

Extract from Hansard

[COUNCIL — Wednesday, 17 November 2021]

p5515b-5522a

Hon Nick Goiran; Hon Dan Caddy; Hon Pierre Yang; Hon Stephen Pratt; Hon Jackie Jarvis; Hon Martin Pritchard

Joint Standing Committee on the Corruption and Crime Commission — Second Report — If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force — Motion

Resumed from 13 October on the following motion moved by Hon Dr Steve Thomas —

That the report be noted.

Hon NICK GOIRAN: I will continue my remarks from more than a month ago, when this matter was last considered by the Council. This is no small matter. This report deals with the issue of excessive use of force by members of the Western Australia Police Force. In Western Australia, a first-class democracy, the vast majority of police officers do the right thing and do a fantastic job. As was most recently seen in the extraordinary investigation and recovery of a young Western Australian girl who had been allegedly kidnapped. We saw an extraordinary performance by Western Australian police officers, and it has certainly been my observation that that is consistent with the conduct of WA police officers across the board. However, a small number of Western Australian police officers commit what is known as police misconduct and, in particular, in certain circumstances, excessive use of force, and that is the subject of the report before us at the moment. Not every Western Australian has the power, as a police officer does, to use force against other Western Australians. It is appropriate, therefore, that there is an oversight regime to make sure that if excessive use of force occurs, somebody investigates that police misconduct.

As I say, deputy chair, this matter was last before us more than a month ago. Where is the government's response? It is nowhere to be seen. Once again, the McGowan Labor government has no regard for the processes of Parliament. An entire calendar month has passed, and no-one within the state government has thought it desirable to provide a response to this report. I suspect that if somebody from the government is inclined to respond to this matter, they will draw our attention to page 13 of today's *Daily Notice Paper*. We see on page 13 that a government response on this matter is due on 9 December 2021. Some members may think that I am not being charitable enough to the government by making this point now, on 17 November, when according to the *Daily Notice Paper*, the government has until 9 December to provide a response. What those members might like to remind themselves of is that this is not a new report. The second report before us was tabled in both houses on 9 September this year, but it is merely a reproduction of the findings and recommendations made in a report of the previous Parliament. Indeed, there are some 52 findings and 13 recommendations. The report of the last Parliament, as I seem to recall, was tabled in October last year. The government has had more than a year to prepare a response, and this is not the first time the government's attention has been drawn to this matter. The government's attention was drawn to this matter more than a month ago. A month ago, the government had had a year to prepare a response, but it did not happen. Here we are a month later, and still nothing has happened.

As I may have mentioned, without having had the opportunity to peruse and consider the *Hansard* of the previous discussion, I anticipate that this government, in its typical arrogant fashion, will leave it until the very last second before it provides its response. Totally ignoring —

Hon Stephen Dawson: We did operate within the standing orders.

Hon NICK GOIRAN: We have an interjection from the honourable minister, and I am happy to take it, on whether the government is going to comply with the standing orders. There is no question about that. As I have been saying for the last few minutes, according to the *Daily Notice Paper*, the government has until 9 December 2021 to provide a response.

Hon Stephen Dawson: The Leader of the House is aware of the impending due date for the response, and she is —

Hon NICK GOIRAN: Expediting it.

Hon Stephen Dawson: No—encouraging colleagues to make sure there is a response.

Hon NICK GOIRAN: Encouraging —

Hon Stephen Dawson: You hammer us for being late from time to time; you can't hammer us for being on time, though.

Hon NICK GOIRAN: I do not think that under any reasonable interpretation this could be considered to be on time. The point I am making, Deputy Leader of the House, is that the government has known about this matter for more than a year and in its typical shifty fashion it relied on the fact that Parliament was prorogued and said, "That's all right."

Hon Darren West: It's not shifty. It is not 9 December!

Hon NICK GOIRAN: It is not shifty? Maybe the honourable member can answer this question, since he wants to engage in this debate: does the honourable member think the people of Western Australia are entitled to a response to this matter?

Hon Darren West: You're calling the government shifty!

Hon NICK GOIRAN: That is right. I am calling the government shifty—my word, I am!

