

CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2023

Second Reading

Resumed from an earlier stage of the sitting.

Several members interjected.

The SPEAKER: Order, please, members! I will give the member for Bicton the call in a moment, but I am going to ask the members for Jandakot and Southern River and the Leader of the Liberal Party and others to perhaps either move to their place or out of the chamber. We have too much noise in the chamber—Leader of the House and others! Attorney General, I am waiting to be able to give the member for Bicton the call.

MRS L.M. O'MALLEY (Bicton) [3.01 pm]: The first reform, which revolves around the appointment processes, aims to rectify the existing appointment procedures, which have occasionally led to prolonged vacancies in crucial positions within the Corruption and Crime Commission. The position of Corruption and Crime Commissioner—vital for maintaining the integrity of our institutions—undergoes an intricate selection process.

Currently, the recommendation for the appointment must receive both majority and bipartisan support from the Joint Standing Committee on the Corruption and Crime Commission. This process is not without its flaws; for example, a single member of the standing committee could wield a disproportionate amount of power and potentially obstruct appointments indefinitely. Such a situation could lead to vacancies that adversely affect the efficacy of the CCC.

To address this issue, the proposed amendments will establish a more robust framework. The Premier will refer a nominee for commissioner to the standing committee, which will have 14 days to respond. An additional 30 days may be granted if deemed necessary. Importantly, the standing committee's veto power will be collective to ensure that no single individual could impede the process indefinitely. This revised approach aligns with practices in other Australian states and territories, and promotes accountability and efficiency while preserving the standing committee's oversight role. This legislative change recognises the importance of parliamentary involvement in appointments and addresses the issue of undue influence from a single committee member.

The second reform relates to the introduction of the deputy commissioner position. This new role is a response to the escalating workload and the need for a comprehensive framework to manage the CCC's expanding responsibilities. This need was recognised two decades ago, during the initial formulation of the Corruption, Crime and Misconduct Act. Over the years, it has become increasingly apparent that the commissioner requires support to effectively manage their non-delegable powers, including conducting examinations and making exceptional power findings. The deputy commissioner position, as envisaged in the bill, will serve as a crucial aid to the commissioner. Empowered to perform functions directed by the commissioner, the deputy commissioner will also have the autonomy to exercise non-delegable powers. This change will not only alleviate the commissioner's burden, but also ensure impartial decision-making, which is a cornerstone of any effective anti-corruption effort.

The Corruption, Crime and Misconduct Amendment Bill 2023 is not just a legal reform; it is a reflection of our unwavering commitment to a just society. By addressing the flaws in our appointment processes and establishing the deputy commissioner position, we will take significant strides towards enhancing transparency, accountability and the fight against corruption.

In conclusion, this bill represents the initial phase of a comprehensive modernisation effort for the Corruption, Crime and Misconduct Act. By strengthening our appointment processes and introducing the deputy commissioner role, we aim to forge a brighter, more equitable future for Western Australia.

I commend this bill to the house.

MR G. BAKER (South Perth) [3.05 pm]: I rise to speak on the Corruption, Crime and Misconduct Amendment Bill 2023. The Cook Labor government is dedicated to protecting the public service and the WA community from corruption. This bill seeks to extend our commitment to the Corruption and Crime Commission as the premier agency for investigating and exposing corruption in the public sector. It is not an easy thing to do and, as I will discuss, it is easier for some governments to look the other way, but looking the other way comes at a cost.

To understand why this bill is needed, we need to look at the history of the CCC. The Corruption and Crime Commission was started by the Gallop government in 2003 to monitor police and the public sector and came out of a recommendation of the Kennedy royal commission. The CCC was established on 1 January 2004 and replaced the Anti-Corruption Commission. This was after Commissioner Geoffrey Kennedy found that the ACC did not have the powers to properly do its job. The CCC was designed to have all the powers of a royal commission to probe allegations of public sector and police corruption, including the ability to hold public hearings and compel witnesses to testify.

