

**COMMONWEALTH HEADS OF GOVERNMENT MEETING (SPECIAL POWERS) BILL 2011**

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON GIZ WATSON (North Metropolitan)** [2.41 pm]: We return to debating the Commonwealth Heads of Government Meeting (Special Powers) Bill. I was giving some general background on the nature of the event and the people who will be attending. We all know that the Queen of England will be coming and that there will be representatives from countries in the Commonwealth of Nations. Members might be interested to know that the commonwealth countries include 19 African countries, eight Asian countries, two in the Americas, 12 Caribbean countries, three European countries and 10 in the South Pacific. That is quite an extensive empire when we think about it! It is a gathering that will have representatives from a broad range of countries with a broad range of interests and agendas.

It is worth touching briefly on the purpose and relevance of CHOGM, and indeed of the commonwealth for that matter. It is worth noting that the first conference of this nature was in 1887, which was the first colonial conference of the then British Empire. Since that time all those countries ceased to be British colonies. Indeed, it was considered that the commonwealth might fade out altogether. However, it had a bit of a revival around 1949 when eight members of the commonwealth got together to establish in effect the modern commonwealth. Interestingly enough, by 2010 there were 54 countries. In fact, there might be slightly fewer than that, as I think Fiji is currently out. Some countries come in and out at various times.

**Hon Kate Doust:** Fiji and Zimbabwe.

**Hon GIZ WATSON:** Zimbabwe is out too; okay.

I guess it is tangential to the discussion about these special powers, but the relevance the commonwealth has in contemporary times has to be commented on. Much debate has been had about that and no doubt will continue. I thought it would be interesting to view the website the government established to encourage the public to engage with CHOGM. I do not know whether other members have had an opportunity to view that website. I saw it this morning and read a section where members of the public are invited to make comment on what CHOGM means to them. As of a couple of hours ago there were three comments. One was written by someone, probably from a government department, who made very encouraging noises about how exciting it was all going to be. Another comment caught my eye from somebody who goes under the name of “Gasgas”, and states —

Great, just Great... CHOGM coming to my home state.... Lots of hot air, lots of rich out of reality political piggies with their snouts in the trough spending my hard earned taxes but worst of all is that my buddy with whom i was going to enter the Gascoyne Dash desert race to be held on the same dates as CHOGM has had his annual leave cancelled for the entire period as he is a WA cop..... Now whos going to be my support driver?....

That did amuse me!

**Hon Donna Faragher:** That’s a very profound statement!

**Hon GIZ WATSON:** I thought it was very profound too.

**Hon Liz Behjat:** I thought you said there were three.

**Hon GIZ WATSON:** One comment encouraged people to participate. The third one, like the second one, was not very supportive but I cannot quite remember what it said. The one I read out is the one that caught my eye. However, I ask members to please visit the website and have a look themselves.

It is also worth noting that at the initiative of the last Commonwealth Heads of Government Meeting, held in November 2009 in Trinidad and Tobago, a Commonwealth Eminent Persons Group was established. The group states —

Its mandate is to explore and recommend ways, in the context of promoting the Commonwealth’s values and principles, that would sharpen the impact, strengthen the networks and raise the profile of the Commonwealth to ensure it “will remain relevant to its times and people in future”.

That is because at the end of the fourth meeting —

... the Group stated: “The Commonwealth is in danger of becoming irrelevant and unconvincing as a values-based association” ...

There were therefore concerns even from within the commonwealth itself of the relevance of CHOGM to the commonwealth and to the people who participate in it.

It is also worth noting that the Commonwealth Heads of Government Meeting covers a range of issues. I note that Hon Kate Doust made reference to some of the topics. Again, the communiqué from that 2009 CHOGM gives us some idea of the range of topics it dealt with. It dealt with particular countries and their democratic functions. Notably, Zimbabwe was one. Others included topics such as disarmament and arms control, terrorism, combating piracy, human trafficking, human rights, the world economic situation, trade, investment and climate change et cetera. I have to say that personally I am a little torn as to the role and relevance of CHOGM. I will talk about that a little more.

**Hon Donna Faragher:** You should be positive about it.

**Hon GIZ WATSON:** I think we should do a cost-benefit analysis of these things.

I can see that some of the global challenges we face, such as questions of disarmament, environmental sustainability and climate change, require international cooperation and the opportunity to discuss those issues. If there is any reason that I would support the commonwealth as a kind of structure, it is that it provides the opportunity for a range of countries to get together.

**Hon Donna Faragher:** In a positive, collaborative way.

**Hon GIZ WATSON:** Yes, sort of collaborative.

Having attended commonwealth functions, particularly one in the United Kingdom, it is clear to me that there is still a fairly paternalistic flavour at commonwealth functions. Let us not pretend who set up the commonwealth and why it was set up. The reason for it is in the Commonwealth Eminent Persons Group report. I will quote from the Commonwealth Eminent Persons Group invitation for feedback on the directions of its recommendations, which was a document of 4 May this year. The document discusses enhancing the commonwealth's role in development and trade. It states the commonwealth's role as —

- Maximising the influence of Commonwealth member states acting together to advance Commonwealth priorities in organisations such as the IMF, WTO and World Bank as well as in the G20.

Let us not kid ourselves; the commonwealth was primarily set up as a means of continuing the trade advantages and trade agreements between those countries.

**Hon Alyssa Hayden:** It has also encouraged democracy though.

**Hon GIZ WATSON:** That was actually a secondary consideration. If the member reads the history of the commonwealth, she will see why it was set up. That criticism has been aired elsewhere.

To come back to Perth, in conjunction with CHOGM 2011 a range of business, civil society and youth leaders will participate in three major parallel events: the commonwealth business forum, the commonwealth people's forum and the commonwealth youth forum. There will be international sporting events as well as a people's space in Northbridge, which I understand will feature an uncensored speakers' forum. More on that later.

**Hon Kate Doust:** That is if you can get to it!

**Hon GIZ WATSON:** The bill allows a designation of core security areas by regulation and additional areas by order of the Commissioner of Police, with approval in some cases required by the Minister for Police, and with restricted areas within the security area designated by order. Within the security areas, restrictions apply to who can enter or remain in the area and what items can be taken into the respective areas. This bill gives the police specific powers to close roads, to search people and seize items within these areas. Any orders made under the bill are not able to be legally challenged. The bill also prohibits claims for compensation during the CHOGM period. In cases in which an offence is subject to imprisonment of three years or more, the police will be able to refer to the Corruption and Crime Commission's special powers to conduct an investigation. This also allows for the publication of the excluded persons list that includes names of people who are considered by the Commissioner of Police to pose a serious threat to the safety of persons or property. That is the outline of the bill.

