

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

*Motion*

Resumed from 16 June on the following motion moved by Hon Nick Goiran —

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.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [1.14 pm]: Members may recall that in the brief time that was available to me last week, I started to talk about the motion before the house and the actions of the Corruption and Crime Commission in Western Australia. Obviously, given my current position, I am a little restricted to talk in great detail about what is happening now, but, as I flagged last week, it is my intention to discuss in detail my experience from a combination of committee work concerning the Corruption and Crime Commission in Western Australia, because it will be a salutary lesson for all members, particularly because it involves some members of the government who seem to be taking a very different position now. I am going to refer frequently to the fifth report of 2008, headed *Corruption and Crime Commission report on behalf of the Procedure and Privileges Committee of the Legislative Assembly: Inquiry conducted into alleged misconduct by Mr John Edwin McGrath MLA, Mr John Robert Quigley MLA and Mr Benjamin Sana Wyatt MLA*, which was presented to and laid on the table of the Legislative Assembly on 10 June 2008.

This investigation is particularly interesting to me because I ended up being a part of it. I was a member of the Public Accounts Committee in the place that shall not be named in the Parliament of Western Australia between 2005 and 2008. At the end of the process, I finished up being the deputy chair of that committee. I became the deputy chair because the first deputy chair of that committee was a gentleman by the name of Norm Marlborough. Before 2008, Norm Marlborough, members may remember, fell foul of the CCC, particularly in relation to his activities with Mr Brian Burke, a former Premier of the state of Western Australia, and he was forced to resign from Parliament. His place was taken by an incumbent member—I forget the name of the seat—Mr Papalia. All that happened before this report was tabled, of course. I will not go into great detail, but I want members to be made aware of the investigation of the Corruption and Crime Commission into the activities of Mr John Robert Quigley, MLA, who was at that time not a minister but the chair of the Public Accounts Committee and who, funnily enough, is today the Attorney General of Western Australia. It is no wonder that he takes a very strong interest in the actions of the CCC in Western Australia given his intimate knowledge of its proceedings.

Let me go through this process. The investigation in this report was into the activities of a couple of lobbyists and precisely how the current Attorney General dealt with that. I will quote extensively from the report; I am sure members will be very, very interested to know what it found. It states —

- [1] This report has been prepared for the Procedure and Privileges Committee ... of the Legislative Assembly of the Parliament of Western Australia. It is a report relating to an investigation into allegations of misconduct against Members of the Legislative Assembly ...
- [2] The first allegation is that Mr John Robert Quigley MLA, in his capacity as Chairman of the Public Accounts Committee of the Legislative Assembly, agreed to take action in relation to

**Extract from Hansard**

[COUNCIL — Wednesday, 23 June 2021]

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Hon Dr Steve Thomas; Hon Peter Collier; Hon Nick Goiran

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a proposed inquiry into the audit function of the Office of State Revenue concerning payroll tax following requests by lobbyists. The investigation in this regard has established that Mr Quigley did give Mr Brian Thomas Burke and Mr Anthony Robert Ince the impression that he would assist in arranging for such an inquiry to be conducted. However, Mr Quigley did not intend to so assist and did not do so and thus any agreement was only apparent, not real.

I will discuss that in more detail, because I am astounded that we are having a debate about the integrity of the CCC being led by an Attorney General who has question marks about the performance of the CCC when he has been on the other end of the questioning. It continues —

[3] The second allegation is that Mr Benjamin Sana Wyatt MLA similarly agreed to take action to establish an inquiry. The investigation in this regard has established that an approach was made to Mr Wyatt but that he did not agree and did not act upon the request.

That is critical. We are talking about the functioning of a committee. Members know that when they are members of a committee, they must have the trust of their fellow committee members. That is absolutely essential to the functioning of a committee. I want to point out at the very start that Hon Ben Wyatt—I am not sure that he keeps that honorific now that he has left the Parliament—was the Treasurer of the state of Western Australia. The third point in the executive summary of this report is absolutely critical. It states —

The investigation in this regard has established that an approach was made to Mr Wyatt but that he did not agree and did not act upon the request.

That was, I would have said, the appropriate action. In my view, this report exonerated Ben Wyatt—I guess that is how we refer to him now in his post-parliamentary career; good luck to him. He was approached; he did not agree and he did not act, and that was appropriate. Possibly the one thing that he did not do that he should have done was to inform his fellow committee members that he had been approached. I would have thought that might have been an appropriate action. If a member had been approached to undertake something that was not appropriate, I would have thought that the committee would need to know. He did the right thing. He was approached, he rejected that approach and he did not act. I do not think that the same can be said of the Attorney General of Western Australia. It is interesting that when members read the Standing Committee on Procedure and Privileges' fifth report of 2008, they will notice a list of people who attended the hearings, and at the top of that list is me. As a member of that committee, I was dragged in to give my version of events on what happened when the current Attorney General, Hon John Quigley, was dragged before the Corruption and Crime Commission. Surely, members would think that the first law officer of Western Australia would have a history of supporting the role of the CCC and the commissioner in doing their job. He certainly appears to be doing so now. What did Hon John Quigley say when he was approached by the commission to suggest that potential misconduct had occurred? His defences are immensely interesting. Effectively, I quote from paragraph 43 —

Mr Quigley complains that Commissioner Roberts-Smith and the Commission are biased against him and have prejudged the matter.

When the Attorney General was on the other side of the ledger and the CCC was investigating his behaviour, his initial response was that they were all out to get him. I would think that contrasts pretty significantly with the Attorney General's position today, as he hammers on the desk and says that we are not allowed to ask questions about his selection of CCC commissioner. Back in 2008, when he was investigated in this process, the then commissioner was out to get him! Paragraph 44 states —

Mr Quigley complains Commissioner Roberts-Smith should have disqualified himself from this inquiry because there is a reasonable perception he is biased against Mr Quigley. He says (in brief) this is because of:

- Mr Quigley's public demand that Commissioner Roberts-Smith apologise to Mr Andrew Mallard and his family as one of the judges on the Court of Criminal Appeal which dismissed Mr Mallard's appeal against conviction;

...

Mr Quigley asserts that

*I believe these public clashes with me support my claim of reasonable perception of bias*

Mr Quigley, at that point, the Attorney General-to-be, was not above besmirching the name of the CCC and suggesting that it was not aboveboard and that perhaps it exerted some bias. He was not above throwing some mud around when it was convenient to Hon John Quigley. The CCC responded in these terms, and I think members should be aware of this —

There are numerous misstatements of fact in Mr Quigley's contentions elaborating upon the foregoing claims. The committee decided —

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It is not necessary to deal with them here ... what is notable about Mr Quigley's claim that circumstances give rise to a reasonable apprehension of bias, is that all the circumstances on which he relies are his own conduct, not that of the Commissioner.

The Attorney General was out there saying, "I said all these things about the commissioner and how the commissioner has done the wrong thing and I have demanded an apology, and therefore the commissioner's biased against me." The commissioner said nothing. The report continues —

Mr Quigley refers to "public clashes", but points to nothing done or said by the Commissioner in response to his public criticisms, nor otherwise. None of the matters to which Mr Quigley refers could give rise to a reasonable perception that the Commissioner or the Commission is biased against him and that they have prejudged the outcome of this inquiry.

I would have thought that the Attorney General's immediate defence of, "Poor me, woe is me, the commission is against me, the teacher hates me, and mum and dad do not like me very much", was fairly pathetic, but there we go. It is not the case that the Attorney General or the Labor government hold the CCC in high esteem; it is the case that when it is convenient, they are prepared to throw their own version of mud around when needs be, without any comment from the commissioner supporting what was going on. It beggars belief that the Attorney General would now lecture us on the appropriateness of our dealings with the CCC and whether he thinks his preferred candidate is the only person who can be considered. How dare the Attorney General lecture us given the history of this report and the statements he gave to the CCC back in 2007 and 2008, and given that he himself is happy to besmirch the reputation of the commissioner when it is convenient for the Attorney General, Hon John Quigley. As Shakespeare said, "For he is an honourable man. Et tu, Brute?"

