

ROYAL COMMISSION (POLICE) BILL 2002

Third Reading

MR MCGINTY (Fremantle - Attorney General) [12.30 pm]: I move -

That the Bill be now read a third time.

MS SUE WALKER (Nedlands) [12.30 pm]: As I indicated yesterday, the Opposition supports this Bill and is pleased to assist the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers and its terms of reference. I do not have much to say except that I support this Bill. However, I would like to read an extract from *The Sydney Morning Herald* of 1 May 1997. The article was written by journalist Kate McClymont and is called "The Police Purge". It was published just before the release of the report of the Wood royal commission. I have tried to make sense of the comments the member for Innaloo made yesterday about this Bill. He said that the provisions contained in this Bill are Wood-type provisions. I think it is important that I read this article to the House because it provides an overview of the Wood royal commission. It states -

As Justice Wood hands over his report, the Herald reveals how his royal commission smashed police corruption in NSW.

I say from the outset that I have a lot of confidence in the Police Force. I have worked with police officers over the years and I have found them to be honourable and to have integrity. I would not hesitate to call on many of the police officers I came across and worked with during my time as a crown prosecutor. However, there are some bad apples, and the Opposition fully supports the royal commission. Although I do not see the Police Force in a bad light in any way - I give the Commissioner of Police my complete support, as does the Opposition - our royal commission is entitled to have at its disposal as many tools as is necessary for the royal commissioner to determine the extent or level of police corruption, if any, in Western Australia. *The Sydney Morning Herald* article states further -

Duncan Demol was 23 years old when he arrived at Darlinghurst Police Station in 1986 for his first day as a boy in blue.

He was taken to a brothel, a naked prostitute was placed on his lap and, as a beer was thrust into his hand, his partner said to him: "Get used to it; this is the way it is."

The story of Senior Constable Duncan Grant Demol has come to epitomise what the royal commission accomplished. Demol was not a big player in anyone's terms. Indeed, his very importance was that as a little player his evidence was all the more shocking. For the first time in this State's history, the door was opened to reveal the police culture or brotherhood as it operated on an everyday basis.

It was an appalling sight.

Not only did NSW police routinely steal, take bribes, lie on oath and fabricate evidence, but they were constantly drunk on the job.

In his toneless drawl, Demol explained to the commission that, from his first days in the force, he learnt it was "us against them" - the police against the rest of the world. The second thing he learned was you covered up for your mates.

The judicial system was "a joke", Demol told Justice Wood. He was the first police officer to admit to the "scrum-down", in which police got together before a trial to iron out any problems and to make sure their evidence was all the same, even if it meant lying.

Demol is also a classic study in the way in which the royal commission used its covert techniques to force the hand of a reluctant witness.

When Demol first appeared at the commission at the end of June 1995, he denied he was corrupt.

Only weeks before, Commissioner Wood had made headlines around the country when he revealed that a long-serving NSW senior detective, Trevor Haken, not only had "rolled over" but had been working as an undercover agent for the royal commission for nine months.

Despite this, Demol, like many others, came to the witness box determined to tough it out.

In what was to become a hallmark Wood tactic, Demol was forced to watch a grainy surveillance video of himself -

I note that this Bill contains surveillance powers -

warning Haken that his phone was being bugged. Demol was sent home to stew over the weekend.

Despite the video evidence against him, his police mates told him to “keep his chin up” and that “they (the royal commission) have to prove you’re lying”. Instead Demol followed the advice of his family and told the truth.

Demol’s confession began the snowball effect which eventually led to a parade of Kings Cross police officers confessing to their corruption. The purge of the NSW Police Force had finally begun.

For more than two years, the revelations of the Wood royal commission have rocked the system of law and order in NSW. The Police Commissioner in charge when hearings opened in 1994 has long since retired. Commissioner Tony Lauer had dismissed claims that corruption was entrenched in his force as “figments of the political imagination”. At the end of six gruelling months of constant revelations of corruption which came after Demol, Lauer resigned, saying that it was time for someone else to lead the police force through the changes. By then, some of his best and brightest senior officers had been disgraced or embarrassed before the royal commission. The Carr Government, stunned by the depth of corruption and mismanagement in the force, appointed a British police officer, Peter Ryan, to take over the leadership of the force.

