I withdraw.

Debate Resumed

The SPEAKER: I am now advised that the appeal is at the stage at which it has been heard before Justice Johnson, and she has reserved her decision on the matter. The question of whether someone is guilty of that offence should be avoided in this chamber.

Mr J.A. McGINTY: Senator Johnston then went on, having cast aspersions on the motivation of the police in respect of the Leader of the Opposition, to deal with the issue involving the former Leader of the Opposition, the member for Kalgoorlie.

Several members interjected.

The SPEAKER: Order!

Mr J.A. McGINTY: This is what Senator Johnston had to say in the federal Parliament. Members opposite deserve to know what one of their senators said in the federal Parliament. It was disgraceful.

Several members interjected.

Mr J.A. McGINTY: Then condemn Senator Johnston! If members opposite do not like what I am saying, they should vote with us on this motion and condemn Senator Johnston, because what I am doing is telling members what Senator Johnston had to say in the federal Parliament.

On the drink-driving issue involving the former Leader of the Opposition, the member for Kalgoorlie, Senator Johnston said, "But the main issue in this case is the role of the police commissioner in Western Australia." It was not the conduct of the Liberal Party member in question. It was the conduct of the police commissioner. Senator Johnston went on to talk about - if any member opposite agrees with this, please let me know - the "police commissioner playing fast and loose with the public". That is disgraceful. Senator Johnston went on to say, "What sort of commissioner would stoop to involve police in the murky depths of state party politics? This undermines police integrity and brings the office of the police commissioner into disrepute." Senator Johnston made an all-out attack on the police commissioner in this state, as a result of the police pulling over the member for Kalgoorlie and asking him to take a breath test, and the events that occurred subsequent to that.

One common thread is running through all this; that is, the police doing their job in respect of prominent Liberal Party members in this state. Senator David Johnston then referred to Hon Julie Bishop, a Liberal Party member and minister from Western Australia. Senator Johnston described the assault charge that had been laid against a staffer of Julie Bishop, Jonathan Daventry, when a constituent came to the office of Julie Bishop -

Ms K. Hodson-Thomas: He was found not guilty!

Mr J.A. McGINTY: That is right. There is no suggestion it was anything different from that. The constituent, an elderly gentleman, ended up with a fractured skull as a result of what had occurred in the office of Julie Bishop, but there was insufficient evidence to sustain a prosecution. What was alleged by Senator Johnston was that the police were political -

Mr C.J. Barnett: It is an allegation.

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Mr J.A. McGINTY: It is more than an allegation. He states it. In the Senate yesterday, Senator Johnston said the police had acted on a political basis in laying that charge in the first place.

In this particular effort by Senator Johnston, which involved three prominent Liberal Party members and their dealings with the police, he has criticised not those who have misbehaved, but the police and the police commissioner. It is the police and the police commissioner who have been impugned. Allegations of criminal or improper behaviour had been made against every one of the people whom the police had been dealing with - from the Leader of the Opposition, to the Deputy Leader of the Opposition, to a federal minister. Senator Johnston does not like the fact that the police have been investigating and charging senior members of the Liberal Party in this state, so he has sought to slur the reputation of a very good police commissioner in Western Australia. That is despicable conduct.

I will make one or two closing comments. In this Parliament yesterday we saw a full on attack on a member of the judiciary in this state by a member of the Liberal Party. The member for Nedlands launched a very stinging, personal attack on a long-serving magistrate representing the Kimberley region, at the same time that her federal Liberal Party colleague was launching an attack on the Commissioner of Police. I do not think that in one day I have seen a more sustained attack on the administration of justice and on the policing and judicial resources of this state than I saw from the Liberal Party yesterday. It was despicable and designed to undermine public confidence in the administration of justice.

Senator Johnston is not as smart as he thinks. He went on radio this morning and used words that I suspect will become quite apocryphal for him when he said that he stood by the comments that he made in the Parliament yesterday. He thought he could go into the federal Parliament, hide behind parliamentary privilege and defame the Commissioner of Police of Western Australia. As members are obviously aware, the case of *Buchanan v Jennings* makes it quite clear that if a member steps outside Parliament and says that he stands by the words he used in Parliament, that is the same as repeating the defamation, without parliamentary privilege. I wish Senator Johnston well in his foolishness. Given the nature of the defamation involved, I hope that it costs him dearly. It may have everything to do with internal Liberal Party preselection, but that is no excuse for standing and defaming a very good Western Australian.