President, we should probably give due substance to the CCC investigation, because it is absolutely the case that the CCC did not recommend any action be taken against the current Attorney General and, in my view, completely exonerated Mr Ben Wyatt, who has moved on to other business. Let me explain what went on so that members can understand exactly how important the full disclosure within the committee and the confidentiality of that committee is, and how essential it is to the functioning of the Parliament, and why the motion moved by Hon Nick Goiran is such an important one. What happened? Paragraph 52 of the report states —

In June 2005 Fehily Loaring Pty Ltd ... a firm of indirect taxation consultants, approached Mr Burke with a proposal that he be retained to act on behalf of one of Fehily Loaring's clients.

There was an email between the two, including from Mr Ince of that company. The report continues —

The email stated that the client had "an issue with OSR" —

The Office of State Revenue —

and attached a briefing paper ...

The briefing paper stated that the client had been investigated by OSR in November 2000 and that the investigation related to payroll tax.

At that point in 2000, no adjustment was required, but the client was advised of a further audit in December 2004. This is about a company that, potentially quite rightly, was trying to minimise its payroll tax obligations, hopefully, in a legal sense. What went on? In June 2005, Mr Burke sent an email to Mr Grill, his business partner, and Mr Grill responded. Mr Grill's email of 13 June 2005 stated that he and Mr Burke —

... "would be interested in taking on the case" and that the proposed retainer fee was \$6000 per month plus GST.

He said that it was expected that the matter would take a couple of months. On 16 June, the clients responded with an email to Mr Burke and Mr Grill confirming that they had agreed to pay the \$6 000-a-month retainer, subject to it being limited to two months at that stage, and there was a success fee of five per cent. There was obviously a pretty interesting financial reward at the end of that process. On 23 July 2005, Mr Burke sent an email to the client that he had briefed a number of members of Parliament who had made representations to the Commissioner for State Taxation. I do not know whether any of those representations occurred. I have no evidence to demonstrate that. We should not necessarily take an email of Brian Burke as verbatim and given under oath, perhaps. There might be some question marks over it. On 12 October 2005, the client sent an email to Mr Burke and Mr Grill advising that a meeting with the Office of State Revenue had not been successful. On 12 October, in an email, Mr Burke told Mr Grill that as far as he could see, there were two courses of action. The first was to do nothing further and not charge the client anything, which I thought was quite generous. The second was to try to persuade a member of Parliament from the government and opposition to make joint personal representations to the Commissioner for State Taxation. I would have said that is not illegal. It is perhaps questionable, given that there was a direct financial reward to the lobbyists in this case but it did not necessarily go where he thought it would.

On 14 October 2005, a couple of days later, Mr Grill responded and he thought it might be worth arranging a member of the opposition to start asking questions. I do not think that happened either. Later that same day, on 14 October, Mr Grill sent an email to Mr Burke in which he stated —

“I am more than happy to run with a joint parliamentary enquiry ... if you think that we can get it up”.

Where would we think we would get up a joint parliamentary inquiry into the operations of the Office of State Revenue? The Public Accounts Committee came into their view. A breakfast meeting was held between the current Attorney General, Hon John Quigley, and Mr Burke somewhere between 14 and 18 October 2015. After that last email, the now Attorney General and Mr Brian Burke, that saintly patron of the Labor Party in Western Australia, had a breakfast together. I hope it was very nice. This is the evidence of the Attorney General —

*He came in and he said, “What are you doing on this Public Accounts?” And I said, “We’re doing a very interesting thing. We’re examining the audit process of local government ...*

That was a very good investigation. It was instigated on my urging way back in 2005, so I am very pleased that he gave it some credit. He speaks highly of that investigation. There is then a discussion, mainly instigated by Mr Burke, about the gestapo of the state taxation system. Mr Quigley said that a guest joined them, not necessarily defined as the client, but possibly so. His evidence continues —

*He then explains to me how he’s one of these victims of the - I can remember him using the word “gestapo”.*

The word “gestapo” arises several times; that the taxation commissioner and the people at the taxation office were the gestapo. This is critically important. It is on page 22 of the Corruption and Crime Commission report. The report states —

The conversation concluded with Mr Quigley telling Mr Burke to “send me a written submission”.

I would say that Mr Ben Wyatt did the honourable and good thing. When approached later—we will come to that—he rejected the approach and did nothing. In evidence concluded by the CCC, although the now Attorney General, Mr Quigley, said that he was suspicious of the intention of Brian Burke, there is an acknowledgement that he suggested to Mr Burke to “send me a written submission”—not that this was inappropriate, not that the committee should be aware, not that the high moral ground meant that this conversation should go no further, but “send me a submission”. Again, that is not illegal in itself, but what does this say about the person who is pounding the desk and ranting in the Legislative Assembly of Western Australia about the Corruption and Crime Commission?

A written submission was eventually sent. This comes from the interview of Mr Quigley —

When asked whether it was his perception that if there was an inquiry it would have the effect of being to the advantage of the people who were being assessed, Mr Quigley said that in his view “they would seek to use it in that way”.

The Attorney General fully understood that this was an attempt to use party politics to influence committees to generate a benefit for a particular client. The meeting goes on. The client recalls that the end result of the meeting was that he was to make a written submission to the Public Accounts Committee, although he could not recall whose suggestion it was. The client said —

... Mr Quigley suggested that this “was the sort of thing they’d be looking at ... the inference was that it was something that the Committee would take on”.

The client said that in these circumstances he was surprised when the Public Accounts Committee decided not to pursue the matter when he did send in a submission. The client’s surprise stemmed from the fact —

“John was on the Committee ... he suggested that that was the sort of thing they’d be looking at”.

This client has gone to the chair of the committee. The chair of the committee has not gone, “This is entirely inappropriate behaviour. The committee needs to be informed and we should progress no further.” The client, who is seeking to get a financial benefit, has said that in their view the Attorney General was on the committee and was the chair of the committee. I do not mean to be disrespectful to the Attorney General; I am just quoting from the document. The finding at paragraph 79 states —

The breakfast meeting had concluded with Mr Quigley inviting Mr Burke or his client to send a written submission to the Public Accounts Committee. Given that Mr Quigley strongly suspected that this inquiry was intended to produce a private advantage for a client of Mr Burke, it would be expected that Mr Quigley would be very cautious about acting upon such a submission. Mr Quigley, indeed, said that, in his view:

....

*It’s improper if I act on it or pick it up or do anything with it; so I’ve said, “write in.”*

The defence of the Attorney General of this date in the first instance is, “The commissioner doesn’t like me. He is biased against me. Boo-hoo for me.” And the second is, “Well, I said I would do something, but I didn’t do it. I said I would provide assistance, but I didn’t do it, and that is my defence.” Although potentially a legal defence, it is not a moral defence and it does not pass the pub test in Western Australia. So what happened?

This request for a committee review from the client, orchestrated through a meeting with Brian Burke and the now Attorney General, did end up in a submission to the committee and met at a time when the chair of the committee, the current Attorney General, was ill. Bless him, he had a significant cancer scare in 2006–07 and he was in Melbourne, I believe, receiving treatment when this came before the committee. He had a conversation before he left with the principal policy adviser to the committee. His evidence to the CCC is that he said to the policy adviser —

*“I believe - I’ve been approached by a bloke,” - I can’t even tell you his name, sir, it’s of no consequence to me. “I’ve been approached by a bloke who will be writing in seeking to have the Public Accounts Committee, one of - having me or someone propose to the Public Accounts Committee an inquiry into these tax inspectors.”*

No wonder he said he could not even tell the committee his name. I would imagine if he said the name “Brian Burke” in 2006–07, he might have got an interesting reaction. If he said the name “Brian Burke” to the Public Accounts Committee I expect he would get a very interesting reaction because there were a couple of opposition members on it. He did not mention the name; he was not up-front. He said this —

... *“it worries me, it doesn’t sound like a matter for the Public Accounts Committee,”*

That is the first instance we see of what the Attorney General, Hon John Quigley, says to Brian Burke on one side, and then what he says to people on the other side—this paragon, this champion of the Corruption and Crime Commission in Western Australia. The report states —

This conversation occurred in anticipation of any written submission being received, Mr Quigley said. In fact when a letter did arrive and was later considered by the Public Accounts Committee, Mr Quigley was not in attendance because he had been diagnosed with cancer and was undergoing chemotherapy.