The Corruption and Crime Commission has been served by the four commissioners. From December 2003 to March 2007, it was served by Mr Kevin Hammond, AO. After him, from May 2007 to January 2011, it was Hon Len Roberts-Smith, and after him there was a 10-month gap. From November 2011 to April 2014, we had Roger Macknay, and following him there was a 12-month gap until April 2015, when Hon John McKechnie, KC, was appointed. He served until 2020, and then there was a 14-month gap while his re-employment was contested within the parliamentary process, which is one of the spurs for this legislation. In June 2021, in one of the early acts of this Parliament, John McKechnie was appointed by Parliament directly. Notably, there have been three long gaps when no commissioner was appointed by the Parliament. They were in 2011, 2014 to 2015 and 2020 to 2021. These were quite noticeable absences when the state failed to appoint an anti-corruption campaigner.

Most the life of the CCC has been under the Barnett Liberal–National government, so what was the Liberal–National government's attitude to the CCC? I will take a few quotes from Premier Barnett in *The West Australian* online. In February 2015, the then Premier indicated he was concerned with the direction of the agency. He states —

“Obviously, and I can say as Premier, the CCC has not lived up to expectations ...

He suggested he had never been a fan of the CCC that was set up by the former Labor government. He continues —

“If you go back in recent history, the Gallop government talked about corruption in police and the solution was to set up the CCC,” he said.

“Well, I don't think the issue was there as others pretended. I don't believe there is widespread corruption in WA. There is certainly organised crime and we need to deal with that, and I would prefer to see the CCC's powers and skills and abilities used in tackling organised crime.

He was looking away from the public sector.

He also suggested that local governments were the main source of corruption in WA, and that the watchdog had not lived up to expectations. That is quite a scene for the Premier at the top of Western Australia's public service, and public service culture, to be setting. What was happening in the WA public service at that time? Was it free of corruption? Two important cases were occurring right throughout the period of the Barnett government. One concerned the North Metropolitan Health Service. Between 2012 and 2017, about \$10 million of corrupt contracts were awarded by John Fullerton, who has since been convicted of those offences. A number of other employees and contractors were involved in that case, which was exposed by the Corruption and Crime Commission, but it took a very long time to come to the party on that one. The second case involved Paul Whyte in housing. It was the biggest corruption case by a public servant in all of Australia. Paul Whyte pleaded guilty to 564 charges of corruption and money laundering and was sentenced by the Supreme Court. Four associates were also charged with related offences. Upwards of \$22 million was stolen over 10 years, from 2009 to 2019, right throughout the period of the Barnett government. Part of Paul Whyte's role in the Department of Communities was to oversee internal governance standards, integrity, corporate assurance and performance. While Barnett and the Liberal and National Parties were saying that the CCC was not needed and were repeatedly leaving the post of the Corruption and Crime Commissioner vacant, the worst acts of public sector corruption were underway in Western Australia. This is another important lesson or reminder that culture is set by the top.

Let us look at how culture is driven from the top of an organisation. I will go through some things that I picked up from the Australian Institute of Company Directors.

The DEPUTY SPEAKER: Sorry, member; just hold on two secs. Members, if you would like to take your conversations outside, please do; otherwise, keep it down. Carry on, member.

Mr G. BAKER: I will say some nice things about the Attorney General if he will listen.

According to the Australian Institute of Company Directors, there are three principles of good governance. Principle 1 is headed “Mission”. The advice to boards in principle 1 states —

The board plays a key role in approving the vision, purpose and strategies of the organisation. It is accountable to the organisation's members as a whole and must act in the best interests of the organisation.

Principle 2, headed “Organisational culture”, states that the board sets the cultural and ethical tone for the organisation. Principle 3, “Independent judgement”, states —

All directors should exercise independent judgment and provide independent oversight of management.