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Hon Darren West: How is that shifty?

Hon NICK GOIRAN: In October last year, a report was tabled and there was an expectation that the government would provide a response. The people of Western Australia entrusted four members—two from this place and two from the other place—to do a massive inquiry on police misconduct, and the report has 100-odd pages.

Hon Darren West interjected.

Hon NICK GOIRAN: I did call the government shifty. Your government is shifty; that is right. The member can keep repeating it. I agree with him. I furiously agree with him. The McGowan government is incredibly shifty, and this is the latest example of it. It is outrageous that the government has had more than a year to prepare a response. Sure, the standing orders now allow it to wait until 9 December, but what has been going on for more than 12 months? Why does it take this long to provide a response about the excessive use of force by police officers? This is a very serious matter. It requires a serious response from government, yet no-one is prepared to do it.

Hon DAN CADDY: Members will know that this is the first time I have stood to address the second report of the Joint Standing Committee on the Corruption and Crime Commission entitled, as was the fifteenth report of the previous committee, *If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*. Given this is my first time addressing this report, as is standard, I thank the committee members for their hard work: the chair, Mr Matthew Hughes, MLA, member for Kalamunda; the deputy chair, Hon Dr Steve Thomas—over there with his hands up—a member for the South West Region; and also the other members, Shane Love, MLA, member for Moore; and Hon Klara Andric. The chair's foreword is a good place to start. It refers immediately to the fifteenth report of 2020. As Hon Nick Goiran alluded to, this was the original report and it was tabled, by my records, in September, although the honourable member said October. I am sure one of us will be correct; there is not much in it. Some of the things to come out of the fifteenth report, which the honourable member alluded to, are worth talking about.

Hon Nick Goiran: The member is quite right; it is 24 September. So you have had a little more time to prepare a response!

Hon DAN CADDY: There you go! I am helping the honourable member make his case.

The fifteenth report is a good place to start because it informs this report in its entirety. This report deals only with the findings and the recommendation of the fifteenth report. As we have just established, it was laid on the table in the Legislative Council on 24 September 2020 by Hon Jim Chown. The inquiry that led to this report was commissioned with a very narrow scope. It is important that members realise that the committee's precise role was to look at the oversight role of the Corruption and Crime Commission in investigating police misconduct in the jurisdiction of Western Australia. Many speakers before me may have already noted this, and no doubt some eloquent speeches were given on this fifteenth report by the previous make-up of this chamber—I have no doubt Hon Nick Goiran spoke on it as well—but I will quickly read into *Hansard* the scope of the report, which is very short, and the terms of reference for this inquiry. It is not onerous at all; they are not long. The report states —

An inquiry into the Western Australian Corruption and Crime Commission's oversight of police misconduct investigations, particularly allegations of excessive use of force, with an examination of:

1. The nature and prevalence of allegations of excessive use of force by WA police officers.
2. Circumstances in which allegations of excessive use of force are investigated internally by WA Police.
3. Circumstances in which allegations of excessive use of force are investigated and/or oversights by the Corruption and Crime Commission.

This point interests me, and I will speak about it later. It continues —

4. The Corruption and Crime Commission's 'active oversight' policy and its adequacy in dealing with allegations of excessive use of force.
5. The nature of sanctions for excessive use of force allegations which are substantiated.

The DEPUTY CHAIR (Hon Dr Sally Talbot): Member, just before you go on, I ask you to be aware of the microphone in front of you with your papers.

Hon DAN CADDY: I will stand back.

The DEPUTY CHAIR: I am conscious that although it does not affect us terribly much, there may be a Hansard person somewhere in the building who is wearing headphones and you may have taken a few levels off their hearing capacity.

Hon DAN CADDY: Thank you, deputy chair, for your sage advice and guidance.

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If I am going to refer to the fifteenth report, which is the basis for the second report, it is also worth noting for the benefit of the chamber, and as many members will probably realise, the world events that were taking place at the time this inquiry was occurring—the backdrop, if you will, to this report. It was mentioned earlier today during Hon Wilson Tucker’s motion that the Black Lives Matter movement brought the issue of police use of force into mainstream conversation in a way that people not only in this country but also around the world had never heard before. I make the point that the committee was quick to point out that this was not the reason—not even a reason—behind the inquiry; the timing was coincidental, but it is worth making that point.