I think that is right. The account of the principal policy adviser to the committee differed from that given by Attorney General Mr Quigley in a number of respects. Her evidence, according to the report, was —

*I recall advising him that I believed that the request was outside the scope of the Public Accounts Committee and that it would be better dealt with by the Ombudsman ... Because it seemed to be concerned with administrative practices of a Government department. It wasn’t really what the Public Accounts Committee is there to do.*

I think that is true, and the policy adviser said that Mr Quigley agreed with her. I think this is relevant. When asked whether Mr Quigley had given any indication that he was aware in advance that the submission was going to be made, the policy officer said no. The report states —

When asked whether he told her that approaches had been made to him in this regard, she said “No, he didn’t”.

He was not up-front. He did not tell the chief policy officer of the committee that Brian Burke and Julian Grill had been knocking on the door and saying that he should conduct an investigation. He did not tell the other members of the committee. He kept that very much to himself. The committee decided not to investigate. I was a member of that committee and I was at that meeting; I agreed with the recommendation on everything, and none of that is secret because it is all written into the Corruption and Crime Commission report. Nothing that I say today is not a part of the CCC report.

The meeting of the Public Accounts Committee was on 23 November 2005; again, it is in the report so there are no issues there. It states that the meeting —

... was attended by Mr Marlborough, Mr McRae, Mr Redman and Dr Thomas —

The staff member was also present —

As anticipated, Mr Quigley was not present and he was ... an apology.

It was resolved to respond to the client—I will not go through the details of the person again—and advise him to contact the Ombudsman and consider making a submission to the review of state taxation. The policy adviser said that there was not a lot of debate on this item.

I gave my evidence, and I will read my evidence in, except for the name of the policy officer. This is the evidence I gave to the commission as a witness —

My recollection of it was that it was raised as a piece of correspondence and somebody—and I think it might have been the then principal research officer ... suggested to the Committee, I think, I might have named her inappropriately—somebody suggested that it wasn’t an appropriate investigation for the Public Accounts Committee; I think it was ... but I may be wrong with that, and should be put aside and I think that that’s what occurred.

From memory, that is what occurred, given it was a long time ago. However, that was not the end of the issue. There is a chapter in this report that I recommend all members read, particularly those members who are going onto an

important committee. It states that there were further attempts to obtain an inquiry. The committee said to write to the Ombudsman, but there were further attempts. The report states —

On receipt of the letter from the Public Accounts Committee —

The client —

... sent a copy to Mr Burke and Mr Grill on 28 November 2005 —

That was about five days later. The report continues —

Mr Grill responded in the following terms.

*I am rather surprised by this, given our discussion with the Chairman of the Committee. Brian do you know what might have happened?*

That is a different Brian, not Hon Dr Brian Walker. Do not get distressed! This is a far more infamous Brian than you, I am afraid.

It continues —

Mr Burke responded the same day and said that the Chairman ... had been absent but that he intended speaking to Mr Marlborough —

Who was at that point the deputy chair —

about how the decision could be reviewed. In a separate email at around the same time he told —

The client —

... not to be too concerned and that he had “renewed our representations”.

I do not know what “renewed our representations” means, but he had obviously tried very hard. The report continues —

On 1 December 2005 —

The client —

... sent an email to Mr Burke and Mr Grill inquiring whether there had been any update on the “PAC situation”. Mr Burke responded the same day saying:

*I have discussed matters with John Quigley and Norm Marlborough and am now awaiting their proposed action.*

He had put the horses into the harness and set them on the path ready to go. Mr Burke said in evidence that he could recall speaking to Mr Quigley and Mr Marlborough. The evidence of the now Attorney General is that Mr Burke and Mr Marlborough rolled up in their car in the driveway and wound down the window, and there was some reasonably robust conversation about what was going to happen. There were some accusations that he had not done anything. Both men agreed that a conversation had been had, but Mr Burke interestingly denied that the conversation as described by Mr Quigley occurred. It is pretty tough, is it not, when you are the Attorney General of Western Australia and you make a comment to the Corruption and Crime Commission and Brian Burke says, “That’s not what it was like”. I do not know how we measure that. How do we measure it when you are corrected by Brian Burke and told that your memory of the conversation that you had is inaccurate? That is a particularly amusing part of the process.

The report continues —

On 20 December 2005 Mr Burke sent an email to Mr Grill in which he stated that he had spoken to Mr Quigley that day and that Mr Quigley had said that he would “bring the Public Accounts Committee inquiry back on line in the New Year”.

That is not a quote from the current Attorney General; that is a quote from Mr Brian Burke. Why Mr Burke would write that to Mr Grill at that point if it was untrue, I am not sure, but possibly it was.

We know a couple of things because they were recorded in phone intercepts, which are again in the *Corruption and Crime Commission report on behalf of the Procedure and Privileges Committee of the Legislative Assembly*. There was a conversation on 3 February between Mr Burke and Mr John Quigley. Bear in mind that at this time the committee had decided not to proceed, and I think the current Attorney General recognised that not proceeding was the appropriate mechanism, but he was still dangling this thing on a hook.

Mr Burke contacted Mr Quigley asking to speak to the client. Mr Quigley’s response was, “Yeah.” Burke asked whether he needed the number. The report states —

**Quigley:** Give it to me now (the number is then provided). ...

**Burke:** Mate, I’ve, I’ve lost a lot of face over this.

**Quigley:** Okay.

**Burke:** *I really do need to get this Committee just to have a look at it somehow.*

**Quigley:** *Yeah, okay.*

Honourable members should remember that on occasions they need to show a fair bit of spine in this job; when something is not okay, they need to stand up and say that it is not okay. When it is not appropriate, sometimes members need to have the courage to say, “Well, guess what? It is not appropriate.” I accept that the elder statesman of the Labor Party, Brian Burke, is probably very difficult to say no to. Certainly, lots of people struggle to say no to him, but when Burke said to the current Attorney General John Quigley, “I really do need to get this Committee just to have a look at it somehow”, Quigley responded, “Yeah, okay.” The conversation continued —

**Burke:** *Would you try and sort me out of the shit?*

Pardon my language, Madam President. It is a direct quote. It continued, and I will omit the swear word this time —

**Quigley:** *Cause I, I, I'm running into ... problems with this Committee.*

**Burke:** *Yeah.*

**Quigley:** *I'm going to have to get Ben Wyatt on to it, I think, as soon as he gets elected.*

That did not do him any good because when Ben Wyatt got onto the committee, as the commission’s report states, Ben Wyatt said that he told Brian Burke it was inappropriate and he took no action. He did not lead Brian Burke on. He said no and he did not act. He perhaps should have let the committee know of the baleful influence of Brian Burke, who was attempting to corrupt the processes of the Public Accounts Committee in Western Australia—he should have let us know that—but he had the staunch courage to say no when he was asked whether he would help. That was not the courage displayed by the current Attorney General, John Quigley, the champion in the other house and attacker of the Legislative Council in his longwinded diatribes in the Assembly, in which he talks down the work of the Legislative Council. That was the conversation; it did not work. Later that day, though, the client sent a further email to Mr Burke, in which he said —

*Thanks Brian, John has spoken with me and advised me of the progress. I should be able to stall OSR issuing the assessment for a while. If it gets tight, I will let you and John know.*

The defence of the Attorney General, Hon John Quigley, is that he did nothing, but he obviously had a conversation with the client and he advised of some progress, whatever that progress was. I do not think there was much, and there was not going to be, at the end of the day. But it was enough for the client to be able to stall the then Office of State Revenue issuing an assessment notice. That does not sound like a “no” to me. That does not sound like a member of Parliament saying, “This is inappropriate; no, Brian. I will not act on behalf of your clients for their personal benefit and for yours.” That is not what it sounds like to me.