If we want to apply the analogy from the corporate sector to the state government, the Premier and the cabinet are responsible for the functions of the board under these principles. Under principle 2, it would be the Premier and the cabinet that would set the cultural and ethical tone throughout government. This has been echoed in numerous royal commissions, government investigations, corporate management theories and company case studies. Greg Medcraft, the chair of the Australian Securities and Investments Commission, said in 2015 —

Culture matters to ASIC because poor culture can be a driver of poor conduct. Culture has been at the root of some of the worst misconduct we've seen in the financial sector. Looking at cultural problems can give us an early warning of where things might be going wrong to help us disrupt bad behaviour before it happens and catch misconduct early. Importantly, it helps with identifying not just individual instances of misconduct but broader, more pervasive, problems.

Those were the words of the chair of ASIC, Greg Medcraft, in 2015. If we look at the banking royal commission, which reported in 2019, we see that Commissioner Ken Hayne, KC, said very similar things about culture—that it is driven from the top. The Perth Casino Royal Commission also identified numerous problems in risk governance and culture at the Crown casino. There are plenty of examples from the corporate world and government that demonstrate that the culture at the top of an organisation flows right the way through.

Let us look at the culture set by the Barnett government—what Barnett said and the gaps he left, and what happened in government. He said —

I don't believe there is widespread corruption in WA ... and I would prefer to see the CCC's powers and skills and abilities used in tackling organised crime.

He was saying that we should not look at the public sector. He said that local governments were the main source of corruption in Western Australia, so we should not look at state government agencies. He also said that the watchdog had not lived up to expectations, so he was downplaying its importance. He left the position of Corruption and Crime Commissioner vacant not once but twice, for long periods. One commissioner resigned after a stint of two and a half years. Again, in 2020, our own parliamentary committee was unable to reappoint the most successful Corruption and Crime Commissioner ever. Although we are not privy to what happened in that committee, that sent another signal that we were not serious about fighting corruption. What was happening while the Liberal Party was not taking corruption seriously? Paul Whyte in housing was committing the worst case of public sector corruption in Australian history, worth \$22 million, and we had a network of corruption covering \$10 million in contracts for the North Metropolitan Health Service. That does not cover the issues revealed by the Langoulant report, which found billion-dollar contracts awarded without a business case or tender, but that is a separate issue. We will have another discussion about the waste of taxpayers' money that occurred under the Barnett Liberal–National government's tendering processes and the lack of transparency and so forth. There were cases involving Paul Whyte, the North Metropolitan Health Service and numerous others. The “Black Hand Gang” certainly behaved like it was breaking the law; its members thought they were. We have to look at where culture starts at the top. The lesson that we can draw from the Barnett era is that we need to take corruption seriously. Even if we do not think that we are affected by corruption, we still need the agency to be vigilant.

The Cook government, and the McGowan government before it, wants to do the right thing to prevent corruption in WA. We have reappointed the best corruption fighter we have ever had in John McKechnie, KC. We have given the CCC the power and leeway to look into anything, to make it clear that nobody is above the law. A powerful CCC is not always a comfortable thing for a government or individuals in a government, but we set the culture from the top. The Cook Labor government is setting the culture from the top. This bill will protect the CCC from any future government or parliamentary faction that does not care about fighting corruption by improving the appointment process for the commissioner, making it harder for political interests to block the best candidates, and creating the role of deputy commissioner so that the powers of the commissioner can be exercised in the commissioner's absence without the need for delegation. These steps will help strengthen our already robust anti-corruption agency and ensure that our government is taking the strongest anti-corruption stance that our state has ever seen. I congratulate the Attorney General for bringing these reforms to the Parliament, and I commend the bill to the house.

MR P. PAPALIA (Warnbro — Minister for Police) [3.17 pm]: Thank you for the call, Deputy Speaker; I will not keep the house too long. At the outset, I make the observation that the Corruption, Crime and Misconduct Amendment Bill 2023 is a very important piece of legislation. The bill relates to the Corruption and Crime Commission. That is something in which I have an interest because the CCC obviously provides oversight of the police, amongst other things. I also note the fact that until a moment ago, such was the lack of interest of the opposition in this legislation that none of them were present in the chamber—not one person. In fairness, I make the observation, for the purposes of *Hansard*, that the member for North West Central has returned to the chamber, but none of her colleagues have been here for some time. She was the lone interested party and she vacated the chamber a moment ago. That is no reflection on her. What it is a reflection on, though, is the lack of interest of any of the opposition's leadership in this legislation. Regardless of any contributions on this legislation by the Leader of the Opposition or the Leader of the Liberal Party, it is apparent that they do not have too much interest in it. That being said, I was here earlier when the Leader of the Opposition made his fleeting appearance in the chamber and contributed to the debate on this legislation with an interesting proposal for an amendment, suggesting that he would effectively remove the main intent of this bill and revert to the situation we currently labour under.