It is also critical to recognise before I move on what this inquiry was not. This was not an inquiry into why excessive force may be used or may occur, and it was not an inquiry into when it occurs, or how it might have been prevented; it was simply, very importantly, an inquiry into how alleged excessive force is investigated and the role the CCC has in this process. The foreword by the committee chair is lengthy. The chair of the committee in 2020 was Ms Quirk, MLA, now the member for Landsdale, and anyone who knows Margaret will know she is extremely thorough. I will read a few pertinent excerpts from her foreword. The purpose of the report was to provide —

... an examination of whether the independent oversight contemplated, almost two decades ago, functions well for allegations of excessive use of force by police?

The foreword stated that the committee always conceded that the sheer number of allegations makes a triage process necessary. I will touch on this later. The foreword continued and stated that the committee concluded that even if there were more robust internal police oversight, the CCC still had a clear responsibility. Margaret Quirk made the point that members of the WA Police Force have well over two million interactions with members of the public each year and an average of 400 allegations of excessive use of force are made each year. Quite deservedly, police in this state are held in very high regard. They face challenges and confronting situations on a daily basis. This final point made by the chair is an important one, which I will speak to later. The point was —

The recent progressive roll out of body worn cameras for police is already proving to be invaluable. Fewer vexatious allegations are made which police officers have to defend, investigations can then be expedited, and the public can be confident that they provide technological oversight of conduct which may be lacking otherwise.

This shows how good governance, good government and good government policy help our frontline officers on the street. This was, if I remember rightly, an initiative of the McGowan government and the extremely hardworking former Minister for Police and now Speaker in the other place, Hon Michelle Roberts.

As I go through the report, I point out that it is important that we, as a chamber and as members of this place, are cognisant of the process for CCC investigations into police misconduct and how it works and the number of cases involved.

Hon PIERRE YANG: I rise today to make a contribution to the current report. I will take up from where I left off when I spoke on the first report a few weeks ago. Before I go to the substantive part of my contribution today, I want to respond to a few words Hon Nick Goiran used in his contribution. I think he called this government shifty. I reject the premise of the honourable member’s argument and put on record that this government is an exceptionally honest government that has always acted with impeccable integrity and in the best interests of the people of Western Australia.

This government has been exceptionally stable. The first McGowan government and its cabinet served the people for the full term and the McGowan Labor government’s second ministry has continued in that fashion. All the ministers have exhibited excellent and great competence and, as I said, impeccable integrity in their deliberations when making decisions for the people of Western Australia. I wish to put those words on the record and say that I am proud of the McGowan Labor government and its 17 ministers. I think that we are fortunate as a state to have a leader who is renowned for his integrity, honesty, generosity and also his down-to-earth approach. I think that if anyone on the street wanted to talk to him or grab a selfie, he would stop and do that. I am proud that he is my leader. It is important that we correct the record. I say to the honourable member that I disagree with his statement that this is a shifty government. I think it is a great government that has integrity. It always has been a government with integrity since the day it was elected back in March 2017.

On the last occasion, I talked about the police service in Western Australia. I think I finished talking on the history of the Corruption and Crime Commission. As we heard from Hon Dan Caddy, the fifteenth report of the fortieth Parliament formed the basis for the second report of the forty-first Parliament. When I referred to the fifteenth report a few weeks ago, I talked about how the CCC came into being. That is articulated in chapter 3, if I may just quickly refer to page 25 of the fifteenth report. The legislation came into being after the Kennedy royal commission back in 2001 formed the legislative framework for the CCC.

Today, I want to continue talking about the CCC’s oversight role of the WA Police Force, but before I talk about that, I will touch on one thing. As I said on the last occasion, members would agree with me that we have one of

the best police services in the world, and we should be very, very proud of the work that the police men and women have done for us and the community by putting their own interests on the line for the safety and wellbeing of the people of Western Australia. It is an essential service. Members may not think that such an essential service could be privatised around the world. However, when I was doing some research, I came across a few examples of that in the United States. I wish to quickly touch on those.