During weeks of graphic evidence about pedophilia, senior figures in the departments of DOCS, Health and Education were all burnt by the Commission’s fierce questioning of their lack of effort to prevent child sexual abuse.

In their discomfort, they were joined by leading figures from both the Catholic and Anglican churches, accused of inaction and cover-up of the abuse of schoolchildren by their clergy.

The royal commission’s investigations of pedophilia were the most wrenching for both the commission and the public. A series of prospective witnesses, including the prominent former judge, David Yeldham, committed suicide.

During the royal commission’s police and pedophilia inquiries, at least nine people committed suicide.

As the images of drug bribes, heroin shooting galleries, cops with prostitutes and child pornography dominated the media month after month, even the most cynical observers of the NSW police force were shaken by the depth of its corruption and incompetence.

Such is the political determination to attack this problem that when Supreme Court recently ruled the commission’s search warrants were illegal, both sides of parliament supported retrospective legislation to overcome deficiencies which could have threatened future prosecutions of police and pedophiles.

But it is not a function of a royal commission to secure prosecutions.

Despite the enormous impact this commission has had on our society - from ruining of careers and lives, to the confrontational nature of the pedophile inquiry, to the manipulation of our judicial system, to the systemic corruption of our police force - none of it will be worthwhile unless there are permanent changes in our institutions.

As Gary Crooke QC, the counsel assisting the commission, wrote in a conference paper last year, “It may be that the primary task of a Royal Commission . . . will be to seek to get to the underlying causes of the problem causing the crisis of public confidence, to enable systems to be implemented or introduced to deal with the underlying cause.”

The very presence of the royal commission in the past few years, and particularly its ability to make people accountable through tough questions put to them in the witness box, has embarrassed institutions into changes.

But the more difficult issues, such as changing the culture of police, will take much longer, perhaps even a generation, to come to fruition.

As Commissioner Wood commented in the closing days of the hearings in March, his inquiry “cannot run on forever” and a time must come for it to produce some permanent arrangements.

That time has now come. Commissioner Wood’s final report is to be made public soon. The effectiveness of the permanent arrangements will ultimately determine the success of this extraordinary royal commission.

I had some research done relating to the Wood royal commission. I wanted to find something that would encapsulate what it was about.

David Brown wrote an article “Breaking the Code of Silence” in the *Alternative Law Journal*. It is a very brief overview of what happened in the New South Wales Parliament, and some of the comments of the people who thought that the royal commission should not proceed. Under the heading “Hatton proved right: ‘entrenched and systemic’ corruption” it reads -

The establishment of the Wood Commission was a victory for the former independent member of the NSW Parliament and long time anti-corruption campaigner John Hatton, and a corresponding defeat for the forces of complacency represented by then Commissioner Tony Lauer (who described suggestions of entrenched corruption as ‘figments of the political imagination’ . . . The findings of the Commission that there was ‘entrenched’ and ‘systemic’ corruption in the NSW Police Service was a vindication of John Hatton’s position and discredited Lauer . . . As early as February 1996 in its ‘Interim Report’, the Commission was able to state that:

within a short time of commencing its inquiries, the Royal Commission came into possession of intelligence suggesting that there were significant groups of serving police acting in ways which were corrupt

and that

the practices in question were long-standing, having been inherited or copied over many years, and having over that time involved both serving and former members of the Police Service . . .

Lauer’s position became (some would say it had been so for some time) untenable and he resigned . . .

The Wood Commission was remarkably successful when compared with recent inquiries such as the ICAC Milloo Inquiry (1994) in revealing extensive entrenched corruption in a wide range of areas. These included:

- process corruption;
- gratuities and improper associations;
- substance abuse;
- fraudulent practices;
- assaults and abuse of police powers;
- prosecutions - compromise or favourable treatment;
- theft and extortion;
- protection of the drug trade;
- protection of club and vice operators;
- protection of gaming and betting interests;
- drug trafficking;
- interference with internal investigations and the code of silence; and
- other circumstances suggestive of corruption . . .

Rather more, it seems, than ‘figments of the political imagination’.

I am not casting aspersions on the Police Service of this State, because no evidence has been revealed to date. The Opposition’s intention is to give the royal commission and the commissioner every support and facility that can be made available so that it may fulfil its terms of reference. For those reasons we support the Bill.