MR R.C. KUCERA (Yokine) [10.42 am]: I will make some brief comments on Liberal Senator Johnston's comments in another place reflecting on a person I have known very well and with whom I worked for many years. In fact, I saw Karl O'Callaghan join the police force as a cadet and go on to become one of the best Commissioners of Police that I have seen for many years, probably the best since Owen Leitch, which was a long time ago. He is certainly better than the last two, who were presented and appointed by the Liberal government.

Mr C.J. Barnett interjected.

The SPEAKER: Order!

Mr R.C. KUCERA: Karl O'Callaghan is a fine young man who, in the short time he has been commissioner, has turned around many issues that have dogged the police service for many years. Having had time to read the speech made by Liberal Senator Johnston, I was absolutely stunned that anybody would have the stupidity to make those kinds of remarks in a political arena. Furthermore, I think the remarks are absolutely cowardly. I think the man is a gutless coward. I would urge this gutless Liberal senator, who purports to represent this state and the people of this state, including Karl O'Callaghan -

Withdrawal of Remark

Mr C.J. BARNETT: I think the member for Yokine can express his sentiment without using terminology like that. He is reflecting on a member of Parliament in this country. He should withdraw and apologise. He should use different language if he wants to make the point.

The SPEAKER: Our standing orders do not protect federal members of Parliament in the same way that they protect state members of Parliament. However, it is probably at least unsavoury to use that sort of language when describing members of Parliament or the judiciary. Members should refrain from doing it, although it is not against our standing orders.

Debate Resumed

Mr R.C. KUCERA: I thank you for your guidance, Mr Speaker. I think the member has made a good point. I will refer to the spineless senator who is purporting to represent us in Canberra, who should have the gumption, guts and courage to say the same things that he said in Parliament outside on the steps of Parliament, so that Karl O'Callaghan has the right to defend himself. I heard this morning the Liberal senator say on the Liam Bartlett

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show that he stuck by what he said in his speech yesterday. I agree with the Attorney General; in light of the ruling in *Buchanan v Jennings*, I hope it costs him dearly.

Karl O'Callaghan is a good Commissioner of Police. I have been through many of the courses that he went through at the Australian Institute of Police Management at Manly. Those courses lay down clearly and unequivocally the issue of the separation of power. Nobody knows more than he the issue of the separation of power. Any member of this government or of the opposition who has had dealings with him would know that he knows very clearly what the separation of power means and what it does. He is a good Commissioner of Police. The spineless Liberal Senator Johnston in Canberra should have the courage to say on the steps of Parliament in Canberra what he said in its chamber. I condemn him, and every member of this house should condemn him.

I notice, too, that my former colleague the member for Murray has left the house while I am speaking. He should cross the floor on this motion, because he knows full well who the commissioner is.

Point of Order

Ms S.E. WALKER: Mr Speaker -

Several members interjected.

The SPEAKER: Order!

Ms S.E. WALKER: Mr Speaker, point of order.

Several members interjected.

The SPEAKER: Order, member for Perth and member for Carine!

Ms S.E. WALKER: The member said that the member for Murray was not in the house. In fact, we can see the member for Murray.

The SPEAKER: That is not a point of order.

Debate Resumed

Mr R.C. KUCERA: I conclude on the point I was making. Karl O'Callaghan is a fine Commissioner of Police. The spineless Liberal Senator Johnston in Canberra should have the courage to step outside Parliament and make his allegations. If he has proof, there are processes to deal with them. I condemn him and so too should every member of this house, particularly the member for Murray, who should cross the floor on this issue.

MR B.S. WYATT (Victoria Park) [10.47 am]: I too rise to support this motion. There is something rotten in the state of the Liberal Party at the moment. This is the second time in two days that I have had to rise to make a similar speech.

Ms S.E. Walker: Poor man!

