

## **CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2020**

### *Second Reading*

Resumed from 16 April.

**MRS L.M. HARVEY (Scarborough — Leader of the Opposition)** [10.54 am]: I am not the lead speaker for the opposition on this bill—the member for Hillarys is—but I stand to make my remarks on the Corruption, Crime and Misconduct Amendment Bill.

By way of background, the Corruption, Crime and Misconduct Act 2003 arose from the establishment of the Royal Commission into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers. The conduct of the police royal commission resulted in a report recommending the establishment of the Corruption and Crime Commission, prior to the work of the police royal commission. The CCC took over the role of the Anti-Corruption Commission, a product of the Royal Commission into Commercial Activities of Government and Other Matters—WA Inc—and the Commission on Government. The CCC dealt with the transition of the police royal commission’s work and ongoing ACC investigations. During debate on this legislation on 5 June 2003, the then Labor Attorney General, Jim McGinty, said —

The commissioner will be appointed following a procedure drawn from the Electoral Act. It will require consultation with the leaders of political parties. For practical purposes that will mean discussions with the Leader of the Opposition—in other words, the Leader of the Liberal Party—and the Leader of the National Party.

The contribution continues —

Once Cabinet has made a decision, perhaps even after it has been to the Executive Council, I would not want just a courtesy notification given to the leaders of the two political parties. It would not be an appropriate way to give effect to the spirit of legislation. The federal Attorney General came under some criticism, perhaps justified, for the extent to which he personally intervened in High Court appointments. He met with potential candidates and the like. I do not know whether it would be appropriate to go down that path. In terms of consultation, what I have just outlined to the member is what I envisage will occur.

Mr McKechnie was appointed in accordance with a process established by the then Labor government under the Corruption, Crime and Misconduct Act 2003. The appointment process requires that candidates for the position must be one of three persons selected by both a nominating committee and a parliamentary committee—that is, the Joint Standing Committee on the Corruption and Crime Commission. The committees’ recommendations are passed to the Premier who then makes a recommendation to the Governor who makes the appointment. The process of appointment was established to ensure that the appointment of the most powerful statutory investigator in the state would not be dictated by any political party and certainly not by the Premier of the day. In short, the appointment process has been established under law and faithfully followed by successive governments for every previous appointment.

Let me be absolutely clear: this bill is designed to subvert the will of Parliament. It allows any executive government that cannot get its appointment through the proper process to use the legislative process as a crude instrument to bypass the proper process. It is a process, I might add, that is robust and has been exposed to the nuances of Parliament for nearly 20 years. The appointment process has withstood all shades of executive government and resisted the challenges that such committees are continually exposed to from government seeking outcomes that may or may not be in the public interest.

I want to make it absolutely clear that the Liberal Party does not support this legislation. Our position has nothing to do with Mr McKechnie, who I personally have very high regard for. The legislation is simply wrong. It is the product of a dummy spit by the Premier. By way of summary, the appointment of the Corruption and Crime Commissioner is provided for in section 9 of the Corruption, Crime and Misconduct Act 2003. Section 9(3) provides that the commissioner is to be appointed by the Governor on the recommendation of the Premier.

Section 9(3a) limits this power of recommendation in two ways. First, the person recommended must be one of three persons who are eligible for appointment and on a list submitted to the Premier by the nominating committee; see section 9(3a)(a). The nominating committee comprises the Chief Justice, the Chief Judge of the District Court and a person appointed by the Governor to represent the interests of the community. Second, the person recommended must have the support of the majority of the Joint Standing Committee on the Corruption and Crime Commission and bipartisan support of that committee; see section 9(a3)(b). “Bipartisan support” is defined to mean the support of —

- (a) members of the Standing Committee who are members of the party of which the Premier is a member; and

**Extract from Hansard**

[ASSEMBLY — Thursday, 14 May 2020]

p2721b-2739a

Mrs Liza Harvey; Mr Matthew Hughes; Mr Zak Kirkup; Ms Mia Davies; Mr Mark McGowan; Mr Peter Katsambanis; Dr David Honey

---

- (b) members of the Standing Committee who are members of the party of which the Leader of the Opposition is a member.

Section 9(4) provides, as a further process to be undertaken prior to appointment under section 9(3a), that the Premier consult with the joint standing committee. Consultation is not defined, but, in the ordinary course, it would occur prior to the joint standing committee deciding whether to support or not support the person recommended for appointment by the Premier. There is nothing in the act to preclude the Premier consulting with the committee otherwise.

It is notable that section 9 deals also with the appointment of the first commissioner and requires that the then Premier consult with the then Leader of the Opposition. The act also deals with the circumstance of there not being a Joint Standing Committee on the Corruption and Crime Commission and requires that, in such a circumstance, the Premier is to consult with the Leader of the Opposition and the leader of any other political party with at least five members in either house. Plainly, these obligations of consultation differ fundamentally from the requirements of section 9(3a)(b) that the person recommended has support of the majority of the committee and bipartisan support of the committee. The Premier cannot lawfully recommend the appointment of a person who does not have this support.

I refer to the appointment process. On 7 April 2020 I received a letter from the Premier after his office had leaked it to the media. That is not the only letter he leaked. He or the Attorney General went on to leak a letter from the Chief Justice, and I hear that act of breach of trust has raised significant issues amongst the judiciary. I have to say that, until I received the Premier's letter and media enquiries, I had no idea or knowledge that this matter was even before the committee. The letter asked for my support for the reappointment of Mr McKechnie after the committee had made the decision not to support the recommendation of the Premier. The letter of the Premier was both churlish and provocative. It referred to the "Black Hand Gang" and suggested the failure of Mr McKechnie's reappointment was due to his ongoing investigations into former member of Parliament Mr Edman. On 8 April, I responded to the Premier and recommended that he negotiate with the committee. On 14 April, the Premier wrote once again seeking support for the current bill. I responded on the same day, stating that Mr McKechnie had my support; however, I stated that I thought the bill was unnecessary given the COVID-19 situation, and that the Premier should speak to the chair of the committee, the member for Girrawheen. During this period, the hyperbole of the Premier was in full overdrive. He was claiming that the Liberal Party members were supporting corruption and acts of terrorism. These responses show how unhinged and overdramatic the Premier was. In fact, what was on display was a Premier using his popularity over the handling of COVID-19 and attempting to politicise the whole process of the CCC appointment. It took a media release from one of the Premier's own senior Labor colleagues, the chair of the committee, to debunk the political rhetoric of the Premier. On 23 April 2020, the Chair of the Joint Standing Committee on the Corruption and Crime Commission said in a media release —

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.

This was a direct slap in the face to the Premier and the Attorney General's media team using their personal relationships with members of the mainstream media to peddle a narrative that was blatantly untrue. Again, it took a senior respected former editor, Paul Murray of *The West Australian*, to cut through the fog of the Premier's hyperbole in an article titled "Get over it, Mr Premier". This is the same Paul Murray who witnessed the Labor Party's corruption in the 1980s, resulting in a royal commission into WA Inc, and the infatuation by the current Attorney General's support for the then Labor Premier, Brian Burke, who ended up in jail. In the article, Paul Murray said —

The very worst thing a political leader can do when confronted by personal opinion polling is to believe the results.

On the current legislation, he said —

Such a method of appointment would break every convention ever considered to ensure the commission was not tainted by its boss being a political appointment.

Mr Murray said further —

McKechnie had undeniable successes, but the argument that he is the only person able to handle the commission's ongoing inquiries is laughable.

Did the police force collapse in a heap when its long standing commissioner, Karl O'Callaghan, retired with a huge number of major inquiries on foot?

Of course it did not.

On 1 May 2020, I sought advice from Mr Grant Donaldson, SC, a former Solicitor-General for Western Australia, on his views and observations on the legislation. He stated the following in his response to me dated 6 May 2020.

Mr Donaldson makes a number of interesting observations of this bill, and I will lay this advice on the table of Parliament when I sit down.

My first question to Mr Donaldson was whether this bill was in power. He states in paragraph 60 that if procedurally validly enacted, by reason of section 2 of the Constitution Act 1889, it would not be beyond the powers of Parliament.

Mr Donaldson referred to section 9 and, in particular, section 9(3a)(b), which requires that the person recommended have, and I quote from paragraphs 6 and 7 of Mr Donaldson’s advice —

... “the support of the majority of the [Joint Standing Committee on the Corruption and Crime Commission] and “bipartisan support” of that committee. The Premier cannot lawfully recommend appointment of a person who does not have this support.

In paragraph 7, he further stated —

The immediate past commissioner, the Hon. John McKechnie QC, was one of 3 persons nominated by the nominating committee; proposed to be recommended for appointment by the Premier; but did not have the support of the majority of the Joint Standing Committee and bipartisan support of that committee. Accordingly, Mr McKechnie cannot be recommended for appointment.

Mr Donaldson goes on to review other jurisdictions in Australia and concludes at paragraph 18 of his advice —

In all legislation, a Parliamentary committee has an effective veto of a proposed appointee. I have assumed that all such Parliamentary committees operate by majority. In the appointment models in Western Australia and Queensland, bipartisan support of the Parliamentary committee is required.