Welcome back, Leader of the Liberal Party; it is good to see you here.

Mr J.R. Quigley: It is only a cameo appearance.

Mr P. PAPALIA: A cameo appearance!

Ms L. Mettam: I've been here.

Mr P. PAPALIA: The member must have been here in spirit because I did not see her present in the chamber. I refer to that because of the nature of the amendment that I assume she supports. Effectively, the Leader of the Opposition hopes to completely neuter the intent of the legislation with an amendment.

The intent of this legislation is to address a flaw in the current process. Under the current process, when there is only one opposition member on the Joint Standing Committee on the Corruption and Crime Commission, for instance, that single individual can unilaterally block the proposed appointment indefinitely by simply refusing to vote in support of the appointment. We know this is the case because we witnessed it. We sat in this Parliament in frustration as the other place came to a complete standstill on appointing a new Corruption and Crime Commissioner, purely because one individual, for whatever motivation, chose not to support the appointment.

That was a shameful episode in Western Australian history. Perhaps I need to remind the chamber and the Leader of the Opposition of what happened because it is apparent from the amendment he proposes to move to this bill that he has forgotten what motivated the government and the Attorney General to bring this legislation to the house. It appears as though the Leader of the Opposition cannot remember what happened. I am able to recall it myself, but it might help to quote some of the debate at the time on the attempt to appoint the now CCC commissioner under the last Parliament that was frustrated by the appalling situation when an individual, for whatever motivation he had, chose to not support the appointment.

I will quote from the Premier of the day, who was among the most frustrated by the whole episode, in one of the debates on the appointment of the CCC commissioner. In *Hansard* of Thursday, 14 May 2020, Hon Mark McGowan stated —

That is the Liberal Party's message to the CCC. According to the Liberal Party, members of Parliament should not be subject to investigation. I say that because chapter 7 of the CCC report handed down last year refers to the "Black Hand Gang" and the misuse of allowances to fund lifestyle. The title of chapter 7 is "Misuse of allowance to fund lifestyle". The chapter goes over a number of pages about the misuse of allowances by MPs in the Liberal Party to fund their lifestyle. Who is in the "Black Hand Gang"? Hon Peter Collier, Leader of the Opposition in the upper house, said on radio that every Liberal Party member of the Legislative Council is a member of the "Black Hand Gang". Who are the Liberal Party members of the upper house? Mr Chown is one. He is a member of the "Black Hand Gang" that Mr McKechnie, QC, investigated, and yet Mr Chown is on the committee deciding whether or not Mr McKechnie is reappointed, and members opposite allow that to stand! That is a corruption of the process by the Liberal Party. That is what it is; it is a corruption of the process by the Liberal Party.

Nothing has changed, except the now Leader of the Opposition is a member of the National Party and he is choosing to pursue the same objective as his colleagues in the Liberal Party. It is a bizarre situation that so many years down the track, having witnessed what happened when the entire process was corrupted by an individual who was under investigation choosing not to support the reappointment of the person investigating him—an incredible situation to contemplate that that came about and passed into history—we confront in this place again a National Party Leader of the Opposition choosing to oppose this important reform that will ensure that that situation will not be repeated. It is extraordinary. It is not necessarily a huge stretch to contemplate why it would be happening. It would suggest that the power, the reach and the control of the "Black Hand Gang" still extends from the Liberal Party in the upper house of state Parliament all the way back down into this part of Parliament to those who lead both the National Party and the Liberal Party in this house. Clearly that is the case. Why otherwise would the now Leader of the Opposition; Leader of the National Party choose to oppose this amendment bill and rectify a wrong? Why would that be the case?

