

**JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION —  
LEGISLATIVE ASSEMBLY STANDING ORDERS**

*Motion*

**HON NICK GOIRAN (South Metropolitan)** [1.27 pm]: I move —

That this house —

- (1) acknowledges the ongoing important role undertaken by the Joint Standing Committee on the Corruption and Crime Commission in this forty-first Parliament;
- (2) notes that the standing orders of the Legislative Assembly apply, as far as they are able, to the work of the committee and that —
  - (a) pursuant to standing order 270, committee deliberations will be conducted in closed session; and
  - (b) pursuant to standing order 271(2), no member of the committee nor any other person may publish or disclose evidence not taken in public, including documentary evidence received by the committee unless that evidence has been reported to the Assembly or that disclosure has been authorised, on motion, by the committee;
- (3) notes the comments of Mr Matthew Hughes, MLA, on 13 May 2020;
- (4) notes the content of Legislative Assembly message 9 received on 26 May 2021; and
- (5) emphasises its expectation that all members serving on any parliamentary committee in this forty-first Parliament will respect and adhere to the standing orders under which their committee is operating; and

acquaints the Legislative Assembly accordingly.

This time last week, the chamber considered a motion on notice from me dealing with the deaths of two Western Australians. The outcome of that motion was a unanimous collaborative piece of work. It is in that same endeavour that I hope the outcome of today's motion will set the standard for the forty-first Parliament. We have an opportunity here today, as the 36 members of the Legislative Council in the forty-first Parliament, to draw a line in the sand, put the events of the fortieth Parliament behind us and now reconfirm our commitment to the standards that we wish to adhere to in this place.

The example with which I would like members to consider this matter through the lens of is the Joint Standing Committee on the Corruption and Crime Commission. This particular standing committee is somewhat unique in that it is a committee that exists as mandated by law. Specifically, section 216A of the Corruption, Crime and Misconduct Act 2003 mandates that the houses of Parliament must establish a joint standing committee comprising an equal number of members appointed by each house, and that the functions and powers of the joint standing committee are to be determined by agreement between the houses. Members will be aware that our standing orders, and no doubt the standing orders of the other place, set out the functions and powers of that joint standing committee. This joint standing committee exists following the abolishment of its predecessor, the Joint Standing Committee on the Anti-Corruption Commission.

Why do we have the Joint Standing Committee on the Corruption and Crime Commission? Western Australia has many government and statutory agencies, but very few are overseen by a dedicated joint standing committee. This is one of them. I draw members' attention to the extraordinary powers that the Corruption and Crime Commission has by virtue of the statute from which it derives those powers. They can be found in part 6 of the Corruption, Crime and Misconduct Act 2003. For the benefit of members, these extraordinary powers, which ordinary Western Australians and ordinary agencies do not have, include the power to enter and search premises, and to assume identities. Its officers can, if you like, masquerade as a different person for the purposes of investigation and to conduct controlled operations. "Controlled operations" is a cute term that actually means that when an operation or investigation is taking place, the officers who are performing that investigation are permitted to break the law. That is called a controlled operation. I can well imagine certain circumstances in which officers might need to be in association with certain notorious individuals in our state and in order to obtain information and conduct that investigation, they might need to go into that arena with an assumed identity as part of a controlled operation. They are also permitted to undertake what is referred to as "integrity testing programs". What is an integrity testing program? It could include quite deliberately setting somebody up to test whether, as a result of the circumstances that were constructed as part of the operation, they intend to break the laws of Western Australia. These are extraordinary powers. On top of all that, the Corruption and Crime Commission has the ability to bring people before it and to

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compel them to provide information. So great is that power that the Parliament decided that any information that was provided under compulsion could not be used in a court of law against the individual.

These are not all the powers that the Corruption and Crime Commission has; indeed, it has a range of powers under part 4 of the act. Those powers go directly to a function to fight organised crime and include the ability to issue what is called a “fortification warning notice” and a “fortification removal notice”. When outlaw motorcycle gangs decide to set up structures to fortify themselves, the Corruption and Crime Commission has the capacity to inject itself into that and to have those fortifications removed. They do that when acting in concert with the Western Australia Police Force, and there is a specified process under which those types of matters can occur. The two members of this chamber who have been appointed to the Joint Standing Committee on the Corruption and Crime Commission might like, during the course of the forty-first Parliament, to inquire with the Corruption and Crime Commission about those extraordinary powers and how frequently or, indeed, infrequently they are being used.

In addition to that, at the request of the government in the fortieth Parliament, amendments were made to the role of the Corruption and Crime Commission, which gave it an expanded remit to undertake what are known as “unexplained wealth investigations”—that is, when individuals in Western Australia seem to be sitting on large mountains of gold. Investigators, particularly the WA police, might find it very curious that some of these underworld figures are sitting on such mountains of gold. These particular laws allow the Corruption and Crime Commission to make applications in concert, as I recall, with the Director of Public Prosecutions to have these individuals explain the basis for this massive wealth that they are sitting on. All of these things, cumulatively, are what I described as extraordinary powers.

It is for those reasons that the Parliament decided there would be a double layer of oversight when it came to the Corruption and Crime Commission. To the best of my recollection, no other agency has that type of oversight. Certainly, other agencies report to parliamentary committees, but I cannot recall another agency that has this dual layer. The second layer to which I refer, other than the Joint Standing Committee on the Corruption and Crime Commission, is the Parliamentary Inspector of the Corruption and Crime Commission. Parliament decided that these powers were so extraordinary that it would appoint, through the government, a person as parliamentary inspector to have special oversight over the CCC and, in addition to that, Parliament would establish a joint standing committee to oversee the CCC and the parliamentary inspector.

I trust that members do not require too much persuasion to agree that the role of the Joint Standing Committee on the Corruption and Crime Commission is indeed an important one, because somebody needs to be watching the watchdog. Those members who are unfamiliar with the genesis of the Corruption and Crime Commission may wish to read what I recall is a two-volume report that arose as a result of the Kennedy royal commission, which expressly looked at corruption in the police force. Ultimately, the Corruption and Crime Commission was formed to make sure we had a powerful body that can oversee what the WA police are doing. It is perhaps very timely that we should be having this debate in circumstances in which there seems to be some dispute that has arisen between the powerful government and the powerful Commissioner of Police, in a different context.

Parliament will, in due course, be asked to arbitrate on that matter. We will deal with that on another occasion, but, because the Western Australia Police Force itself has special powers, including the ability to use force against Western Australian citizens, and has been found on multiple occasions to have used that force excessively, we have a Corruption and Crime Commission—a watchdog that oversees police activities, as well as other matters of serious misconduct in the public sector.

I want to acknowledge some of the former members of the Joint Standing Committee on the Corruption and Crime Commission. I had the opportunity to serve as the chair of the committee in my first term, in the thirty-eighth Parliament. I immediately found myself working with John Hyde, the then member for Perth. Mr Hyde and I continue to have a good rapport. He continues to work very strongly with the Global Organization of Parliamentarians Against Corruption. On the committee, with John Hyde as deputy chair, was Hon Matt Benson-Lidholm, a most honourable individual, a man of great integrity and a former Deputy President of this chamber. Frank Alban, MLA, one of my parliamentary colleagues from the thirty-eighth Parliament, was also on the committee. The four of us worked in a bipartisan fashion to ensure, at the time, that not only the Corruption and Crime Commission was held to account and properly overseen but also that the Parliamentary Inspector of the Corruption and Crime Commission at the time was also held to account and overseen, and that the government of the day—the Barnett government, of which I was a member—was also held to account for any of its reforms. In the thirty-eighth Parliament, we did that job for four years without fear or favour. We did our job. In my case, it certainly came at a cost in the relationship that I had with the then Premier who wanted certain reforms to be undertaken. Our committee said no. Those types of reform were inconsistent with the reason that the Joint Standing Committee on the Corruption and Crime Commission was formed in the first place. We did our job as four members on that committee and I thank those members—Mr Hyde, Mr Benson-Lidholm and Mr Alban—for their work in the thirty-eighth Parliament.