It is reported that in 2014, in Camden, New Jersey, that city disbanded its entire police force because of the rising crime rate and lack of funding, leading to the city transferring law enforcement duties to the next level of government. In Millbrae, California, the police force was disbanded and the city contracted out policing to a county sheriff's department in an effort to save \$1.1 million. I am not aware of the exact situation or the policing services in those two jurisdictions, but I do want to say that policing is an essential service. However, around the world, despite it being an essential service, it can be privatised. If any member who is listening thinks that I am advocating for our police service to be privatised, that is absolutely not the case. I am saying that we should treasure what we have in this state and support the good work that our police men and women are doing. It is absolutely important that we support its work as a government and as a community, because when there is a lack of funding around the world, as we have seen, such essential services can be privatised. I am not too sure whether it is a good or bad thing, but I can say that a private organisation will be chasing profits. A public police force is not about chasing profits or the bottom line; it is about providing that critical, essential service to maintain peace and order in the community.

I want to put on record that it is very important that we support WA police. This is not to say that we leave a huge organisation such as WA police to its own devices. For many, many decades the Western Australian government and the Western Australian community have always taken an active role in ensuring the integrity and the honesty of the conduct of our police men and women. Page 27 of the fifteenth report referred to the oversight role of the Corruption and Crime Commission from the beginning. The Australian Law Society—I am just trying to find the full title of this organisation so I do not make a mistake. I may come back to this. The ALSWA made a report —

Hon Nick Goiran: Aboriginal Legal Service.

Hon PIERRE YANG: Thank you, honourable member, my learned friend. It raised concerns, including that the CCC rarely interviewed complainants.

[Member's time expired.]

Hon STEPHEN PRATT: I rise to make a contribution to the tabling of the second report of the Joint Standing Committee on the Corruption and Crime Commission *If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*. I think this could be my first contribution to committee reports. We will see how this goes.

Several members interjected.

Hon Martin Aldridge: Plenty more to come.

Hon STEPHEN PRATT: I am looking forward to it; do not worry. I am glad that members opposite are engaged and waiting in eager anticipation.

Several members interjected.

Hon STEPHEN PRATT: In fact, there are two reports, so I will refer to the original, as Hon Dan Caddy did and thank the members of the original committee who did a mountain of work to pull this together. I thank the chair, Margaret Quirk, Hon Jim Chown, Matthew Hughes and Hon Alison Xamon and the committee staff who helped pull that together. I thank the chair, Matthew Hughes, Hon Dr Steve Thomas, Shane Love and Hon Klara Andric for bringing this second report to the house. I want to narrow the focus onto a couple of areas. As has been stated by members of the house, most police interactions do not result in allegations of excessive use of force. However, it is critical that any allegations of such are properly and vigorously investigated. Proper investigation of any complaints against police strengthens the service the WA police provide and ensures there is proper and effective oversight of what is a critical service for the WA community. As I mentioned, I would like to focus in on the issues around police interaction with Aboriginal people and people of different cultural backgrounds. Reconciliation with our First Nations people is undoubtedly a focus of this government and, importantly, this nation. Clearly, more must be done to repair this relationship. One of the recommendations jumped out to me. Recommendation 10 reads —

The Corruption and Crime Commission should establish mechanisms to improve its engagement with Aboriginal people in Western Australia. Initiatives developed could also facilitate better engagement with other diverse groups, including those that may be marginalised or vulnerable.

I know that points to the commission's role in this space, but I think it is important to note some of the work that WA police do in this space. Earlier in the year, members may recall being invited to a briefing from WA police about the Yarning app. This is an innovative approach to how WA police can better communicate with members

of the Aboriginal community. It is a language interpreting app and it can interpret all the different dialects across the WA community. It allows officers to select from eight Aboriginal languages and play out loud key issues relating to issues, including rights in custody and the COVID pandemic. It is hoped that this will improve understanding among Aboriginal people who do not speak English as their first language, particularly those in remote communities. The app was developed with the assistance of Aboriginal Interpreting WA, and has been rolled out to all serving officers. Commissioner Chris Dawson at the time of the launch of the app said it has been trialled in the Pilbara region; it is the first of its kind in Australia and by providing key messages in Aboriginal languages we are being fair and showing the care we have for that community.