In a telephone call on the afternoon of 3 February between Mr Quigley and Mr Burke, Mr Quigley refers to having spoken to the client. The transcript states —

**Quigley:** *I've just finished speaking to Tony.*

**Burke:** *Oh good.*

There are repeated references to conversations that were still occurring well into 2006. In a conversation on 8 March 2006 between Mr Burke and Mr Quigley, Mr Quigley said —

**Quigley:** *I'll speak to —*

The client —

*...this morning.*

**Burke:** *Would you do that?*

**Quigley:** *Yeah.*

On 25 April Mr Burke again spoke to Mr Quigley on the phone. The topic of the payroll tax matter arose and Mr Burke was complaining about a lack of action. There was a lack of action, and that is the defence of the current Attorney General, Hon John Quigley. He has two defences: the first is that the commissioner did not like him and that he was biased; and the second is that he did not do anything. Not: he did not do anything wrong—he just did not do anything.

This was a very interesting investigation to be part of. Before we finish this debate I want to leave members with a couple of comments in relation to when people think they should report these things. The commission asked Hon John Quigley, the current Attorney General, whether he had some obligation to report his suggestions. His response was, in part —

*No, because it's not improper conduct by him.*

...

*No, but it's a request...*

This is probably the critical one —

*I think the question really is do you consider that you're under an obligation to report the fact that you had been asked by someone to act improperly?*

Here is the answer, and this is a corker, members. Take this one to bed tonight and think on it deeply —

*No, sir. I'm asked by—you're asked by taxpayers all of the time to act improperly. There's all—about every second person that comes in the office asks you to do something improper.*

That might happen in the offices of the Labor Party. Perhaps in the Labor Party, every second person coming in is asking you to do something improper. If that happens, particularly to new members of the Labor Party, I would suggest a very strong piece of advice: tell someone. When someone comes in and asks you to do something improper, tell someone. Do not sit there and pretend that you are going to do it and not do it. It is no defence to doing the wrong thing to say, “The commissioner doesn't like me; he's biased against me.” It is no defence to doing the wrong thing to suggest that stringing someone along in these circumstances but not doing anything is adequate. I do not think it is adequate and the people of Western Australia do not think it is adequate. Most importantly, do not sit there and pontificate in the lower house like you are some sort of deity, when your history in this area is worse than that of the people you would sit in judgement of. His behaviour is a disgrace.

**HON PETER COLLIER (North Metropolitan)** [1.54 pm]: I just want to make a few comments on this motion. I did not intend to, but then the Leader of the House prompted and motivated me into action. As a direct result of the comments made by the Leader of the House, I am going to give a response.

I was really disappointed with the Leader of the House's comments on this motion. I have been in this place a long time and this is one of the most inoffensive motions one could ever hope to find. For the opposition to come into the house and ask it to acknowledge, note or emphasise something without condemning the government or identifying areas of special dereliction is extraordinary. Believe it or not, on most occasions in this place we all agree on things. That may be hard to believe out there in voter land; they assume we go for each other all the time, but we do not. We get on, and most legislation goes through with bipartisan support. On occasion, of course, there are motions that are offensive to one side, and that is because the motion asks the house to condemn one particular side or the other. That is pure politics.

This motion is not one such motion. This is an eminently sensible, legitimate motion. All Hon Nick Goiran is asking is for the house, through the Corruption and Crime Commission and the conventions of confidentiality and recognition of the significance of committees, to note the motion; nothing more, nothing less.

Having done that, the Leader of the House gave an extraordinarily shrill and, dare I say it, intemperate response that went on for all of five of her 45 minutes. It is unbecoming of a Leader of the House to give the government response to a motion in that manner. Quite frankly, I think it was designed more to rev up the backbench than anything; it sounded more like a three-quarter time football rev-up from a country coach in the 1970s—all that was missing was the expletives. She fundamentally lambasted Hon Nick Goiran and said what a ridiculous motion it was.

I challenge anyone on the other side to find one aspect of this five-part motion that is unreasonable. There is nothing unreasonable about it. What really got my goat was the fact that two or three times Hon Sue Ellery talked about the need to look forward, not backwards. When was the last time a minister of the Crown did not stand up and lambast the previous government? As I have said in the past, I am sure members opposite are given directions first thing every morning, and their first affirmation is the blame the Liberal Party, because they think that is good. It has traction out there in the community, so they have to keep on doing it.

I assume that from the fact that members opposite say it pretty much every time they stand up, but also from the fact that they get speaking notes after 12 months to tell them to say it; they were shoved under my door one day. We have speaking notes on everything they had to say: contentious issues briefing notes. Do not worry; I have already tabled it and members can get a copy, but for the benefit of new government members, your predecessors were told how to speak. They were told to talk about delivering strong financial management and budget repair that is fair.

**Hon Nick Goiran:** Things have changed; now they're not allowed to speak.

**Hon PETER COLLIER:** I stand corrected!

They were also told to say that they had no option but to fix the mess left behind by the Liberal–National government; that everyone would share the burden to help pay for the Liberals' and Nationals' out-of-control spending; that fixing the mess they had inherited would take time and that they would do everything possible to minimise the impact on struggling families and small businesses; and that there was no quick fix for budget repair, but that over time, they would bring the state's finances back under control, and would do it without selling Western Power.

**Extract from Hansard**

[COUNCIL — Wednesday, 23 June 2021]

p1861b-1876a

Hon Dr Steve Thomas; Hon Peter Collier; Hon Nick Goiran

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One after another, they would stand up and we would get these lines rolled out. I would sit there as Leader of the Opposition watching them repeat those lines, word-for-word: “Bingo! You get a promotion!” The fact that speaking notes were actually delivered to all government members was obviously come in, spinner, as far as the government was concerned. Of course, it was inevitable that it would leak, and it did.

The irony of listening to Hon Sue Ellery constantly lambast Hon Nick Goiran for looking back and not looking forwards during her five-minute contribution did not escape anyone. Having said that, I looked at the motion once again and, again, I was staggered by the government’s response; no other minister or government member is willing to stand and give, dare I say it, a more measured, moderate and logical response. The Leader of the House’s response was unworthy of a government—it really was.

This motion deserves clarity. Over the last four years, we have watched the government decimate the conventions of this Parliament. Over the last two months, that decimation has accelerated; there will be nothing left of this place by the time we finish. Every single thing that is sacrosanct in upholding the integrity of this place is systematically being destroyed. As I have said, after every single one of us leave, Parliament will still be here; it has a long life. It is like Nero fiddling; after Rome burns, we will look back and say, “My work here is done” and there will be nothing left of Parliament. That is what is happening at the moment. I have sat here both as Leader of the Government and Leader of the Opposition and watched various conventions be systematically destroyed. This means little to members opposite; they know with a thumping majority that it means nothing. The pithy little thing called Parliament can be discarded. The people out there know that the government has a thumping majority. The government keeps on carrying on about the Libs having only two members in the Legislative Assembly and seven members in the Legislative Council—no-one else is left. The government is thumping its chest because, quite frankly, it thinks that that is all that matters but, as I have said over and again, as a former teacher and student of politics, a government’s seeds of destruction are always sown in Parliament. You guys just need to look at your predecessors if you do not believe me about that. Members opposite should take note of exactly what Hon Dr Steve Thomas just said. As long as the government treats this chamber with contempt, we will see the demise of the chamber, the demise of accountability and the demise of the integrity of Parliament. Parliament has survived for more than 800 years; it will well survive the longevity of this government.