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In the next Parliament, the thirty-ninth Parliament, I was asked once again to chair the committee and found myself working with Hon Adele Farina, a person whom I hold in the highest of regard, and has demonstrated over a long career in Parliament how to perform their job with integrity and competence. In the thirty-ninth Parliament, I was also working with the member for Warnbro, Mr Paul Papalia, now Hon Paul Papalia, for about a year until he was seconded to a different committee. Peter Watson, the member for Albany, now Hon Peter Watson, who became the Speaker then came onto the committee. The other members on the committee were Sean L'Estrange, the then member for Churchlands, who was later appointed a minister, and also Nathan Morton, MLA. I mention all those members because my experience over eight years of working on that committee as the chair was that, on each and every occasion, those members did their job without fear and without favour. At no stage during the course of those eight years were committee deliberations ever revealed, except in circumstances in which the committee agreed that the deliberations would manifest themselves in a committee report that would be tabled in both houses, as per the standing orders.

What I appreciated most about the work in that committee over those eight years was how cooperative and bipartisan it was. It was happening at a time when, in Queensland, I could see chaos with shall I say the sister committee that was operating in that jurisdiction. An ongoing dispute was occurring between the government of the day, the Parliament, the committee and the watchdog. At that time, looking from afar, I appreciated how different it was in Western Australia where we had a cooperative and competent committee. Yes, there was tension with the government of the day. Yes, there were tensions with the commissioners of the day. Yes, there were tensions with the parliamentary inspector of the day, but we did our job with integrity. We did it with competence. I appreciated the collaborative nature and the approach taken by those members.

We then found something quite different in the fortieth Parliament. I want to draw to members' attention the standing orders of the Legislative Assembly, the other place. I do this because, in this particular instance, the Joint Standing Committee on the Corruption and Crime Commission operates under the auspices of the other place and under its standing orders. Our standing orders, which are currently under urgent review, do not apply to the Joint Standing Committee on the Corruption and Crime Commission. The two honourable members who are serving on that committee do not need this book; they need the other one from the other place because that is what we, as a chamber, have asked them to do in serving on our behalf on that committee for the duration of the forty-first Parliament. I draw to members' attention a standing order from the other place that has been in place for quite some time, and certainly was in place as far back as the eight years that I was on the committee—standing order 270. It reads, very simply, one sentence —

Committee deliberations will be conducted in closed session.

The standing order that follows deals with the disclosure of evidence. In particular, standing order 271(2) states —

No member of the committee nor any other person will publish or disclose evidence not taken in public including documentary evidence received by the committee unless that evidence has been reported to the Assembly or that disclosure has been authorised, on motion, by the committee.

It is very clear. Even the members of this place who have only just joined the chamber in recent times—nearly 50 per cent—will have had an induction by the clerks at some point. If the induction was anything like the induction that I had 12 years ago, it was made crystal clear to us that if you want to get yourself into the hottest of water as a member of Parliament, breach committee deliberations. It was made crystal clear to us. I doubt very much that the induction process has changed to such a degree that even the new members of this place would be unaware how serious and how grave that is. It is in this context that, in this motion, I have specifically drawn to the attention of members the comments made by the member for Kalamunda on 13 May 2020. Some members may ask why I did not refer to the comments made by the member the following day—the more outlandish remarks—on 14 May, and I will get to that in a moment. I am limiting the scope of our discussions today to 13 May because I want to make sure we are all agreeing to the standard for the forty-first Parliament. I want to be clear that when I am serving on a committee with the honourable members in this place, there is a meeting of minds as to what constitutes committee deliberations, and what can be released and what cannot be. For those who are unaware of the particular debate that was happening at that time, the context was obviously the appointment of John McKechnie as the Corruption and Crime Commissioner. On 13 May, the member for Kalamunda said —

I did not support the letter sent from the committee chair to the Premier on 23 April, or the assertions within it, to which the media statement referred.

He went on to say —

I table an email sent to the committee at 6.12 pm on 22 April recording that I did not support the observations made in the letter and I lay it on the table.

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Members cannot do that. It has happened, but I again draw to members' attention the standing orders of the other place. If a member of this place did that, they should be called to account. There is no point in having a set of rules by which we are to operate if they are just going to be tossed away and disregarded. As I say, I remind even the newest of members who have been here for only a few weeks of what they were told at the induction process about committee deliberations. What does the standing order refer to? It states —

No member of the committee nor any other person will publish or disclose evidence not taken in public including documentary evidence received by the committee unless that evidence has been reported to the Assembly or that disclosure has been authorised, on motion, by the committee.

It is the clearest possible breach to then say, "Here's a committee deliberation and I'm going to lay it on the table, without the authorisation of the committee." That was the standard, regrettably, in the fortieth Parliament. We have to draw a line in the sand and say that in the forty-first Parliament, the 36 members of this place will not adhere to that standard; we will revert to the standard that has always been the case.

This is no new matter, because I draw to members' attention the outcome of an inquiry in 2007 into the then member for Murchison–Eyre's unauthorised release of committee documents and related matters. The chairman's foreword is very instructive. The then Speaker of the Legislative Assembly, Hon Fred Riebeling, authored this particular foreword and he said at the start —

This has been a particularly difficult inquiry for this Committee. The unauthorised release of Committee documents represents a serious breach of process and trust, specifically the processes that support the proper workings of the Parliament itself and the trust required between members as they go about their Parliamentary business.

He concludes his foreword by saying —

In conclusion I reiterate the seriousness of the breaches discussed in this report, and implore all members —

Not Labor members or Liberal members, but all members —

to take note of the consequences of such actions.

The Premier of the day was Hon Alan Carpenter and in response to this report in 2007, in referring to the member who had been inquired into, he said —

He has done something that is wrong. He has done something that he should not have done. He has done something that was unwise and stupid but, profoundly and importantly, it was something that he should not have done as a member of Parliament. Therefore, he must suffer the consequences.

That is what Hon Alan Carpenter said in 2007. He set the standard. Hon Fred Riebeling, as the chair of the committee in the other place, set the standard. He said, "This is not acceptable; we're not going to tolerate it." I hope that members agree that that will be the case in this Parliament and that when they serve on a committee with me or any other member and an email is circulated, it will not be up to one of us just on our own whim to go ahead and table it.

On the following day, 14 May, the member in question clearly had no remorse about what had occurred, because in the debate, he said —

... we know who the cannonball was who wrecked the proposition that we concur with the reappointment of the commissioner based upon the independent nominating committee recommendation. The cannonball was presumably Hon Jim Chown ...

On the previous day, the member clearly breached the rules and tabled deliberations. There was no mere revealing of deliberations; he tabled it without authorisation. On the following day, he started to name people on the committee. When trust is broken, the committee process cannot work. Earlier today, I served on one of our committees and I have to say that it was a pleasure to work with those particular members and I have absolute confidence as we start our processes in the forty-first Parliament. I look forward to that continuing because I have every confidence that no member will behave in that fashion.

On 14 May, the member went on to say —

... in terms of the information provided to the committee—and there was none from Hon Jim Chown ...

He proceeded to name the honourable member again and made assertions about his conduct in the committee and then had a crack at Hon Alison Xamon and said —

... the handmaiden to the executioner pulling the guillotine was Hon Alison Xamon.

This is the member for Kalamunda who referred to Hon Alison Xamon as the handmaiden to the executioner pulling the guillotine—the handmaiden to the executioner pulling the guillotine! That was the member for Kalamunda. If

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it is making people feel uncomfortable, they should go and talk to him and say, “This is not on. This is not the standard we want in this Parliament. We are not going to tolerate it in the forty-first Parliament. You might have got away with it in the fortieth Parliament, but this is not on.” I know, having spoken in private to Hon Alison Xamon—she will not mind me saying this—that she was highly offended.

On 14 May, he went on to say —

Some of the lines that you have provided to me outside of the committee have been provided to me by Jim Chown.

He also said —

As I set out in the chamber yesterday, there were no materials from third parties put before the committee; nor confirmation of information to reflect adversely on the commissioner, Mr McKechnie.

He went on to say —

At those meetings, the committee deliberated the Premier’s nomination of Mr McKechnie, QC, for reappointment as the Corruption and Crime Commissioner.

He then went on to say —

... when the committee considered the correspondence with Mr McKechnie, QC, in which he sought to be informed of, and provided with, any adverse material concerning him that the committee had before it at its previous meetings.