The Greens (WA) do not support this bill; we do not consider it necessary. We agree with the President of the Law Society of Western Australia that existing police powers are adequate to deal with the meeting. Although the briefings from offices and government public statements have assured us that the right to peaceful process will not be affected by these laws, I am still concerned about a number of aspects of this bill. My concerns can be summarised as follows: the ability of the Commissioner of Police to publish a list of excluded persons; the ability of the police to use special powers, including those of the CCC; the general discretion for police to use whatever force is reasonably necessary to exercise special powers; the potential to use subcontractors for law enforcement without any limitation within the bill about what they will do; the limited rights for owners of seized items; and the fact that some orders can be made for areas outside the CHOGM security areas. Although

we might welcome the attention that Perth will receive by hosting this meeting of world leaders, I question the real benefits of such an event. CHOGM will be the biggest high-security event ever seen in Perth, and for what? The questions I raise about CHOGM include: What is the constructive role, if any, of the commonwealth? What relevance, if any, does such a meeting have? What will it cost in dollars and in convenience to hold the event? I had a quick look at the budget papers, probably not enough to get the full detail, but there is a substantial chunk of additional money provided to the WA Police budget for CHOGM and it is certainly highlighted as being a major expense impacting on police activities in the next 12 months. I think it is about \$26million. Perhaps the parliamentary secretary will tell us what is in the budget in that regard when she has the opportunity to respond.

One commentator summed up an earlier CHOGM, which was in India, as follows —

Forty two Heads of Government, with a battery of 600 advisers spent over one week wasting their time, to pass resolutions on international events which were vague, non-committal and without any direction whatsoever.

Such criticism is, arguably, still valid today. The last CHOGM in Trinidad and Tobago finished with a press conference on climate change. The final communiqué, which is 25 pages long, which I will not read out, contains 117 points, but I suggest it had little relevance in the political realities following CHOGM. The aforementioned commentator also said —

In fact all resolutions avoided concreteness and ended as meaningless pleasantries.

The highlight of the last CHOGM in Trinidad and Tobago was the “Port of Spain Climate Change Consensus: Commonwealth Climate Change Declaration”, which was point 68 of the communiqué. This declaration was made on 29 November 2009 and contained 14 points. I quote point 8, which states —

A global climate change solution is central to the survival of peoples, the promotion of development and facilitation of a global transition to a low emission development path. The agreement in Copenhagen must address the urgent needs of developing countries by providing financing, support for adaptation, technology transfer, capacity building, approaches and incentives for reducing emissions from deforestation and forest degradation, and for afforestation and sustainable management of forests.

This statement very much reflects the Greens (WA) position on climate change, and I am pleased that the commonwealth leaders reached consensus. However, the agreement in Copenhagen, which the participants of CHOGM were all anticipating and committed to support, was not reached, despite the consensus of the meeting. The participants expressed at point 7 of the climate change declaration —

We believe an internationally legally binding agreement is essential. We pledge our continued support to the leaders-driven process guided by the Danish Prime Minister and his efforts to deliver a comprehensive, substantial and operationally binding agreement in Copenhagen leading towards a full legally binding outcome no later than 2010. In Copenhagen we commit to focus our efforts on achieving the strongest possible outcome.

Therefore, despite this clear support from CHOGM leaders for action to address climate change in that declaration, “to focus our efforts”, the conference in Copenhagen came and went with very little impact. We must question that if such an agreement of 50 leaders at the Commonwealth Heads of Government Meeting was worth so little when it comes to negotiating in the real world, what is the point?

What is the focus of CHOGM Perth? I am concerned that it will end up being not much more than a talkfest and a nice holiday for world leaders. The Perth CHOGM provides an opportunity to do better than the meeting in Trinidad, but I wonder what additional factors have to be in play so that the leaders can create better outcomes. Therefore, it must be asked what CHOGM is for, why we spend so much money on it and how much the meeting will cost. An article in *The West Australian* on 18 May, entitled “Bill for leader’s luxury hits \$5million”, provided details about the cost of the leaders’ accommodation during CHOGM as well as for the public servants who commute between Canberra and Perth to plan the forum. The article states —

Taxpayers have forked out almost \$5million on luxury Perth accommodation for the army of world leaders, advisers and bureaucrats at the October Commonwealth Heads of Government Meeting, Federal Government documents show.

There is no mention of the cost to WA taxpayers in that article, but from a press release by federal Minister for Tourism Martin Ferguson on 13 May 2010 we understand that the provisions made available for CHOGM by the commonwealth add up to at least \$58.7 million over three years.

I thank the minister and the officers for providing the opportunity to be briefed on this bill and the considerable time that has been put into that process. We appreciate that additional information. We understand from the police department that it was indicated that WA will not be out of pocket for the cost of running CHOGM, but

more questions need to be asked about the details of the costs. The money is all ultimately coming from taxpayers, whether through the Western Australian budget or the federal budget. I am somewhat reassured by the government's announcement that the whole city of Perth will not be shut down for the event. Considerable attention has been paid to the fact that people's lives should not be disrupted, as was the case at the Asia-Pacific Economic Cooperation meeting in Sydney in 2007, which severely disrupted people's activities.

The bill will allow certain areas to be declared special security areas and restricted areas. The exact locations of restricted areas, apparently, are not known yet but are likely to include the convention centre, Fraser's Restaurant, and Government House, with Fraser's likely to be completely closed to the public. The business forum will be held at the Burswood hotel, but the required level of security at this and other events such as the sport events has not yet been determined and will depend on whether leaders will actually attend those events. That is my understanding from the briefing. These events are to be defined as CHOGM events. I note that the government is moving amendments to allow for security orders to be made for these events. The amendments, which we will examine in the committee stage, have come to this place but were not considered in the other place.

I again thank the police for providing two lengthy briefing sessions. I welcome the public information sessions, which have already commenced, to inform Perth residents where and when road closures are occurring and to prepare for alternative arrangements to be made ahead of time, especially for transport and city parking. I understand that a dedicated police officer has been appointed to deal with community concerns and to liaise with organisations such as the CHOGM Action Network, which is planning to organise certain events around CHOGM.