Mr B.S. WYATT: The member for sunset Nedlands has used this venue to attack a member of the judiciary.

I have only a couple of minutes, but I want to comment on the curriculum vitae of our Commissioner of Police. The commissioner commenced employment with WA Police as a police cadet in 1974. After entering the Police Academy in 1975, he graduated as dux of course 3/75 in January 1976. He performed the roles, among others, of acting executive director and deputy commissioner of standards and reform. In 1997 he was awarded a Churchill Fellowship and completed an international study of the development of ethics and professional standards education in police services. He has a PhD in police reform and a Bachelor of Education from Curtin University. He is also an adjunct associate professor at the Sellenger Centre for Research in Law, Justice and Policing at Edith Cowan University. I also note that in 1996 he was a member of the Vancouver Police Service code of ethics development team and in 1997 was an adviser to the Nottinghamshire Constabulary statement of values development team.

This man has the highest ethical standards. To abuse the privilege of freedom of speech in a Parliament - members opposite know it is a privilege - to attack a man who is an upstanding member of our community is outrageous. The member for sunset Nedlands should also support this motion because she saw every member on her side of the house run away yesterday when she was making her attack on a magistrate. She should be as ashamed as Senator Johnston should be.

MR J.N. HYDE (Perth) [10.48 am]: I also urge all members of this house to support this motion. Our Commissioner of Police has shown that he is tough on misconduct and corruption. In Western Australia, if an informed member of Parliament or any informed member of the community honestly believes that there is a trace of doubt or impropriety in the action of a chief executive officer of a government department, which is what the Commissioner of Police is, there is a procedure for taking that complaint to the Corruption and Crime

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Commission. I do not think that any member of this chamber would dispute the view that if someone had facts regarding a chief executive officer or the Commissioner of Police and presented those facts to the Corruption and Crime Commission, and the Corruption and Crime Commission dealt with the matter firmly and properly but said that the person did not have a case, he could then take those facts to the Parliamentary Inspector of the Corruption and Crime Commission if, as an informed person, he honestly believed that the facts he had presented about a chief executive officer meant that the chief executive officer was guilty of some form of misconduct. If the parliamentary inspector said that the member was wrong and the member felt that the parliamentary inspector and the Corruption and Crime Commission had not considered the facts or the merits of his case, he could then present his case to the bipartisan parliamentary committee. There are therefore three independent areas to which he could have taken a bona fide complaint against a CEO of a government department. Parliamentary privilege was the last resort in that case. If the CCC had done nothing appropriate, if the parliamentary inspector had done nothing and if the committee had done nothing, then perhaps the member could have raised the issue under parliamentary privilege.

The Joint Standing Committee on the Corruption and Crime Commission is reviewing the CCC act. If somebody brings a malicious complaint without foundation to the CCC, that person can be charged. Senator Johnston may be too smart by half because he has not actually taken his complaint to the CCC. He has been found deficient in not taking the complaint to the CCC because if he had and the complaint had been found to be spurious, fabricated or without basis, the CCC could charge him, and every member of this place would demand that he be charged for making a false allegation. However, Senator Johnston did not make the complaint publicly on the radio. Every member of this place who has worked in journalism would know that if a member of Parliament goes outside Parliament and says that he endorses what he said in Parliament - whacko - he would be opened right up and shirt-fronted. The CCC may, in fact, be able to act on this issue. We should seriously look into the issue. If this complaint has anything to do with the CCC and the police undertaking extensive raids throughout lawyers' offices in Perth and West Perth offices, what the senator has said should be looked at seriously.

MR J.R. QUIGLEY (Mindarie) [10.51 am]: My name was mentioned by the opposition when this motion to suspend standing orders was moved. I raised specific allegations against specific senior police officers in a specific case. The High Court had dealt with and made adverse comments about the administration of justice in that case. However, when I measure the Commissioner of Police's conduct on the very difficult ball I bowled him, I have to say that he examined the evidence and the allegations and suspended two commissioners, a superintendent and two detective senior sergeants. That must not have been easy for him. There could be no more palpable evidence of the police commissioner's integrity and forthrightness than in the way he acted against those who sit around his command table, who are under very serious allegations of corruption and whose cases are currently before the Corruption and Crime Commission. When I raised these matters in this Parliament, I did so on the basis that they were matters of extreme public importance. I followed up those matters that same day, as I undertook in the house to do so, with a letter to the CCC, which has instigated its biggest inquiry yet. It has brought over senior counsel from the eastern states to conduct the inquiry. I raised this specific matter and the commissioner responded magnificently.