It is just staggering the level at which this member engaged in May last year. He went on to say —

I want to assure the opposition leader that no such evidence was ever before the committee.

It is totally out of order on so many levels, and that is why in this motion I ask members that we note the comments of Mr Hughes. I have chosen the language “notes the comments” because I am trying to seek the agreement of members that we are drawing a line in the sand here. I am not asking honourable members opposite to condemn those comments, although I do not think it would be asking too much. Actually, I think it would be a refreshing change, but I do understand the nature of party politics. I am simply asking members to note those comments today. They do not even necessarily have to give an opinion of whether they think they were good, bad or ugly comments. I am just asking members to note them, to note the standing orders that apply in the other place and to acknowledge the ongoing and important role undertaken by the Joint Standing Committee on the Corruption and Crime Commission in the forty-first Parliament.

I am also asking that members note the content of message 9 received from the other place on 26 May this year. In fairness, members may not readily recall what was in message 9 from the other place on 26 May this year. In essence, it was the other place informing us of the appointment of two individuals to the Joint Standing Committee on the Corruption and Crime Commission for the forty-first Parliament. One of those members is Mr Love, the member for Moore, and the other member is the member for Kalamunda. Again, I am just asking members to note the content of the Legislative Assembly message. I am not necessarily asking members to agree with it or to tell me whether they think it is the best message that we have ever received from the Assembly. My personal view is that it is astounding that after a performance like that in the previous Parliament, a member would be reappointed to a committee of this sort. Nevertheless, it is the government’s wish that the member for Kalamunda serve on this committee, despite his demonstrably poor performance in the previous Parliament. Again, members may not agree with my assessment of the member’s performance in the previous Parliament, as is their right, but I ask them to note the content of that message.

Lastly, I urge members to provide their full-throated support to emphasising our collective expectation that all members of this place, whether they are Labor, Liberal, Green, Daylight Saving or Legalise Cannabis members—it does not matter which party they are from—respect and adhere to the standing orders.

I respect the fact that the standing orders are currently under urgent review, and we will see what the outcome of that is. As best as I can predict these things, I cannot imagine that the standing orders will change to say that it is okay to reveal committee deliberations. I cannot imagine that any member of this place, least of all those members with experience, would think that that would be an efficient and effective way forward for the operations of our parliamentary committees. I cannot imagine that. Therefore, I am proceeding at this point on the basis that for the duration of this forty-first Parliament, all of us who serve on standing committees or joint standing committees, and who may even serve on some select committees, are today, on 16 June 2021, making crystal clear our expectations with regard to serving on committees. We are making it crystal clear that we expect members to respect and adhere to the standing orders, so that we can have trust in one another when we are in the confines of a committee so that we can deliberate frankly.

It is worth taking a moment to reflect on why committee deliberations are private. It is a difficult task, particularly, I might say, but not exclusively so, for government members, to have to weigh and consider matters that the

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government is currently doing or not doing. Members want to be able to do that and to do their duty, which they swore to do at the start of the forty-first Parliament, in an environment in which they are open to being persuaded by the views of other members.

In the last Parliament, I had the opportunity to serve on the Standing Committee on Legislation. The chair of the committee was Hon Dr Sally Talbot. I do not think that it will surprise anyone to know that Hon Dr Sally Talbot and I have not always agreed on a range of policy matters.

**Hon Stephen Dawson:** On anything!

**Hon NICK GOIRAN:** I would not go so far as to say “anything”, but when it comes to serious matters of child sexual abuse and other policy areas, we are of one mind.

The point is this: when I have been on committees with members who would ordinarily be on very different ends of the political spectrum from me, whether it was Hon Dr Sally Talbot in the last Parliament or former member for Perth John Hyde in my first term—he would tease me from time to time and say, “We should star in some kind of show with Mr Left and Mr Right!”—there was always respect for the process, adherence to the process and integrity of the process. There was always that. My experience with all those members I mentioned earlier is that when they turned up to the committee, they were open to being persuaded by arguments. Sometimes it might have been on some minor matter, such as the wording of a committee report. Other times we would thrash out a form of words to reach consensus. Sometimes we had to just simply agree to disagree and we then had a majority and a minority report. Perhaps that was no more evident than in the last Parliament on the Joint Select Committee on End of Life Choices, when I tabled my minority report.

It is okay to disagree, and we have done that in an environment in which there has been respect for, and adherence to, the process. Members have had the opportunity to persuade one another and consider each other’s position. Members could openly reveal how they felt about a matter or what they might be leaning towards, and then another member might perhaps have indicated the error of their thinking or redirected them to some other evidence that might persuade them in a different way. That can be done in the confines of an environment in which there is trust. But when trust is broken, the committee process becomes unworkable.

I seek the support of members on the motion before the house. I endeavoured to draft the motion in a way that would seek the greatest amount of support from members. I understand that there are significant political challenges for members, particularly of the government, with some of my comments to date. They will feel a need to defend the member for Kalamunda, and it is their right to do so if they wish. I hope that there can at least be sufficient agreement on the five things set out in the motion—that is, that we can acknowledge the ongoing important role of the Joint Standing Committee on the Corruption and Crime Commission; we can note the standing orders that apply to that committee, including the two orders that I referenced; we can note the comments made in the other place last year; we can note the content of the recent message received in this place; and, most importantly, we can emphasise our collective expectation that members will respect and adhere to the standing orders of any parliamentary committee on which we serve in this forty-first Parliament. I think that if we can do that today, we will set the right tone and the right standard. We will have reset the standard and said, “This is what we expect in the forty-first Parliament. We can trust each other in that respect. The people of Western Australia can trust us to do our job properly.” We will then be able to properly fulfil the oath or affirmation that we took only a mere month ago.

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [2.09 pm]: Members, at the outset of his commentary, the mover of the motion said that the outcome of his motion today will set the tone for this forty-first Parliament. Newsflash—no, it does not, and, most importantly, he does not. There are lots of events and important things that Western Australians are currently thinking and worrying about. With great respect to Matthew Hughes, what he said in the Legislative Assembly on 13 May 2020 is not one of them. In this available time, we could be debating a lot of things that really matter to Western Australians right now, but this is not one of them. This motion is example number—pick a number—597 of how sorry the once great Liberal Party in this place has become.

There are two Liberal Party members in the Assembly—there are more than that in here—and when members were making their inaugural and Address-in-Reply speeches, we were told that it is the expectation of the Liberal Party members in this place that they will carry the burden of being the opposition. If this is how they are carrying the burden—by looking backwards, not forwards, and not addressing the issues that really matter to Western Australians—then they really have not learnt very much at all. If I may be so bold, this is so far removed from what the good members of the WA Liberal Party actually want members of this house to do that it is actually a bit sad and pathetic.

I have read our standing orders. I have had a quick look at the Assembly’s standing orders. Nowhere did I find a reference to say that Hon Nick Goiran is the arbiter of how standing orders are to be interpreted; nor is he the mediator; nor is he the arbiter of whether a member in the other place—even a member in this place—is to be judged against the standing orders. No-one made him the arbiter, but he said we need to support this motion because he

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has laid out a sequence of events that he says demonstrates that a member in the other place breached the standing orders of the other place and that we should trust his judgement and analysis of whether or not that happened. Guess what? He is not in charge of everything. I know he wants to be. I know he is in charge of the Liberal Party, which is just such a shame for the Liberal Party, but he is actually not in charge of the Parliament. He is actually not in charge of determining whether a member of the Legislative Assembly has breached the standing orders. Do we know who is in charge of that? It is the same body that is in charge of it in this place—the procedure and privileges committee. That committee makes those judgements and that is where the argument is to be had. It is not for Hon Nick Goiran as a member of the Legislative Council to say, “I’ve read the documents, I’ve read the email, I’ve read the standing orders, and here it is; he breached it.” It is not for him to determine that.

The member knows that under the standing orders in this place—I assume it is the same in the other place, but I do not know—one has to actually establish a case and then a judgement is made about whether there is any substance to that matter before the PPC goes on to investigate the matter in detail. None of that has happened because the other place rejected the motion put by the other side and so it did not proceed.