The Western Australian requirements of section 9 are not unusual. Mr Donaldson then considers the respective reviews that have been given to the current mechanism of appointment of the Corruption and Crime Commission. At paragraph 30, he states —

So, the requirement of s.9(3a)(b) of the Western Australian Act—that the proposed appointee as Commissioner have majority and bipartisan support of the Joint Standing Committee—has been in the Act from its inception and has been supported by consecutive reports of the Committee in 2011, 2016 and 2017. I am unaware of any legislative proposal that has been suggested since 2011 at least that the requirement of s.9(3a)(b) be repealed or amended.

Mr Donaldson then reflects on the comments made by the Attorney General in the second reading speech and makes three observations. Firstly, in paragraph 43, he states —

... the letter of the Chief Justice to which I have referred have come into the public domain as a result of the Second Reading Speech of Mr Quigley, and so such matters now involve the privileges of the Legislative Assembly.

I ask the Premier: was it appropriate to release the Chief Justice’s letter in the manner that he did? Mr Donaldson also makes some considered comments on judicial officers being involved in the nominations committee. The JSC might look at this issue in its next review of the legislation.

Secondly, Mr Donaldson refers to the Attorney General’s view that the reason the government has no intention to put forward another name to the joint standing committee is because of the impasse in the appointment process. In paragraph 46 of his advice, Mr Donaldson says —

This notion of an “impasse” arrives from a misconception of the manner in which s.9 of the Act operates. That a candidate recommended by the Premier might not be appointed as Commissioner is precisely what is contemplated by the Act. It is perhaps trite to observe that the process prescribed by the Act for appointment of a Commissioner has, in this instance, until the tabling of the Bill, operated entirely as intended. From the commencement of the *Corruption, Crime and Misconduct Act 2003* it has always been possible that the Joint Standing Committee would not, by majority and in a bipartisan way, support appointment of the recommended candidate.

Furthermore, paragraph 48 states —

To the extent that there is an “impasse” in the appointment process, it arises because the Premier will not recommend a candidate other than Mr McKechnie.

As mentioned earlier, Mr Donaldson stated in paragraph 18 —

In all legislation, —

In Australian jurisdictions for heads of corruption committees —

a Parliamentary committee has an effective veto of a proposed appointee.

Thirdly, Mr Donaldson says in his advice that it is wrong to say that the —

... Committee ... could have no proper basis for not supporting the reappointment of Mr McKechnie.

As mentioned earlier, in Australian jurisdictions for heads of corruption committees, the parliamentary committee has an effective veto of the proposed appointee.

[Member's time extended.]

**Mrs L.M. HARVEY:** In paragraph 53, Mr Donaldson states —

That such power exists in all States that have anti-corruption type bodies compels reflection on and an understanding of why this might be so. No doubt the reason is that, having regard to the importance and extensive powers of such anti-corruption bodies, the parliamentary committees that “oversee” them interact with the commissioners of such bodies on a constant and intimate basis. Much of this interaction occurs privately and there is very good reason in principle why this should be so. Because of this, it is only the members of such committees who “see it all”.

**Mr J.R. Quigley:** I am sorry; I missed the last sentence.

**Mrs L.M. HARVEY:** I will table the letter so the Attorney General can read it.

In paragraph 57, Mr Donaldson states —

That this possibility exists means that it is illogical and plainly wrong to contend that a member or members of the Joint Standing Committee could not have a proper basis for not supporting the reappointment of Mr McKechnie.

Further into Mr Donaldson's advice, referring to the unusual drafting process of the proposed clause, he states at paragraph 65 —

The effect of the proposed s.9(4B) is that Mr McKechnie will not be appointed by the Governor by commission under the Public Seal of the State and, as such, the requirements of s.9(3a), that are consequential to s.9(3), simply fall away.

... this manner of drafting underscores the extremely unusual form of the Bill. Indeed, so far as I am aware, the form and effect of this Bill is not only extremely unusual but unprecedented.

67. For instance, the Governor will play no role in this reappointment. This is an appointment directly of and by the Parliament. It is fundamentally different from the manner in which other independent officers of the executive government, such as (for instance) the Director of Public Prosecutions, the Solicitor-General and the Auditor General, are appointed, and obviously different from the form in which all others who have served as Commissioner of the CCC have been appointed.

In paragraphs 70 and 71, Mr Donaldson highlights the absurdity of this process under this bill. He states —

70. ... the logical consequence of this Bill is that none of the present provisions of s.9 will be amended and that where Premiers do not receive support of the Joint Standing Committee for a recommended candidate, or indeed the nomination of a desired candidate, there will simply be included in the Act further subsections in the form of the proposed s.9(4B).

71. The absurdity —

His words —

of this ought, in my opinion, trouble those who come to consider the Bill.

In conclusion and in summary, Mr Donaldson is saying that the problem with this bill is that it would be unlawful to recommend Mr McKechnie because that recommendation does not comply with the act in that the Joint Standing Committee on the Corruption and Crime Commission rejected him. The joint standing committee was properly constituted by the Parliament and operated under legislation passed by both houses of Parliament. The legislation has been reviewed numerous times. There has been no recommendation to change the process for requiring a majority and bipartisan support of the nominee. Indeed, the bill is not proposing to change the process for future appointments; its sole purpose is to get around the duly elected committee because the Premier did not like the answer. Any time the Premier does not like the answer in the future, a precedent is being set to get around the will of the Parliament. This bill does not provide for the Governor to appoint the commissioner, like all other commissioners, and is fundamentally different from how other independent officers of the executive government, such as the Director of Public Prosecutions, the Solicitor-General and the Auditor General, are appointed. It is extremely unusual and unprecedented. The Premier has been playing political games with this appointment from the beginning. The Liberal opposition is not prepared to support subverting the due process of Parliament and the law. If the government does not support the outcome of the current process, it should change the law—change the process. The legislation

intends to bypass the proper parliamentary process every time a Premier of any colour cannot get his or her own way. It is a corruption of the parliamentary process.

The former Solicitor-General, Grant Donaldson, SC, has made some significant observations around the intent of this legislation and the outcomes it is seeking to achieve. Because of the way the Premier and the Attorney General have managed this issue, the reputation of Mr McKechnie has been tarnished. The Premier and his office deliberately leaked letters to the media, which regrettably sullied the reputation of Mr McKechnie. The Premier decided to play politics with this issue, standing outside with his hairy-chested COVID-19 popularity.

The liberal opposition will not support this bad legislation. Furthermore, if we think about the ramifications of the legislation, if Mr McKechnie decides that he would like to retire inside his five-year reappointment, if he becomes unwell or, heaven forbid, passes away, an act of Parliament to repeal this act of Parliament will be needed before the proper process of appointment of another commissioner can occur. That is what we are doing here. It is a complete nonsense to try to subvert the will of the Parliament in the way that the Premier is doing, and we will not support bad legislation. During the COVID-19 crisis, we acted in a bipartisan way to bring legislation through both houses of Parliament with 15 minutes' notice. The legislation imposes restrictions on people: it gives powers to authorities to detain people who are not staying in their homes because of the COVID-19 self-isolation requirements; and it provides all sorts of mechanisms for residential and commercial tenants to provide relief, with amendments being made on the floor of the chamber by the government because of the rushed nature of the drafting of those legislative instruments. We have been cooperative in every way but we do not need to stand for poorly crafted legislation because the Premier is too churlish to negotiate with a parliamentary committee. We will not stand for bad legislation. Our opposition has nothing to do with Mr McKechnie, and it has nothing to do with my view of Mr McKechnie or the work that he has done. I unequivocally support the work that Mr McKechnie has done in rooting out corruption in this state. It is not about his qualifications. It is not about the work that he has done. It is about a very poor parliamentary process designed to subvert the will of Parliament by a churlish Premier who is engaged in rank politics around the appointment of the most important and powerful individual in the public service in Western Australia, being the Corruption and Crime Commissioner.

I will lay the advice of the former Solicitor-General on the table of this Parliament so members can apprise themselves of this very esteemed individual's view of the process that the Premier and the Attorney General have undertaken around this appalling state of affairs created by the Premier in trying to gain a rank political and opportunistic outcome.

**MR M. HUGHES (Kalamunda)** [11.19 am]: I would like to make a contribution to the debate on the Corruption, Crime and Misconduct Amendment Bill 2020 before us, and listened with great interest to the dissembling of the Leader of the Opposition. Leader of the Opposition, the current system is broken. This is a measure to correct what I as the member for Kalamunda regard as a system that has delivered quite the opposite of what was intended; in fact, what is in the best interests of this state—that is, not the appointment of a new commissioner but the reappointment of the existing commissioner. I see the Leader of the Opposition is leaving or is she just putting her file behind the Chair?

*Point of Order*

**Mr Z.R.F. KIRKUP:** It is a longstanding tradition of this place not to reflect on what members do in the chamber.

**Mr M. HUGHES:** I accept that. I thought she was ignoring what I had to say about this.

*Debate Resumed*

**Mrs L.M. Harvey:** I was reminding myself —

**Mr M. HUGHES:** I understand but this is about the reappointment of an existing commissioner despite the gratuitous advice provided by Hon Nick Goiran about what we can do when we disagree with the Premier's recommended appointment because members opposite had information before the joint standing committee that in fact suggested that the person was not suitable. We will never know what the discussions were about that matter. I am surprised that it was brought in. I am interested to know which commissioner we were talking about. We have never been in a position in which a commissioner has served a full term. All the itty-bitty processes. We heard in the Premier's contribution yesterday the kind of chaotic situation that arose as a result of that and what members opposite regard as the most effective means of countering corruption in public office, and that is the Corruption and Crime Commission. However, from the Leader of the Opposition in this faux approach, this fig leaf of defence of the joint standing committee and from what the Premier said yesterday—it is well known in the press—we know who the cannonball was who wrecked the proposition that we concur with the reappointment of the commissioner based upon the independent nominating committee recommendation. The cannonball was presumably Hon Jim Chown, but the cannon is the Leader of the Opposition in the Legislative Council. This is a test, Leader of the Opposition, of your capacity to lead your party.