MR QUIGLEY (Innaloo) [12.43 pm]: I support the Bill, as I did during the second reading debate. I want to make a few simple points and engage the Opposition over some of the remarks it made. I want to do so in a moderate manner, not that I am far less than moderate on many occasions. I hope my microphone transmits this speech to the offices of the member for South Perth and the member for Kalgoorlie, because I have some words for them.

The member for South Perth opposed the Bill. He said it was an intrusion on people’s civil liberties. He said that officers of the royal commission would be going around breaking the law. At one point I heard him ask rhetorically what would happen if an officer gave evidence in Victoria and was asked if he had ever broken the law. He said that the officer could put his hand on the Bible and say no, knowing that all acts that he had done were not unlawful but were excused by law. It has been known by society since before the fall of Rome that to

catch a thief, one must set a thief; hence the saying that has been with us since time immemorial. This legislation is about that philosophy of setting a thief to catch a thief.

I can well recall my experience in Adelaide, to which I have referred before. It was the most incredible experience of my life. It involved the murder of Detective Sergeant Bowen. I encountered probably the bravest man I have ever met. He was a Maori, whose name I do not know because he only ever went by a false name. He had a couple of teeth missing and tattoos. He was an undercover officer of one Police Force.

Ms Sue Walker: He is not any more.

Mr QUIGLEY: I listened quietly to the member for Nedlands. As I remarked yesterday, she cannot help herself. Judges have had the same experience. I did not interrupt her.

The man acted as an undercover officer and infiltrated the Mafia. He operated as an amphetamine cook. He wore a wire when working undercover. The Police Force set an amphetamine cook to catch an amphetamine cook. In the same way, we would set supposed crooked cops to catch crooked cops if and where they exist. The member for South Perth spoke of august agencies lending their names to a false pretence. That has been happening in Australia since the Constitution. Do we not have intelligence services which provide false identities for people who work in intelligence gathering activities? Of course we do. The Australian Security Intelligence Organisation and the National Crime Authority provide for it.

I do not mean this to be political. I will come to the humour of the member for Kalgoorlie in quoting from a brief article of 1992.

Mr Birney interjected.

Mr QUIGLEY: I did not interrupt the member when he was speaking.

Mr Birney: Not much, you didn't.

Mr QUIGLEY: He referred to that article in which I said that often the first port of call of a politician was a royal commission to offload what is essentially a political problem. That has happened from time to time throughout history in Australia. I was speaking in that context. However, I never called for the repeal of the Royal Commissions Act. Within 18 months I was in fact the first person in Perth publicly calling for a royal commission into the Police Force, because of what I learnt during the Argyle Diamonds investigation.

Why do we need royal commissions and when do we need them? Royal commissions are not courts but an arm of Executive Government. They are relied upon by the Executive and should be used by the Executive when the processes of the administration of government have either become totally bamboozled or unable to deal with a problem. The Executive then says that it must go outside its agencies and look to someone with compulsive powers to call witnesses and to find out what the dickens is going on.

A classic example of the reason for a royal commission was the numbers of Aboriginals dying in custody during the 1980s. Police forces, prison authorities and coroners around Australia were reporting on the phenomenon, and no-one in government agencies had a clear understanding of the precipitating factors that were leading to this tragedy in Australia. The royal commission started by wondering whether officers were the culprits. It examined that possibility. As the royal commission moved from having Mr Justice Muirhead to Elliott Johnson, QC as its head, it started examining the precipitating factors in society that were bringing Aboriginals to the low point of a mind-set that would cause them soon after the isolation of incarceration to take their lives. That was a classic example of a royal commission being used not for a political purpose, but for the Executive to enable itself to come to grips with this dreadful, recurrent problem of deaths in custody. Since that royal commission, the number of Aboriginal deaths in police custody in Western Australia and in Australia has fallen dramatically, although I concede that there are still far too many deaths of both white and indigenous people in our prison system. Prison officers have to manage the problem over a longer period and that may go some way towards explaining that disparity. The police were helped by the royal commission.

