

**CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2021**

*Second Reading*

Resumed from an earlier stage of the sitting.

**MR P.J. RUNDLE (Roe)** [2.57 pm]: I will close my comments on the bill by expressing my concern about the way in which this government operates. If its members do not toe the line, they are out the door—they are handballed out the door and moved on and someone else is brought in. I have seen this pattern developing and it is concerning, because some good, quality people are being bypassed. As I said, the former President of the Legislative Council was of very high quality and a very good person. She was demoted because she did not toe the party line. I also want to mention my disappointment about the demotion of the former housing minister. I thought he was doing an excellent job. He was generally good at replying to his correspondence, but he is gone as well.

I refer to the article by Paul Murray on Saturday, 12 June 2021. He highlighted exactly my thoughts about how the new Labor chair, Matthew Hughes, member for Kalamunda, has remained with the reconstituted committee, and the former chair, Labor's Margaret Quirk, member for Landsdale—who is not here today—along with other members were seen to have been moved aside. She was the most experienced of the previous bunch, but she has been banished for not toeing the party line. What annoys me is that the Liberal member, Jim Chown, was not voting in line with what the government wanted, so there was a real focus on him. But, of course, there was no mention whatsoever by the Attorney General, the Premier and the like of Hon Alison Xamon from the Greens, who unfortunately is no longer in Parliament.

**The DEPUTY SPEAKER:** Sorry, member. Members, there is a dull roar in here. If you want to have a conversation, please do it outside the chamber.

**Mr P.J. RUNDLE:** Thank you, Mr Deputy Speaker. The frustrating thing is that instead of giving the committee a fresh start, it has entered into this scenario with a cloud over its head because the member for Kalamunda is now the new chair of the committee. As we know, the member for Kalamunda posted some reckless Facebook comments. As far as I am concerned, he made those errors as a member of that committee, but what has happened? He has been promoted to chair of the new committee after posting those reckless comments on Facebook. As far as I am concerned, that is not appropriate.

**Mr J.R. Quigley** interjected.

**Mr P.J. RUNDLE:** It is not appropriate that the Attorney General appointed him as the committee chair after those comments. I do not mind saying that I was in the chamber when the member for Kalamunda had his outburst. I can assure members that he was well on the way to being sent to the Procedure and Privileges Committee if it were not for Madam Acting Speaker, the former member for Mirrabooka, putting a lid on his comments. The member for Moore also previously commented on this on 12 May, and he was exactly right. Fortunately, the member for Kalamunda had the member for Mirrabooka in the chair to censure him time and time again during his speech for his inappropriateness when talking about the deliberations of the committee. What has this government now done? It has promoted him to chair of the new committee! As far as I am concerned, parliamentary privilege has to be protected at all cost. Committee information is confidential. The Premier and the Attorney General want to make a captain's pick and appoint a person to oversee the governance of their government. It is poor form from the Attorney General to appoint the member for Kalamunda as the chair of that committee, and even more so for the way that he impugned the member for Moore today in his contribution. That was a very disappointing effort, Attorney General. In conclusion, the Attorney General, quite frankly, needs to have a good, hard look at himself as far as the process goes and the appointments that he makes.

**Mr P. Papalia** interjected.

**The DEPUTY SPEAKER:** Minister for Police!

**Mr P.J. RUNDLE:** If people are not suitable for these positions, they should not be promoted. As I said, parliamentary privilege should be protected at all costs and committee information is confidential. That is the point that I would like to make today. Thank you, Deputy Speaker.

**Ms S. Winton** interjected.

**The DEPUTY SPEAKER:** Member for Wanneroo!

**MR R.S. LOVE (Moore — Deputy Leader of the Opposition)** [3.04 pm]: I would like to make a comment or two on this debate on the Corruption, Crime and Misconduct Amendment Bill 2021. In doing so, I do not intend to go over a lot of ground because the speech made by the Leader of the Opposition, the member for Central Wheatbelt, covered pretty well most of the points that needed to be covered today. She did an excellent job in setting out the situation as we know it.