Last night, many of us were able to enjoy the Diwali coming to WA Parliament and I ran into a member of the WA Police Force, Sam Lim. Mr Lim speaks 10 languages, which is pretty impressive in itself. Even more so is the award that he received this year when he was given WA police's highest honour, officer of the year, for his work with multicultural communities during the COVID pandemic. It was great to see him there and take the opportunity to grab a photo as the Diwali celebrations took place. Like many members have pointed out, I look forward to seeing the government response to the many recommendations and findings in this report. I think I will conclude my comments there.

Hon JACKIE JARVIS: I also want to take this opportunity to make some contribution to the Joint Standing Committee on the Corruption and Crime Commission's second report, *If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*. This is also the first time I have contributed to debate on a committee report—so many new exciting adventures.

Several members interjected.

Hon JACKIE JARVIS: As we have heard, the report is focused on the previously tabled joint standing committee report that was tabled on 24 September 2020, so I want to focus on that report from the fortieth Parliament. Like my colleague Hon Stephen Pratt, I want to focus on "Chapter 6—Matters affecting Aboriginal people". I think it is timely today given the conversation we had earlier around Australia Day and the focus on that. Hon Stephen Pratt spoke about recommendation 10. I want to focus on a couple of the earlier ones. For those members who have not read the report, I recommend newer members of this place, like me, look at the fifteenth report that was tabled by the Corruption and Crime Commission in the fortieth Parliament. There are some really interesting findings. I want to refer briefly to a couple. Finding 46 is —

The relationship between the Corruption and Crime Commission and the Aboriginal Legal Service of Western Australia appears to be dysfunctional, with the Aboriginal Legal Service stating that it more often goes directly to the WA Police Force with allegations of excessive use of force rather than to the Corruption and Crime Commission.

Finding 47 is —

The Committee is deeply troubled that the Aboriginal Legal Service of Western Australia has reached a point where it believes that complaints from Aboriginal people can't 'cut through' to gain the attention of the Corruption and Crime Commission.

There is a concern that there is not a prioritisation of complaints. It is really worth reminding ourselves of the section on page 70 of the original report from the fortieth Parliament. It notes —

Western Australia has the highest rate of over representation of Aboriginal and Torres Strait Islander adults and juveniles in the criminal justice system in Australia. Aboriginal and Torres Strait Islander people represent 3% of the population but constitute 27% of the adult prisoner population across the nation.

I found this really pertinent—

The ALSWA makes two points regarding this situation, firstly that crime statistics do not measure the true prevalence of crime in a community, rather they measure the demographics of those people who are caught and punished for criminal behaviour.

It goes on to say —

Many of ALSWA's clients experience socio-economic disadvantage, a continuing negative impact of colonisation and dispossession, trauma from the stolen generations, intergenerational trauma, substance abuse, homelessness and overcrowding, lack of education, and physical and mental health issues. These factors can underpin people's enmeshment in the criminal justice system.

I want members to bear that in mind as we look further in the report and address the concerns of the Aboriginal Legal Service of WA about the use of WA police dogs. We know that this matter was discussed in this place recently. It

may have been when we were debating the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021, which we finished yesterday. I believe Hon Neil Thomson lamented the fact that a police dog is not permanently based in Broome and that a dog had to be flown in to assist with the tracking of an escaped prisoner. I think the term he used was “FIFO dog”. I note that Hon Neil Thomson is out of the chamber on urgent parliamentary business, but I absolutely recommend that he look at page 73 of the report if he has not done so already.

I want to highlight a few things. The report states that the ALS has called for a systemic review of the use of police dogs in WA. According to the Aboriginal Legal Service, available data shows that 43 per cent of all victims of police dog bite victims in Western Australia over a three-year period were Aboriginal. It submitted that —

... ‘Available data from Western Australia shows that nearly one fifth of all victims of police dog bites were 18 years and under. Further, most of those victims (12 out of 17) were Aboriginal.’