I do not wish to be political about the royal commission; I will talk about the Parliament rather than political parties. No doubt my colleague the member for Darling Range recalls that, at its inception, the Opposition did not oppose the introduction of the Anti-Corruption Commission. The member for Darling Range opened the Police Union (WA) conference at the Princes Hotel. I do not know whether he was present when I addressed the conference, which is when I first spoke on the ACC legislation. As that was the choice of the Parliament, I spoke in support of the legislation. There was a transcript of my speech in support of that legislation. I went through the processes of the ACC Bill. It was all recorded. I did not seek to berate or run down it or the Government's decision to implement it. I sought to reassure the membership that secrecy provisions would protect the names of the innocent, that there were other checks and balances and that it would not veer excessively from this legislation, but that it could be of assistance because it might provide an avenue for some

of the allegations to be cleared. I do not point at the former Liberal Government because of that legislation. That was this Parliament's best roll of the dice. As the member for Darling Range reflected during the second reading stage and as the Chairman of the Joint Standing Committee on the Anti-Corruption Commission has said, perhaps things could be better. Perhaps it has not achieved what we aspired for it to achieve - to clean up the Police Force and to at least clear the log of allegations. It has not happened. The public's confidence in the Police Force has not increased despite this Parliament's best roll of the dice on that occasion. As often happens, institutions created by Legislatures are ultimately manned by people. I have said publicly outside this Chamber that the Chairman of the Anti-Corruption Commission was not a bad man. I agree with the editorial written about him in the newspaper on the Saturday morning after his appointment. He was a decent and honest man whose integrity could be trusted.

Mr Day: And he still is.

Mr QUIGLEY: He still is. However, where did it all go wrong? The people in my profession say that he was a worthwhile individual who spent his whole professional life specialising in taxation law and defamation and his life outside his profession in the administration of sport at the highest level. In all those areas, he served our community well. To place a person with such credentials in charge of the premium corruption fighter, taking on what was believed at the time to be entrenched corruption in the Police Force - whether it is, we will know after the royal commission - was by far too big an ask in retrospect. He made his choices as he peopled the commission. I do not think they were the *crème de la crème* of corruption investigators. I say that with the experience of hindsight, having had the duty on occasions to cross-examine them. If the detectives in the Western Australia Police Force had turned their mind to corruption and to hiding it, their intellect would have enabled them to run rings around anyone from the ACC - not that it happened. The personnel at the ACC were punching far above their weight in what they were trying to do, and that was best shown in the Ibbotson case. As this Parliament's best roll of the dice, the ACC failed. I can understand the thinking that must have confronted the Cabinet of which the member for Darling Range was a member when the Tomlinson committee, as it was called, reported that there should be a royal commission to investigate certain matters. I think the Mickelberg matter and the death in custody of Stephen Thomas Wardle might have been among them. A Government facing fiscal restraints said that it must have a good Police Force and asked whether it should go back in history or go forward. It should go forward. I can imagine the Cabinet of the day saying that it would set up an independent body with the powers of a royal commission to protect the identities of the innocent and that it would go forward. It set up the body, and its personnel were punching above their weight, not because they were bad people but because they were inexperienced in the field, although I appreciate that the director of investigations was an experienced police officer. I know that his biggest case was the Lindy Chamberlain case. He made the first arrest and he still holds that up as his best case. I must put a question mark over that. No-one got to the bottom of anything. Then the Labor Party said that there must be a royal commission so that once and for all the community could get to the bottom of the matter.

If there is to be a war on crime, the drug menace must be tackled full-on. The policing element of the drug menace is a very large part of the containment of that problem. I do not think there is a solution to the problem. It is a social problem that will be with us for generations. It is a matter of trying to push it back far enough so that decent families can raise their children in the clear and can give them a nice start in life. How can we ever eradicate it? The Prime Minister has asked as much. However, we can maintain the war. The police are a very important part of that process. The police are the front-line troopers. We must ensure that the army is in good nick to conduct the war. There should not be cancerous bad apples or corrupt police who will in any way militate against the war.

I now turn to some of the specifics of the legislation, because the member for South Perth said that perhaps having officers commit these sorts of offences is a bad step. However, it is happening in an unaccountable ACC. There was a much-publicised case in which the ACC ran a drug sting operation in Kalgoorlie in which it engaged a criminal to try to buy drugs. It gave the criminal three emoluments of \$6 000 for no drugs. The first time he said that the money was just to make the deposit, the second time he told the ACC that it was for the purchase, and the third time he said that it was for delivery. The \$18 000 went bush. He punted it.

Mr Marlborough: It sounds as though he should be in the ACC.