Mrs Liza Harvey; Mr Matthew Hughes; Mr Zak Kirkup; Ms Mia Davies; Mr Mark McGowan; Mr Peter Katsambanis; Dr David Honey

---

**The ACTING SPEAKER (Ms J.M. Freeman):** Member for Kalamunda, why do you not address the bill.

**Mr M. HUGHES:** I am just getting a little bit fired up.

**The ACTING SPEAKER:** Well, fire up about the bill.

**Mr M. HUGHES:** I choose to speak to you, Acting Speaker, because you have a kindly face. We are in a position in which we can get as much commentary from a former Solicitor-General as we like. The government has the current Solicitor-General and the legislation before us is not offensive to either the procedures of this Assembly nor the provisions of the act. The Leader of the Opposition comes in here with an opinion; the government has its own opinion and the Leader of the Opposition is wrong. If following the next election, she wants to be regarded as a credible alternative to Hon Mark McGowan, the Premier of this state, she has to recognise that she is defending the indefensible. Whatever has happened up there, she is the titular Leader of the Opposition. The real opposition is in the Legislative Council and that is why we are in this difficult position. The Leader of the Opposition has made it clear that she supports McKechnie, but her fig leaf of defence is that the information presumably up in the Legislative Council, in terms of the information provided to the committee—and there was none from Hon Jim Chown—is somehow a matter of such great weight and importance that Hon John McKechnie should be shunted out the door. It was a decapitation process. I make the point that the comments made outside the committee and in the other chamber, the handmaiden to the executioner pulling the guillotine was Hon Alison Xamon. Get real!

*Point of Order*

**Mr Z.R.F. KIRKUP:** This is inappropriate.

**Mr M. HUGHES:** The member might say that this is not appropriate. I am allowed to say in this chamber what I wish to say.

Several members interjected.

**The ACTING SPEAKER:** Points of order will be heard in silence.

**Mr Z.R.F. KIRKUP:** I appreciate that, member for Kalamunda, but I point to standing order 92, which I think refers to improper motives of members of the upper house. To suggest that a handmaiden to the executioner was another member of the upper house is probably within that realm.

**Mr M. HUGHES:** Maybe but —

**The ACTING SPEAKER:** Points of order will be heard in silence! Member for Kalamunda, the standing order is pretty clear in terms of personal reflections. You know me as a Speaker, and I find those sorts of reflections very difficult to deal with. We are all here representing our constituencies so I ask that you refrain from those personal reflections on other people in the upper house. I do believe there is substance in that point of order, so I ask you to be a bit more considerate of your comments about members in this place and in the other place.

*Debate Resumed*

**Mr M. HUGHES:** I take your advice, Acting Speaker. In terms of the impasse, I made reference to my Facebook observations; it was really down to the individual whim of one person, effectively. I am mindful of the debate that took place in the Legislative Council on 11 December 2003 when Hon Kim Chance moved to delete the lines in the act under “bipartisan support”, and insert instead “bipartisan support” means the support of —

- (a) at least one member of the Standing Committee who is a member of the party of which the Premier is a member; and
- (b) at least one member of the Standing Committee who is a member of the party of which the Leader of the Opposition is a member;

Peter Foss responded by indicating that Kim Chance expressed a clear definition of what bipartisan support means. Hon Peter Foss said —

The Opposition does not support this amendment. It gives an exactitude that should not be there. I can see what the minister is trying to do. The other way it could have been worded was “all the members of the Government and all the members of the Opposition”, which would be too exact the other way. With matters dealing with the Parliament it would certainly not be appropriate to have one member cross the floor to carry legislation. The whole idea is to get truly bipartisan support. It may not be exact but one must keep in mind that this will be done by Parliament. The ideal situation is that everybody on each side should agree, but I do not want one person to have the power to say that he or she disagrees and muck everything up, ...

Mrs Liza Harvey; Mr Matthew Hughes; Mr Zak Kirkup; Ms Mia Davies; Mr Mark McGowan; Mr Peter Katsambanis; Dr David Honey

---

Well, he mucked it up. The Leader of the Opposition has an opportunity to show true bipartisanship rather than take cheap shots at the Premier about a solution to a problem, given the degree of hostility that has been expressed by virtue of the lack of willingness of that committee to provide the Premier with the details about why the dissenting voice could not assent to the request that support be provided to Hon John McKechnie. It is outrageous and for the Leader of the Opposition to come in and climb up on the mound of high moral rectitude constructed by Hon Nick Goiran—I told members that it is probably at the level of a molehill.

I have strayed too far because I will be brought back.

Leader of the Opposition, COVID-19 has changed people's perception. I notice yesterday that the former leader—not the one immediately prior, but the person who sat on the backbench because that is where he was put by the public—Hon Colin Barnett said that he concurs that John McKechnie is the right person and should be the commissioner. One of the first debates he contributed to was about the composition of the Joint Standing Committee on the Corruption and Crime Commission when he said, "Aha, WA Inc. Labor is fiddling with the rules."

It is a darned good job that Labor did fiddle with the rules, I will tell you, because you would not have got, I think, a clear understanding of what I regard as being the misuse of closed debate in the committees of this house. The closed debate, which is meant to provide an opportunity for clear, considered, bipartisan and justified support for a proposition for that committee, was never provided. Members opposite need to know that—so do the public of Western Australia need to understand that. Do not attack us on the basis that we are somehow trying to "distort" the important processes. The current act is deficient, and the way the act works in relation to the standing orders of the joint standing committee exposes it for what it is. Members need to understand that COVID-19 has now changed the perception that the public has about the way politicians go about their business. The opposition wants to reduce this to the ruck of argy-bargy of pointscore against the government, and denigrating the Premier.

**Mr Z.R.F. Kirkup:** We were called terrorists!

**Mr M. HUGHES:** Terrorists, acts of bastardry—I have got no idea. Which is most suitable? You tell me. I think an act of bastardry, actually.

**Mr Z.R.F. Kirkup:** You just said we're muck raking and political pointscore. We were all called terrorists.

**Mr M. HUGHES:** In this regard, I think you are because you are wreckers. You are not appreciating and you are not prepared to come back from behind your sort of petty political pointscore. You talk about us working from a political grab-bag. Some of the lines that you have provided to me outside of the committee have been provided to me by Jim Chown. This crazy justification for the injustices that have taken place, and you are not prepared to shine the light on it.

I will return to my notes.

**Mrs L.M. Harvey** interjected.

**Mr M. HUGHES:** I am not taking an interjection from you. You are the Leader of the Opposition; I am a mere member of the backbench, but by God I have learnt a lot over the last three weeks, I can tell you, about how this place operates, and it is disgraceful and you need to call it out!

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

A member interjected.

**Mr M. HUGHES:** You might think that. I told you. I can tell you what did not happen in that committee. Refer me to the Procedure and Privileges Committee again.

**Mrs L.M. Harvey:** We can't; we don't have the numbers.

**Mr M. HUGHES:** Oh, well—there you go!

To prove this—listen to this carefully—today I wrote to all members of the committee, requesting that a meeting of the committee be convened for Wednesday morning. At that meeting I will move that the committee table in the Legislative Assembly and the Legislative Council the minutes of the committee meetings held on 25 March and 22 April. At those meetings, the committee deliberated the Premier's nomination of Mr McKechnie, QC, for reappointment as the Corruption and Crime Commissioner. I will also move a motion that the committee table in the Legislative Assembly and the Legislative Council the minutes of the committee held on 13 May.

*Point of Order*

**Mr Z.R.F. KIRKUP:** I seek your ruling, Madam Acting Speaker. I do believe right now that we have a possibility that the member is talking about deliberations of his committee, which is under standing order 270.

**Mr M. Hughes** interjected.

**The ACTING SPEAKER (Ms J.M. Freeman):** Order! It is fine. I get to hear points of order in silence. I understand what the member for Dawesville is asking. I will take advice. I do have preliminary thoughts myself, but I will just take advice. I am advised, and I agree, that the member for Kalamunda needs to be aware, as I am sure he is, that he cannot reveal deliberations of the committee anywhere—in the chamber or otherwise.

**Mr M. HUGHES:** No, I do not believe I am. What I am saying is what I will do —

**Mr J.R. QUIGLEY:** Acting Speaker, on the point of order. The member is clearly —

**The ACTING SPEAKER:** I am not going to canvass debate about that. I have just given a caution and the member can interpret that caution the way the member chooses. I will not canvass debate.

*Debate Resumed*

**Mr M. HUGHES:** All I am doing is advising to you that I have written to the chair of the committee indicating that I will move a motion. That is not a deliberation; it is an indication of what I intend to do.

I will just say that I will move a motion in respect of the 25 March and 22 April minutes being tabled in both the Assembly and the Council. I will also move that the minutes of the meeting that took place on 13 May be tabled, when the committee considered the correspondence with Mr McKechnie, QC, in which he sought to be informed of, and provided with, any adverse material concerning him that the committee had before it at its previous meetings. I think it is important that we understand —

**The ACTING SPEAKER:** Order, member! You have given an indication of what you intend to do, and, as I said before, you have to consider that you cannot talk about committee deliberations. However, to the extent of your deliberations in this place, you may want to consider that cautiously and move on quickly to the reason you are giving the indication of what you wish to do.