According to the briefing, at this stage there are no plans for substantial barricades. The briefing officers also assured us that the restricted areas will be clearly marked. Most of these will be gazetted under clause 13(2) so members of the public will know when they are entering the security area. I will talk about that a little more later. Notifications, for example, are very different for a person who is carrying a prohibited item. If a person is trying to enter a security area when carrying a prohibited item, the person has the choice of turning around with that item and leaving the area or handing the item over and entering. Once a person is found within a security area with a prohibited item, this becomes an offence. This is the critical point about clearly delineating where a security area actually begins. Although this offence does not carry an imprisonment sentence, it is subject to a significant fine of \$6 000. A failure to provide personal details within the security area is also an offence and subject to imprisonment for up to 12 months. It is really important that people do not wander into these areas inadvertently. Entry into security areas will be limited. Pedestrians can enter only after being screened or frisk searched. Vehicle traffic will not be allowed into security areas, and residential vehicles may be exempt but are likely to be subject to an escort.

I want to ensure that the actual location of the security areas is delineated physically and visibly for the public. I would also like to ensure that the public is made aware via the media—radio and newspaper—of the special rules that apply in security areas and that the ramifications for inadvertently crossing into one are publicly advertised. Although the bill identifies both rules and ramifications, this is presented in a format that is difficult to read for most people. We anticipate that the additional rules will be made by regulation or by order, which require the public to be informed, because it is not in the *Government Gazette*. I have some amendments on the notice paper that deal with these matters. I will deal with them when we get to the committee stage, but I argue that they are not at odds with the intent of the bill; they just provide some surety that those areas will actually be physically clearly delineated and that people will know ahead of time what the consequences are if they happen to go into those areas. Could the parliamentary secretary inform the house how restrictions in security areas and the ramifications of breaches will be made public? I understand that at the moment it can be advertised, but it is not required to be. We will get to that perhaps in the committee stage.

In terms of the right to peaceful protest, I am concerned about the impact of CHOGM on people's civil rights. On the one hand I am keen to ensure that police are able to pre-empt and stop any violence towards CHOGM participants, and clearly nobody wants violence. But at the same time we need to ensure that any such powers do not prevent the legitimate exercise of our civil rights and do not prevent the right to peaceful protest.

Extraordinary police powers and exclusion of appeals and legal challenges of any order are of concern. It is unclear what impact these powers will have on peaceful protest. The right to a peaceful protest is enshrined in international law, such as in article 21 of the International Covenant on Civil and Political Rights, which states —

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order ... the protection of public health or morals or the protection of the rights and freedoms of others.

Any restrictions on these rights should be considered with caution and only agreed to if they are found to be justifiable in the interests of national security or public safety.

In my view the minister has not made the case for additional police powers. I argue that current police powers are adequate to deal with events such as this, and that if necessary and applicable, existing powers could be augmented with powers under the terrorism legislation to address any potential terrorist threats.

The Criminal Investigation Act 2006 already allows for a setting up of security areas; that is, for the prescribing of security areas, for the exclusion of people and for searches of people who wish to enter such areas. I have some concerns that the government is trying to use this bill and the CHOGM event in general as an opportunity to soften up the public to the application of stop-and-search powers. As we know, the stop-and-search powers legislation ground to a halt in this Parliament after a very comprehensive parliamentary inquiry and a large degree of community opposition. Every time these exceptional powers are created and used, even if it is just for a specific event within a specific time frame, it allows the community to become familiarised and, as I say, softened up to these incursions on their rights to freedom of movement and political expression.

The case has not been made that special police powers are actually required to secure the safety of the CHOGM event. We understand from an article in the *Sydney Morning Herald* of 28 April 2011 that the state government plans to set up a speakers' corner in Northbridge. The article states—

People wishing to rail against the Queen or attack nations on human rights issues at a designated speakers corner during CHOGM won't be censored, the West Australian Premier says.

In his typical patronising fashion. It continues—

With exactly six months to go before the Commonwealth Heads of Government Meeting (CHOGM) in Perth, WA Premier Colin Barnett gave his assurances that residents and visitors could say whatever they wish.

The speaker's corner will be established in the inner-city cultural precinct of Northbridge where people can hold forth on politics, the environment, human rights and other issues during the three-day event.

The article also says—

Although people will be able to say whatever they want at the speakers corner, protesters will not be allowed anywhere near the formal events of CHOGM or able to interrupt proceedings.

The CHOGM Action Group has informed me that it has been told there are no suitable public places left in the city of Perth where protesters can hold lawful protests because it has been told that all the public space in the city of Perth has been booked by the CHOGM organisers to ensure that no lawful protests can take place adjacent to the actual CHOGM security area.

I would be interested in whether the parliamentary secretary has any information as to whether that is true and whether CHOGM organisers have booked up public space in the City of Perth to ensure that protesters are not able to get local government permits. I am just repeating what I have been told. If the minister can rectify that, that would be most useful.

**Hon Donna Faragher:** I will double-check what activist groups say as being correct.

**Hon GIZ WATSON:** If the parliamentary secretary can provide information on that, that would be very useful. Obviously if the information is correct, it flies in the face of our assurances that a legitimate process is going to be able to occur during CHOGM.

At the police briefing we were advised that security areas around, for example, the convention centre would be kept to an absolute minimum due to the high cost of surveillance and enforcement of a larger area. Could the parliamentary secretary identify the exact location where people who wish to protest are being encouraged to do so, other than the speakers' corner, which is well removed from the venue?

I refer to the time limitation for police powers. From the briefing, I understand that the operation of these extraordinary powers will be restricted to the lead-up to CHOGM, during the CHOGM period and the parallel events, and for a few days thereafter while security arrangements are wound down and physical barriers removed. I am concerned about this claim as the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011 does not refer to time restrictions on powers, and, also, the final period is to be set by regulation and not within the bill itself. This is a "trust us" approach by the government. It is also important to note that the bill goes further than the powers given to the police for the Asia-Pacific Economic Cooperation meeting in that it allows for the assistance of the Corruption and Crime Commission and its special powers to be called in. Again, I ask the parliamentary secretary: what is the problem with managing these events under the current Criminal Investigation Act, and why are the additional powers needed, particularly the coercive powers of the CCC?

I refer to the impact on juveniles. Suffice it to say, this bill affects juveniles and adults alike and that juveniles over the age of 16 years will potentially be subject to CCC powers and that having these powers—although they are not available for civil offences—applied equally against adults and juveniles is apparently justified with a concern that some of the groups are likely to recruit juveniles and indoctrinate them to be part of activist groups. I do not know if there is any evidence for that, and I would like the parliamentary secretary to assure us that powers are not inappropriately used against juveniles and that we recognise their particular status with special protection under the Young Offenders Act. We know that cautioning is more effective with juvenile offenders. I quote from research conducted by the Criminology Research Council, which reads —

With respect to police cautioning, the study finds that the majority of young people who receive a caution never commit another recorded offence, while of those who do reoffend, cautioned children commit fewer subsequent offences and their offences are associated with less serious court outcomes than children who had their first offence finalised in court.