The age-old convention—I have said this over and again and I will keep on saying it—of pairs has been decimated because the Leader of the House could not get her own way. There are no pairs; “We want to win this vote so we’re cancelling pairs.” No standing order states that we have to adhere to pairs. For the benefit of members opposite, the opposition provides the government with pairs, not vice versa; that is the way it is. What happened, of course, is that because the numbers were so precarious, rather than the Leader of the House working with crossbench and Greens members to try to win over one vote on the gold tax, she decided to cancel pairs. That blew up in her face because she lost the vote. Two months later, the government brought up the issue of gold tax again. It could not accept the will of the house. It did not have a mandate for a gold tax but because it could not win the first time, it decided to have another go. Did the government do any work in the interim to try to work over members on the crossbench? Not on your life! I spoke to members on the crossbench and I know that the government did not speak to anyone. All of a sudden, it brought on the issue of a gold tax yet again. Pairs is a significant issue but all gloves are off now. Mind you, as long as I have air in my body, we will never compromise on any of the conventions.

The convention of Parliament is that the President is a member of the government of the day. However, because the numbers were so precarious, the Leader of the House tried to get one of the guys from this side of the chamber—I say “one of the guys” because she only spoke to the men—to take on the presidency and sacrifice Hon Kate Doust. In a way, I wish she had done that because I would have stood—in this instance, it would not have been breaking a convention because it is done all the time—and nominated Hon Kate Doust. I would have done that because that would have been appalling. Of course, no-one on this side of the chamber was going to go weak at the knees. That is exactly what happened.

Speaking about the finance bill, we keep hearing how terrible the Tories are on this side of the chamber. I can go through, right here and now, a plethora of bills from the last Parliament and see the hours upon hours of time that members opposite spent on bills that they supported. I will talk about that in a motion this afternoon because never on any occasion in the eight last years as Leader of the Government and Leader of the Opposition has Hon Sue Ellery spoken to me about reducing speaking times—never once.

Consensus is a big issue. Again, it is a convention, an unwritten rule, but it is always done by consensus. We like to think that it will be done by consensus; we talk behind the chair. The Leader of the House and I spoke constantly behind the chair, trying to get an arrangement. Now we are coming to the end of a session. At the end of a session, we always work together and decide what bills the chamber is going to get through. That was the way it was always done until last December. I have been through this before so I will not waste too much time on it. Suffice to say, we were told that the government had 18 bills to get through and we said, yes, we would get through as many as we could. We talked to everyone and held management meetings. I asked the government ad infinitum to provide

a final list but it was not forthcoming. Rather than have extended sittings in the second last week, the government tapped the mat and we all went home. Then, for the next three months, all we heard the government say about every single bill, including bills that had not been heard of for two years and were all of a sudden resurrected, was “That was the terrible Libs that did that.” Let me tell members right now it was not the terrible Libs; we would always facilitate the progress of bills. Was it the public sector bill?

**Hon Tjorn Sibma:** It was marooned on the very last day.

**Hon PETER COLLIER:** Was it the public sector bill?

**Hon Tjorn Sibma:** Yes, that was the one.

**Hon PETER COLLIER:** The government tapped the mat 18 months out and then apparently it was our fault. It was not brought back on nor listed for debate for over 12 months. That is what happened; that is the reality of the situation. That is fine; members opposite understand that most people do not sit glued to Parliament and most people do not read *Hansard* and, quite frankly, with an adoring media, they do not read about this in the media. There is no accountability. Members opposite know that all they have to do is bulldoze legislation through. They do not have to worry about conventions; they can trash them and this house and they will get their legislation through. That is what is happening over and again. It has not just been once or twice; it is happening constantly and that is what we have got here.

As I said, I do not see anything at all remotely unreasonable about this motion. What are members opposite afraid of? There is nothing about this motion that they should be afraid of. The motion seeks to legitimise a convention—it is not really a convention; it is a standing order—of committee secrecy provisions. Let me tell members opposite—I have been through this before—if members divulge committee information, they will lose their position. During my first term in the thirty-seventh Parliament, two members, one Labor and one Liberal, divulged committee information and they both lost their position in their party and in Parliament. Those are the repercussions; they are phenomenally powerful. Confidentiality is sacrosanct and that is what it comes down to with the Joint Standing Committee on the Corruption and Crime Commission. It is the perfect example of a committee that did the right thing. I have no absolutely no idea why that committee—I will talk about that committee because I do not know anything about its deliberations—decided not to recommend the reappointment of John McKechnie—no idea. The Liberal Party had one representative on that committee and that was Hon Jim Chown. Never once was anything discussed with anyone in the party room. The Greens had a representative on that committee, Hon Alison Xamon. When that committee refused or failed to get consensus on bipartisan support, it meant that Hon John McKechnie’s nomination lapsed. That is a part of the standing orders of this Parliament. It lapsed. Not on your life! The atomic approach adopted by the government was unedifying. Relentlessly, constantly, consistently the Attorney General and the Premier were out there lambasting the Liberal Party for not appointing John McKechnie and saying that we were purportedly covering up corruption. We were terrorists; we were corrupt. These are not words I am just plucking out of the air—I have been through this so many times—they were used consistently, again, completely without foundation. All that the Liberal Party was doing in that instance was respecting the Parliament and the Joint Standing Committee on the Corruption and Crime Commission. The Attorney General was constantly lambasting Hon Liza Harvey, saying, “Why don’t you pull Jim Chown into line? Tell Jim Chown what to do.” We do not do that in the Liberal Party. We do not tell members what they have to do on committees. We simply do not do that; we respect the Parliament. That went on day after day, and every single time they liked to put these nice little sinister overtones about the “Black Hand Gang” and how we were protecting our mates in the Liberal Party. I find that absolutely offensive. It is completely and absolutely inaccurate, and it is highly offensive. It had nothing to do with that whatsoever. I never in a million years would have discussed with Hon Jim Chown if he made the decision, why he made it. I have great respect for him. That man and Hon Alison Xamon can hold their heads up high. They stayed resolute against constant lambasting, criticism and ridicule from the Premier and the Attorney General. They did not open their mouths, they did not pass comment and they did not respond. They were doing exactly what they should have done. They respected the Parliament and the committee system. For that they were absolutely chastised. As I said, my admiration goes to both of those members. Both have gone now. They can have left this Parliament knowing full well that they adhered to the conventions and standing orders of the Parliament.

We would like to think that everyone does the right thing—that they have similar principles and standards. What happened with the appointment of John McKechnie, and will no doubt continue tomorrow, completely blows that out of the water, because the atomic approach that has been adopted by the Premier and Attorney General is, “We’re going to do it whether you like it or not.” They will point to the fact that they had an emphatic win in the election and they have a mandate to put John McKechnie in. What they do not have a mandate for, and I will talk about this more tomorrow, is to change the rules when the outcomes are not what they want. It is like saying we have lost a game of football, but we are going to play again and change the rules so we win. That is exactly what we have here. Apparently someone has spoken to the Premier and the Attorney General, because they seem to know everything that happened on that joint standing committee. Somehow they seem to know what went on. As I said, I have never had a discussion with any members of that committee. All I know is that Hon John McKechnie could not get bipartisan and majority support—simple as that. That was ruled. It was a bipartisan committee, the point of that being that the appointment

**Extract from *Hansard***

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of the Corruption and Crime Commissioner was absolutely sacrosanct. It had to be impartial. I have said this before and I will say it again, and I will say a little bit more about John McKechnie tomorrow: I feel that because of the rantings of the Attorney General and the Premier, they made the position of John McKechnie as commissioner untenable. They made that position a political decision. It is because of them that there will now be a cloud over his head, whether he likes it or not, if tomorrow the house in its will makes that determination. I will have more to say about that tomorrow.