**Mr M. HUGHES:** I am trying to.

**The ACTING SPEAKER:** I am just giving you a caution, member, in terms of where you want to take this. I understand that you have given an indication of what you want to do. The question is about the deliberations of the committee and how you ensure that you have caution in that manner.

**Mr M. HUGHES:** I understand.

**The ACTING SPEAKER:** Thank you, member.

**Mr M. HUGHES:** Thank you.

I will not rove over those other couple of paragraphs again, just in case I get stopped again.

The Leader of the Opposition has publicly stated that Mr McKechnie is an upstanding candidate to continue in the role. She has gone on to say that she is unable to support the reappointment of Mr McKechnie, QC, in view of the committee having rejected the nomination because the committee had evidence of third parties and confidential information adverse to Mr McKechnie's stewardship of the Corruption and Crime Commission.

**Mrs L.M. Harvey:** You need to quote me accurately.

**Mr M. HUGHES:** Well, okay.

In conversation with Oliver Peterson—talking about the process, Liza Harvey—what about the process of risk of reappointing John McKechnie or somebody else to the position of chief of the CCC; what happens next? The Leader of the Opposition says, “Well, the legislation that the government has introduced to appoint the commissioner just isn't acceptable, Ollie.” We have the commissioner's appointment by the process that has been prescribed by the legislation since 2003, and I think it is looking like a political stunt to have the commissioners appointed in this way. I just do not think it is appropriate. I doubt that the legislation will get support in the upper house. Instead of the opposition continuing to make this an issue, I think the Premier needs to sit down with the chair of the Joint Standing Committee on the Corruption and Crime Commission, Margaret Quirk, and go over what the next steps are because we have to have a commissioner appointed appropriately. This is the most powerful position in the state, and to have it appointed by questionable legislative amendment is not appropriate at all.

Does John McKechnie still have your personal support, Leader of the Opposition? Is he still the best person to lead the CCC, Liza Harvey? The Leader of the Opposition said that the committee obviously did not believe so and had information available to it that she does not. She went on to say that she had always been a supporter of the work of John McKechnie and had never been critical of any investigation of any individual in Western Australia who was engaged in corruption and inappropriate behaviour. However, she said that whether Mr McKechnie was reappointed or someone else was appointed, it needed to be done by the process that has worked since 2003. I am saying that



the process has not worked for the reappointment of a sitting commissioner. The Leader of the Opposition went on to say that she was supportive of the committee rejecting the nomination because of evidence of third parties and confidential information that referred to the stewardship of Mr McKechnie, QC. That is why she was supportive, but as she said on another occasion, she does not have a vote. I want to assure the opposition leader that no such evidence was ever before the committee. In the absence of that, there is no valid basis for the Leader of the Opposition to continue her strident opposition to the processes that we need to bring into this place to reappoint the most outstanding candidate. Mr McKechnie received the nomination of the nominating committee under the signature of Hon Peter Quinlan, which was provided to the Premier. The Premier took it that the committee would simply confirm his reappointment as a matter of process, and that there would have to be some weighty reasons for that not to proceed. We need to know what those weighty reasons were. That is why I think it is appropriate that the committee inform the Legislative Assembly and the Legislative Council of what is in those minutes.

[Member's time extended.]

**Mr M. HUGHES:** All I am asking is that the Leader of the Opposition get out from behind her petty political pointscoring and support, in a truly bipartisan way, the only mechanism that is available to the government to speedily reappoint the commissioner so that he can get on with his work. In the absence of a long process of amending the act, on the advice of the Solicitor-General, this bill is the most appropriate approach to be taken. We are looking at the reappointment of John McKechnie. Let us deal with the legislation to correct this act, which has many other problems, sometime in the future. The Leader of the Opposition should join in the spirit of bipartisanship and pass this bill. More importantly, rather than being the titular head of the opposition—I know what seat she holds in this place—she should be the actual Leader of the Opposition and support the government.

**MS M.J. DAVIES (Central Wheatbelt — Leader of the Nationals WA)** [11.42 am]: That was a quite extraordinary contribution from the member for Kalamunda on the Corruption, Crime and Misconduct Amendment Bill 2020. I appreciate the pressure that the member for Kalamunda must have been under, but he does his cause no good. The views of those sitting on his side of the chamber were plain to see on their faces when they watched him make his contribution. As somebody who has been here for 12 years, I can say that when he talks about tabling the minutes of committees, he is talking about significantly changing the processes of this Parliament. I cannot imagine that members of this place who have served for longer than one term and who understand the processes would agree to that, because it would significantly stifle debate within committees, which is supposed to be bipartisan. I cannot accept the arguments the member has put forward. It is clear that he is frustrated and that he has been heavily involved in this process to this point, but what the government has put forward as a solution is not right.

The Nationals WA have watched this whole process with great interest, because the Corruption and Crime Commission serves an incredibly important function in our state. To refer to the comments Hon Jim McGinty made when he introduced the bill —

Western Australians deserve a Police Service and a public sector that are free from the scourge of corruption.

We do: the community has the absolute right to have confidence that integrity and honesty are at the heart of those who serve the public. That truism stands today as much as it did when we debated this legislation back in 2003. When the then Attorney General, Mr McGinty, brought to Parliament the legislation that we are seeking to amend in the crudest way today, he outlined 10 principle ways in which the Corruption and Crime Commission was to be an improvement on the existing body, which at that time was known as the Anti-Corruption Commission. The first principle concerned accountability. He said that a new structure would be created, with one commissioner, provision for an acting commissioner, a parliamentary inspector and continued monitoring by a parliamentary committee. The role of that parliamentary committee was mentioned in the first principle for the new body that was to be created and was to become the most powerful corruption body in the nation at that time. For the sake of brevity, I will not go through the full 10, but the role of the parliamentary committee and the process of appointment were important enough to mention in that very first principle. It was very clearly laid out at that time and debated at length.

Before I go any further, I want to be very clear about where the Nationals stand on this bill. We do not and will not support the amendment that has been brought forward by the government. I will outline the reasons for that, but I want to be very clear that our position cannot and should not be interpreted as a reflection on the qualifications, suitability or appropriateness of the person who is, unfortunately, at the centre of this whole debate, Mr John McKechnie, whom the state government is seeking to reappoint. I do not know Mr McKechnie and can reflect only on what is already in the public domain. I note that he was deemed suitably qualified to be appointed to the role of commissioner in 2015 under the then Liberal–National government. His qualifications have been well canvassed in a number of debates, in both the public sphere and this place. Mr McKechnie is a Queen's Counsel. He joined the then Crown Law Department, he was the first state Director of Public Prosecutions, he joined the Supreme Court, and in 2015 he was appointed as the Corruption and Crime Commissioner. He is eminently and suitably qualified—that

has been stated over and over by the Premier, those who have spoken in public and the Leader of the Opposition. I do not think there is any question about Mr McKechnie and his qualifications.

As I said, I do not know Mr McKechnie. I also point out that the Nationals WA do not have a formal, legislated role in the appointment of the commissioner. We do not have any representative on the Joint Standing Committee on the Corruption and Crime Commission. I will get to that later, because there was controversy at the beginning of this Parliament about the make-up of that committee. I think we are in a little bit of a mire as a result of the politicking that occurred when that committee was created. The government has got itself knee-deep in something that was created three years ago, when this committee was first put into play. As I understand it, the Premier has no requirement to consult with me as Leader of the Nationals WA, but I am happy to be dissuaded. Notwithstanding that, after Mr McKechnie's nomination could not be endorsed by the JSCCCC, the Premier did write to me, during the midst of the COVID-19 crisis, to seek my support to debate the legislation that we are debating now, because he proposed to directly appoint Mr McKechnie by amending the act. I confirm that I responded to the Premier and did not agree that it needed to be debated at that time. We were in the midst of the COVID-19 pandemic and debating legislation to make sure that the state government could respond appropriately to the pandemic. We were seeking to make sure that the legislation could go through the Parliament as swiftly as possible. In our minds, this matter was not COVID-19 related and, therefore, there was no cause to deal with it under the temporary standing orders under which we were operating in the spirit of bipartisanship to progress legislation.

The second reason I did not support it is the reason we still do not support the government's approach, which I outlined in the letter that I provided back to the Premier. An excerpt from the letter reads —

In addition, the precedent set by a Government amending the Corruption, Crime and Misconduct Act 2003 to specifically name and appoint a Commissioner is unwelcome and unwise. The Act is very specific about how the Commissioner should be appointed to avoid any perceived or real notion of bias or conflict and your proposed action could potentially overshadow the Commissioner's role and any future contribution.

The Government of the day overriding provisions of the Act is a significant step, especially when there are other avenues available to resolve this. Our Party understands the importance of the Corruption and Crime Commission and the role of the Commissioner, however, we do not believe this is a prudent way to resolve the issue.