MR P.D. OMODEI (Warren-Blackwood - Leader of the Opposition) [10.53 am]: It is an interesting debate, no doubt. I make it very clear from the outset that the opposition supports the Commissioner of Police of Western Australia and the police in their job of protecting the community of Western Australia. There is no doubt that the police have a difficult task at times. We constantly talk about police numbers, the difficult job of policing crime and a range of policing issues, but at the same time we also support the right of the senator from Western Australia, Hon David Johnston, to raise matters in the federal Parliament that he thinks are of public importance.

Mr A.D. McRae: It has nothing to do with his jurisdiction.

Mr P.D. OMODEI: That is what Senator Johnston is elected to do. That is what all members of Parliament do from time to time, without fear or favour. Senator Johnston is a properly elected member of federal Parliament and has the right to raise issues on behalf of the state he represents, namely Western Australia. At the same time the opposition believes that if he has evidence of a complaint, he should refer that evidence to the relevant authorities. We support some of the matters that he has raised. There have been some irregularities in the Joe McDonald case, and I am happy to see that the Commissioner of Police is now conducting an investigation into the handling of that case. The opposition also has some issues with the Burglar Beware television advertising campaign, which begs the question whether it warns burglars, tells them what to wear and so on. There is also, of course, the Auditor General's report on his investigation of forensic services. It is well known that there is a large backlog in the analysis of DNA exhibits. The Auditor General's report on forensic services indicated that 37 309 exhibits were awaiting processing in December 2005. Many questions should be asked about that issue,

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and the opposition will pursue them. I suggest that Senator Johnston do the same. The backlog goes right back to 2000. There are, therefore, a lot of unanswered questions about the spin the government is putting on the Burglar Beware program.

The Attorney General set out to attack me; that is par for the course.

Mr J.A. McGinty: No, it was Senator Johnston that raised your issue.

Mr P.D. OMODEI: I can see the strategy of the government on this issue. I reassure the house that the opposition supports the police in Western Australia and supports the Commissioner of Police.

MS S.E. WALKER (Nedlands) [10.56 am]: Mr Speaker -

Several members interjected.

Ms S.E. WALKER: Save Sunset!

Several members interjected.

The SPEAKER: Order!

Ms S.E. WALKER: I support this motion and I do so because -

Several members interjected.

The SPEAKER: I call to order for the first time the members for Bassendean and Collie-Wellington.

Ms S.E. WALKER: Thank you for your protection, Mr Speaker.

I support the motion because it indicates that no member of Parliament or member's staff or anyone else is beyond the law. I say that from personal experience of my time at the Office of the Director of Public Prosecutions. Two Premiers of this state have been imprisoned; a Liberal Premier and a Labor Premier. Just because members of Parliament or their staff have charges brought against them does not mean that the charges are politically motivated. When the member for Victoria Park was at the DPP for a very short time, these charges that Senator Johnston has talked about were on foot. However, I stand in this place and say that I have the utmost respect for the Commissioner of Police. I have met him probably two or three times. He is a man of high integrity. I am very impressed by him. I listened to a speech he gave recently when I was in Broome at a conference. He is a highly educated man. I believe he is dedicated. I was interested to hear the Minister for Police and Emergency Services talk about him and about his performance. He has performed well. However, I will talk about his character. I believe, from the way he has dealt with matters during his term of office, that he is a man of exemplary character.

I also say that I personally thought that the charge should not have been brought against the Leader of the Opposition. That is my personal view. I know Jonathan Daventry; he is a very fine man. However, I do not know all the facts and circumstances and why charges were laid against him. The point is that being a politician and being associated with a politician does not exempt people from being pursued in relation to police matters. That is why I said that two Premiers from different political parties in this state have been imprisoned. That is the role of police. The police are independent and have the right and discretion to bring charges as they see fit. I stand in this place and say that Senator David Johnston did not call me about this matter. Nobody called me about what he said yesterday. It came completely out of the blue. I understand the Leader of the Opposition also had no knowledge of this matter. I do not support the views of Senator David Johnston.