Getting back to this committee, it really disturbs me that the standards were there back in 2007, by which if someone breached the confidence of a committee, they were removed from that committee and would more than likely be removed from the Parliament. The Labor Party has now obviously changed its standards. What I am about to read has been read into *Hansard* before but it is worth reading in again. Another member of that committee was a member of the Labor Party, not the chair, Margaret Quirk, but the member for Kalamunda, Matthew Hughes. Matthew Hughes evidently supported the appointment and he decided that he would put it on Facebook, no less. He decided that on social media, he would pass commentary on the joint standing committee proceedings. Do not take my word for it; I will read it through. He wrote —

In the midst of the community's focus on responding to the COVID-19 pandemic, it is not surprising that other matters of great importance escape the notice of the public. The needless delay in the reappointment of the CCC Commissioner is one such matter.

The Corruption, Crime and Misconduct Amendment Bill 2020 will be introduced into State Parliament this week. The Bill provides for the reappointment of CCC Commissioner John McKechnie QC for a period of five years commencing on April 28, 2020. Why is this necessary? You might well ask.

The McGowan Government is taking the unprecedented step of introducing legislation that would reappoint Commissioner John McKechnie QC to Western Australia's premier integrity agency because the Parliament's Joint Standing Committee on the Corruption and Crime Commission failed to achieve bipartisan agreement to concur with the advice received by the Premier from the independent nominating committee chaired by the Chief Justice of Western Australia that John McKechnie QC be reappointed for a further term.

These are the facts:

Mr McKechnie's term as the head of the Corruption and Crime Commission (CCC) expires on April 28, 2020. Mr McKechnie is the only Commissioner to serve a full term and the first to seek reappointment.

Mr McKechnie was the outstanding candidate of the three eligible nominees identified by the nominating committee, which was chaired by the Chief Justice of Western Australia, the Hon. Peter Quinlan SC.

However, the parliamentary Joint Standing Committee on the Corruption and Crime Commission (JSCCCC) was unable to provide majority and bipartisan support for his reappointment.

What bothers me, as a member of the JSCCCC, is that there was no requirement for the dissenting voice on the JSCCCC to provide documented justification for that dissent. In my opinion the unwillingness to concur with the recommendation of an independent nominating committee, which has been forwarded by the Premier-of-the-day as required by the Act, requires clear and rigorous justification, as much as it would have been expected of the Premier-of-the-day had he or she decided to make a recommendation for the appointment of a candidate other than the candidate recommended by the nominating committee.

This unjustified dissent, and the resulting failure to achieve majority and bipartisan support, has left the re-appointment in limbo, leaving Parliament and the community to speculate why this position was arrived at. This outcome surely cannot rest simply on the solitary whim of the dissenting member. The appointment of a Commissioner of the CCC is an important affair of State.

The Government will be seeking the support of the Parliament to deal with the Bill expeditiously this week.

If the Bill is passed, it will ensure bipartisan and majority support of the whole of Parliament, not just the JSCCCC, for Mr McKechnie's reappointment to this important role.

This is, I believe, a straight forward test of the leadership of Liza Harvey, the Leader of the Opposition. There is an incredible lack of coherent leadership on this matter by the Opposition. If the Opposition is not able to give bipartisan support to the reappointment of Mr McKechnie, then the Leader of the Opposition needs to tell Western Australians why that support was not and is not forthcoming.

Beyond the current remedy, it is clear the Act needs to be amended to ensure this situation is never repeated.

The member for Kalamunda was saying to Liza Harvey, "Pull your man into line. Tell him what to do on the committee." They are the standards of the Labor Party. That is exactly what he said.

With that information, Hon Nick Goiran could have put something a little more, dare I say, robust, but he did not. He put —

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notes the comments of Mr Matthew Hughes, MLA, on 13 May 2020;

That is what he said in Parliament, which pretty much replicated that. Not only is the government just *carte blanche* saying, no, but also we have heard the ridiculous response of the Leader of the House.

Matthew Hughes also went to the media and spoke about the matter. The *Echo News* dated Friday, 22 May 2020, in part, because it is quite a long article, states —

An attempt to send Mr Hughes to the Parliamentary Procedure and Privileges Committee followed, an attempt which failed.

Despite this, Mr Hughes told *Echo News* he is maintaining his line that reasons should be provided.

While he stopped short of saying this was the most stressful period of his parliamentary career, there is no doubt he has been under the spotlight.

“My parliamentary career has not been a long one but this is an unusual circumstance certainly,” he said.

“There’s no requirement under the act for the committee to provide any reasoning,” he said.

“He’s the most outstanding candidate.

“His initial appointment gained bipartisan support so I am mystified as to why this support had not continued, despite the public support both sides of politics have given him.

I just love this —

“We can’t disclose how we vote but it doesn’t take much to work out which members didn’t support Mr McKechnie.

Which, by design, means that he did. The article continues —

“Unless the committee is prepared to provide a report or its minutes, we may never know what the reasons were for the dissent, the magnitude of those reasons or if they carry any weight.

“My own view is that the pre-formed opinion about the unsuitability of Mr McKechnie is perversely based on the fact he has been the most effective commissioner.”

Matthew Hughes can think like that all he likes, because I do not know and no-one else knows, unless someone breached the confidence of the committee. No-one knows that. All I know is that I respect Hon Jim Chown and Hon Alison Xamon and I respect the role that they played, and I respect the work of Hon Margaret Quirk who, quite frankly, performed a similar role. She respects the integrity of committees.

If that is now the new benchmark for committee deliberations that the Labor Party has set—the atomic approach: our way or the highway—members should be very, very fearful about what will happen in every committee that they sit on. The new precedent of this new administration is that if the government does not get its own way, it is okay for a committee member to go out and speak publicly. That is what it is saying. Gone are the days when a committee member who divulged information of a committee would get sacked. They are the good old days of integrity for the Labor Party. Now, if we do not deliver what the Labor Party wants, it will go public—not only that, it will change the rules so it can have another go.

What happened as a result of that? The Attorney General tried to introduce legislation. The opposition said no to that. Then the Attorney General tried to do a sweetheart deal with Hon Liza Harvey and sent her a letter saying, “What about if it is just the Liberal Party or the Labor Party?” There would be a handshake across the chamber and the two major parties would decide on who would be the Corruption and Crime Commissioner, totally alienating and ignoring the Nationals WA, the crossbench and the Greens. Of course, we gave that the single-finger salute, because it was just not going to happen. Again, the Labor Party assumed that we would lower our standards. That is just not going to happen.

As a result, of course, that brought up an enormous amount of public interest and then the Attorney General and the Premier really lost the plot. The foot stamping came in and the terrorist and corruption comments came out, but we stood firm. I say yet again—I am not speaking for all members of the Liberal Party, but I assume they have the same view—that if there has been anything untoward or any illegal actions, I hope that the people who performed those illegal acts suffer the consequences. I would like to think that within a very short space of time, once the Supreme Court action is taken, the CCC will get the laptop. I really hope it gets the laptop, but it cannot have the privileged information. That is not unreasonable. I have been through this before. As I said, every profession on this earth, and particularly the 800-year-old convention of the Parliament, is that privilege is sacrosanct. If we are moving down the road and saying that there are going to be exceptions, I would love the government to ask a doctor whether he will divulge information about a patient. I would love them to ask a doctor, “What’s going on? He’s looking a bit sick. Is he okay?” Of course, the doctor will not tell them anything. What would happen if we were to ask a lawyer about their client and he said, “I’ll tell you on the side that I think he’s guilty, but don’t tell anyone.”