Frankly, in the midst of the pandemic, with great anxiety in the community, the Premier's actions at that time could only be described as overreach. His actions and the way in which he has chosen to manage this situation has also made it untenable for Mr McKechnie to be reappointed. That is as simple as it gets. It is the Nationals' view that if the Premier is unhappy with the appointment process for the commissioner, he should bring legislation to the house that changes the process and give us the opportunity to debate the merits of that. We are not debating the merits of a process; we are debating a name, and setting a very dangerous precedent. The Premier may argue that the bill before us is exactly that—that is, it changes the process. That is the most basic interpretation of what we are considering. I say that it is a dangerous and unwelcome precedent to name someone in the bill. We would object to this manoeuvring by government whether it were Mr McKechnie or any other eminent, suitably qualified candidate. I want to be very clear about that. Whether it were Mr McKechnie or anyone else, we would object to the way that this government is seeking to appoint someone to a very powerful role, which requires there to be absolutely no question raised about their integrity by way of their appointment. Our refusal to support this bill is not a debate about Mr McKechnie's suitability; it is about the precedent that the Premier and his Attorney General are willing to set to get their way.

I have no interest in descending into the grubby politics that has emerged as the government has seen an opportunity to drag the Leader of the Opposition into this process. It is unsavoury, and some of the commentary that has played out today has been unsavoury. As the Leader of the Opposition has indicated, she has no issue with the reappointment of Mr McKechnie but, like me, she has no formal legislated role to play in the appointment process. It is incredibly unfair for us to be dragged through the mud for a political pointscore exercise. In my view, all the Premier has succeeded in doing is ensuring that Mr McKechnie cannot be appointed. The way the commissioner is appointed is as important as who the commissioner is. The commissioner's integrity has to be protected through the appointment process, which has checks and balances to ensure that we do not end up with the Premier or the executive government appointing people who may be disposed to pursue agendas that support the government. I am not suggesting for one moment that that is how Mr McKechnie has or will operate. The Premier has cast that shadow himself by overriding the checks and balances of the appointment process.

I note that a number of reports have been completed by the Joint Standing Committee on the Corruption and Crime Commission into the efficiency and the timeliness of the current appointment process for commissioners and parliamentary inspectors of the CCC. The first report, dated November 2016, was completed in the term of the previous government. Parliament was prorogued and the findings of that committee report were not responded to by

the government because we went to an election, so the first report of the current committee, dated September 2017, was completed and tabled under the Labor government., The Attorney General was required to respond to those recommendations, as ministers are when committees table reports with findings and recommendations.

Let us turn to the report that was completed by the committee under the current government, which is chaired by the member for Girrawheen. Finding 2 of each report refers to the definition of “bipartisan support”. Neither committee found that the definition had proved to be of concern. Both reports canvassed the appropriateness of the current appointment process of commissioners and parliamentary inspectors. The report talked about the creation of a deputy commissioner role and reviewed the appointment processes of other jurisdictions: New South Wales, Victoria and South Australia. It canvassed, quite significantly, the role of the nominating committee—not the Parliamentary committee, the nominating committee—in supplying to the executive a list of suitable candidates to fill the roles of inspector and commissioner of its anticorruption agency. Recommendation 2 of the report asks for the Attorney General to prepare an amendment to the Corruption, Crime and Misconduct Act 2003 to remove the role of the nominating committee in the appointment process for commissioners and parliamentary inspectors. Correspondence by very eminent individuals from the judiciary was tabled to that effect. The second part of the amendment was that in lieu of that, the legislation mandate that the Premier propose one name from a list of three people to the committee for its bipartisan and majority support. The recommendations were made in the report dated September 2017. The Attorney General replied dutifully on 13 March 2018, providing the government response, as he is required to. His response was —

In relation to recommendation 2, the Government will consider a proposal to amend the appointment process so as to remove the nominating committee from the appointment process given the support that this proposal has received.

The Attorney General referred to four items from the findings and recommendations but I cannot find, in any of the committee’s recommendations or in the response of the government of the day, any recommendations calling for the government to simply insert its pick into the act. I cannot find that, and I cannot find any recommendation to change what “bipartisan support” means. I cannot find any recommendations for changing the process for appointment. In fact, most of the report states that the committee was happy with the process as it stands. The committee considered this in this current term of government, so we are not talking about a particularly outdated report. The fact of the matter is that the process was put in place to protect the integrity of the person in the role and the work of the CCC. It has stood us in good stead since 2003. The committee has had some challenges along the way. I think that has been widely acknowledged. There has been opportunity for the act to be reviewed from time to time.

If the government would like to adjust the appointment process, it would do well to bring amendments to this place that do both. Then we could consider the merits of that. We are all sitting here waiting to be able to improve the processes and the responsibilities, so that the commissioner, his deputy and those who work at the CCC can acquit their work appropriately and with more efficiency while holding their integrity intact. We cannot support the government’s approach. The ordeal that Mr McKechnie has been forced to endure as a result of the way that this has been handled is regrettable and, in my view, unnecessary. It has been driven by political machinations rather than by seeking to ensure long-term stability for the most powerful statutory body in our state.

This is a problem of the government’s own making. The make-up of the Joint Standing Committee on the Corruption and Crime Commission was its own concoction when this Parliament was formed. The mire that the member for Kalamunda finds himself in is of his own making. The browbeating of the Leader of the Opposition and individual members of Parliament will not win the argument, because the argument is not founded in fact. It cannot be won other than through sheer force of numbers on the floor of Parliament. That is not a moral victory. That is a victory of the government getting its own way because it is in government, but it is not right. The government is knee-deep in trying to justify its actions, which have been politically motivated and unnecessary. I again put on record that this debate should not be about the suitability of Mr McKechnie. It should be about the process by which the government is seeking to circumvent something that has been put in place to protect people like Mr McKechnie so that his name, and those of others who are nominated and put forward, are protected from this very unsavoury situation.

**MR M. MCGOWAN (Rockingham — Premier)** [11.57 am]: Unsurprisingly, I want to speak in support of the Corruption, Crime and Misconduct Amendment Bill 2020. I want to explain why the government has brought forward what is a very simple, very straightforward, but a little unusual, piece of legislation. The central point here for the entire Parliament to consider is whether or not members support the reappointment of Mr John McKechnie, QC, as the head of the Corruption and Crime Commission. Everything else is extraneous, subterfuge, or members coming up with reasons to justify their positions. It is whether or not members support him.

**Extract from Hansard**

[ASSEMBLY — Thursday, 14 May 2020]

p2721b-2739a

Mrs Liza Harvey; Mr Matthew Hughes; Mr Zak Kirkup; Ms Mia Davies; Mr Mark McGowan; Mr Peter Katsambanis; Dr David Honey

---

We support him. He was appointed by the last Liberal–National government. As I said last night, he has been the most successful occupant of the role of commissioner of the CCC in the body’s history. He is a person with deep roots in the law in Western Australia and has high levels of respect from everyone across the public sector, including people of the stature of the Commissioner of Police. He was the former Director of Public Prosecutions of Western Australia and was responsible for an office of 200 or so lawyers, who conducted prosecutions in the state. He conducted a range of high-profile prosecutions in Western Australia himself. Studious, decent, hardworking, and respected—that is Mr McKechnie. He became a highly respected Supreme Court judge. After finishing in that role he took on the role of commissioner of the CCC, after the CCC had had a long period of instability and, it would be fair to say, lack of delivery. There was turnover of staff and problems within the organisation for a number of years. Finally, in the last couple of years of the Liberal–National government, Premier Colin Barnett reappointed Mr McKechnie, a decision that I, as opposition leader, supported. He was the outstanding nominee. So this matter is about whether the opposition supports him; anything else is just making up excuses. All the opposition is doing in this matter is making up excuses.

What is the process to reappoint someone as the head of the CCC—not to appoint, but to reappoint? As Premier of the state, I followed to the letter the processes laid down by the law. Had I gone outside that process, I would have been criticised; the opposition would have come in here and criticised me for that. I followed it to the letter. I got a recommendation from the Chief Justice of the Supreme Court, Peter Quinlan, another highly respected person; the Chief Justice of the District Court, Kevin Sleight, another highly respected person; and the community representative Audrey Jackson, former head of the Independent Schools Council of Australia and a highly respected Western Australian. The three of them provided a unanimous recommendation to the government of the day about who should be the head of the CCC. The unanimous recommendation was that John McKechnie, QC, should be reappointed to the role, having served five years in the role. It was unanimous.

I read out last night, but for those who were not here I will read it out again, the recommendation and what was said in the letter I received from Mr Peter Quinlan on 23 February, or thereabouts, about Mr McKechnie. I quote —

... Hon John McKechnie QC is the outstanding nominee for the position. He has extensive experience and a demonstrated capacity in the role, which he has carried out independently and with great integrity. Indeed, this appointment is required only because of Mr McKechnie’s current term expiry. His reappointment will also provide continuity in the position.

There it is. That is the recommendation I received. I then generated correspondence, as required by law, to the Joint Standing Committee on the Corruption and Crime Commission to recommend his reappointment, which I assumed would be a formality. It should have been a formality that he be reappointed because he is the outstanding person—respected and appointed by the last Liberal–National government. He was appointed by the Liberal government. He has put the ship of state of the CCC back on track and has exposed corruption that needed to be exposed and had gone on for years. One example is the Paul White affair. That had gone on for years; he worked to help expose that. He also exposed the issues surrounding the trade commissioner in Japan and the issues surrounding the North Metropolitan Health Service. Each issue had gone on for years. Mr McKechnie and his management of the CCC assisted in exposing that.