**Hon Tjorn Sibma:** Why’s that?

**Hon SUE ELLERY:** You need to ask them! That is the thing. It is not for Hon Nick Goiran in the Legislative Council to say that he knows best about how the Assembly should determine, interpret, read, judge and measure against the performance of a member of the Legislative Assembly. That is not the role of the Legislative Council and it is not the role of Hon Nick Goiran. Both houses have a procedures and privileges committee and it is the job of those committees to determine these matters. The notion that this is a harmless motion and all we need to do is agree on some principles and it will all be okay is wrong. The motion is clearly a Trojan Horse. It is a platform for the honourable member to prosecute his argument that somehow the current Chair of the Joint Standing Committee on the Corruption and Crime Commission is inappropriate in that position because, according to judge and jury Hon Nick Goiran, he has breached the standing orders. That is not how it works.

We will not be supporting the member’s motion. It is a Trojan motion; it is a nonsense motion; it is an offensive motion, but it is so revealing as to who controls the Liberal Party. It is so revealing as to the fact that members opposite cannot look forward. It is not my job to be the opposition, but, frankly, if I were asked to come up with a list of things that Western Australians were worried about right now, I could do it. This would be nowhere near the list. Do your job properly! Members opposite hold the government to account in this place. They can act as judge and jury when they are on the procedures and privileges committee of this place. Otherwise, it is not the member’s place to make that judgement. Try to be a decent opposition. Try—just try—to campaign and prosecute the arguments on behalf of the good members of the Liberal Party in WA who want members to do that. Why do they not concentrate on that? Look forward, not backward. We will not support the motion.

**HON TJORN SIBMA (North Metropolitan) [2.15 pm]:** I rise to support the motion put by Hon Nick Goiran. It is a very sensible, balanced, moderate, principled motion that only the most highly invested, skewed and delusional partisan could find any problem with. What is so problematic about acknowledging, for example, the ongoing important role undertaken by the Joint Standing Committee on the Corruption and Crime Commission in this forty-first Parliament? What is so offensive to members opposite in the reason, common sense and principle of that first limb of the motion, unless it is that they find it disagreeable or they find that that standing committee has absolutely no purpose in the forty-first Parliament? The onus is on them to explain what is so offensive about such a statement of principle, fact and necessary accountability and oversight of the most powerful institution in this state—the Corruption and Crime Commission. I do not need to further elaborate on the extraordinary powers held by the CCC and the extraordinary powers held by a commissioner of that organisation, let alone the agents that work underneath that commissioner. If government members opposite find that so disagreeable, why do they not just come out and do it and disestablish that standing committee outright? Is that their proposition? Is that the proposition of the Leader of the House? I can only assume that it is. I can only assume that that is the case. Why might that be the case? Perhaps the redundancy of this joint standing committee is going to be revealed very soon to this chamber in the coming days, when a bill will be referred to us after it has been expeditiously dealt with today in the other place. What is the point of it? That seems to be the government’s argument—that this is a standing committee that has no merits, performs no useful function and should be disestablished. What other conclusion can a reasonable person draw if they find that proposition offensive and they are not going to support it? What other conclusion is there to draw? I do not know.

I might just extemporise a little bit. It was not my intention to speak to this particular facet, but the Leader of the House in her contribution has invited me to do so. There was an interesting diversion there into how this chamber’s time is best used; whether this matter under debate here is in the public interest or whether it is something that the public is deeply interested in. Need I remind the Leader of the House and government members opposite of how we spent the last Thursday of the last sitting week in this chamber? Was discussing some kind of pressing need to review standing orders the best use of that sitting day’s time? Was that what the Leader of the House or government

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members were press-ganged about by their constituents? Was that the front-of-mind issue? It was not the unfortunate demise of the WA health system under this government or the housing crisis or any range of government dysfunction that has been covered by the marketing of the COVID-19 response. No. Apparently, according to the Leader of the House through her own actions, the most pressing issue of the day for the people of Western Australia was reviewing the standing orders in the upper house. The government cannot have it both ways. That is what the Leader of the House, unfortunately, has attempted to purport today.

With respect to the first limb of this motion, perhaps it is worthwhile undertaking a remedial walk through the functions and the powers of that standing committee as outlined on Parliament's website. I read this in only because the Leader of the House seems oblivious of this fact or seems to disregard it entirely. I prefer not to engage in this way, but I feel I have no other choice. The functions and powers of the committee are to —

- (a) monitor and report to Parliament on the exercise of the function of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission;
- (b) inquire into, and report to Parliament on the means by which corruption and prevention practice may be enhanced within the public sector; and
- (c) carry out any other functions conferred on the Committee under the *Corruption, Crime and Misconduct Act 2003*.

That is why the committee is there. They are its core functions and roles. What is so disagreeable or unimportant or trivial about that? The argument seems to be that we do not need a committee to undertake those tasks. If that is truly the government's position, it should at least have the courage to come in here and say it outright. It has the numbers, so it can do whatever it wants to with them. The government could de-establish that committee, but perhaps that move is beyond the pale of even this government, which is taking every advantage of its numbers. That is to be expected, but I was not expecting it to do it in such a brazen and aggressive manner, but there we are; I live to be disappointed by the government on a daily basis.

I might also correct the Leader of the House on some of her assertions that Hon Nick Goiran was acting as judge or jury or arbiter on the performance of one member for Kalamunda, Mr Hughes. The terms of the motion are pretty clear. It is to note that member's comments and the timing of those comments, and to note those comments against the lower house standing orders as they apply to the conduct of that committee. What is so objectionable or trivial about holding parliamentarians against the standing orders, particularly standing orders that govern conduct in the course of committee hearings and particularly that committee, which is probably the committee that undertakes the most sensitive work on behalf of the Parliament and on behalf of the people of Western Australia? I have respect for the Leader of the House, but her contribution that she gave, although it was given with a great deal of vim and vigour and a great deal of passion, was probably the most intellectually disingenuous and disappointing contribution that she has made thus far, at least in the time I have been observing her performances. There is a contradiction that I would like to have clarified. She said that on the one hand it is not for us to hold anyone to the standing orders, but we just wasted all of last Thursday discussing standing orders ad nauseam. Is it the Leader of the House's view that standing orders are worth having or not? Hon Kyle McGinn can chatter and mutter as much he wants. It does not matter.

**Hon Kyle McGinn:** She is talking about the lower house standing orders. Why are we talking about them in the upper house?

**Hon TJORN SIBMA:** Does the member know why I bring it up? I bring it up for this point. The fifth limb of this motion states —

emphasises its expectation that all members serving on any parliamentary committee in this forty-first Parliament will respect and adhere to the standing orders under which their committee is operating;

I make that point because we have the corollary standing order in this little book. Standing order 177 appears on page 90 if members, particularly new members, wish to familiarise themselves with it. It states —

Committee deliberations shall be conducted in private session, and shall not be disclosed or published by any Committee member or person unless otherwise ordered by the Committee.

What is objectionable about that, or are we entering into this cowboy era in which the standing orders no longer apply? I would like to think, and I believe can think, that when I serve on a committee with government members, including Hon Kyle McGinn, I can trust you. Can I trust you? According to the Leader of the House, I do not know, because there seems to be a lack of commitment to this standing order and the corollary standing order in the other place. I would like to believe that is not the case and I can trust each and every single member with whom I am a colleague on any committee, irrespective of their political party. That has been my experience and it was my experience throughout the entirety of the fortieth Parliament on select and standing committees, including in a special inquiry into the Local Projects, Local Jobs scheme and another into the establishment of a parliamentary budget office. Membership of that committee represented almost the full rainbow spectrum of political affiliation in this state. We had a Nationals



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member co-opted in place of a Liberal Democrat; a Labor chair; me as deputy chair; a member of the One Nation party, Hon Colin Tincknell; and a member of the Greens party, Hon Diane Evers. We worked on something that was reasonably complicated and politically loaded and we could do so on the basis of trust. We engaged in that work methodically and professionally for about 18 months. I would like to think that that represents the standard that applies always and should apply throughout the course of the forty-first Parliament. I would be saddened to be told otherwise. However, I infer from the Leader of the House's contribution that perhaps I should be saddened.