As pointed out by numerous speakers on both sides of this chamber, I am the member for Moore and I am a current member of the Joint Standing Committee on the Corruption and Crime Commission, which is in question. I must be very careful with my comments. I am going to make it quite clear that despite the invitation from the Attorney General to explain the reasons why people vote, how they vote or what is deliberated upon in that committee, I will not go down that path because, as it was explained to me when I first came into this place and it has been my understanding ever since, those committee deliberations remain confidential, unless there is a motion to release that information. No such thing has happened, so there will be no comment from me about the reason why anybody may have said or done anything on that committee or what that committee deliberated upon; I am just not going there. But I will comment on some things of topicality because, by inference, I have been impugned, so people need to understand exactly the composition of the committee and its implications, and also the time lines outside of any committee deliberations, which are outlined in the Attorney General's second reading speech.

We were granted a brief look at this matter last night. We had access to the explanatory memorandum and the bill, but we did not have access to the second reading speech. The printed version of the Attorney General's second reading speech states —

I advise the House that on 2 June 2021 the Joint Standing Committee replied to the Premier advising that it had met on that day and had been unable to achieve majority and bipartisan support for the appointment of Mr McKechnie QC. This indicates the representative on the Joint Standing Committee from the National Party, was unwilling to provide bipartisan support.

I have often said that I am not a lawyer, but I will refer the chamber to the fifth report of the Joint Standing Committee on the Corruption and Crime Commission released in October 2017 and titled *Current committee confirmed: Clarifying the legal composition and powers of the committee*. This report was released when the member for Landsdale, formerly the member for Girrawheen, was chair of that committee. On face value, if we are talking about the qualifications needed to chair that committee, her qualifications far outweigh anybody else's in this chamber. It is quite surprising and a great pity that she is no longer on that committee.

This document is all about clarifying the role of that committee and its composition, and it provides a bit of history going back to 2017. This all happened because of a debate in this place, which I took part in, as I recall, around the composition of that committee. At that time, the expectation was that the committee would comprise a member from both houses from both of the major parties. That was the understanding that I think most members had. Instead of that, a deal was done whereby two Labor members from this house were nominated and a Liberal member and a Greens member from the Legislative Council were nominated. People surmised that because there was only one Liberal Party member on that committee, any announcement that it had lacked bipartisan support meant automatically that the member of the opposition had not given support. This document is written by a lawyer and it contains another document that is the advice of a lawyer. This particular person who provided the advice to the committee is Mr K.M. Pettit, SC. I would assume that they are quite a senior lawyer who one would expect would understand a little about reading the law. In his opinion, which he provided to that committee—it is appendix 1 of that report—he goes to the meaning of the act, how it functions and how various matters are determined. Much has been spoken about the matter of bipartisan support. This is the 2017 committee that had the composition I just outlined: only one member of the opposition, one member of a crossbench and two members of the Labor Party. In this report he says —

Currently, the Committee comprises two Labor Party members, one Liberal Party member and one Greens Party member. Bipartisan support would presently require both Labor members' support as well as the Liberal member's support. The Green's member's support is not relevant to "bipartisan support".

The committee's finding 3 states —

The definition of "bipartisan support" in the *Corruption, Crime and Misconduct Act 2003* does not mean nor imply equal numbers of members from the major parties. It means only that there must be no dissent by any member of the Joint Standing Committee on the Corruption and Crime Commission who is a member of one of the two major parties.

Given the fact that we do not know how anybody votes within that group, it is impossible to determine that the lack of bipartisan support resides simply with the one member of that committee who is a member of the opposition. It could in fact be a lack of bipartisan support according to Mr Pettit's opinion and, according to this committee report, it could be a member of the Australian Labor Party who did not support that appointment. I do not know what happened in this committee that met in those times, and nobody in this chamber except those members who were on this committee at the time would know. After reading this particular report—I would like the Attorney General to read it if he wishes—and if the Attorney General takes any note of an eminent SC's opinion on this matter, nobody should be able to infer that it is any particular member apart from a member of one of the two major parties who has not supported that appointment. There is actually no justification for the Attorney General's assumption that a particular member of the opposition on that committee that was formed in 2017 made a vote in any way. Similarly,

given that the same types of numbers exist at the moment, there is no justification for him to make the same call on any deliberations that he is not party to in the current arrangements.