I wrote to the committee, thinking the reappointment would be a formality. I do not even remember thinking much about it, it was so obvious. I received a letter from the chair of the committee, the member for Girrawheen, in which she indicated —

The Committee has been unable to achieve bipartisan and majority support ...

I was amazed. I remember getting this letter. I think it was a Friday evening whilst I was dealing with the height of the initial part of the COVID-19 crisis. I was amazed by this letter. I thought about what would be the best way to get a resolution. Remember, the letter from the head of the committee says failure “to achieve bipartisan” support. If members read the act, they will note that it requires bipartisanship. Bipartisanship means that the opposition needs to agree with the government. The opposition member on the committee is the representative of the opposition—the representative of the Leader of the Opposition. The opposition member on the committee does not decide what the opposition’s position is; he is a representative, otherwise the word “bipartisan” has no meaning. Otherwise, make Hon Jim Chown the opposition leader! That would be the simple solution. Make him the opposition leader, then he can decide the opposition’s position; otherwise, what is the meaning of the word “bipartisan”?

I then wrote to the opposition leader, seeking her support. I will admit my letter was a little bit racy and it had some references, which I will come to shortly, to a CCC inquiry into upper house members of the Liberal Party. It did. It referred to that because it is actually a very relevant point. When I received correspondence from the Chief Justices on the reappointment of Mr McKechnie, I did not imagine that a member of the committee in the upper house who had been part or subject to an investigation would have the gall, the chutzpah, to block his appointment.

Mrs Liza Harvey; Mr Matthew Hughes; Mr Zak Kirkup; Ms Mia Davies; Mr Mark McGowan; Mr Peter Katsambanis; Dr David Honey

---

I wrote to the opposition leader seeking her support. She sent me back —

**Mrs L.M. Harvey:** Excuse me. Are you saying that Mr Chown is subject to investigation?

**Mr M. McGOWAN:** No. I did not make any interjections when the Leader of the Opposition was speaking. I will come to that.

I got this letter, in which the Leader of the Opposition rejected assisting the opposition representative to achieve bipartisanship on her behalf. I then got another letter from the Leader of the Opposition at a later point in time, on 14 April. It was a much more comprehensive letter, in which she said —

I regard Commissioner McKechnie as a person of the highest integrity. His career spanning over thirty years as the state's Director of Public Prosecutions, as a judicial officer to the Supreme Court of Western Australia and in his current role as a Commissioner of the Corruption and Crime Commission categorises him, in my view, as an outstanding candidate to continue in the role of Commissioner.

I support his re-appointment unequivocally.

That is the correspondence I got exactly a month ago from the leader of the Liberal Party. I will quote it again —

I support his re-appointment unequivocally.

It continues —

I recommend as the process of appointment is still underway, that you resubmit his nomination to the JSCCCC with my letter of support. You should also request to appear before the Parliamentary Committee, to present the case for the Commissioner's re-appointment.

I then wrote back to the joint standing committee with the letter of endorsement from the Leader of the Opposition, as one would expect I would do because she said to do it. She said she supported his reappointment. I wrote back to the committee, saying, "I have the letter from the Liberal Party leader. You have my letter as the Leader of the Government. The opposition and the government agree to his reappointment, can you now reappoint him, please." I followed that exact process. What have I done wrong? I then got another letter from the committee, saying no.

We investigated the law and whether we could just ignore the committee's outcome and appoint him on the basis that the committee does not have a veto power. Perhaps we could have done that, but that would have risked any inquiries conducted by the CCC, any evidence secured by warrants issued by Mr McKechnie and all that sort of thing, to legal challenge. Imagine if we had done that. Imagine if we just ignored one member, not achieving bipartisanship on that committee, and reappointed Mr McKechnie. Some lawyer would have been able to challenge on behalf of someone accused, or found guilty of corruption more likely, the appointment of Mr McKechnie, and such an inquiry would be rendered void or not valid. Obviously, we could not do that. That option was open to us, but we did not do it. I followed the process as it currently stands to the letter of the law. Why is the process as it currently stands flawed? It was not in the original draft of the bill. This process was not recommended in the original drafting of the bill. The original draft of the bill that went through this house had the Leader of the Opposition and the Premier agreeing on the appointment. The bill was amended in the upper house by the then opposition. Members might recall that Hon Norman Moore was the Leader of the Opposition in the Legislative Council at the time. The bill was amended, and the government in 2003 had to accept that. Any notion that we are overriding the drafting of the bill as it stood originally is wrong; that is not how it was drafted. It was meant to be an agreement between the Premier and the Leader of the Opposition, which would be a better way of dealing with this issue. I would probably expect more reason from an opposition leader than from a member of the upper house appointed to the committee who has lost preselection.

As the process currently stands, the committee can veto any nominee without a reason because one member of the opposition says no. That is how it currently stands with the amendment put in place by the Liberal Party in 2003. Without reason! We could put another nominee forward and it could be vetoed again with no reason given. That is what members opposite are defending. Someone who has been inveigled in an inquiry by the Corruption and Crime Commission can veto the investigator. That is how it currently stands. Does that not strike people as wrong and appalling? The nominee that we have recommended has no rights of natural justice. The Corruption and Crime Commissioner cannot be heard and cannot have presented to him any reasons against him. He cannot be heard. The CCC gives accused people the right to appear and hear the accusations against them, but the commissioner cannot be heard before the committee. Do members seriously think that is a fair system for someone of the stature of Mr McKechnie? How will we get another nominee of that stature for that role if the opposition is going to put them through that process? How are we going to get another nominee if they can be vetoed without reason and their name traduced, in the way the opposition has, with no reason? How are we going to get someone else of that stature to take on a position of this magnitude?

Mrs Liza Harvey; Mr Matthew Hughes; Mr Zak Kirkup; Ms Mia Davies; Mr Mark McGowan; Mr Peter Katsambanis; Dr David Honey

---

Why have we brought forward this legislation? It is because Mr McKechnie is the outstanding candidate. Mr Barnett, who spent eight and a half years as Premier, said so. He said —

John McKechnie is an outstanding person, and in my view, should be reappointed as commissioner of the CCC.

The Leader of the Opposition said exactly the same thing. Why have we brought forward legislation? It is because the opposition told us that he was the right person for the job and the process the opposition recommended, that I write to the committee again with the Leader of the Opposition's letter of endorsement, failed again. Why have we brought forward legislation? It is because that is the only way we can get Mr McKechnie reappointed that the Leader of the Opposition endorsed.

I listened to opposition members' speeches. One of the arguments was that we should change the law. If we do not like the current process, we should change the law. If we brought forward legislation to change the arrangements for appointing or reappointing the CCC commissioner, the opposition would have objected vehemently. If the opposition says that it will support that, we will bring forward those laws. If that is the process that will get Mr McKechnie reappointed, the opposition should say so and we will do that. The government considered doing that, but we did not do it because I understood that the opposition would object to that.

**Mrs L.M. Harvey:** You didn't ask me.

**Mr M. McGOWAN:** I am asking the Leader of the Opposition now.

**Mrs L.M. Harvey** interjected.

**Mr M. McGOWAN:** I did not interject on the Leader of the Opposition, but she has interjected on me. If we brought forward that it would be just the Premier and the opposition leader who would decide, would the opposition support it?

**Mrs L.M. Harvey:** I think the act needs to be amended so a debacle like this cannot happen again.

Several members interjected.

**Mr M. McGOWAN:** There is no clarity there, Mr Speaker.

**Mrs L.M. Harvey** interjected.

**The SPEAKER:** Leader of the Opposition!

[Member's time extended.]

**Mr M. McGOWAN:** If the opposition wants Mr McKechnie appointed by another means, I will bring forward that legislation if this legislation fails in the upper house. I will bring that forward if that is the process we have to go through in order to get the best person. But we did not do that because we did not want to give the opposition reasons to vote against the legislation. The Leader of the Opposition said the opposition supported Mr McKechnie's reappointment in direct correspondence to me, so the cabinet and I thought the simplest and easiest way to achieve that outcome was to just name Mr McKechnie. That avoids any arguments that we are changing the system forevermore, undermining any processes or any other arguments the opposition wishes to come up with. We did that because the Leader of the Opposition suggested it to us—that is, reappoint Mr McKechnie. We are trying to do that because that is what the Leader of the Opposition said.

That is that one. I listened to the Leader of the Opposition's speech. There are two other things she said. She said we are subverting the will of Parliament. How is passing legislation subverting the will of Parliament? In what universe is passing legislation subverting the will of Parliament? If Parliament passes legislation, how is that subverting its will? I do not think anyone can answer that question because it is a nonsensical argument. The Leader of the Opposition put forward a nonsensical position. The one thing the Leader of the Opposition did not do in her speech is give a single reason against Mr McKechnie—not one!

**Mr M. Hughes** interjected.

**The SPEAKER:** Member for Kalamunda, you had your say.

**Mr M. McGOWAN:** We are trying to get Mr McKechnie reappointed and all the arguments we hear do not address the main issue, which is him. The Leader of the Opposition came up with all these reasons about how we had done things wrong and that sort of thing, but clearly that is not true. Clearly, what has occurred here is that the Leader of the Opposition cannot control her own party and that is why we are in this position.