Mr QUIGLEY: He was working for it. The ACC kept it secret. The only reason it ever came out is that in a subsequent industrial commission, I caused summonses to be issued for all the documents behind that sting operation, and there was an order. Once the lower-level police who were working on it realised that the baddie had run away with the money from the ACC and the police department, they wanted to arrest the crook for stealing taxpayers' money. However, they had been ordered by their superior, who was working with the ACC - that is, the assistant commissioner at the time - not to charge the person. It was only as a result of the industrial

commission hearings that the Director of Public Prosecutions ever got to hear about this scandal and caused the person to be charged.

Under this legislation, all this will happen under the fiat of law. It will be transparent and accountable - accountable to the royal commission, and the royal commission accountable to the Attorney General. Members should look at the difference in the legislation. Once again, for the minutiae of the legislation, I indicate to the member for Darling Range that I do not seek to score political points against the Liberal Party. However, the member for Nedlands pointed to one of those contrasts when she was dealing with that part of the legislation that gives the royal commission power to enter a public building once the royal commissioner has signed a written instrument. It was then pointed out by the Attorney General to the member that a like provision exists in the Anti-Corruption Commission Act. The member for Nedlands quickly pointed out that under the ACC legislation, the ACC does not have to give written reasons. That is illustrative. What the member said is right. I do not blame the Liberal Party for drafting the legislation in the way it did when it was in government. This legislation puts in another level of accountability. The royal commissioner must sign a written instrument before he starts to use these powers, whereas the ACC did not have that level of accountability. Therefore, I praise the Bill and the Government. I am not saying that the Liberal Party deliberately wrote the legislation the other way. No doubt, when the Crown Solicitor's Office prepared the legislation the first time, it did not think to include that provision. Therefore, all care is being taken, except by the member for Kalgoorlie, for whom I have some special words of advice.

When I heard that he was quoting from *Brief*, I could not wait to return to this Chamber to hear him.

Mr Birney: You took a while.

Mr QUIGLEY: I knew the member would repeat it when I came into the House, and I was not going to let my \$2 cappuccino go cold in the members' bar. Therefore, I finished it. I said, "We'll finish our game of bowls and then we'll finish Kalgoorlie." There had been a prelude to this when the member for Darling Range forecast when I was on my feet last time: "Don't worry, you'll be fixed up. You'll be got." No doubt he had alerted the member for Kalgoorlie to the article in *Brief*, because the member for Kalgoorlie referred to the same article and made the same -

Point of Order

Mr JOHNSON: I see the Attorney General smiling. He knows what the point of order will be. The member for Innaloo is introducing new material into the third reading debate, which is against standing orders. It might be amusing, but it is against standing orders.

The DEPUTY SPEAKER: The member is correct. It is inappropriate to introduce new material at the third reading stage. If the member has that intention, I ask him to redirect his remarks to the third reading material.

Debate Resumed

Mr QUIGLEY: No, I was not introducing new material, nor did the member for Kalgoorlie. He merely repeated what the former member for Alfred Cove said three years ago, and thought it was very funny. If he wants to keep on reading out the speeches of the former member for Alfred Cove, Mr Doug Shave, at the behest of the member for Darling Range, he will spend the rest of his life sitting in the Star and Garter Hotel in Kalgoorlie with the former member saying, "We crashed the plane together. I read out your speeches, Doug, and I got kicked out too."

Point of Order

Mr JOHNSON: It is always amusing to listen to the member for Innaloo, but he is ignoring the ruling that the Deputy Speaker made earlier.

Mr McGinty: It is not new material.

Mr JOHNSON: Of course it is.

The DEPUTY SPEAKER: Debate during the third reading should be in the context of the debate during consideration in detail, and no other debate. I was at the point of calling for order and asking the member for Innaloo to draw his remarks on that aspect to a close. Has the member for Innaloo sat down?

Debate Resumed

Mr QUIGLEY: I sat down when the Deputy Speaker stood up. I have not finished my remarks, but on that point I have concluded.

Mr Birney: I am so disappointed.

Mr QUIGLEY: Do not be. Save that until after the next election at the Star and Garter Hotel. The member for Kalgoorlie can express his disappointment there.