Several members interjected.

Ms S.E. WALKER: I can tell members now that it was completely news to me. It has been used politically by the other side.

I conclude by saying that I think the commissioner is a man of exceptional character and integrity and he is doing a great job. I agree with the comment that he is open and straightforward. I find it unpalatable that some members who stand in this place and defend such a person have, since I have been in this Parliament, disgraced themselves. I find it a little hypocritical of them to do that. I wanted to put my views on record. I strongly support Commissioner O'Callaghan. Of course, I reserve my right to speak out in future if I do not agree with something.

MR M.W. TRENORDEN (Avon) [11.00 am]: I was as surprised as anyone yesterday when I heard the senator make the comments in federal Parliament. The Commissioner of Police served in Northam as a superintendent for a period of time. I did not get to know him super well, but I know him well enough. As I said yesterday of Des Pearson, I cannot hold anyone in higher regard than him, and I would say the same about Karl O'Callaghan. He is an excellent police officer, but there is a "however". There must be. The "however" comes from the point

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that the member for Victoria Park raised yesterday about the separation of powers. One of the problems we have, one that has allowed this event to occur, is that we have done the right thing and appointed an operative police officer to be commissioner, but no consideration has been given to the political aspect of that job. It is a very different job. I have often heard comments from the other side about teachers going to an administrative role. It is a different job. There is no training for the process of going from police officer to being the core officer at the top of the separation of powers tree.

Mr R.C. Kucera: You are wrong. There is a very clear training process that is used by all senior officers above the level of superintendent.

Mr M.W. TRENORDEN: Then I will have to criticise him. That is not something I want to do. I did not know that. There have been a number of incidents, so that one would have to say there is enough smoke around for someone like David Johnston to do what he has done.

Mr R.C. Kucera: Rubbish!

Mr M.W. TRENORDEN: I do not support what he has done. The member says “rubbish”, but the Auditor General delivered in Geraldton this report I am holding - it was an unusual situation - and the member for Cockburn and I and one Liberal member went to the briefing. No other member from the government side attended; the rest did not go. The issue raised on radio about 37 000 samples is minor. The core problem is the lack of decision making between the police force, the medical and forensic processes and the courts. It is not working. The Auditor General says so. The fact that there are 37 000 DNA samples out there, many of which were collected when they should not have been, is fine. The Auditor General is clearly telling us the system is a couple of years away from working. Until government members do some minor adjusting of the process, it will not work.

Mr R.C. Kucera: That means the commissioner is corrupt, does it?

Mr M.W. TRENORDEN: No. Members opposite are talking about corruption. I have not mentioned the word.

Several members interjected.

Mr M.W. TRENORDEN: The member for Yokine just said “corrupt”. I have not said “corrupt” in the five minutes I have been speaking.

Mr J.N. Hyde: Do you support this motion?

Mr M.W. TRENORDEN: I have already said I support the motion.

Mr J.N. Hyde: So you disagree with Johnston’s comments?

Mr M.W. TRENORDEN: How many times do I have to say it? We need to get the processes in place so that these sorts of clouds become less common. The fact is, even though people will not like it, the way the commissioner handled the case of the member for Kalgoorlie was not well done. I can tell members why it was not well done. He had been commissioner for only a short period of time. It was the first time, acting as commissioner, that that sort of circumstance had come before him. I guarantee that if the same set of circumstances arose now, he would not do what he did to the member for Kalgoorlie.

Mrs M.H. Roberts: Every commissioner before him did.

Mr M.W. TRENORDEN: The fact that the commissioner felt that it was more important to give that information to the minister than to the system is a fault in itself. If the minister is saying that that is the correct process so that she as minister can attack the member for Kalgoorlie on a political basis before the matter is dealt with at law, she is absolutely wrong. If the minister is telling me the commissioner will do that again, I do not believe her.