With all due respect to the Leader of the House, she should have thought twice about making the contribution. I mean that sincerely. There seems to be not so much a prohibition but certainly a clear message being sent that any matter, any criticism, even veiled, of the behaviour of the government or the executive powers—whatever they might be, in whatever form—is a forbidden area. If that is the case, we may as well pack up and go home right now. I do not believe that to be the case. I absolutely believe that we should prosecute the sworn roles and responsibilities that we undertook at the commencement of the forty-first Parliament. A strange tenet in the Leader of the House's argument seemed to infer that in some way we were backwards looking. We know why this motion is very uncomfortable for the government, and it has little to do with what might have happened in the course of the fortieth Parliament. It probably has everything to do with what is going on in the forty-first Parliament, particularly in the Legislative Assembly today. That is a related matter. I am going to preserve my remarks for the appropriate time but there is an obvious connection there.

I thought Hon Nick Goiran spoke clearly and properly about establishing standards—effectively the drawing of a line—and this is all this motion attempts to do. Why should we draw that line particularly in relation to an organisation as powerful and as sensitive as the Corruption and Crime Commission? I think we can express it in any number of ways, but I will quote from a contribution by Paul Murray in *The West Australian* of Saturday, 12 June. He commenced his article, which I think is well worth reading, in the following terms —

It should go without saying that quasi-judicial agencies created by governments to fight corruption must not become mired in controversy or blighted with the stain of partisan politics.

As is the case with the police and the courts, the public has the right to expect that these powerful investigative bodies are independent and above scandal.

I am glad Hon Nick Goiran did not put that quote into his motion because I fear that the government would have opposed it. Sometimes, yes, we want to save members from themselves. Why did I read in that quote? I read it in for these reasons: which institution of this Parliament works to ensure that the Corruption and Crime Commission is not tainted or blighted with the stain of partisan politics, if not for the bipartisan Joint Standing Committee on the Corruption and Crime Commission? I will call it an institution—it might now become an artifice; I hope not. It is designed to ensure that politics stay out of it. How do we ensure that politics stay out of it? One way to do that is to implement standing orders that apply equally to every member of either house, so that these deliberations, indeed, the most sensitive deliberations, concerning the performance of that agency and concerning matters, including but not excluding, the appointment of a commissioner, can be dealt with on their merits by members of Parliament acting solely as parliamentarians, not as partisan political delegates. I emphasise that point because in the course of debate—this is for the benefit of new members and is not intended with any measure of condescension—a view was put to the public by senior members, indeed senior ministers, of the McGowan government then and today that the purpose of that committee was effectively to rubberstamp the Premier's nomination to the point at which it was opined that the then Leader of the Opposition, Hon Liza Harvey, should have simply directed Hon Jim Chown to appoint the Premier's preferred pick as Commissioner of the CCC. That is contemptuous. That is troubling.

I made the point in our extensive bizarre double sitting day, last Thursday, that committees are not there as an adjunct to executive government; they are not there as an adjunct to caucus or cabinet or, dare I say, to Australian Labor Party headquarters. That is not the purpose of a parliamentary committee. However, public comments made by at least the Attorney last year and, I think, mirrored quite substantially by the Premier, seemed to indicate the contrary position, which was, no—I think this is problematic for government members of any committee—they are there under instruction, potentially. If that is the case, that impugns their integrity individually. It is also corrosive to committees generally speaking. It is absolutely corrosive to the conduct and performance of the Joint Standing Committee on the CCC.

I never thought I would have to stand here and address a motion like this, not defending it on its own measure but drawing members' attention to the very concerning remarks of the Leader of the House which, I am devastated to observe, are establishing a pattern of behaviour from executive government in its treatment of the Parliament. It is: that might is right, that numbers rule the day, that principle can be jettisoned, that the institution of the Parliament is just an encumbrance that can be worked through or crashed through or gone over or around. I think that is an appalling reflection on the judgement, the attitude and the culture of the McGowan government mark II. It really, really is. I was not expecting to have to rebut those arguments, or at least draw members' attention to how concerning

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they might be. I would have thought that something as transparently virtuous—the word I am looking for—as the motion put in Hon Nick Goiran’s terms could be endorsed wholeheartedly by every single member of this chamber irrespective of their political party.

If any government speakers come on—I doubt there will be—please debate this motion clause by clause and explain what is so objectionable about the importance of that committee. What is so objectionable about the standing orders? Why do we live under a rock and pretend the remarks by Mr M. Hughes, MLA, on 13 May 2020 never occurred? Why do we look the other way when asked to note the content of Legislative Assembly message 9 received on 26 May 2021, if not due to some sort of embarrassment? What is problematic about emphasising to government members the expectation that they comply with standing orders, particularly as they apply to committee deliberations? To stand in opposition of this marks members opposite as an enemy of this Parliament and its institutions. It marks them as a group of transactional political opportunists. I know this is exactly how they will conduct themselves for the next three and a half years but they need not. I implore them to cool their jets and think about things again, before it is way too late because the arrogance of this government is showing itself very, very early. It is downhill for members opposite from here but there will be a lot of collateral damage along the way to institutions that are important to organisations such as the CCC, which is important, and to the reputations of people who might put themselves forward as commissioners of that organisation.

I endorse this motion in the strongest possible terms.

**HON MARTIN ALDRIDGE (Agricultural)** [2.38 pm]: Thank you, Acting President. I rise to indicate my support for the motion and my absolute surprise that this motion will not be supported by the government. The display by the Leader of the House today, although in some respects surprising, in many respects was predictable in that she engaged the age-old tactic that the best form of defence is attack. It will be astounding, I think, and will be a poor reflection on this chamber when this motion comes to resolution, whether it be this week or next, that there will be members who will oppose the motion in its current form. It is obvious from the solitary contribution from the government so far that it does not agree with everything that Hon Nick Goiran set out in this motion. That is obvious. It has not been made clear why the government will oppose any or all of the five limbs of this motion. I can completely accept that government members might take exception with a particular argument, phrase or words used by Hon Nick Goiran in his motion before the chamber today, but I cannot understand or accept why any member of this place could possibly contemplate opposing the five limbs of this motion. The first of those five limbs states —

- (1) acknowledges the ongoing important role undertaken by the Joint Standing Committee on the Corruption and Crime Commission in this forty-first Parliament;

I would have thought that is hardly a debatable matter, unless of course members do not agree that the Joint Standing Committee on the Corruption and Crime Commission does undertake an important role; but I have not seen that put forward as an argument.

The second limb simply states —

- (2) notes that the standing orders of the Legislative Assembly apply, as far as they are able, to the work of the committee ...

That is a statement of fact. I must admit that I am not that familiar with the Legislative Assembly’s standing orders, but they are available on the Parliament’s website, and it is obvious to any reader that that is a statement of fact.

The third limb states —

- (3) notes the comments of Mr Matthew Hughes, MLA, on 13 May 2020;

Perhaps it is the argument of the government that we ought not note the comments of Mr Matthew Hughes, MLA, on 13 May 2020. That is a possibility, but that argument has not been put by the Leader of the House today. The fourth limb states —

- (4) notes the content of Legislative Assembly message 9 received on 26 May 2021;

For those members who have had the opportunity to reflect on the *Minutes of Proceedings* of the Council on 26 May 2021, item 17 contains message 9, which states —

The following Message from the Legislative Assembly was reported —

Honourable President

Message No. 9

The Legislative Assembly acquaints the Legislative Council that for the present Parliament the Legislative Assembly has appointed the Member for Moore, and the Member for Kalamunda as members of the Joint Standing Committee on the Corruption and Crime Commission.

Hon M.H. Roberts  
Speaker

Legislative Assembly Chamber  
Perth, 26 May 2021

I would have thought that that was hardly a controversial matter, but perhaps the minutes incorrectly reflect the message and maybe that is the reason the government will oppose this motion. I do not think that is the case and it certainly was not the argument put by the Leader of the House.

That takes us to the fifth limb of the motion, which states —

- (5) emphasises its expectation that all members serving on any parliamentary committee in this forty-first Parliament will respect and adhere to the standing orders under which their committee is operating; and

acquaints the Legislative Assembly accordingly.