The basic principle is that it is much more appropriate to deal with juveniles by way of cautioning than to hit them with the full force of the law.

The next issue I want to deal with is the publication of the excluded persons list. Under clause 39, the commissioner may, but is not obliged to, publish a list of excluded persons by such means as he thinks appropriate, including in the *Government Gazette*, in a newspaper or on a website. Failure to notify the public of the content of the list does not affect the validity of the list or limit any powers in relation to the persons named in that list. The prospect of an excluded persons list, especially its potential publication, has raised concerns about public naming and shaming. The named person may have no knowledge that they are on a list and may not have been given the opportunity to challenge the listing or know what information has been used to put them on the list. Publishing a person's name upon hearsay and naming them as dangerous and not wanted has a significant impact on a person and their reputation. Any public blacklisting could also have a potential serious impact on the person's family, their workplace and their public standing. Although the advisory officers at the briefing told me that it is intended that people on the list will each be contacted and informed about their inclusion on the list, the bill neither gives the person the right to be heard nor allows for a review or appeal of the decision to include a particular person in the list of names. Of course, the police may not be able to contact a person. I thank the police for providing me with the copy of the APEC review arising from the 2007 Asia-Pacific Economic Cooperation summit in New South Wales, which contained a review of the security arrangements at that particular event. That review also dealt with an excluded persons list, as the same provision was made for the APEC meeting. Although the review found the excluded persons list useful for ensuring known troublemakers are not present at the event, it made some relevant comments, and I quote from page 16 of that review —

However in the future any list should continue to be ... clearly restricted to those persons on which there is significant intelligence of threat or fact of violence. Clear and accurate identification of the parameters of declared areas and when an excluded person is and is not in a declared area is vital.

I made the point earlier that it is important to know the limits of declared areas. I understand that police will attempt to contact a person and alert them that they are to be placed on the excluded persons list, and that those people who have been contacted will not normally be included in the list of names to be publicised; however, the statutory provision does not make such differentiation. Hence, the amendment I have placed on the notice paper reflects what I believe to be the intent; that is, that the list to be published will be limited to those people who have not been able to be contacted. I see some relevance in that, but I see no relevance in publicising the full list of people who have been contacted. Basically, if they have been put on a list, they know they are on a list and they do not have the right of appeal, I do not see why, on top of that, they need to have their names published. If the police want a list of people they are not going to let in, they can have that and use that, but it does not need to be published in *The West Australian*.

I would like to comment on two recent events that I find relevant to CHOGM preparations in relation to the involvement of the Corruption and Crime Commission. At the APEC 2007 meeting the police powers were based on the New South Wales APEC Meeting (Police Powers) Act 2007, which, as I said, was reviewed after the event. We understand that only 13 people were arrested at the APEC meeting and 11 of those were connected to *The Chaser's* organised prank at that event. Police expect a similar number here in Perth, although the area in Sydney was highly barricaded and protected, which made it clear to anybody that the security area was out of bounds. At the briefing we were informed that the review and the experiences at APEC 2007 were taken into consideration in drafting this bill. Upon closer consideration of the review, I found that the powers of the police were considered to be sufficient in reacting to the issues that arose at APEC. I quote from page 3 of the review, which reads —

In general the powers provided for by the Act are appropriate for any future similar sized events or events of appropriate importance; however the criticisms regarding the application of the Act should be taken into consideration.

It could be said that the APEC meeting, which only 21 world leaders attended, was not as important as CHOGM, when more than 50 heads of government will be in Perth, but obviously numbers alone are not the only factor when considering public reaction to the event. It seems likely that the decision to provide for the involvement of the CCC on request is more likely for operational reasons, and this provision allows the police to gather evidence that later cannot be used in criminal proceedings, which, no doubt, the police hope will lead to the provision of greater security and to the gathering of other evidence that can be used to charge an alleged offender. Although I recognise the high bar to CCC involvement, which is for an offence carrying a penalty of at least three years' imprisonment, when the CCC is involved, a person does not have the right to remain silent when being questioned, and the lack of this protection is a breach of human rights in our view. A person has a right to remain silent and not to incriminate themselves. At the briefing, the police elaborated on the requirement for these powers, but I am not convinced, so I would like some more information about who requested the inclusion of the CCC powers; the function the police cannot perform during the event that will require the assistance of the CCC; and what the CCC involvement is modelled on.

The next question relates to the fact that there are no legal avenues or review. Clause 15 of the bill prevents legal challenges to orders during the CHOGM period. Again, this is a breach of procedural fairness and the rule of law. I understand why the police would not want to waste resources in the court before and during the event, and they might have to act quickly. But this should not preclude testing an order post the event. Clause 15(2) prevents any investigation into police conduct under the act other than investigations by the CCC. Police officers and other officials should remain accountable at all times, and the CHOGM event should be no different. Recent experiences in Toronto, when protests were met with even more violent police action, demonstrate that accountability has to be impeccable.

If the parliamentary secretary is having trouble keeping up with all these questions, I can ask them again during the committee stage. Could the parliamentary secretary confirm whether the expiry clause 93 terminates any limitations on legal challenges?

My next point relates to the use of force. I understand that in WA the use of force is regulated by policies published in the police gazette. As a result of recent inquiries, I discovered that that gazette is not a public document. In answering a question in this place about the use of Tasers, I received the following response from the Minister for Police —

The Western Australia Police Commissioner's Police Manual policies and procedures, in respect to Use of Force, were revised in the Police Gazette No 49, published on 9 December 2010.

These policies are the current policies, not an 'interim' measure in the normal context. The reference to these changes being interim may have been in the context that they are under constant review and change, as required, and the outcome of the changes will be monitored for impact.

The revision to policies, published in the above mentioned Gazette, affected all 'Force Option' policies relating to Use of Force, Firearms, Batons, Oleoresin Capsicum Spray, Taser and Handcuffs.

My point is that the exceptional powers that this bill will give include the use of force. The use of force is not defined in any way that is available to the public. Again, I ask the parliamentary secretary to table the relevant rules from the police gazette relating to the use of force; and, if she will not, why not?

In its submission on the bill dated 14 April 2011, the Aboriginal Legal Service also referred to the increased discretionary powers of police to use force and referred to clauses 16, 72 and 74, expressing its concerns about additional impact on Aboriginal and Torres Strait Islander people who are often the people occupying public space. Will there be any additional policies on the use of force during CHOGM?