Mrs M.H. Roberts interjected.

Mr M.W. TRENORDEN: I do not believe the commissioner would go through that same process this time. It created enough smoke to enable a senator to do the inappropriate thing. Again, the fact is - we should debate the facts because Auditor General reports should be debated in this house - that the commissioner was premature in doing that ad because it is false advertising.

Several members interjected.

Mr M.W. TRENORDEN: It is. It is not true. There is no truth in the claim that if the member for Albany, for example, were to burgle a house in Albany, he would be caught by the forensic evidence. It just does not happen to be true. Members do not have to argue with me. The Auditor General says it is not true.

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Several members interjected.

Mr M.W. TRENORDEN: Let us get real about this. I will say it for the third time: the commissioner has my 100 per cent support. I think he is an outstanding commissioner, but he is a new commissioner and every day he stays there he will get better and better. We will get fantastic service -

Several members interjected.

Mr M.W. TRENORDEN: It happened to Des Pearson. When he was appointed Auditor General, he went through a process with a minister, who happened to be from this side, that caused a certain amount of disruption. What did Des Pearson do? He changed the whole process, much to his credit. These days, whenever there is something slightly adverse coming out of the Auditor General's office, all the ministers opposite get at least three weeks' notice so that they can get their side of the argument together. Des Pearson did that out of experience. Karl O'Callaghan will do the same, out of experience. Every day he is there he will be a better commissioner. Unfortunately - I do not want to support Johnston, because I do not support him for a moment - there is a smokescreen out there. Therefore, this debate has occurred. It is all very well to say this is political and how crazy it is. Let us fix the problem with forensics in this state. Members should read the report. It is not just about 37 000 DNA samples; it is about three agencies refusing to work together.

Ms S.E. Walker interjected.

Mr M.W. TRENORDEN: I know. The Auditor General said all that. He also said that an officer, a person, or a position should coordinate all this activity, otherwise it is not going to work. This report is only a few weeks old. I have no doubt at all that the minister will act on it. Let us act on it quickly.

Mr J.B. D'Orazio: It is already acted on.

Mr M.W. TRENORDEN: That is a good thing. Before members all jump down my throat, I will say it for the fourth time: I totally support the commissioner. I totally disagree with Senator Johnston's comments. Unfortunately, until we get a little more mature about some of our processes, these events will occur and allow people like him to take a cheap shot.

MR C.J. BARNETT (Cottesloe) [11.08 am]: As other speakers on this side of the house have said, and as the Leader of the Opposition has made clear, we fully support Police Commissioner Karl O'Callaghan. He is an outstanding servant of the state and a person of integrity and great intellect. I think he is proving to be an outstanding police commissioner. I agree with some of the comments just made by the member for Avon. I must say that in the lead-up to the previous election, while I did not raise the issue publicly, I was concerned about the amount of media advertising involving police. If my recollection serves me correctly, I think the police commissioner appeared in some of those advertisements. I do not believe it was appropriate for someone with the responsibility of a police commissioner to be anywhere near an advertising campaign of any sort in the lead-up to an election campaign. I hope that will not happen again.

Mr J.H.D. Day: He was used by Labor.

Mr C.J. BARNETT: I think he was and he was naive to be seen in what was a very heavy campaign of political advertising on a range of issues, from water to policing to electricity, in the months prior to the last election. Despite the protestations of the former Premier about not doing so, no other Premier of this state has abused public funding for political advertising as much as did the previous Premier. However, I did not criticise the Commissioner of Police prior to the last election campaign. It would have been inappropriate to do so and would have undermined his standing as police commissioner. There is no doubt that policing is a difficult and challenging task, and the police commissioner must be held in high esteem so that he can effectively provide leadership and command of the police officers for whom he has responsibility.

With regard to the comments made by Senator David Johnston, I agree with the comments of the Leader of the Opposition. Any elected member of Parliament is entitled to speak out and, indeed, has the responsibility to speak out on an issue if he or she feels it is correct to do so. My observation is that he went over the top. He certainly should not have used words such as "corrupt" and "fraud". There is no proof or substance to suggest that in any way the Western Australian Commissioner of Police is corrupt or involved in fraudulent behaviour. If people make an allegation like that, they have two choices: they can either substantiate or withdraw that allegation. Having said that, Senator David Johnston has raised some issues that are of public interest.