The report contains some compelling case studies. The first case study refers to a nine-year-old Aboriginal male who was playing with his friend at a regional football club. They broke into the club and stole a can of soft drink. The police entered with a police dog on a long leash. The boy was bitten by the dog. When he fell over, the dog grabbed his leg and dragged him along the floor. He required treatment in hospital. The second case study refers to a 15-year-old Aboriginal male who was arrested on suspicion of stealing a bike. When the police attended the scene, he dropped the bicycle and ran away, unaware that a dog was chasing him. The dog launched at him and bit him on the buttock. He was left with an injury that was 0.5 centimetres deep and, again, he required hospital treatment. The third case study refers to a 15-year-old Aboriginal female who was arrested in a regional town for noncompliance with her curfew. She was located at a residence. A struggle ensued and a police dog was deployed. She received treatment in hospital for three wounds to her upper thigh. Her injuries were serious enough that the wounds were still bleeding when she presented at the Aboriginal Legal Service regional office the next day.

The Western Australia Police Force do an amazing job in Western Australia under incredibly trying circumstances most of the time that they are on duty. The report notes that the police have around 2.2 million interactions with the Western Australian public each year and we can compare that with the approximately 400 allegations of excessive force each year. The role of the police was best summed up in the chair’s foreword in the original report of the fortieth Parliament. I will read some of what the chair, Margaret Quirk, MLA, said because she sums it up really well. She wrote —

Deservedly, police in this State are generally held in high regard, facing challenging and confronting situations on a daily basis. All the more reason that any system that thoroughly oversights the unacceptable behaviour of some enjoys the support, confidence and endorsement of the public.

I think we can all agree with that.

Issues have been raised about the time it has taken for the government to respond to this report. I note that we are waiting for the Attorney General and the Minister for Police to propose what action the government will take about the recommendations of this committee. Given the highly sensitive nature of both—we are dealing with our hardworking police force and matters concerning Aboriginal people, like those I have just raised—I do not think it is unreasonable that the Attorney General and the Minister for Police take the time to make a considered response. We have asked a lot of WA police, particularly over the 18 months. I am sure that when they joined the force, many police officers did not expect that they would be dealing with an emergency response to a global pandemic that has dragged on for well over 18 months. I look forward to the government’s response to this report in a timely manner. I know that it will be a well-considered response.

Hon MARTIN PRITCHARD: I was not going to provide a response to the report today. I note that in previous Parliaments there was tendency to defer consideration, which, I think, is pretty important given that we get only four hours in total to debate these reports. I was hoping to wait until we had the government’s response, which is due relatively shortly, before contributing and having a good debate on this very important report with that response at hand. But the way things seem to be going at the moment, we will have very little time after the government response to debate it. As I keep mentioning, there seems to be a willingness from the opposition for all backbenchers to make a contribution to these reports. I have not made a contribution on the report so I thought that before we run out of time, I had better make some comments.

I acknowledge, as have others, that a power of work was done by the previous committee. It did a handsome amount of work and brought down a very comprehensive report. I would have liked to have had the government’s response, which is imminent, so that I could make a more in-depth contribution. I also thank the current committee for the foresight of re-tabling the report so that it did not fall off the table with the proroguing of the last Parliament.

It is very important to acknowledge finding 1, which states that the police hold a very privileged position in society in that they are able to use reasonable force to uphold the rule of law. Of course, I do not think anybody in this chamber or the state of Western Australia would want it otherwise. When we feel threatened, we call on the police to protect us

and uphold the law. It is very important to acknowledge that they have a privileged position. In every situation in which I have come into contact with the police, they have been very helpful, obliging and correct. Similar to people becoming members of Parliament, anybody who joins the police force does so for all the right reasons. As I often say to people, I think members from both sides come to Parliament for all the right reasons. People join the police force for all the right reasons. We put a lot of stress and pressure on them and expose them to many situations that would test the best of people. We expect them to conduct themselves in an appropriate manner even though they face many stressful situations and time pressures. Sometimes things go wrong and that is highly regrettable. The police need to be held to account but, as I said, I have a lot of respect for the police. These days they are a very professional outfit. I remember in my youth that the police often took shortcuts. I had friends in the police force; it was a different situation back then.