This is probably the most deeply concerning limb, if it is the case that the government opposed this motion because of the fifth limb of the motion. The case has not been made at all, or detailed by the government, apart from a rant from the Leader of the House about looking backwards instead of forwards. I look forward to perhaps a more considered contribution by a member of the government that may better put their opposition to this motion. To be honest, in contemplating the motion being moved this morning, I thought the debate would be contested between government members and non-government members over some of the history of the joint standing committee perhaps or the conduct of its members, but I did not anticipate or envisage at any point that there would be a case made and a vote taken whereby members would oppose the motion in its current form. There are two hours and 43 minutes left to consider this motion, so perhaps I will be better informed at the end of that time as to the reasons that members will oppose this motion.

Opposing the motion is one thing, but if the motion is defeated—which, of course, the government can achieve with its numbers—a very concerning issue would be the message we would send to not only members of this place and its committees, but also the other place about operating under its standing orders.

In her contribution, the Leader of the House said a number of things. She commented that the matters under debate today are none of our business and of no interest to the Legislative Council, and that Hon Nick Goiran is not the arbiter or judge of these matters. The point that has been missed is that the joint houses of Parliament have four joint standing committees, of which two operate under the standing orders of the Legislative Assembly and two under the standing orders of the Legislative Council. It is of interest to this chamber when we send two members from this place to the other place to operate under its standing orders. It is absolutely our interest in the conduct of joint standing committees, regardless of whose standing orders they operate under.

I draw members' attention to page 125 of the standing orders, which makes it quite clear that a joint corruption and crime commission committee is established. Under schedule 1, clause 9.3 states —

The Joint Standing Committee will consist of 4 Members, of whom —

- (a) 2 will be Members of the Assembly; and
- (b) 2 will be Members of the Council.

Clause 9.5 says —

Without limiting the effect of anything contained in Assembly Standing Orders 289 to 292, the Standing Orders of the Assembly relating to standing and select committees will be followed as far as they can be applied.

I do not accept for one moment, particularly given the nature of joint standing committees and the way in which some will operate under Assembly orders and some will operate under Council orders, that it is none of our business. I do not accept that for a minute, and nor should the other 35 members of this chamber, particularly when we are exposing two of our members to the orders of the other place.

I turn now to the contribution of Mr Matthew Hughes, the member for Kalamunda, on 13 May 2020 to a motion moved by the then member for Dawesville on a referral to the Procedure and Privileges Committee. I pause now and say that I much prefer the way matters of privilege are considered in this place; that is, that a member ordinarily rises, under standing order 93, to raise a matter of privilege with the President. According to standing order 93(4) —

The President may —

- (a) determine the matter and provide a ruling to the Council immediately; or
- (b) defer the matter and provide a ruling to the Council at the earliest possible opportunity.

I like this process because the house, once every four years, expresses its confidence in the President by electing that person to that office. When that occurs, we all must support and have confidence in the integrity and impartiality of the person holding that office. That is for many reasons but if for none other, it is the important role that the President must play in considering a matter of privilege under standing order 93. Standing order 93(5) states —

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If the President rules that there is some substance to the matter, —  
“Some substance” is the threshold question, members —

the President shall refer the matter to the *Procedure and Privileges Committee* for inquiry and report to the Council.

In my experience, this is always done with due contemplation, consideration and advice. In my time here, I do not think I have heard the President make an immediate ruling on a matter of privilege. In fact, for rulings, it can take some days, if not weeks, before a President reports to the house on whether a matter contains or does not contain substance. That is unlike what occurred in the Legislative Assembly on 13 May 2020, where the instrument of the other place when reporting a matter of privilege seems to be that it is done by motion. Of course, the problem with that instrument is that it then takes away the independent, impartial view of the presiding member and puts it in the hands of the numbers in the chamber. It is quite obvious with what occurred on 13 May 2020, and on plenty of other occasions, that these motions fall along party lines. On 13 May 2020, there were 15 ayes and 31 noes, all along party lines.

I want to provide a quote from the member for Kalamunda on that day, Wednesday, 13 May 2020. He said —

Without revealing the contents of the committee’s deliberations, I can advise the house of what was not included in the deliberations. This concept is interesting. —

I pause there to agree with him; this concept is certainly interesting. He continues —

because we have this odd relationship between the act, which says nothing, and the committee, which is not bound to say anything, so we could never know unless the committee was prepared to divulge and unless this Parliament said, “You will provide us with the information.” I hope that this Parliament at some stage chooses to do just that. Without revealing the contents of the deliberations, I can advise the house of what was not included in the deliberations. I can advise the house of what did not happen and what I did not support. There was never anything put before me, either at the meeting of 25 March or the meeting of 22 April, that would preclude the reappointment of John McKechnie as commissioner. I did not support the letter sent from the committee chair to the Premier on 23 April, or the assertions within it, to which the media statement referred. If members read both, I could not concur with the letter and I could not concur with the media release. I table an email sent to the committee at 6.12 pm on 22 April recording that I did not support the observations made in the letter and I lay it on the table.

A document was thereafter tabled. There are many, many problems. Members have to remember that a series of public comments that were made led to this matter of privilege being reported to the Legislative Assembly. This statement is deeply, deeply disturbing. As members of the Labor Party line up to oppose this motion, which sounds like the directive given by the Leader of the House, I want them to reflect on those words because that is the standard that they are choosing to accept by their actions.

What is more deeply disturbing is that I do not think the member for Kalamunda came to this point of view by himself. In fact, I have heard senior members of the Labor Party say to me directly that the application of privilege to committee deliberations applies only to what is done and not what is not done. That is an interesting concept, which is something that the member for Kalamunda said. The notion is that a member of a committee could say as he or she likes, unencumbered—they can make any comment about what is not done, or not heard, or not seen, or, according to the member for Kalamunda, can say what they did not agree with. If that is not a committee deliberation, I am not sure what is. If a committee takes a decision, a member may not agree with the committee decision but they are allowed to walk straight out of the committee room and tell the world that they did not agree with a decision of the committee taken just then. That is absolute nonsense that should be rejected.

The consequence of not taking that view, I think, will significantly disrupt the important work that our committees do. A number of members in this place recently had an opportunity to talk to our newest members about the importance of our committees. I made the point that some of the best work that occurs in this Parliament happens in its committees. In part, that is because of the way in which I think all members respect the role that the committees undertake on behalf of the house and, to the greatest extent possible, they are not partisan instruments of the chamber. The moment they become simply partisan instruments of the chamber, we might as well wrap them up and just thrash everything out here in the house. I think committees immeasurably improve the value of the Council’s work and any way in which they are diminished is deeply concerning. I certainly hope that if this situation ever arose under our Council standing orders, this standard would not be accepted for one moment.

A further debate occurred almost 12 months later. The quote that I just referred to was from 13 May 2020. As reported in *The West Australian* on 12 June 2021, on 12 May 2021, I quote —

During a debate on May 12 Love —

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That is, referring to the Deputy Leader of the Opposition in the Assembly —

raised the issue of a parliamentary rule which requires committee deliberations to be confidential.

He warned new members they could find themselves referred to the Assembly's privileges committee for punishment by putting up Facebook posts about matters being discussed in private by committees.

“As I look around, I am thinking that last year there was a heated discussion in this place when the member for Kalamunda became the subject of such a referral motion due to Facebook posts, which members of the Opposition thought were disclosing the deliberations of the committee,” Love said.

“That referral was defeated along party lines. The point is that it is best not to cross the line, but members should remember that if they do they will not only be overturning centuries of a process that has been built up to protect the institutions of democracy and parliamentary debate but also contravening the standing orders of this house and could be subject to a sanction.

“Unfortunately that particular member did not seem to learn. When called to account by members through interjection the member for Kalamunda shouted out: ‘You might think that. I told you. I can tell you what did not happen in that committee. Refer me to the Procedure and Privileges Committee again.’

That is what the member for Kalamunda said on 12 May this year.

**Hon Darren West:** Sharing the love!

**Hon MARTIN ALDRIDGE:** I look forward to the member's contribution when he can share the love in 24 minutes and 47 seconds.

In any sensible person's view, the confidentiality around committee business and committee deliberations cannot be characterised in the way that was done by the member for Kalamunda. The effect on our committees and their operations would be chilling. Often, the information that committees receive is highly sensitive and, in some cases, will never be released, and for good reason. Often, it is the case that governments, in providing information to committees, are the ones that put those points of view most stridently. They fully understand the need for committees to take evidence in private and I think, by and large, the committees fully respect the evidence that is provided in private. It does not prevent a committee from making a decision, in the appropriate circumstances and after appropriate deliberations, to make private evidence public. However, in my experience, that has always been done after considered deliberation, and almost always evidence that is received in private is retained in private.