**Mr A. Krsticevic** interjected.

**The SPEAKER:** Member for Carine!

Mrs Liza Harvey; Mr Matthew Hughes; Mr Zak Kirkup; Ms Mia Davies; Mr Mark McGowan; Mr Peter Katsambanis; Dr David Honey

---

**Mr M. McGOWAN:** The Leader of the Opposition cannot get a Liberal Party member of Parliament in the upper house who has lost preselection—who, frankly, barely anyone has ever heard of—to agree to her position! That is why we are in this position and Mr McKechnie is being hung out to dry. That is why the Corruption and Crime Commission has been left, as Mr McKechnie described it, decapitated. It is because of a failure of leadership by the Leader of the Opposition. Otherwise, the Leader of the Opposition’s letter to me in which she says she supports Mr McKechnie’s reappointment unequivocally and asks me to enclose her letter with my letter back to the committee was false.

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

**The SPEAKER:** Premier! Point of order.

*Withdrawal of Remark*

**Mr Z.R.F. KIRKUP:** I believe the Premier has alluded to improper motives of a member of the upper house and I ask him to withdraw.

**The SPEAKER:** In what regard?

**Mr Z.R.F. KIRKUP:** The Premier referred to a member of the Liberal Party in the upper house as being, effectively, akin to corruption.

**Dr D.J. Honey** interjected.

**Mr Z.R.F. KIRKUP:** “Corrupt”, indeed. Thank you very much, member for Cottesloe.

**Mr B.S. WYATT:** Mr Speaker, a further point of order.

**The SPEAKER:** Just let me finish this one first.

**Mr B.S. WYATT:** Mr Speaker, a further point of order. If you actually listen to what the Premier said, he referred to — Several members interjected.

**The SPEAKER:** Excuse me!

**Mr B.S. WYATT:** — the corruption of the Liberal Party, not the corruption of any particular member in the upper house. I think the statement made by the Premier was crystal clear.

Several members interjected.

**The SPEAKER:** Well, I thought it was the corruption of the Liberal Party.

**Mr S.A. Millman** interjected.

**The SPEAKER:** Member for Mount Lawley, if you want to come and sit up here and make a decision, you can, but I call you to order for the first time. That is not a point of order.

*Debate Resumed*

**Mr M. McGOWAN:** Mr Speaker, this form of corruption cannot be allowed to stand. It cannot be accepted and allowed to stand. It is wrong that members of the Liberal Party do this. It is wrong that they stop Mr McKechnie’s appointment in this way. It is wrong. It sends a message that members of Parliament are above the law. We are not above the law. We should be able to be investigated without the investigator’s job being threatened. We should not allow what the Liberal Party is doing to stand. Members opposite need to show some leadership here and support a fine institution with a fine leader. What it is doing is wrong.

We will not allow this to stand. We will not allow the Liberal Party to do this to the finest corruption investigator this state has ever seen. Mr McKechnie is our nominee, he will remain our nominee for that position, and we will not abide by the corrupt practices of the Liberal Party here.

**The SPEAKER:** Members, the question is that the bill be read a second time. Member for Cottesloe, if you want to make a comment, get up and say something instead of sniping from the back. Member for Hillarys.

Mrs Liza Harvey; Mr Matthew Hughes; Mr Zak Kirkup; Ms Mia Davies; Mr Mark McGowan; Mr Peter Katsambanis; Dr David Honey

---

**MR P.A. KATSAMBANIS (Hillarys)** [12.22 pm]: Thank you, Mr Speaker. I rise to speak on the Corruption, Crime and Misconduct Amendment Bill 2020. Given the previous contributions, it is simply extraordinary that we are dealing with this. The Premier rightly said in his contribution that this is a very simple bill. It has one operative clause, which is to appoint John Roderick McKechnie as Commissioner of the Corruption and Crime Commission for a period of five years. What has led to this bill being introduced into this place is far from simple. I think the entire process that led to this bill being brought before the house was very well articulated in the debate, particularly in the contributions of the Leader of the Opposition, the Leader of the National Party and the Premier. Unfortunately, none of that process paints this place or the operations of parliamentary democracy in Western Australia in a very good light.

At the centre of this debate is an individual who is named in this legislation. He is a fine, upstanding Western Australian. I think the public of Western Australia have got to know him not as an elected member of Parliament, but as a servant of this state as a crown prosecutor, a Director of Public Prosecutions, a Supreme Court judge, and, lately, in the last five years, the Commissioner of the Corruption and Crime Commission. He was a very, very effective commissioner, as has been outlined again in the contributions of the Leader of the Opposition, the Leader of the National Party and the Premier. Quite clearly, he is a very effective public servant. I think the public generally in Western Australia accept that and have a very strong and high regard for him. I personally also have a very high regard for him. I know him exceedingly well, and I need to put this on the record. Hon John McKechnie, QC, is the first cousin of my mother-in-law—the first cousin once removed of my wife. As far as family members in Western Australia are concerned, he is a close family member of my family, which, of course, as all parliamentarians will understand, places a member of Parliament in the position of voting on legislation that names an individual in significant conflict. I do not resile from the fact that not only my personal knowledge of John McKechnie, but also my knowledge of his work in Western Australia, paints him in the best possible light, as a fine, upstanding Western Australian, a distinguished Western Australian, and an honourable human being. I think it is unedifying that the Parliament of Western Australia collectively, through all our processes, has subjected any individual to the sort of machinations that we have seen over the last few months. It is unedifying on us as a class. Members have heard me say that before in this place, and I really mean that.

I do not think I can add a lot in my contribution to what has been said by the members for Scarborough, Central Wheatbelt and Rockingham in their leadership positions, but I do want to emphasise a few points. The Premier said in his contribution—I do not want to misquote him—that the appointment process for a CCC commissioner is fundamentally flawed. I am not going to take issue with that comment; members have just heard me comment about how unedifying I think the process has been. But if that is the case, I think the obvious solution is to fix the process. I would have expected that legislation would come to this place that attempts to fix that process, whether it is negotiated between parties or brought forward by the government as a proposition that can then be debated.

I recognise, as again has been pointed out in the debate, that that negotiation within Parliament is what led to the existing process that was introduced back in 2003, because what was originally proposed to Parliament back then and what eventually became law were two entirely different processes. But I point out again, as did the Leader of the Opposition, that, as stated in the comments made by former Solicitor-General Grant Donaldson, SC, in his letter that was tabled in this place earlier today, none of what we are doing today fixes any flaws in the process. In fact, it lets them stay there for the next time a similar impasse occurs. It would have been incumbent upon us all to fix any flaws in the process—identify the flaws, come up with a solution and fix them. I note that in the debate today, the Premier suggested that he might have been open to that. When the Leader of the Opposition pointed it out in her contribution, the Premier interjected, or perhaps just muttered under his breath, asking whether the Leader of the Opposition would have supported any changes to the process. I would have thought the starting point for a change to the process would have been the Premier or the government proposing a change and having a discussion, whether in parliamentary debate or any other process. I would have thought that would have been the starting point, and it may have been a starting point that enabled us to move forward without this extraordinary legislation that circumvents the existing act. It circumvents a process that, at the heart of it, requires an appointment to be made under the seal of the Governor, and it may have got us to a better place, but that did not happen. I think that is disappointing. It can still happen and I hope it does.

If consideration is given to fixing any flaws in the process, I hope the government takes into account what the former Chief Justice of Western Australia, Hon Wayne Martin, said in his correspondence that was attached to the Joint Standing Committee on the Corruption and Crime Commission's 2016 report that has been referred to frequently in this place. I will repeat some of those words just to emphasise the importance of this debate. He states —

... contemporary evaluations of the importance of the independence of the judiciary are such that it is undesirable, as a matter of policy, to require judges to perform purely executive functions unconnected with their judicial office. Those reasons of policy are strong indeed when the executive functions have potential political consequences.



Over the 10 years upon which I have served on the Nominating Committee, its role has not been entirely non-contentious. As the Committee will be aware, there have been times at which it has been extremely difficult to solicit expressions of interest from appropriately qualified candidates for appointment to the relevant vacant position.

... These various actions, which are characteristic of those involved in the recruitment process, are not, with respect, duties of a kind which should be required of serving judges, given the potential risk of contention.

That was identified by Hon Wayne Martin, former Chief Justice, back in 2016 as a potential risk of contention and something that certain judges should not be subjected to.

In his letter, Hon Grant Donaldson, SC, also elicits a new concern. I will quote part of paragraph 38 of his letter. It states —

Although the Act does not prohibit the nominating committee from expressing “resounding support” for one candidate over others, for judges who exercise federal jurisdiction under the *Constitution*, who are immersed in a pure executive function, to be doing anything more than is strictly legislatively required is problematic.

He raises a constitutional issue as well for any judges who may be vested with federal jurisdiction. We know that that happens from time to time in our courts. If a flaw has been identified in the legislation, it is a serious flaw and one that has potential consequences for our senior judiciary that has been identified for quite some time, so let us fix that too.

The other area I want to concentrate on is the role of parliamentary committees more generally. I do not think anything we have heard and seen in this place in the last couple of days has done wonders for what I consider to be one of the most important processes of our parliamentary democracy—that is, the operation of parliamentary committees. I have spoken about it in this place, and others have spoken about it more eloquently than I have. In my entire time as a parliamentarian both here and in the other place, and in another state, the role that parliamentary committees can play when they operate as intended is axiomatic to our democracy. It is the usually the place where we see members of Parliament acting at their best, putting aside partisan political considerations or issues of the day and considering broader policy issues for the benefit of all our constituents and for all Western Australians—considering them in the medium to long term rather than that immediacy of the short-term 24-hour news cycle.