Again, I want to acknowledge finding 1 for the record. We grant the police the privilege of using force and we would not want it any other way, but that means allegations are sometimes made. Some of them are made for good reason, while others can be frivolous or mischievous. I note that finding 7 suggests that the use of police body-worn cameras has reduced the number of allegations made. It is my hope that it will knock out all the frivolous or mischievous allegations and that the allegations that remain are ones that need to be investigated and acted upon.

There have been some very high-profile cases, in Western Australia and in the rest of the world, that have painted some police in a bad light. It is very important to take into account the pressures that are put on the police and the decisions that they make. If there are cases in which the police have obviously acted incorrectly in a premeditated way, we should be hard on them. In other circumstances, I think we should assist them with retraining and such to help them do their job better. I personally do not believe there is a large percentage of police who have ill intent.

I just wanted to raise those couple of issues. I hope we do not have a situation in which all the time for this report has been utilised prior to the government's response becoming available. I think it would greatly help debate to have the government response available. I cannot share the opposition's concerns about the government response not being tabled prior to the set date. If we set a date for something, we set a date. As long as it is achieved by that date, the government has done everything that is required of it. I look forward to that; it is fairly imminent. I also hope there is enough time left for me to make a better contribution when we have the government's response in hand.

Hon NICK GOIRAN: Hon Martin Pritchard made some interesting remarks with regard to this matter. He indicated that he was concerned that time would expire before we received the government response, and he quite rightly drew to our attention that in previous Parliaments we have, from time to time, deferred consideration of reports so that we could wait for a government response. I thought, "Actually, there's something to be said for that, and potentially we should do that for this report." However, I make the observation to the honourable member that under the new standing orders, we will have a maximum of four hours to debate these committee reports, and we are not yet at the halfway mark, although we shortly will be. I think there would be some benefit in having a preliminary discussion before the government provides its response because it could help to inform what the government might include in its response. Assuming that that will be the case in this instance, we will still have another full two hours of debate to consider the government response.

The other point I make to the honourable member is that I share his concern that we might see a large chunk of time elapse before the government response is provided. I encourage him to do everything possible to get the government to expedite its response. With regard to the so-called time line of 9 December, if that was the first and only time that the government had seen this report, I would agree with the honourable member that it would be unreasonable in those circumstances to expect the government to provide a response prior to 9 December. However, as Hon Dan Caddy reminded us in his contribution, the government has had this report since September last year. There was a deadline last year and the government did not meet it, for the reason that it said, "No, we can't possibly provide the information because Parliament's prorogued." If we accept that, why does the government not provide the response once Parliament resumes? It is because this government will not do anything unless it is absolutely forced and compelled to do so. We have seen that time and again, and now we have to wait until 9 December. In that context, I think this arbitrary, fake and phoney deadline of 9 December is unreasonable. The government is using and manipulating the system to provide the response at the very last moment. Thankfully, as the honourable member quite correctly drew to our attention, we will still have some time in which to debate the government response, but guess what? That will not happen until next year.

I must say, Hon Margaret Quirk must be the most thanked Legislative Assembly member in the history of the Legislative Council, and I share with members my thanks for her hard work in the fortieth Parliament on this committee. When she tabled the report in the other place it was in the calendar year 2020. In 2020, the committee drew to our attention this serious matter about police misconduct and excessive use of force, but the whole of 2021 will pass before we get the opportunity to debate the government response because in the government's shifty fashion, it will provide the response on 9 December, unless the Leader of the House is going to quickly go and grab the response for us now; that would be fantastic. We could then make some expedited progress. But in the absence of

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that, we are going to have to wait for the shifty response to be provided on 9 December. We will not then be able to have a discussion on it until February next year. That is the point I make on that matter.