I have concern that the chilling effect on committee processes of accepting the member for Kalamunda's view of the world will be that members of committees will feel less able to speak freely and without fear. My concern is that witnesses will be less likely to come forward and give evidence to committees and people will be less likely to make submissions to inquiries and maybe less likely to do so frankly. What message are we sending to executive government, its agencies and its public servants if we treat committee deliberations in this way?

No sensible argument has been put today for why this motion ought not be supported. In fact, as I said, it will be, and should be, deeply disturbing to all members if we accept the member for Kalamunda's standard, as it appears the government has, and defeat what is not a politically charged motion. Members cannot possibly find fault in any of the five limbs of the motion. The only possible conclusion that could be made is that the government does not want to note the comments of Mr Matthew Hughes, MLA, on 13 May 2020. That is not something that I had contemplated until I heard the address by the Leader of the House. Perhaps that is the position of the government; it is being shielded because the best form of defence is attack. Or is it that we do not want to emphasise our expectation that all members serving on parliamentary committees in the forty-first Parliament will respect and adhere to the standing orders under which their committee operates.

I serve on one committee, the Standing Committee on Procedure and Privileges. It would be plainly unacceptable if that committee were considering, for example, a matter of privilege, and members of that committee were free to come into this place or, indeed, go on Facebook, Twitter or whatever their choice of communication is and report fully on what was not heard, what was not seen, what was not received or what they disagreed with. That would plainly be a matter that any member should be prepared to report to the President as a matter of privilege under standing order 93. Surely that is not in dispute. If that is in dispute, we have a very grave and serious problem and I genuinely fear for the integrity of our committees and their members.

**HON JAMES HAYWARD (South West) [3.04 pm]:** We have heard some very strong arguments put by some very eloquent speakers on this side of the chamber—people who are very knowledgeable in this space. I do not claim to be one of those, but I am certainly happy to make my thoughts known in my contribution. One of the things that we have heard a lot about in this house in recent times is time management and how the opposition completely ruined the chances of the Labor government in the last term by filibustering and taking up time. Perhaps there is a feeling that that is what is going on right now. I am not sure that that is the case. In fact, the most time efficient way

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for the government to manage this motion would be simply to say that it agrees. If it cannot agree with a particular paragraph, as Hon Martin Aldridge pointed out, it could simply move an amendment to remove it. That could have been done and we could have moved on to important government business.

The idea that government members can stand in this house and yell at opposition members for doing what they are here to do—that is, hold the government to account—and blame us because they cannot manage their time schedules is a bit ridiculous. If time is critical, as has been pointed out by previous speakers, there would be no problem for the government to agree with most of the items in the motion. If there were a particular issue about that one paragraph, an amendment could have been moved and this could have all been done and dusted. Instead, we are locked into a debate, which we will get the blame for, because there is no flexibility by those on the other side.

A bit of advice was handed around about how the Liberal Party could improve its position at the next election. That is a long way away. As a bit of advice from the brand new guys, if there were a bit more toing and froing from you guys, we would not burn up so much parliamentary time debating the issues. These issues are really important. The role and powers of the Corruption and Crime Commission are extraordinary, as has been pointed out by previous speakers. It is a very powerful body and it is completely appropriate that we have appropriate oversight and the correct systems in place to make sure that that is all done correctly.

That is it for my contribution on this motion. I encourage members to think about how we can best deal with this matter. Certainly, I would not want to vote against this motion, because I think, deep down, we all know that there is nothing wrong with what has been proposed and the integrity of Parliament is very important.

**HON DR BRIAN WALKER (East Metropolitan)** [3.07 pm]: I must confess that I am a little bit distressed to feel required to stand and speak in this debate. On the one hand, I heard this motion from Hon Nick Goiran. I have to say in the short weeks that I have been here, I have learnt to respect and admire him. I am not quite so sure that I can like him yet or, indeed, agree with him most of the time!

Several members interjected.

**Hon Dr BRIAN WALKER:** I think yesterday was a case in point. However, I do not doubt for one moment his principles and integrity. What we are looking at is a fairly old problem. I had the same problem in the medical field, in that I have certainly been held to account on the idea that I could speak out and tell things that had gone on behind my closed door. I will tell members a little story about this. A year or two ago, a friend of ours disclosed to me that she had breast cancer and asked what she could do about it. I gave some advice in a social context over a cup of tea—nothing stronger. On a number of occasions, I answered her questions and gave advice and a suggestion about how she could move forward. Some months later, we were talking in the street and my wife was present at the time. She was speaking to my wife and mentioned her breast cancer and my wife said, “What?” Our friend said, “Didn’t you tell her?” I said, “Absolutely not.” Even if it is in a social context with a friend, I am not going to disclose medical information to a third party without the express consent of the person involved. It just is not done. I cannot do that and I will not do that. This friend may have been surprised, but my wife was certainly not because she always asks me but she never hears what is going on behind closed doors. This is an ancient principle that is thousands of years old: *quis custodiet ipsos custodies*? We have dealt with this for a long time. Here we have a very important and fundamental committee, and it was said today: who cares? I think that the people who are affected by the workings of our Corruption and Crime Commission and the police beneath that would have a very keen interest in how their security and safety is being upheld. Today the principle of the motion is about people’s privacy and how it has been lost due to the use of the COVID contact tracing application. People are rightly saying, “I do not trust government.” I hear examples of that in this place.

I am a new member; I know nothing. Who am I? I am a complete beginner in this place, so I have nothing to say about the effects of the committee. I can say that when Hon Martin Aldridge was introducing us to the committees, he put the fear of God into me when he said, “Do not relate anything about the committee work beyond the committee.” That was a very, very clear principle. This morning I was speaking to a colleague as she was heading off to a committee meeting. We were talking in general terms and we both reminded each other that we cannot reveal anything about the conversations. That is a very standard thing to do and it was referred to earlier how very important it is. Why is it important? It is important because in this chamber I am on the crossbench. I do not have a dog in this fight. I am not the opposition; I am simply here to review the laws. Yes, there is cannabis involved, but I am here to review the laws. My duty is to the people of Western Australia and to my electorate in particular, and I hold myself accountable and honour bound to obey the laws.

We heard about the concept of the important laws that are in this very important book, the standing orders, which we hold ourselves to and which we will be debating shortly. I have to say that I am a little bit concerned about the importance that this will play in the near future. I do not know what is coming and I will pay close attention. One of the things we have to be aware of is that this is a matter of principles. I do not care who said what or why

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or to whom; I am concerned with one principle: have members abided by the principles laid down in the standing orders of whichever house? If they have not, surely they need to be held to account.

I give members an example from the medical board. In Tasmania a little while back, a doctor had the temerity to give patients dietary advice. They were overweight, diabetic and he was telling them to stop eating sugar, cut back on their food, lose weight and they would not need coronary artery surgery. A dietitian body took offence at that and took him to the medical board, which actually wanted to deregister him for the temerity of upholding one of the three principles of medical care: nutrition, exercise and mental health. These are the three standards by which we measure our wellness. He was taken to the medical board for daring to speak about nutrition as a health professional. It turns out that the medical board was acting a little bit beyond its remit, because it had been receiving improper advances from the dietitians' council to prosecute this colleague of mine. This gave him serious trouble for I do not know how many years, and he lost his ability to work as a doctor. That is an example of a body, which controls all doctors in this nation, behaving in a manner that is not compatible with the honour and integrity of a guardian of our medical morals.

Are we seeing the same thing here? I do not know. I know that this principle affects every one of us at work in this place every day. It is the underpinning of everything that we hold dear. We are the "honourable" members, and we hold ourselves to that standard. It was said earlier that we are the parliamentarians; the other place is for the politicians. We can allow them to be a bit of a rabble. We can amuse ourselves looking at question time. But here we are dealing with serious matters. We are looking at and reviewing the laws. One important part of that, as I have come to understand it, is the work of the committees. In this place we have the government, the opposition and then this little crossbench here, where every time we stand up we are judged by one side or the other, or, indeed, by our own side.