In terms of compensation for damage, I understand that the government has undertaken to keep disruption to what is absolutely necessary. It is good that that assurance has been given. Although we believe disruption to business and the community will be kept to a minimum, there will be major disruptions, especially when ferrying dignitaries from their accommodation to the airport et cetera. Will there be any compensation for any property owner who claims their property has been damaged or for business earnings lost due to road closures, because the bill does not provide for this? I raised with the advisers the question of whether there will be compensation—particularly if vehicles have to be moved and are damaged—for any damage caused to vehicles through direct or indirect action to secure special areas. Clause 36 excludes such compensation, even in cases in which someone acts negligently. However, with the expiry of most clauses of the bill on 5 November, any limitation for compensation would expire as well and would limit the number of claims that could be made. We also understand that the police commissioner has ordered to make good any damage the police cause as of policy but

not as of right. I assume that is what is being relied upon. We would argue that that should be in the bill as a matter of right.

I am about to run out of time so I will leave some of this to the committee stage. I will move to the use of subcontractors for law enforcement. Clause 53 will give the commissioner the right to appoint any person as an authorised officer. From the briefing we understand that the government does not intend to use subcontractors for law enforcement. Given the sensitivity of the public regarding the outsourcing of government services and the recent track record of the government in subcontracting out important government services such as prisoner transport, we would like to know exactly what this outsourcing is likely to be. I will talk about this in more detail when we get to clause 53. The way I am reading it, it gives very broad discretion as to the appointment of authorised persons and very broad discretion with no recourse to Parliament as to what these authorised persons can do.

I have come to the end of my specific comments until we get to the detail in the committee stage. I wanted to reiterate that we do not believe that the additional powers that this bill seeks to provide are needed. The police could rely perfectly adequately on the provisions they have. Therefore, we will not support the bill.

**HON MATT BENSON-LIDHOLM (Agricultural)** [3.25 pm]: I welcome the opportunity to speak on the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011. I would like to acknowledge the hard work and effort that Hon Kate Doust put into her speech and point to the fact that, like Hon Kate Doust, I have a few issues with the Corruption and Crime Commission content of this bill. Broadly, I support the intent of this piece of legislation. It warrants noting that, from my vague recollection as a real youngster, perhaps since 1962, the Empire Games, as it was called in those days, was something that Western Australia really showcased to the world. The same sort of thing will happen with CHOGM. The presence of Queen Elizabeth II at this CHOGM will warrant significant attention. The enormity of the event and the apparent need to resort to special powers, as experienced in other states in relatively recent times, would seem to indicate that there is perhaps a need to go beyond what one would normally expect.

The basic thrust of my words today will focus on a few observations. More importantly, the main aspect of my speech will be the need to pose some questions to the parliamentary secretary that relate to people who live in rural, regional and even remote parts of the state. One of the comments that Hon Kate Doust made is one that I raised with her last night; that is, come the end of October we will see many students, not necessarily from the metropolitan area, although they will be involved as well, travelling to and from Perth as the annual tertiary entrance examination is held. Some of those students will be attending study courses in Perth. The basic question I have of the parliamentary secretary is: how will students, parents, families and travellers be informed of the issues relating to travelling through the city to wherever they need to go, such as the University of Western Australia? I am talking about issues such as access and the like.

CHOGM is certainly a great event for Australia, particularly for Western Australia, with the cultural and economic advantages being self-evident. We will witness people coming together from as many as 50 different countries and discussing world and worldly sorts of issues. Many of those issues are relevant to Western Australia, such as biosecurity—I know that the issue of immigration is in the newspapers every day—aid, tourism and economic growth and development. Issues that are very important to some of our smaller northern neighbours who may be attending this conference are sustainable communities, education and even the Colombo Plan, which I think still exists in some shape or form. I do not think it is anything like what it was 40 or 50 years ago but it still exists. Climate change is another issue that is very important to a lot of Pacific island nations. CHOGM will afford us an opportunity to talk about that. I believe that the royal family is particularly concerned about those issues.

Finally, I turn to the issue of democratic freedoms. I want to make some observations on this point that are pertinent to the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011. It is all about special powers and how ordinary, everyday Western Australians will be impacted on by the passing of this legislation. The obvious question is: how will our personal freedoms be affected? Obviously there are very significant issues associated with stop-and-search laws; Hon Kate Doust has already made mention of the views of Mr Hylton Quail of the Law Society of Western Australia. There are important implications for families, sporting teams, employees, business people, retirees and students throughout the state, particularly in the agricultural regions—implications for their freedom and accessibility of services, geographical location, commercial undertakings and so on.

I pose the question: have the police given any particular thought as to where protests might occur? Hon Giz Watson made mention of that point, as did Hon Kate Doust. What planning is in place? Are there designated security areas? When will regulations identify such areas? Are there implications for the Australian Security Intelligence Organisation? Might there be a role for the Corruption and Crime Commission? The member for Cannington asked in the other place a very pertinent and thought-provoking question about personal liberty and

the impact of CHOGM on 16-year-olds: why do we want legislation that will allow 16-year-olds to be taken into custody for the CCC to interview without the checks and balances that freedom and liberty demand in our society? For members who have not scrutinised the bill in any detail, these details are contained within parts 7, 8 and 9 of the bill, but I say to the parliamentary secretary that some explanation is required in respect of this matter. Perhaps she can comment on that later.

Our responsibilities in relation to this legislation are clear: it is fairly obvious that we need to protect commonwealth leaders and their entourages, but we also have great responsibilities and obligations in relation to the maintenance of our personal freedoms. People should be allowed, for instance, to protest. On behalf of residents and constituents, we also need to ask the question: what steps does the government plan to take to inform ordinary, everyday Western Australians living in rural, regional and remote parts of the state about the restrictions they need to know about, and what will be required to access services, particularly in the CBD? There are many what-ifs and the like, but I trust that the parliamentary secretary will speak broadly and expansively on this matter. Specifically, how will people be informed? Nobody will disagree with the need to control access and movements in certain parts of the CBD and perhaps elsewhere, but I ask again: how will it be done, and how will the message be conveyed, particularly to the regions? Will it be via newspapers, television and radio? I am sure that the government has something in mind, but we need to have this particular information put on the public record.

It sounds like a massive undertaking, but on this side of the house we acknowledge that it has to be done. I also note that some \$12.2 million has already been allocated to WA Police. How much more money will be required? Will the parliamentary secretary explain to the house what processes will be in place to facilitate the orderly protests that I mentioned before? Given the nature of some of the 50-odd countries that will be present at this event, such protests will inevitably happen. People in our system have rights that people in some other countries perhaps do not. I trust that the expectation in Australia that we have the capacity to voice our concerns will be upheld.