Some honourable members have quite rightly expressed concerns—I thank those members for taking this report seriously—about the damning findings with regard to the Aboriginal Legal Service. It is one thing for members to come in here and say, “We are very concerned about this. Did you see what Margaret Quirk’s committee had to say about this?” That is what I have been saying, so what is happening? This was drawn to our attention in September last year so if members are, like me, concerned about it, they should knock on cabinet ministers’ doors and ask them what is happening about it. These findings are not acceptable, so if they are as concerned as I am, they will have more capacity to go and knock on those doors. If I were to try to knock on them, I am sure they would be slammed shut, but if government members do so, they may actually get a response. Finding 46 states —

The relationship between the Corruption and Crime Commission and the Aboriginal Legal Service of Western Australia appears to be dysfunctional ...

If government members are genuinely concerned—I take it they are—what are they doing about it? They should not come back here every Wednesday and say, “Well, I’m concerned about finding 46.” They have the power to do something; they should go and open some doors. Finding 46 continues —

... with the Aboriginal Legal Service stating that it more often goes directly to the WA Police Force with allegations of excessive use of force rather than to the Corruption and Crime Commission.

Finding 47 states —

The Committee is deeply troubled that the Aboriginal Legal Service of Western Australia has reached a point where it believes that complaints from Aboriginal people can’t ‘cut through’ to gain the attention of the Corruption and Crime Commission.

What are government members doing about that? The whole point of consideration of committee reports on Wednesday afternoons is to draw our concerns and grievances to the attention of the government—the people with the power to do something about it.

We saw yesterday how quickly the government can act when it wants to do something such as electoral changes—I will not call it reform. It could drop everything and make it happen in less than a year. Remember, about February–March this year the Premier said it would not be on the agenda and here it is November and it is done—finished. It can be done in less than a year when the government wants to do something, but when it comes to allegations of excessive use of force, which the government has known about since September last year, and here it is November, there is nothing, not even a response. That tells us that for the McGowan Labor government, changes to the electoral laws are more important than allegations of excessive use of force by the police. It is more important to the government than fixing this so-called dysfunction that the committee said was deeply troubling regarding the Aboriginal Legal Service. It is not important to the McGowan government, at least not as important as electoral changes. The reason we have consideration of committee reports on Wednesday afternoon is so that we can draw these matters to the attention of the government.

For whatever reason, certainly in the forty-first Parliament, the Deputy Leader of the House has had to suffer through a few of these Wednesday afternoons. However, I have noticed that sometimes when matters are drawn to his attention, the next time we find there have been some changes and some progress. It is my hope that courtesy of the remarks made by a number of members across the chamber about this important matter—excessive use of force by police, concerns about a dysfunctional relationship between the Corruption and Crime Commission and the Aboriginal Legal Service—given there appears to be bipartisan concern about that, when we next meet, we might see some progress.

The next time the Legislative Council is due to convene on a Wednesday, as I understand it, is 30 November. We will be back on 30 November and will see whether the government has provided its response to this matter, which has received so much attention this afternoon, but, of course, the government is not due to respond until 9 December.

Hon Stephen Dawson: It is 1 December.

Hon NICK GOIRAN: Sorry; I am looking at the calendar for 2022, thank you, honourable members. It will be 1 December and the following occasion will be 8 December. There will be two opportunities for us to consider these things between now and the end of the year. When does the government need to respond? It is not until 9 December. Watch, members; it will be very interesting to see on the first two Wednesdays of December whether we will have the government’s response to something it has had an opportunity to do something about since September last year, or will it leave it until Thursday, 9 December, the very last moment before it provides the response? It will be a true test. People have talked about integrity. This will be a test for the McGowan government. I suspect it will fail but it can try to prove me wrong.

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Hon PIERRE YANG: Thank you, Mr Chair. I wish to continue where I left off earlier today. The 2008 review of the Corruption and Crime Commission Act 2003 was obviously done in that year, 2008. I was touching on the Aboriginal Legal Service submission concerning the Corruption and Crime Commission. I indicated that the ALS was concerned that the CCC rarely interviewed complainants and, furthermore, it was concerned that the CCC did not often interview witnesses identified by a complainant.

Consideration of report adjourned, pursuant to standing orders.

Progress reported and leave granted to sit again, pursuant to standing orders.