The results over decades have been tremendous. The operation of parliamentary committees has resulted in fundamental legislative changes but, more importantly, attitudinal and societal changes that have led to the betterment of our community. To bring the operations of parliamentary committees into disrepute, as has happened over the past few days in this place, is a disastrous by-product of this entire mess that we have gone through in the last few months relating to the appointment that we are contemplating in this legislation. The sooner we as parliamentarians take a step back and recognise that in the games we are playing, we are not only trashing individuals and exposing senior judicial figures to conflicts that they ought not be exposed to, but also running the risk of denigrating one of the most important and fundamental processes that we as parliamentarians have—that is, the bipartisan parliamentary committee process. That is why I caution everyone on all sides.

Yes, we are in an extraordinary situation. Obviously, I am inherently conflicted, and I have put that on the table because I think that is fair for everyone to understand. When considering this legislation, let us move beyond that short-termism, that 24-hour news cycle, that gotcha moment, the “who won today?”, “who won yesterday?” and “who won tomorrow?”, as if someone is keeping a ladder or a league table on this, because they are not. Let us look at the broader consequences to our institutions—to the CCC, to our judiciary and to our parliamentary committee process. Let us take a step back and think that perhaps the petty politics, the pointscore, the blame game and throwing silly labels around is not serving anyone. It is not serving the public of Western Australia, it is not resolving the impasse that we are trying to resolve—that is, appointing a CCC commissioner—and it is not doing any of us any favours.

I am really disappointed in this process. We have ended up like this across the board because we have put short-term politics ahead of the collective good—the good of Western Australians. We have all done it. It is not a Liberal, Labor, Nationals WA or Greens issue; it is an issue for members of Parliament, politicians and elected leaders of our communities. I am not sure where this will end up. At the heart of it is an individual whom I respect and admire. He is obviously someone I know very well, who does not deserve anything other than thanks and proper recognition for the role that he has played in Western Australian life, and I am sure for the role that he will continue to play in whatever position he takes on in the future, including possibly continuing as CCC commissioner.

But there is more. There is the judiciary. Let us fix that. Hon Wayne Martin acknowledged that. There is us. There are parliamentary committees and the standing that we have as members of Parliament. I do not know that this contribution will assist anyone in making a determination or in moving forward. I hope it does help move it

forward. I hope that the members of Parliament on all sides and in both chambers listening to this recognise that the preservation of those important institutions, particularly those institutions that serve us well—the CCC has served us very well, parliamentary committees have served us very well and the independent judiciary in Western Australia has served us well for decades—should be at the heart of what we are considering here, not petty and cheap political pointscoreing.

**DR D.J. HONEY (Cottesloe)** [12.40 pm]: I am used to the shadow Attorney General speaking for much longer, so it caught me slightly unawares.

**THE SPEAKER:** It caught us all by surprise.

**Dr D.J. HONEY:** Thank you very much, Mr Speaker. As has been mentioned a few times in this place, we live in interesting times. The COVID-19 crisis is a once-in-a-lifetime event—at least we hope it is. Perhaps the people who have a less optimistic view of life will say that it may come again in a different form. It has required a once-in-a-lifetime response. We have a bipartisan cabinet of state Premiers of a different ilk and the community coming together. To give credit where it is due, the Premier, as a member of the national cabinet, has done a good job in response to that crisis. That good job is reflected in the Premier's approval rating. A report by Jacob Kagi of the ABC on 2 May states that according to a WA newscast, the Premier is the most popular leader in the country, earning approval from a staggering 89 per cent of Western Australians. It is a stellar approval rating in response to that crisis. I might say that perhaps that should be tempered given that all world leaders—in fact, all state Premiers—have seen a substantial jump in their approval ratings.

**Dr A.D. Buti:** Not Donald Trump.

**Dr D.J. HONEY:** Can I say that Donald Trump substantially closed the gap on his rival during this period.

**Dr A.D. Buti** interjected.

**Dr D.J. HONEY:** Member for Armadale, it is a rocky road.

**Dr A.D. Buti** interjected.

**The SPEAKER:** Member! Please!

**Dr D.J. HONEY:** It is a rocky road.

**The SPEAKER:** Members! Excuse me; do not argue with this. He is eight per cent down; that is the latest poll.

**Dr D.J. HONEY:** Thank you very much for that education, Mr Speaker. Nevertheless, the Premier can be satisfied with the way this crisis is being managed in WA. However—I think this bill is a demonstration of it—it seems that his high approval rating has gone to the Premier's head. It seems as though the Premier believes he is omnipotent. This approval rating is a vindication of all the beliefs he holds, including his belief about who should be the head of the Corruption and Crime Commission, and that is no more evident than in this poor Corruption, Crime and Misconduct Amendment Bill that the Premier and the Attorney General have brought before the Parliament today. I believe that upon mature reflection, this bill will go down in history as one of the most ill-advised bills to come before this Parliament.

There was a fairly long gestation period before the CCC came into existence in 2003 under Premier Geoff Gallop. In 1998, the Official Corruption Commission, the OCC, was brought in under Premier Peter Dowding in response to some of the concerns about what came to be known as WA Inc. It was criticised as a toothless tiger and described as a postbox, and relied on other agencies to investigate complaints. In January 1991, after considerable public pressure from an inquiry into dealings between government and private entities and individuals, especially during the Burke government era, a royal commission was established and it became known colloquially as the WA Inc royal commission. Some members might remember why that original inquiry was established. I think that as part of the induction process for all members who come into this place, it should be compulsory to go through the Royal Commission into Commercial Activities of Government and Other Matters and the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers, which was the second royal commission relating to this matter, and to look at reports of both the committee of the ACC and the committee of the OCC, as they were at the time. Members might recall that the government was engaging business leaders, and those dealings led to at least \$800 million, conservatively, being lost to this state. As everyone knows, it was headed by Justice Geoffrey Kennedy. As an interesting aside, it took only 21 months to come to its conclusions, which should be a benchmark for current inquiries.

In terms of precedent for the way the CCC chair is selected now, chapter 7 of the report recommended establishing a Commission on Government to look at Parliament and government processes. In that recommendation, the Commission on Government established the principle that once the first chair was selected, a bipartisan parliamentary committee should be established to filter nominations for that process. It was clearly to take politics out of that appointment. The Anti-Corruption Commission was heavily criticised, can I say, by a member sitting in this

chamber—that is, the Attorney General—who can probably take credit more than any other person for the demise of the ACC and the subsequent formation of the CCC as we know it today.

The Gallop government established another royal commission into whether there had been any corrupt or criminal conduct by WA police officers, which says in part —

... identifiable flaws in the structure and powers of the ACC have brought about such a lack of public confidence in the current processes for the investigation of corrupt and criminal conduct that the establishment of a new permanent body is necessary.

It outlined improvements and recommended the establishment of the CCC and, obviously, that occurred. The Criminal Investigation (Exceptional Powers) and Fortification Removal Act 2002 was included with that act. When the CCC was formed under Attorney General McGinty and Premier Gallop at the time, the significance of appointing a parliamentary inspector with unfettered access to the CCC and continued monitoring by a parliamentary committee was recommended, and that was a key part of it. The CCC is not a body that stands by itself; it is a body that stands accountable to this Parliament. There are two parts to that. The Joint Standing Committee on the Corruption and Crime Commission has its own powers to investigate the CCC. The parliamentary inspector, as an officer reporting to the standing committee, also has separate powers to investigate and report on the CCC. It is very important that we remember that. The CCC is not a body that is superior to Parliament; it is a creature of Parliament and it is accountable to Parliament through the Joint Standing Committee on the Corruption and Crime Commission and through the parliamentary inspector as an officer who reports to that committee.

A couple of comments were made during this debate, and I wish to refer to one made by Dr Liz Constable during debate on the original CCC bill. She is quoted as saying —

I understand a dedicated standing committee will be appointed to oversee the CCC. I hope that the current structure of the committee is maintained; that is, a joint standing committee that comprises an equal number of members of both Houses. It should be a balanced committee so that it conducts its work in the spirit of bipartisanship. It should never be the case that one point of view has a majority of votes on such a committee. I believe very strongly that the committee has worked well up till now and I would not like to see a change to that make-up.

I think that reflects the sentiment of many people. It is a great shame that the member for Kalamunda has engaged in both public commentary and the commentary he has made in this place because it wrecks the spirit that was referred to by Dr Constable.

That royal commission established by the Attorney General of the day and Premier Gallop recommended that the new body be formed. It included the anti-bikie legislation and the parliamentary inspector but, critically, also included consultation on the appointment of the commissioner. The Premier alluded today that the committee's involvement in vetting the appointment of the commissioner was somehow a creature of the Liberal Party—that the Liberal Party forced them. That is simply not the case. In fact, I have here part of a copy of the “Report of the Standing Committee on Legislation in relation to the Corruption and Crime Commission Act 2003 and the Corruption and Crime Commission Amendment Bill 2003”. Who chaired that committee? The Attorney General would know. It was chaired by Hon Jon Ford, who was a Labor MLC. That committee was very clear, and I will read a few sections of that report. Under the title “Political appointment”, it states —

6.78 The Anti-Corruption Commission submitted that the proposed appointment process for the Commissioner creates a political appointment, —

That was the old appointment process —

which it does not support.

Debate interrupted, pursuant to standing orders.

[Continued on page 2756.]