When will we see the plans for the areas that will be declared and restricted? What will happen to the Perth bus station, the railway station and other transport hubs, given the point that I made about students accessing the CBD? Will they be closed? What alternative arrangements will be put in place, if the government is contemplating such arrangements; and, if it is, how and when will the people of Western Australia be informed of them?

There are costings issues; I have mentioned the \$12.2 million, but that is just part of the Western Australian police budget; we cannot give police officers and other authorised officers the powers needed to promote the safety and security of people attending the Commonwealth Heads of Government Meeting and associated events and functions without incurring significant costs. Those costs also need to be spelt out to the Western Australian people.

In conclusion, my reason for speaking was to pose these particular questions. I will not necessarily discourage my constituents from coming to Perth for that event; it is a great opportunity for them to be part of the events. I am sure that the parliamentary secretary will be able to address the concerns I have mentioned to make things easier for the range of people who may want to visit our state capital. As we all know, Western Australia is a unique place, and this is a great opportunity to showcase our state and capital city, our built, cultural and natural environments, our relaxed lifestyle and our progressive outlook. Our progressive outlook, in particular, is something that law and order and special powers issues may impact upon. People need to understand that we have a particular lifestyle and sense of liberty that perhaps does not exist in a number of other places. These are all things that we treasure in this wonderful place.

CHOGM 2011 promises much, and I can only hope and pray that Western Australia can deliver for all who come to participate later this year, be they dignitaries, constituents, children or families. Again, I ask: how and when will the regions be informed? The minister, through the parliamentary secretary, needs to understand that many people, for myriad reasons, will travel to Perth in late October. Students will be preparing for their TEE; buses and trains will be in demand; business people will have appointments and sporting events will attract people of all ages, no matter what other events are occurring. With that information and those questions, I will conclude my remarks.

**HON DONNA FARAGHER (East Metropolitan — Parliamentary Secretary)** [3.38 pm] — in reply: I thank members for their contributions to the second reading debate, and the opposition for its support of the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011. With no disrespect to members, probably quite a few of the questions asked fall somewhat outside the scope of this bill. Having said that, I will try to answer as many questions as I can. I think it is important to reflect for a brief moment on the Commonwealth Heads of Government Meeting itself, particularly given, one might say, the slightly negative attitude taken by Hon Giz Watson.

**Hon Giz Watson:** More than slightly.

**Hon DONNA FARAGHER:** Okay, the negative attitude; it is a Thursday afternoon, I was being nice!

Hon Matt Benson-Lidholm said he would like to think he was not discouraging his constituents from coming to Perth during CHOGM. I say to Hon Matt Benson-Lidholm that I certainly do not want him to discourage his constituents from coming along. In fact, the government is very keen for as many people as possible to come into Perth during CHOGM to see what is going on; to come and see the Queen. I will be there. I am excited.

[Quorum formed.]

**Hon DONNA FARAGHER:** I am excited about CHOGM, and I think everyone should be excited. This is a historic event for Perth. It will be the largest event of its kind ever held in this city. I think we should see it as a very positive event for not only what the delegates will find when they come to Perth and see what a fantastic city and state we have, but also for the general community. I will say a couple of things in relation to specific events that will enable the involvement of the entire Western Australian community. As has been said, around 28 to 30 October and a bit before, about 4 000 people will descend on Perth—around 3 000 delegates, officials and the like and around 1 000 media representing some 53 countries of the commonwealth. As has been said, Her Majesty the Queen will also be in attendance as head of the commonwealth. I think it will be an absolutely fantastic opportunity for residents of Western Australia, young and old alike, to have a chance to see the Queen.

**Hon Giz Watson** interjected.

**Hon DONNA FARAGHER:** Hon Giz Watson might joke about that and have a different view—I do not intend to speak at length about that—but the Queen is held very dearly by many people and I think this is a wonderful opportunity for the people of Western Australia to see her. That should be respected by all members of this house.

**Hon Giz Watson** interjected.

**Hon DONNA FARAGHER:** It should be respected.

Several members interjected.

**The DEPUTY PRESIDENT (Hon Jon Ford):** Order, members!

**Hon DONNA FARAGHER:** Thank you, Mr Deputy President.

As has been mentioned by a couple of the other speakers, outside the meeting of CHOGM itself, three parallel events will be held: The youth forum, the business forum and the people's forum; the latter of which Hon Kate Doust spent a bit of time on. They will fall within the definition of CHOGM Perth, which I allude to in the context of amendments I have placed on the supplementary notice paper. Whilst perhaps slightly outside the gamut of this bill, Hon Kate Doust did ask some questions with respect to the forum. In the context that it is part of CHOGM Perth, I can confirm that Lotterywest funding was announced yesterday of around \$490 000. That is on top of funding from the state government of around \$150 000, which was provided to the Western Australian Council of Social Service, the local partner to the Commonwealth Foundation, which is running the forum, to help engage with the non-government sector and others in the development of the program.

**Hon Kate Doust:** There was no mention of that.

**Hon DONNA FARAGHER:** It should be remembered that the three forums I mentioned are not run by the state government—they are not state government forums; they are part of CHOGM. However, we are committed to supporting those forums when it is possible. That is an example in which direct state government involvement has been provided in both WACOSS's involvement and the funding to enable it to engage with the wider community, and the Lotterywest funding that was announced yesterday. It should be remembered that these three forums are part of CHOGM; they are not forums that have been organised by the state government or, indeed, the commonwealth government.

Outside of that though—this has been mentioned—there will be a number of other community-related events, if I can put it that way, that have been jointly funded by both the state and commonwealth governments. They are there for the entire community to enjoy, whether it is in the arts and cultural festivals that will occur in the lead-up and during CHOGM; the sporting events, netball as well as hockey; as well as a range of other activities. The people's space and the like have been mentioned, and I understand that will be held over four days.

I think it also needs to be remembered—Hon Kate Doust mentioned this during her contribution to the debate—that it is true that, as a general rule, CHOGMs are viewed in a positive light. Perhaps that is because we do not see the scenes that we have seen at G20 summits and the like. Having said that, we cannot be complacent. We need to make sure that we have appropriate legislation in place to ensure that we hold a safe and secure event for the dignitaries and delegates who attend CHOGM Perth and for the Western Australian community. This legislation seeks to do that.