When the process of the agencies totally fails to get to the root of the problem that the community wants solved, the Parliament and the Executive need a royal commission. The criticism was made of the Attorney General that the extra powers that will be given to the royal commission should have been given to it at the outset. I agree with the Leader of the Opposition. He said that his party, the Opposition, agrees with the extension and the grant of these powers to the royal commission, but only reluctantly. I know that the Australian Labor Party - a very democratic and egalitarian party - would give these sorts of powers only after careful thought and consideration. It would not do so recklessly. I know that the member for Nedlands would, but the member for Cottesloe would not. As the member for Cottesloe informed the Assembly, he would proceed down this path only with the utmost caution, which is what the Premier and the Attorney General decided to do before introducing this legislation. They decided to wait until they heard from the royal commissioner. I know that the member for Nedlands would not wait to hear from the royal commissioner, but she does not wait to hear from anybody. That is a personality trait. The Attorney General and the Premier waited to hear from the royal commissioner. Can members imagine what would have happened if this Bill had been introduced before the royal commission had liaised with the ACC, and this legislation, which contains these heavy powers, had been rushed into the House in advance? The criticism would have been the other way. People would have said that the ACC had been in existence for five years, that the Government had introduced this heavy legislation that the Leader of the Opposition said he was reluctantly agreeing to, and that that reluctance meant that all care must be taken in making the decision to introduce it. That is exactly what the Premier and the Attorney General have done.

All members will be pleased that I am about to sit down. However, before doing so, I return to the suburb of my birth: Nedlands. The member for Nedlands said that she did not understand my second reading contribution and the point I made. I got a little irate because, rather than addressing the Bill, the member for Nedlands sought to make a superficial criticism of the Attorney General for being late. The member for Nedlands does not understand the importance of dealing with what the community wants. The community does not want sniping in this Chamber. I welcome the humour of the member for Kalgoorlie, even if it comes back to bite him on the nether regions, but I do not welcome the facile sniping of the member for Nedlands.

The DEPUTY SPEAKER: The member will bring his remarks into line with the third reading debate, will he not?

Mr QUIGLEY: Yes. The member for Nedlands referred to all these matters in the consideration in detail stage. The community wants a proper royal commission. It has had a tummy full of this matter. It has heard this police corruption debate raging in Perth for over a decade, and nothing decent has been done to resolve the matter. Labor went to the election with a policy to give the people a proper royal commission and to conduct it in a proper way. Labor came to power. It had a big reform agenda. I did not. Fortunately, I am cruising on the back bench. However, Cabinet had a big reform agenda covering a whole range of matters.

Mr Johnson: We would love to see you on the front bench; we really would.

Mr QUIGLEY: Only because I would be closer to the member. That is the only reason that I aspire to get there. Since the nose reduction, I must be closer to pull it.

The community wants a royal commission that operates properly, with proper power, and that is what it is getting from the Labor Government. From the time I went public in 1994 and said that a royal commission was needed, I wanted a royal commission. It was inevitable that one would be called. I commend this Bill to the Legislative Assembly and to the Parliament of Western Australia.

MR HOUSE (Stirling) [1.09 pm]: That is a pretty hard act to follow.

The third reading debate is an opportunity to summarise the debate and to reiterate some of the points that were made during that debate, not to introduce new material. I restate the National Party's support for this legislation. The Bill is supported broadly and largely by all members of the Parliament, probably for varying reasons. As the member for Innaloo pointed out, prior to the last election the appointment of a royal commission was supported by some members of the Labor Party who did not want to spell out their reasons in detail because they did not expect to be in government or be in a position to call a royal commission. It has taken the Government a year and a half to do that.

Mr McGinty: Did you expect to be in opposition?

Mr HOUSE: No.

Mr McGowan: Was it a pleasant surprise?

Mr HOUSE: No, it was not; but it was quick. We knew by about 7.30 on the election night. I realised that I would be in some pretty good company, and that a lot of my colleagues would not be here at all.

Last night I spoke on clause 30. I want to reiterate the points that I made. Although the National Party supports this legislation, it has some serious concerns about that clause. I will not go into all the detail again, but I have some concerns about an institution that will set officer against officer and about deciding which officers may be corrupt. I will give one quick example. If the commissioner issues an order for what has been described by the member for Innaloo as an undercover job, he has to select an officer to do that job. The commissioner will have no guarantee that the person whom he selects may not be a corrupt person. If members listened carefully to the article quoted by the member for Nedlands, it indicated that people who no-one had previously suspected of being corrupt were entrapped. If the commissioner selected an officer to run an undercover entrapment operation, and he picked somebody who was corrupt, that person could produce evidence that showed somebody to be corrupt who may not be corrupt. I have real concerns about morale in an organisation which sets person against person and creates doubt and suspicion. I believe that this royal commission will undoubtedly find some corruption in the Police Force. Like all members I hope that it will not be widespread.