Many people in this state, certainly in the business community and the construction industry, know only too well that under this government the process of law has not been applied in the building and construction industry as it should have been. This government has failed to act against illegal activities in that industry. The fact is that a case against Construction, Forestry, Mining and Energy Union official Joe McDonald was at the point at which a decision was to be handed down through the judiciary when the charges were suddenly withdrawn. It does

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deserve some explanation and it is quite valid that a member of Parliament who has knowledge of and experience in industrial law should raise such an issue.

The issue that affected the member for Kalgoorlie has been raised. I think that was quite inappropriate. It is the custom for police commissioners to brief police ministers on incidents in which prominent people in the community find themselves in contact with law enforcement agencies. I do not know what information he provided to the minister. However, that the minister of the day should have divulged the results of a breathalyser result, which was below the limit, was absolutely disgraceful. Indeed, it was the actions of the then police minister that brought into question the conduct of the police commissioner. It was the police minister who inappropriately divulged material that brought the action of the Commissioner of Police into question.

There is the incident in which the Attorney General handed his colleague a copy of the Lewandowski affidavit. Somehow this sanctimonious group of people opposite forget those incidents. To hand over the Lewandowski affidavit to a cabinet colleague who was directly involved in the circumstances of the case will stand in our history as the most appalling conflict and conduct by an Attorney General.

Mr J.N. Hyde: The CCC looked at that matter promptly.

Mr C.J. BARNETT: We have had other cases. I was amazed when the member for Perth stood to speak to this motion, because his handling of and reporting to this Parliament on the Moira Rayner incident in the Corruption and Crime Commission inquiry was appalling.

The member for Mindarie has gone to great lengths to criticise the police. He may have been right and he argues that he was right. David Johnston has the same right to question issues.

Mr A.D. McRae: He does not.

Mr C.J. BARNETT: He does have a right to question issues. How can members opposite believe that the member for Mindarie can question the police over the Mallard case, yet say that a federal member of Parliament cannot question issues such as the Joe McDonald prosecution? Where is the difference? There is none. Members opposite need to think through where they stand on this issue.

Mr R.C. Kucera: Do you want to come outside this house and make the same comments on Lewandowski as you made in this house about me?

Mr C.J. BARNETT: I do not know what I said; the member should remind me.

Mr R.C. Kucera: I do and my barrister does as well. Come outside the house and state it.

Mr C.J. BARNETT: I do not know what I said about the member for Yokine.

It is not inappropriate for members of Parliament, federal or state, to raise issues. However, they need to be able to substantiate their case. I do not believe that Senator Johnston can substantiate the use of the words “fraud” or “corrupt”, and I think he made a serious error in using those terms. However, I defend his right to raise issues. He just went over the top.

Mr J.N. Hyde: Over the top?

Mr C.J. BARNETT: He did. He went too far, as, indeed, the member for Perth went far too far on the Moira Rayner incident. His performance in this Parliament was inappropriate. The member for Mindarie went too far with his driving incident. Does he remember that? The squad cars came from all over the western suburbs to bail him up in Swanbourne. Does he recall his great indignation over that issue and another issue, which I will not raise in this house this time.

Mr R.C. Kucera: Remember your bottle of red wine at the Aboriginal hostel?

Mr C.J. BARNETT: It is an interesting accusation. It is getting off the point, but I will respond to that interjection. Sometimes in Parliament we have a go at each other and that is the rough and tumble of parliamentary conduct. To use words like “fraud” and “corrupt” is wrong. It is also wrong if, for example, members of Parliament fabricate material to damage a political opponent. There are bounds of conduct in the Parliament and we need to be very careful. In this case, in my view, Senator Johnston exceeded those bounds of conduct. He is entitled to speak on those issues. I do not wish to go on any further. As the Leader of the Opposition said, we have full confidence in and support for Police Commissioner Karl O’Callaghan. It is appropriate that this Parliament express its support for a person who is a very fine police commissioner.

Question put and passed.