As has also been mentioned—it was alluded to in my second reading speech—this is not new legislation as such when we look at it in the context of Australian events. The 2006 Olympic Games, the 2002 Queensland CHOGM, the Australian formula 1 grand prix and the Asia-Pacific Economic Cooperation are all examples of where special powers legislation has been enacted.

Much has been said about the need to clarify the events and activities associated with CHOGM. Members will be aware that during debate in the other place—I will not reflect on that debate; but it is important in the context of what we are discussing now—the Minister for Police indicated that consideration would be given to reducing what has been put by some as uncertainty surrounding which events or what types of events will be covered under this bill. I do not take that as Hon Kate Doust has; that is, it is a flawed piece of legislation. I reject that notion. The government has looked at this and WA Police have looked at it. Yes; I have placed a number of amendments on the supplementary notice paper, which I will move during the committee stage.

**Hon Kate Doust:** Isn't it strange that they reflect the matters canvassed in the other house? Isn't it a good coincidence?

**Hon DONNA FARAGHER:** We will have plenty of time to go through them in the committee stage, Hon Kate Doust.

In saying that, the government and WA Police still take the view that the bill needs to be flexible inasmuch as slightly less than six months out it is difficult to know all the events because a number of them are still being finalised. Indeed, the reality of CHOGM is that there are a number of, one might say, formal and informal activities. As the lead-up to CHOGM gets closer, some of those events may change. The legislation needs some flexibility to deal with those issues. Having said that, the government is very keen to make sure that the community is aware of issues such as the location of roadblocks and those sorts of things. It is not in the interest of the government or the WA Police to have a situation in which people do not know about those sorts of things, because that would cause more disruption. The WA government, along with the Australian government, has said that there will be some disruption. The state government is very conscious of the disruption that will be caused, and we are trying to keep it to a minimum. I think I made this point via an interjection, but I will reiterate. To provide information to the public we have already held two public forums at the Perth Convention and Exhibition Centre; one was held in the morning and the other in the evening. More public forums will be planned as we get closer to the event. In addition, there will be letter drops, advertising in the press and personal visits to parts of the CBD that are likely to be significantly impacted upon.

I turn to the issue of identifying the CHOGM security areas. As I said, some of the CHOGM events and activities have not been finalised and, therefore, I cannot give the house an exact location of all the security areas. I hope that the house appreciates that. As the venues are finalised by the Australian government, site security assessments will be made and form the basis for determining the security areas. Some of the site assessments have been conducted and others will obviously happen as specific sites and activities and events are finalised.

General queries were raised at the public forums covering a range of issues, from roadblocks, volunteers and how to get involved, to whether the train station will still be operating. Those public forums were conducted by the Australian government but included representatives from the Department of the Premier and Cabinet, WA Police and the City of Perth. It should be remembered that although CHOGM is being held here in Perth, the Australian government is responsible for CHOGM. For that reason, the CHOGM task force is headed by the Australian government.

Since the bill was first debated in the other place, a great deal of comment has been made about homeless people who may be impacted upon, which now comes to the issue of what is meant by “restricted area” as opposed to the CHOGM security area. There will be the designated core security areas and within that will be restricted areas. Restricted areas will essentially be limited to those places where the CHOGM meetings will occur. At this stage—these things can change—those places are expected to be, for example, the Perth Convention and Exhibition Centre and Fraser's Restaurant, where the state reception centre will be. People will not be able to enter those restricted areas unless they have the appropriate accreditation and are a delegate or the like. The public can be in the designated, larger security areas. There has been a suggestion that the whole of the CBD will go into lockdown and homeless people who are sleeping will be moved on. It is incorrect to say that. That circumstance would arise only if a homeless person was found to be in the restricted area; people cannot be in a restricted area unless they are accredited or authorised to be there. Having said that, in case a circumstance arises in which a person who is homeless is found to be in a restricted area, the Western Australia Police is working with the Department for Child Protection to make sure that alternative accommodation arrangements are put in place. The Department for Child Protection is working in partnership with eight service providers under the Street to Home program to ensure that any homeless person who may be affected by CHOGM restricted areas is

provided with an alternative safe and supportive environment; that would be done with dignity and respect. Those arrangements are now being worked on.

Hon Kate Doust then branched into perhaps a more general discussion on the issue of homelessness. Obviously, that issue does not fall within the gamut of the bill per se and those questions are more appropriately addressed to the Minister for Child Protection. Having said that, the Department for Child Protection provides funding of \$3.1 million per annum for accommodation and support services for people experiencing homelessness in the inner city. In addition, \$135 million of government money is in place to combat homelessness. Earlier today when we heard the magnificent budget speech read out by Hon Simon O'Brien, we learned that additional funds have been put in place for the construction of another facility. I am happy to take further questions on the homelessness issue during the committee stage, but I hope that I have clarified what is meant by "restricted areas" as opposed to the security area.

Obviously traffic is an issue that comes very much within the issues surrounding public notification and the like. Traffic measures will be in place along Adelaide Terrace and St Georges Terrace from Friday, 28 October to Sunday, 30 October. Traffic measures will also be in place on Fraser Avenue at Kings Park on those same dates. Those traffic measures have already been announced at the public forums and will be reiterated to the public through the mechanisms I referred to earlier.

Hon Kate Doust raised issues about dignitaries coming from the airport. The advice that I have at this stage is that there is no intention to institute roadblocks from the airport to dignitaries' accommodations. Other traffic measures might be undertaken—I understand that I can say these sorts of things—such as giving dignitaries a green light through, which now happens when visiting dignitaries come to Western Australia. These sorts of mechanisms will be utilised rather than roadblock–lockdown measures. Perhaps that answers some of the questions from Hon Matt Benson-Lidholm and Hon Giz Watson about people having difficulty getting in and out of the city. It must be borne in mind that we have been pre-emptive in trying to minimise disruption so much so that we have declared Friday, 28 October a public holiday. There will not be the usual work traffic in the CBD that there would be otherwise if that were not so.

On the question of consultation with the traffic industry, I can confirm that a traffic and transport committee is chaired by Reece Waldock, Director General of the Department of Transport. The committee includes representatives from the taxi industry, buses and trains as well as police and others. The committee is overseeing the development of plans and the impact management requirements as a result of CHOGM, as well as the communication plan. As I said, we are trying to minimise disruption as much as possible. We want to keep security to a minimum with a limited use of barriers and with the public holiday that I mentioned. It is not a lockdown such as occurred at the Asia-Pacific Economic Cooperation meeting in Sydney in 2007. We want people to come into the city.