I support the royal commission because I believe that it will be in the best interests of law enforcement in this State and will be beneficial in the long run. I sincerely hope that during the royal commission, the integrity of the Police Force is kept intact and officer is not set against officer. I urge the Government to perhaps rethink clause 30 in its entirety and come up with a different way to enact it.

MR MCGINTY (Fremantle - Attorney General) [1.13 pm]: I thank all members of the House who have contributed to this debate and who have indicated support for this legislation. The powers that are contained in this legislation to enable the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers to deal in a more contemporary way with allegations of police corruption are powers which, although not unprecedented, are certainly unusual powers for this State. I appreciate the comments of many members who have expressed some concern along the lines of the member for Stirling, who has just spoken, and during the debate, the Independent members of this House.

I have certain hopes for this police royal commission. The first is that it will deal thoroughly and rigorously with all allegations of police corruption, so that we can draw a line and say that we now have the opportunity to deal with anything from the past, and therefore put those matters to one side. It may be that people will be prosecuted, and there may be adverse findings or there may be no substance to those many allegations that have been made over the years. My greatest hope is that the royal commission will recommend to the Government a way to structure internal police matters to minimise what my good Catholic mother would call the "occasional sin" - the opportunity for corruption to occur within the Police Service. I am aware that a significant number of the structural recommendations that came out of the Wood Royal Commission into the New South Wales Police Service have already been implemented in the Police Service in Western Australia.

Mr Birney: And those of the Fitzgerald commission of inquiry as well.

Mr MCGINTY: Yes. We have learnt from the experience of those two inquiries. It will not be a matter of reinventing the wheel. Certain integrity, procedural and accountability matters have already been implemented in Western Australia, which have seen a change in the culture of our Police Service during the last half a decade or so.

The second hope I have for this royal commission relates to its recommendations on the powers and the way in which the external investigatory agency should operate. I hope that the first set of the royal commission's investigations will deal with internal police structures to minimise the occurrence of corruption, and when corruption does occur how that can be most effectively dealt with. I hope that the royal commission will consider, as has been done in New South Wales, whether the sort of powers that are contained in this legislation ought to be enacted as an ongoing feature of Western Australia's laws to ensure the ongoing integrity of officers in the Police Service in this State.

This royal commission will recommend whether it is appropriate, as some members railed against during the debate, to set up activities like assumed identities, integrity tests and controlled operations in order to entrap police officers as a means of proving their integrity. I hope that all members of this Parliament will allow the royal commission to get on with its job and then they will give every consideration to the recommendations that it makes. If the royal commission were to recommend that these sort of powers be vested into a revamped Anti-Corruption Commission or a Police Integrity Commission as occurs in New South Wales or whatever, the Parliament would have a duty to give earnest consideration to those recommendations. I do not wish to prejudge what recommendations may come out of the royal commission. Obviously powers such as these, given that they already exist - at least in New South Wales and probably elsewhere in Australia - are matters to which we will have to give consideration possibly towards the end of next year after the royal commission reports, assuming that it reports on time.

Mr Jim McGinty; Ms Sue Walker; Mr John Quigley; Mr Rob Johnson; Deputy Speaker; Mr House

I am comforted somewhat in the knowledge that these powers will operate for a little over 12 months and then by virtue of this legislation will cease to operate. The powers are there for the specific purpose of the royal commission. The royal commission will then make recommendations to ensure that we have a structure in place that is efficient and strong in the way in which it deals with police corruption allegations for the future.

A number of critical comments have been made about the Anti-Corruption Commission. I do not wish to engage in debate on that at this stage, other than to say it will be important for the royal commission to make recommendations on a body to replace the ACC, to change its powers, or to give it a big tick and say that it has done a great job and no changes are necessary. Whatever those recommendations, the debate we have had in the past 24 hours in this Parliament will be revisited in a little over 12 months time. I commend the Bill to the House.

Question put and passed.

Bill read a third time and transmitted to the Council.