Mr Chown has long ridden off into the horizon. He is not here anymore, so it is not on his behalf that the Leader of the National Party; Leader of the Opposition seeks to move an amendment. This is on behalf of somebody who is still in Parliament—someone who still controls the opposition. It would appear that it is not somebody in his own party. That is concerning on a couple of accounts. It is concerning that the "Black Hand Gang" is still clearly in ascendancy. It still has a lot of power. It still determines policies of the opposition, in both the National and Liberal Parties, and it is still not confronted for its behaviour by the leadership of the Liberal Party. Any suggestion that the "Black Hand Gang" is not in control is completely brought into question by that behaviour and by the proposal today to move that motion.

Beyond that, it is very concerning because the opposition is the National Party. The opposition is led by the member for Moore, one would hope, yet it appears as though the member for Moore takes his riding instructions from the "Black Hand Gang" in the Liberal Party in the other place. It is raising all manner of questions about leadership. I am only quoting the previous Premier and making an observation as a bystander in this process in recent times,

having sat here equally frustrated as the former Premier at the lack of our ability in the last Parliament to reappoint to the role of CCC commissioner someone who is recognised as one of the best crime fighters in the country. Having witnessed that and now seeing the opportunity to repair that situation, to remove the opportunity for a single individual to choose to stymie the appointment of someone who might otherwise be an appropriate appointment, it is extraordinary what we are witnessing in this Parliament with this Leader of the Opposition in light of all that.

Like anyone who sat in the previous Parliament, I witnessed what happened. It was there for all to see. Investigations were underway. We do not know, but we can assume, that Mr Chown had his motivations. Clearly he was under investigation, but he was not the only one going to a “soapland”. He was not the only one in the Liberal Party who was using his electorate allowance for questionable outcomes, such as travelling interstate, going on sugar daddy websites, meeting people and taking them out for dinners and flying on helicopter flights funded by the taxpayer. He was not the only person doing that. They were meeting as a group and paying for meals and get-togethers in different venues on the taxpayers’ bill. They were having those meals and evenings out, funded by the taxpayer. He was not the only one. Members of the “Black Hand Gang” were part of that. That was revealed in a range of different ways—through investigations, leaks, WhatsApp message groups and the like. We know that happened.

We could assume as a consequence that anyone in the “Black Hand Gang” has a motivation. From Hon Peter Collier’s contributions on radio at the time, we understand that every single Liberal Party member in the upper house was a part of the “Black Hand Gang”. We can extrapolate what their motivations were at that time, but the Leader of the Opposition bringing an amendment to the lower house at this time suggests that the “Black Hand Gang” is still in charge. The “Black Hand Gang” still not only runs the Liberal Party of Western Australia, but also has the capacity to direct the actions of the opposition, including the actions of the Leader of the Opposition. That is disappointing on so many different levels. I fail to comprehend why the Leader of the Opposition is engaging in this process. The only conclusion that one can draw is that he is doing what he is told. It is sad to see but, apparently, nothing much has changed in the opposition.

MS C.M. TONKIN (Churchlands) [3.31 pm]: I also rise to make a contribution to the second reading of the Corruption, Crime and Misconduct Amendment Bill 2023.

The Corruption, Crime and Misconduct Act 2003 provides for the establishment of the Corruption and Crime Commission as the pre-eminent anti-corruption body in Western Australia. It has functions in the investigation of serious misconduct by public officers, the confiscation of unexplained wealth and criminal benefits, and the investigation of organised crime.

This bill represents the first tranche of amendments to support the modernisation of the Corruption, Crime and Misconduct Act. It will address the appointment of commissioners, acting commissioners and a new deputy commissioner role. These reforms will ensure stability and accountability in the leadership and management of the CCC. Work on other reforms to the act remains ongoing.