At this stage there are no plans to close the Esplanade train station or any other train station. Again, these plans will continue to be reiterated through public transport communications and the like. I can also say that Wellington Street bus station will remain open. The bus station adjacent to Perth Convention and Exhibition Centre will be closed between 28 and 30 October and buses will be re-routed to Wellington Street station. Again, that is part of the work being done by the committee headed by Reece Waldock.

Airspace restrictions are dealt with by the commonwealth government. The offence in the bill relating to airspace is to support the commonwealth powers.

**Hon Kate Doust:** We did raise the issue about how that would be managed and you say that the commonwealth handles that. It would be useful to be able to provide that information to people, and I would like to know. Are you able to extract that information from the commonwealth in some way?

**Hon DONNA FARAGHER:** Not right now.

**Hon Kate Doust:** No, not right now; I appreciate that.

**Hon DONNA FARAGHER:** I will see what other information we can provide, but I understand that the federal Office of Transport Security is responsible for airspace restrictions. I will see what other information there is.

**Hon Kate Doust:** I think we will probably still be going on this bill after today.

**Hon DONNA FARAGHER:** On the issues surrounding police resources, I say at the outset that no police station will be closed. Also the Commissioner of Police is working to minimise the impact on regional and rural stations. There are plans currently to deploy around 300 police only from regional WA. I can confirm that there have been a number of high-level meetings between senior police in other jurisdictions generally on the progress on numbers, and there is a further meeting next week to refine the support that may be required. I therefore do not have further details on that, except to say that WA police are confident that appropriate support will be provided. On the question of training and accreditation of police from recognised law enforcement organisations

in other jurisdictions, there is already considerable commonality in training police across the country. I do not think members would disagree with that. That training is supplemented through joint training and common procedures. More specialised information will be provided prior to CHOGM. Obviously, these officers are accredited through their appointment to their home agency as provided for in clause 47(1) of the bill. There were some queries surrounding authorised persons. We are looking in that context to potentially utilise local government rangers, contracted traffic controllers and the like. I understand that all bookings have been made and confirmed for appropriate accommodation for officers; so, that is all in hand.

There were some specific queries from Hon Giz Watson about subcontracted authorised officers with special powers. The advice I have is that authorised persons will not be used for law enforcement purposes. Authorised persons could well be used for traffic measures, traffic control and those more general tasks. An appointment as authorised officer can be made only if they have the necessary expertise and experience.

I will make some brief comments on the Corruption and Crime Commission and the need for compulsive hearing powers. As I have a pretty strong feeling that this matter will be discussed at length during the committee stage, I will make only a couple of general comments. The compulsive hearing powers imposed through this bill are an investigative tool. Under Western Australian law, the Corruption and Crime Commission has powers to conduct coercive examinations in relation to organised crime. WA Police does not have those powers. The threshold for the use of those existing powers is extremely restrictive. The CHOGM coercive hearing powers are aimed at expeditiously investigating any of the many serious offences that are outside the scope of the existing coercive hearing powers for terrorism and organised crime. For example, a person who had a personal vendetta against someone or was planning to injure a particular delegate for no reason other than revenge would not fall within the scope of those coercive hearing powers.

There was a query about subjecting juveniles to compulsive examination. I appreciate this may be a point of disagreement, as the opposition believes it is unlikely that juveniles would be used by groups wanting to do harm. I do not think we should take that risk. We want to make sure that juveniles are not used for a purpose that could cause a serious security risk not only to delegates and those attending CHOGM in Perth, but also to the Perth community at large. There are safeguards in the CHOGM bill and in the relevant sections of the Corruption and Crime Commission Act. Juveniles and anyone else questioned are protected by anonymity. They can have legal representation, they can be accompanied by another person and, importantly, evidence given cannot be used in civil or criminal proceedings against them. There are therefore safeguards. I would like to think—likewise I am sure does every member of this place—that no group would want to do harm to people attending CHOGM or to the Western Australian community. Equally, we want to make sure that they are not utilising juveniles in any potentially negative cause. But if they are, or if they think they will, we would not like a loophole in the legislation that they could use for their own ends.

Hon Kate Doust asked what types of items would be prohibited. The items are listed under the definition in clause 3 of the bill. There will also be items that can be prescribed in regulation. Currently, particular weapons, for example, would be prescribed in the regulations.

Does a person who has had their car confiscated under the bill have to pay to get their car back? No.

A number of members raised the issue of the publication of the excluded persons list. I can confirm that it is currently not the intention of WA Police to publish the list, however, there has to be a capacity for the list to be published should a threat warrant it. As I understand, 61 people in New South Wales were placed on that state's excluded persons list for the Asia-Pacific Economic Cooperation summit. The authorities were able to contact all but eight people; the remaining eight could not be located. As I have said, the police do not intend to publish the list; however, there may be cases in which publication of the list is required. It may enable the public to assist in reporting any breaches of the law or it may assist to prevent violent activities undertaken by those excluded persons. The Commissioner of Police must be satisfied that the person poses a serious threat to the safety of persons or property. This is a higher threshold than the balance of probabilities. In addition, persons on the list have the opportunity for judicial review if they object to the commissioner's decision. I will not go into the proposed amendments tabled by Hon Giz Watson, except to say that if they were accepted they could cause a significant delay between the receipt of intelligence about a particular person and the placing of that person on the excluded persons list. We would not want a situation in which there was a delay, particularly if there was serious threat to delegates, dignitaries or anyone else participating in CHOGM.

Finally, I can say that, again, protests will not be able to occur in restricted areas, but they will not be stopped from occurring in designated CHOGM areas.

**Hon Giz Watson:** When you say “designated”, do you count security areas?

**Hon DONNA FARAGHER:** Yes, there are the designated CHOGM security areas and the restricted areas are inside those—the Perth Convention and Exhibition Centre is an example at this stage. A protest could not occur

in the convention centre, because in any event protesters, along with people like me and others, will not be accredited and will not be allowed to be there. But there is no prohibition of protest in the larger security area that will be designated. WA Police are in fact already liaising with the action group that the member referred to, because the police want to work cooperatively with these groups. If there are protests, cooperation is the key and WA Police are very happy that if people protest, the protest is planned and that we know where it will occur. The protests will not be stopped provided that they do not interfere with roadblocks and those sorts of things. Significant work is being done by WA Police and the action group to which the member referred, and I presume any others that might be planning a protest. I know that I have not answered all questions, but I have tried to answer as many as possible. I presume I will be asked all those questions again during the committee stage. With that in mind, CHOGM will be wonderful for Western Australia and should be seen in a very positive light. I commend the bill to the house.

Question put and passed.

Bill read a second time.

*Sitting suspended from 4.15 to 4.30 pm*