What would happen if we asked a journalist about their source? Apparently, we have got that standard now in the Labor Party. What would happen if we were to say to a journalist—none of whom bother to come here anymore; they regard us as irrelevant because they figure it all happens in the other place—to provide us with their source. Of course, they would say no.

As I have said, members of this chamber have people consistently come to them in confidence. I promise members that I have hundreds upon hundreds of them. That is why we had the Balga works revelations way back in 2006, when we found a very corrupt system was operating within our training sector. That took a special section of the estimates committee, which I joined as a member at the time. If all of that confidence is gone, no-one will come and see us. If they know that they cannot speak to us in confidence, they will not speak to us. Would members like everyone to have that information? That is all we are asking. That is all we want. If we start to chip away at the integrity of committees, that is going to happen.

I will come back to the laptop that everyone is talking about. I do not care if the CCC has the laptop; it just cannot have the privileged information. That is what the privileges committee decided. This house agreed that the CCC could have the information, but it could have it through a process whereby the privileged information would remain sacrosanct and the CCC could have the non-privileged information. How is that possibly unreasonable? It is not. It is not unreasonable. For goodness sake, that is the way in which it has been operating for 800 years very effectively. But, apparently, that is not good enough for the Labor Party. If it does not get its way, it is going to change the rules and try again.

In fact, the Joint Standing Committee on the Corruption and Crime Commission totally agrees with me on this. After Matthew Hughes, the member for Kalamunda, decided to go public and tell the whole world via his Facebook page and the *Echo News* what was going on in the deliberations of that committee, the committee decided, quite rightly, to put out a public statement, because, quite frankly, the integrity of that committee was under scrutiny. It was being lambasted by the Premier, the Attorney General and the media and being asked why it had not appointed John McKechnie. That committee had its reasons. Dare I say it, I have every reason to believe it was not political.

With that said, to its credit, the joint standing committee, just a week later, on 23 April 2020, put out a media release. Remember that this is the same committee that Hon Jim Chown, Hon Alison Xamon and Matthew Hughes sat on. The chair of that committee was Margaret Quirk from the Labor Party. The media release headed “Reappointment of the Corruption and Crime Commissioner, John McKechnie QC” states —

The Committee met on 22 April 2020.

It took into account the matters which were recently brought to the Committee’s attention by the Premier.

Again it was unable to reach either a bipartisan or a majority decision in support of the recommendation to reappoint the current incumbent.

The Committee operates under Standing Order 270:

“Committee deliberations will be conducted in closed session.”

They are confidential. That is quite legitimate. The media release continues —

However, because of unfounded public speculation about the motives for the Committee’s previous deliberations, it has resolved to unequivocally reject any suggestion that the motivation for any members not supporting the appointment recommendation was the Corruption and Crime Commission’s focus on parliamentary electoral allowances.

A range of reasons were canvassed at length. As has been the practice since the Committee’s inception, all points of view by members were made in good faith and given respectful consideration.

The nature of those discussions is not detailed because it includes information provided by third parties in confidence and matters which may impact on the operational performance of the Commission.

As has been the previous practice, the Committee interviewed all persons on the list considered by the nominating committee. We note in the report of the nominating committee that, although the incumbent is described as outstanding, the observation is also made that “each of the nominees is qualified for appointment to the position of Commissioner.”

This Committee notes that a suggested 2016 amendment to the provisions of the Corruption, Crime and Misconduct Act 2003 dealing with the appointment of both the Commissioner and Parliamentary Inspector has never been introduced.

That recommendation occurred after a similar dilemma had arisen where the previous Joint Standing Committee “recommended to the Premier that he appoint a person other than the proposed candidate due to a specific operational reason for the Commission.” (See JSCCCC report: The efficiency and

timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC, Report No. 31, tabled in November 2016)

Given support for the incumbent by both the Opposition Leader and the Premier, discussion on what did, or did not, occur in the Committee, and imputing motives to individuals, does not progress a constructive way forward.

I will read that paragraph again —

Given support for the incumbent by both the Opposition Leader and the Premier, discussion on what did, or did not, occur in the Committee, and imputing motives to individuals, does not progress a constructive way forward.

The Committee further notes that the Parliamentary Inspector's position has recently become vacant and an analogous process must be followed under section 189 of the Corruption, Crime and Misconduct Act 2003. To the extent that the current process for appointments is deficient, any amendments should take into account the need to amend that section.

That media release was put out under the name of Margaret Quirk, the Labor chair of that committee. The committee felt so motivated by the false public commentary that was going on, particularly by the Premier and Attorney General, no doubt, that it felt it necessary to put out that media release. That media release pretty much says in a much more succinct form exactly what I have been saying for the past 35 minutes. There was no pushing, there was no shoving and there was no intimidation—none of that. What there was, I might add, was a committee of this Parliament coming to a reasoned judgement based upon the facts in front of it. I do not know what those facts are, but they were there. Interestingly enough, after the last Parliament and into the forty-first Parliament, a new joint standing committee was established, and guess what? It also could not get bipartisan majority support. Look out to those non-Labor Party members of the committee. I ask members to think for one second outside of the tribal party box. Perhaps there is something else there that the committee knows that we do not know. Just perhaps, we might have members of the committee who are acting with integrity and as they should within the rules and confines of the standing orders of the committee proceedings. They are not being intimidated. They are not sitting out there watching the unedifying performance of the Premier and Attorney General saying how terrible and corrupt they are; they are actually looking at the information and saying that it is the right thing to do. Perhaps they are doing that. We can only assume that. I would like to assume that, because that is what we have. Even if they have done that, it will not really matter because tomorrow we will have another trashing of the conventions and the government will bring in a bill to say “up you” to the Joint Standing Committee on the Corruption and Crime Commission; we will appoint him via legislation.

Is there nothing to see here? Why on earth is the Labor Party so intent on reappointing John McKechnie? Members cannot for a moment say that the proceedings of the CCC have stalled, because they have not. There was a public hearing—I will talk about this tomorrow—in November last year. The assistant commissioner said that the commission has been operating just fine. Not only that, but also it has been working on Operation Betelgeuse with regard to the laptop. It has not stopped anything. Nothing has been stalled or stopped. The CCC has not come to a grinding halt. It continues to work, and to work very effectively. We have had a number of reports from the CCC. Do not take my word for it, guys; go on to your laptops, look at the CCC website, look at the reports and look at the witness statements from the public hearing of November last year in which the CCC said that everything is fine and it is still operating. To assume that somehow we must have John McKechnie there for everything to wind up again is without foundation. That is why in another hour, or whenever it is, we will debate changing the speaking times so that tomorrow we can rush through the legislation to reappoint John McKechnie. That is what this is all about, and members wonder why I get incensed by this sort of stuff. That is exactly what is happening here. The government is trashing the conventions of the chamber to get its own way. I just wish it would say, “Goodness gracious, there is an issue here.” Two separate committees have said that they cannot get bipartisan majority support. Please, just for one moment think outside the square and consider that there may be something else. I do not know whether there is, but I do know that I very much respect the integrity of our committee system, until we get members who go out and put the committee deliberations on Facebook and talk to the media.

Having said that, I will finish where I started. Originally, I had not intended to speak on the motion because I genuinely thought that the government might support it, or that the government would not oppose it, at least, because there is absolutely nothing at all in it that is remotely offensive. Hon Nick Goiran could quite easily have been robust with the wording of his motion, but he has not. He has been moderate and reasoned and he has provided an opportunity to do something that we need to do, which is to highlight the operations of the committee system and to highlight the sacrosanct convention of confidentiality. That is all he is doing by moving this motion, and for that reason I will most definitely be supporting it.