However, I would like to digress here and explain how I became such an admirer of the work of the Corruption and Crime Commission and a strong supporter of strengthening its leadership and management. Fraud and corruption in public sector procurement is a scourge internationally and, unfortunately, closer to home. Its prevention and detection is something in which I have had a decades-long interest. In fact, in 2015, I was a witness for the prosecution of some consultants in the Crown Court in London. Some consultants had taken a secret commission under a United Nations development program contract, which resulted in them pocketing in excess of \$US1 million and doing irreparable damage to a very important program that was aimed at getting necessary pharmaceutical supplies and other materials to communities in the Democratic Republic of the Congo. Fortunately, the consultants were convicted. One pleaded guilty and two were convicted by juries. The important thing for me was that I learnt how easy it is for people with nefarious strategies to take control, subvert programs, and defraud people and critical programs of significant resources.

In recent years, our Corruption and Crime Commission has detected procurement-related fraud and corruption, and enabled the prosecution of a number of individuals who engaged in it. These public officers, suppliers and contractors have defrauded the state of millions of dollars. They also caused reputational damage to our public sector and necessitated the expenditure of considerable resources in detecting, investigating, prosecuting and incarcerating those who have been convicted.

From the actions of these individuals, consequences arise for the quality of procurement management and practice in agencies. There is a tendency to react to fraud and corruption in public procurement with a culture of risk aversion, including a heavy reliance on procedure-related controls. By contrast, if risks are controlled through management techniques and procurement practices that promote transparency and strategic focus, value-for-money outcomes are enhanced. These controls also promote the effective prevention and detection of fraud and corruption.

While continuing my international work facilitating public procurement reform, I contributed to the Joint Standing Committee on the Corruption and Crime Commission inquiry into the public sector’s procurement of goods and

services and its vulnerability to corrupt practices. This inquiry resulted in the May 2020 report *Red flags ... red faces: Corruption risk in public procurement in Western Australia*. I made a contribution by providing submissions and giving evidence in a public hearing. In my evidence to the inquiry, I highlighted that fraud and corruption in the public sector is difficult to detect when procurement efforts are focused on the application of transactional procurement procedures. In these circumstances, its detection sometimes relies on information provided by whistleblowers or forensic analysis of procurement-related transactions.

In my evidence to the joint standing committee, I argued that two procurement practice changes would both prevent procurement-related fraud and corruption, and make its detection much easier when it occurred. These practice changes included effective procurement portfolio management, through which transparency of the relative value and risks associated with an agency's procurement of each category of goods, services and works under significant projects is enhanced; and greater internal agency transparency and documentation of well-developed procurement strategies for achieving agreed value-for-money outcomes for each high-value or high-risk subcategory of goods, services or works. Such strategies are framed through the critical analysis of the requirement to be met; the stakeholders' needs, issues and influences; and, most importantly, the nature and operation of the relevant markets, including their participants. Such strategies are focused on achieving value for money in each associated procurement transaction.

Making evidence-based procurement strategy transparent within an agency means that nefarious processes that are inconsistent with an approved strategy can be readily detected and prevented. It is also true to say that when there is no explicit procurement strategy evident, a strategy will be applied, even if it is in someone's head. The problem arises when such a covert strategy is nefarious.

The work of the Corruption and Crime Commission in addressing procurement-related fraud and corruption has been invaluable. Implementing procurement management techniques and practices in public sector agencies that make fraud and corruption easier to prevent and detect will make the work of the commission in this regard more efficient and effective. The commission's capacity to continue this work and the other aspects of its mandate will be greatly enhanced as we deliver reforms aimed at modernising the Corruption, Crime and Misconduct Act 2003.

Within this tranche of reforms, the first and foremost addresses the appointment of the commissioner. The focus of the reform addressed in this bill is to strengthen the leadership and management of the commission. These amendments will prevent the Corruption and Crime Commission being left without a substantive commissioner for lengthy periods. Unfortunately, this has occurred on a number of occasions since the commission's inception, the most recent being the 14 months between the expiry of Commissioner McKechnie's term in April 2020 and his reappointment in June 2021. As someone who recently provided evidence to the joint standing committee's inquiry, and being an avid reader of the report that was subsequently released, I was completely amazed, as a member of the community, by the failure to reappoint Mr McKechnie and what that said about this Parliament being unable to demonstrate the value of the work of Mr McKechnie and the important work that was being done in detecting, in particular, procurement-related fraud and corruption.