It is very difficult to get up here and speak openly if you have a body that is judging you at the same time and saying, "You cannot say this because it is flying in the face of what we know to be true." For example, just last week or the week before, I stood and reminded members opposite of the need to return to the precepts of 2003 with the Gallop laws regarding cannabis and how all of a sudden these had been forgotten. Complete silence came from the other side. I understand why. They could not say yes; they could not say no. It was difficult for them to take a position because both sides were wrong and that was unfair of me and I apologise for that. I should not have put members in that position. But in committee, I would like to know that when I am speaking with people of whatever persuasion, I am able to give my opinion and hear an opinion and form my opinions based on the facts that other people can express to me, and not be influenced by my party political, social political or any other biases that I have. Instead, I can judge based on the merits of the case. This will allow us to work alongside each other with trust. Outside this chamber, I can have a cup of coffee and have a discussion with each one of you and I would like that to be the case in the committee as well, not just in the political arena.

It is simple for us new members. This is the forty-first Parliament and I would like to know that we uphold high standards of honour and integrity. I would like to believe that this is a belief held by every single one of us here. I expect this and I demand this of myself and I demand it of everyone here. Am I asking in vain?

There was clear evidence here and I ask: is interpretation of the evidence really needed? Members may remember that I lived for a while in the Soviet Union where an authoritarian government is in place. I was living in a small city there of half a million people and I was not allowed to leave the boundaries of that city because I was under the watchful eye of the KGB. I recall standing face to face with a man who refused me permission to leave that city boundary and shouting in several very pointed words. I will translate those words because no-one speaks Russian. I said, "I am a free man." The look on his face was one of utter consternation. The concept of a free man in that country was unknown. I recall at that time a friend of ours was relating a story about a family member who was stuck for 40 years in a kolkhoz farm. He was not allowed to leave the boundaries of that farm except to go to the village to pick up stores and come back. That was considered normal. That was an authoritarian approach, and I would hope that we do not have that in this chamber, the other place or anywhere in this nation of ours.

When a committee has lost trust in the integrity and honour of a member, it could be the case—I do not know; I have not worked on a committee yet—that my ability to speak freely about an opinion I have on a matter may result in me being dobbled in to the party leader and my career coming to a halt. I do not know. I can imagine that that might be the case, especially if we do not know whether that member will spread the word outside, whispering secretly to someone else, "Did you know that member so-and-so has this opinion? I don't know whether we can have that member in that position." I do not know. Can that be the case? Can it be excluded if we allow lack of trust to become a standard among all the members here? These are honest questions. I do not know, but I would ask everyone here to consider: is it right to allow a state of affairs in which we are unable to trust what our fellow member is saying or doing, and we have to watch what we are saying; we have to talk in whispers to make sure that no-one else can hear us, otherwise we will have repercussions down the track? Here in open chamber, of course, everyone can hear what we say, but in committee, we have to be able to speak openly, freely and truthfully. I do not care which side it is, I have absolutely no interest in the political ideas. I have an interest in doing the right thing for the people

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of WA, and I am sure that every single one of us here shares that point of view; if not, then shame on them. I do not think I can say that to anyone here. What I can say is that there is likely to be the case whereby our political overlords give commands to us that we abide by them because we want to maintain our position. I do not know; I am a beginner. I am simply watching what happens on television and drawing my conclusions. I may be completely wrong, but I suspect there may be an element of truth there. Fear of open expression is the enemy of truthfulness in all our actions.

I refer again to the idea of principles of integrity and honour, which reflects on all of us here. I would ask that we put aside our personal ideals and go for those principles—the integrity and honour that belong to each one of us here—and abide by those. If someone has done something that is an offence under our standing orders, we ought to have the courage to stand up for one of our own. I told members a story about a medical board that was doing nasty things behind the scenes and ruining someone's life. The members of that medical board banded together to try to hide the truth. Can we allow that to happen in our society? How many other organisations allow that to happen? I am going to speak about a veterinary board in a short while. How do we know that we are going to have the same principles up there of honesty, integrity and honour?

**Hon Dr Steve Thomas:** We have very similar issues.

**Hon Dr BRIAN WALKER:** We have this problem throughout our society. We here need to set the example because we are the ones standing up there. We are the ones who are judged because we are the ones in the public eye. We are the ones who set the tone. It is up to us to maintain these standards and to express them, and I would ask that we consider this with an open heart, an open mind, and do our very best for the people of WA, the people that we represent, and, indeed, for ourselves, for our own honour and self-respect. Whatever the truth of the matter is—I have nothing to say because I do not know the situation—what I am hearing troubles me. For our own wellbeing, mental and spiritual health, I ask that we listen to what is going on and take appropriate action, whatever that is, I do not know, but we must use integrity and honour to handle principles which affect every aspect of our life. Thank you.

**HON DR STEVE THOMAS (South West — Leader of the Opposition) [3.22 pm]:** Although I was first elected in 2005, I find myself a little nervous following Hon Dr Brian Walker's excellent contribution this afternoon. It was one of passion and substance and I thought it was a fantastic contribution. I will disagree with Hon Dr Brian Walker on one point, and that is that he said he did not have a dog in the fight. The reality is that every person here is here to not only scrutinise legislation but also lead their community and represent their people, and in that circumstance, he has an enormous dog in the fight. He is not a poodle; he is a Great Dane in this particular battle. That is the one part that I potentially took exception to. It was a magnificent contribution. We have had some excellent contributions today.

It is with a little concern that I seek to address the motion moved by Hon Nick Goiran, my good friend, because members will obviously be aware that I am the Deputy Chair of the Joint Standing Committee on the Corruption and Crime Commission, and so am very limited in what I can say about that committee and its current operations. In this circumstance, I simply refer to point (1) of Hon Nick Goiran's motion, which acknowledges the ongoing and important role undertaken by the Joint Standing Committee on the Corruption and Crime Commission in this forty-first Parliament. I thank him for that part. Obviously, and I think on behalf of the committee, I thank him for the reflection of the importance of its work. I intend to effectively make no further comment on the functioning of the committee in the forty-first Parliament, except to say that we have a new member—I hope I get the name right—in Hon Klara Andric, with a hard C.

**Hon Klara Andric:** It is "Andric".

**Hon Dr STEVE THOMAS:** Sorry; I knew I would get that wrong. Hon Klara Andric has made an excellent start to her committee work and I am sure she will make a great contribution into the future, as I am sure will other members in other committees.

With that simply said, I do not propose to talk in great detail about the current operations of the committee. However, I do have significant history with and knowledge of the operations of committees and also, interestingly, the Corruption and Crime Commission. To give members the benefit of that experience, I am going to concentrate on part (5) of the motion moved by Hon Nick Goiran—that is, that this house emphasises its expectation that all members serving on any parliamentary committee in this forty-first Parliament will respect and adhere to the standing orders under which their committee is operating. That is incredibly important. I can say that because I have had experience of a committee that failed to operate at the level and standard to which it should have been operating. Members may not be aware that when I was first elected in 2005 to the house that shall not be named—the Legislative Assembly of this state, much to my shame these days; I was elected to the seat of Capel—I was on the Public Accounts Committee, which is a very important committee that watches over the state of Western Australia. The Public Accounts Committee fell foul of the Corruption and Crime Commission. President, I am going to run out of time today, but I put members on notice that I will be extensively referring to the Corruption and Crime Commission's fifth report of 2008, *Corruption and Crime Commission report on behalf of the Procedure and Privileges Committee*



**Extract from *Hansard***

[COUNCIL — Wednesday, 16 June 2021]

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*of the Legislative Assembly*. That brings all these groups into one report. It was titled *Inquiry conducted into alleged misconduct by Mr John Edwin McGrath MLA, Mr John Robert Quigley MLA and Mr Benjamin Sana Wyatt MLA*. Obviously, Mr Benjamin Sana Wyatt, MLA, is no longer in the Parliament—he served with some distinction, and I will discuss the accusations against him—but Mr John Robert Quigley, MLA, is obviously the current Attorney General. That should be a great warning to all members that failing to adhere to the highest of standards when serving on committees can get even the most adept and the most legally trained members of this place in some significant trouble. I look forward to going into this process in some detail in a week's time.

Debate adjourned, pursuant to standing orders.