**HON NICK GOIRAN (South Metropolitan)** [2.37 pm] — in reply: There being no further speakers, I move to reply to the motion so that the debate on it can be concluded. In doing so, I remind members that the decision we make on this motion this afternoon will set the standard and the tone for this forty-first Parliament. I remind members

that this is, as best as I can recall, the fourth motion on notice that has been debated in this forty-first Parliament. The first motion was a motion that I moved looking to establish a select committee into government transparency and accountability. Some members were not here for that debate, because we still had members from the previous Parliament serving in the Council. For the benefit of new members, the outcome of that particular motion was a negotiated outcome. The second motion that was moved, as I recall, was moved by the Leader of the House pertaining to certain natural disasters that had occurred in Western Australia. As I recall, that motion received the unanimous support of members. The third motion on the deaths of two Western Australians was moved by me and was unanimously supported by members. A negotiated form of words was agreed, and I again acknowledge the Parliamentary Secretary to the Attorney General and the Office of the Attorney General for working together with me to achieve that agreed form of words to identify the problem with the Coroners Act 1996 and to find a way forward.

Now the fourth motion is available for debate and consideration by members. I recount that history for the benefit of members, particularly new members, to demonstrate that there has been goodwill across the chamber on the last three motions that have been debated. This is the fourth motion. It is because of that history that I chose the form of words that are in front of us now. I would personally rather that the house agreed in a moment to a form of words that condemned the comments of the member for Kalamunda in the last Parliament, for the reasons I articulated last week. However, my desire is to make sure that we set the right standard and the right tone for this Parliament moving forward, particularly for members of this chamber as they undertake their work in parliamentary committees. It seemed to me when drafting this motion that the only way to achieve that was to use moderate, temperate language in the motion before the house. It beggars belief that after I moved the motion and spoke on it last week, six members of this chamber have contributed to the debate. All but one indicated support or sympathy for the motion, yet the Leader of the House has indicated, on behalf of all government members, that they will oppose the motion. I simply ask those members to consider very carefully what they are about to do. According to the riding instructions given to them by their leader, they are about to oppose an acknowledgement of the ongoing important role undertaken by the Joint Standing Committee on the Corruption and Crime Commission. If they oppose that motion, it follows that they do not think the Joint Standing Committee on the Corruption and Crime Commission is undertaking an important role. They are entitled to that view, but I find that staggering. If that is the view of the government, we should disband the committee. I do not believe that members in their heart of hearts do not acknowledge the ongoing and important role of the Joint Standing Committee on the Corruption and Crime Commission. I cannot imagine that they are being authentic and genuine in opposing that limb of the motion.

I turn to the second limb and remind members that it notes—to paraphrase it—that that joint standing committee operates under the auspices of the Legislative Assembly and its standing orders. If members do not agree with that, I encourage them to look at schedule 1 of the Legislative Council standing orders, which sets out the terms of reference for committees. Chapter 9.5 states —

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.

This is found in our standing orders under the terms of reference for the Joint Standing Committee on the Corruption and Crime Commission. Again, I say to members that if they do not agree with the second limb of the motion, they are disagreeing with our own standing orders.

The third limb simply asks members to note the comments of Mr Matthew Hughes, MLA, on 13 May 2020. I am not asking members whether they agree or disagree with him, because I am sure that multiple members in this place strongly disagree with the comments the member for Kalamunda made last year. However, I am not asking them to commit to that process; I am simply asking them to note them. The member stands condemned for those comments. The fact that the member for Kalamunda still has not apologised on the public record to Hon Alison Xamon for referring to her as the handmaiden to the executioner on 14 May last year, more than a year ago, speaks volumes. He stands condemned for those comments. I know that fair-minded members opposite in their heart of hearts will be appalled by those comments of the member for Kalamunda. Again, I am not asking them to go as far as that. All we are asking them to do is note those comments.

We are also asking members to note the content of Legislative Assembly message 9, received on 26 May 2021. If members chose to oppose that limb of the motion, what does that say about their respect for the other place? What does that say for the message that has been delivered by the President of this place? And why is it that no member opposite has offered any reason or justification for opposing any of those first four limbs? None has been provided.

I take members to the last limb of the motion, which reads —

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 ask members opposite to consider whether they really want to be standing on the side of the chamber that will record their vote permanently as a legacy, as a no vote, to expressing an expectation that they will respect and adhere to the standing orders under which committees operate. Do they really want to have their name listed there? A number of members opposite must feel very, very, uncomfortable about the decision made by the Leader of the House. I do not profess to understand the workings of the government party. However, as it has been relayed to me, once the caucus has made a decision, everyone is obliged to support that position. Nevertheless, members opposite should give serious consideration to the fact that it is their name and their vote that gets recorded. I personally have grave reservations serving on any parliamentary committee in this forty-first Parliament with any member who is unwilling to support this motion.

I say that in the context of having served on a committee with the Leader of the House in a previous Parliament. The Leader of the House and I were on an inquiry undertaken by the Standing Committee on Procedure and Privileges, and at no stage during the course of that inquiry or since have I ever felt that the Leader of the House breached committee deliberations—not once. In the last Parliament I had the opportunity to serve with the government Whip, and at no time in the last Parliament or since then have I felt that he has revealed committee deliberations—not once. In the last Parliament I served with Hon Dr Sally Talbot. She was the Chair of the Standing Committee on Legislation. Throughout that time and since I have never once felt that Hon Dr Sally Talbot has revealed committee deliberations—not once. I have served with these members, in addition to Hon Matthew Swinbourn, with whom I had the opportunity to serve on the Select Committee into Elder Abuse for a year, and never once did I find during my time on that committee, or since, that the honourable member revealed committee deliberations—never once. My good friend Hon Kyle McGinn served with me on the Joint Select Committee on Palliative Care in Western Australia, and never once during the course of that inquiry, or since, did I find that that member revealed committee deliberations. These are members of the party opposite with whom I have had the opportunity and honour to serve. We may not have always agreed, but we did our job. Those members did so with distinction because they complied with, respected and adhered to the standing orders. I would like to think, Acting President, that if you were to ask any one of those members, they would say the same about me.

I am simply asking the 36 members of this chamber to draw a line in the sand and say that whatever may have happened in the fortieth Parliament, whatever may or may not have happened in a committee on which the member for Kalamunda did or did not serve, that is all behind us. In accordance with the pleas of the Leader of the House, we are looking forward in this forty-first Parliament and we are saying, as the 36 members of this place, that we respect the standing orders and we will adhere to them. That is what we are voting on. In less than a minute, members will have the opportunity to decide where they sit on that. I hope that members will join me in expressing our expectation that in this forty-first Parliament the people of Western Australia can have the confidence to know that the Legislative Councillors will respect and adhere to the standing orders. I hope that is the case and I hope it is unanimous. If it is not, members, it is your name that is permanently on the record as a legacy, as a member of the Legislative Council who said, “No, I do not respect the standing orders and I will not adhere to them.” That is the question before the house. I ask members to provide their support for the motion.

*Division*

Question put and a division taken, the Acting President (Hon James Hayward) casting his vote with the ayes, with the following result —

Ayes (11)

Hon Martin Aldridge	Hon James Hayward	Hon Dr Steve Thomas	Hon Dr Brian Walker
Hon Peter Collier	Hon Steve Martin	Hon Neil Thomson	Hon Colin de Grussa ( <i>Teller</i> )
Hon Nick Goiran	Hon Tjorn Sibma	Hon Wilson Tucker	

Noes (21)

Hon Klara Andric	Hon Peter Foster	Hon Shelley Payne	Hon Dr Sally Talbot
Hon Dan Caddy	Hon Lorna Harper	Hon Stephen Pratt	Hon Darren West
Hon Sandra Carr	Hon Jackie Jarvis	Hon Martin Pritchard	Hon Pierre Yang ( <i>Teller</i> )
Hon Stephen Dawson	Hon Alannah MacTiernan	Hon Samantha Rowe	
Hon Kate Doust	Hon Kyle McGinn	Hon Rosie Sahanna	
Hon Sue Ellery	Hon Sophia Moermond	Hon Matthew Swinbourn	

Question thus negatived.