Although the CCC has had the benefit of capable acting commissioners to help alleviate the problem of lengthy vacancies in the crucial top job, this is not an ideal solution. There needs to be stability and leadership in the management of the CCC, and this bill will deliver that. Under the current process for appointing a commissioner, it is possible for a single member of the Joint Standing Committee on the Corruption and Crime Commission to unilaterally block a proposed appointment indefinitely by simply refusing to vote in support of an appointment. Clause 5(3) will delete the current appointment process provision and it will be replaced by the provisions in proposed sections 9A to 9C, inserted by clause 6. The new process will apply to the appointment of the commissioner, acting commissioners and the new deputy commissioner.

Proposed section 9A provides that the commissioner and deputy commissioner must be appointed by the Governor on the recommendation of the Premier. The Premier can recommend the appointment of a person only if that person's name was on a list provided by the nominating committee and the standing committee has not vetoed the proposed recommendation. This process will embed integrity. Proposed section 9C sets out how the standing committee may exercise the power of veto over the proposed recommendation and will essentially reverse the current default position. At present, the appointment process proceeds only if the standing committee provides bipartisan and majority approval. Under the new process, the appointment will proceed unless the standing committee resolves to veto it. Proposed section 9C will encourage a more robust process, since a majority of the standing committee will be required to block a proposed appointment. The new process will promote greater efficiency and timeliness, while preserving parliamentary consideration of the proposed appointment through the standing committee and retaining the standing committee's ability to prevent an unsuitable appointment.

The same process for appointing a commissioner will apply to the process of appointing acting commissioners. Since acting commissioners may exercise all the powers and functions of the commissioner, it is appropriate to require the same level of parliamentary scrutiny. However, when the powers and functions of the acting commissioner

are limited or confined to a short or specified period only, a more timely and expedited process is appropriate. Accordingly, clause 12 will introduce new sections 14(2A) to 14(2C), which provide that when the period of appointment for an acting commissioner is less than 12 months and the appointment would not result in the person being appointed more than twice, such an appointment may be made directly by the Governor on the recommendation of the Premier without going through the time-consuming process of nomination and parliamentary consideration. This will enable the timely appointment of a short-term acting commissioner to minimise periods of vacancy. It may also be used to reappoint an acting commissioner—for instance, to finish a report from an inquiry conducted by the acting commissioner. When the appointment is for longer than 12 months, the new appointment process that applies to the appointment of the commissioner will apply to that of the acting commissioner, except that the process for nomination and parliamentary consideration may be done ahead of time before the necessity for an appointment has arisen.

Another element of these amendments is the creation of the deputy commissioner position to assist the commissioner in discharging their duties. This position has been repeatedly called for over a long period. This bill will deliver the long-awaited deputy commissioner position to assist in managing the workload of the Corruption and Crime Commission and to support impartial decision-making on an ongoing basis.

Clause 5 will insert proposed section 9(1A), and provides —

There is to be a Deputy Commissioner who, in the name of the Commission, is to perform such functions of the Commission under this Act and any other written law as the Commissioner directs.

Although proposed section 9(1A) will enable the commissioner to direct the deputy commissioner to perform or not perform particular functions, the commissioner will not be able to direct the deputy commissioner as to the manner in which these functions are performed. This means that the deputy commissioner will act autonomously in discharging the functions they are directed to perform. Importantly, the deputy commissioner will be able to exercise the powers and functions of the commissioner in the name of the commissioner without any need for delegation. This means they will be able to exercise the non-delegable functions set out in section 185(2).

I commend this bill to the house because it will address longstanding problems that have resulted in lengthy vacancies in the leadership of the state's anti-corruption body and ensure accountability and stability in the leadership going forward. The very important work of the commission needs to be strengthened and these amendments will certainly strengthen its leadership and management.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.