I return to the speech that the Attorney General made and in doing so say that this is information that we asked for. It is a time line of the deliberations of the nominating committee about when it advertised, got some information and made recommendations to the Premier. We asked for a time line about when the advertising happened and when that information was provided to the Premier. That was not provided in that briefing last night for members of the party facing this discussion here today—I might add, nothing to do with any role in any committee. In his second reading speech today, the Attorney General said —

The position was nationally advertised by the nominating committee on 27 March 2021. By letter dated 7 May, the nominating committee wrote to the Premier advising that Mr McKechnie was the outstanding candidate, as he had been when the section 9 process was performed last year, and the committee was not aware of any matter that would adversely affect the suitability of Mr McKechnie, QC, for appointment.

That advice was made on 7 May, so the decision had been made on 7 May this year. That had been communicated to the Premier at that point. That is the Attorney General's time line; it is not mine. He made that quite clear. What I have here is a report to the forty-first Parliament, the sixty-first report of the Standing Committee on Procedure and Privileges, *Progress report: Supreme Court proceedings and matters of privilege arising in the 40th Parliament* presented by Hon Kate Doust, MLC, chair. This was presented on 13 May, basically a week after this committee had made its deliberations and made its recommendation. When the Attorney General says in his speech that the committee had advised that it was not aware of any matter that would adversely affect the suitability for appointment, that may well have been true on 7 May. But the question is: would the matter had been any different if the committee had been in possession of all the information in that report? This report was released a week after the committee had made its recommendation. In all fairness to the committee, in all fairness to the members of the other place who have been working diligently through many, many issues to deal with interactions with the CCC and a whole range of court cases, there were all sorts of things going on. Why are we rushing to make this appointment when this nominating committee had made its recommendation to the Premier a week before the release of this report? I would put it to the Attorney General that this report would contradict that last sentiment of that statement by the nominating committee, when it said that it was "not aware of any matter that would adversely affect the suitability". Perhaps if the committee was in possession of that report when it wrote that letter, it may have written something completely different.

I will not go into a great deal of detail about this. There are many pages in this report. It took a lot of reading, I have to say. It took a lot of time to sit down, go through this properly and try to get a grasp on when all the different interactions and matters occurred between the CCC, the Legislative Council and the members of the Standing Committee on Procedure and Privileges of that Council and also between members of the public service who were caught up in an unfortunate situation when the CCC was demanding information and the committee was demanding that they do not give that information. Members can imagine what that would do to a public servant put in that position. In my view, it does not tell a very good tale in terms of a performance that you would say did not cause concern. There are good reasons to have some concern about the manner of the interaction between the CCC and the Legislative Council, as outlined in this report. We know that Mr McKechnie was the head of that organisation at that stage. That does not mean that he is not qualified and it does not mean that he is not eminent. It does mean that his interactions with that particular organisation, which is part of our Parliament, have been difficult. I will read a few extracts from the executive summary—the preface of the committee report—to help everybody out. It states —

... wishes to make it absolutely clear that the aim of the PPC is only to present the various ... arguments to readers in a concise and informative manner ... does not intend to make critical commentary of, or influence ... the two ... Court proceedings ...

That is what is written in the report. It is a public document. It goes on to refer to the court case, stating —

The pending change in membership of the Legislative Council as at midnight on 21 May 2021 has necessitated that this report be presented at this particular time.

- 3 Over the past two years the plain facts in this matter have been obscured and misrepresented in the media, as well as in both the Legislative Council and the other place, and in various correspondence and reports emanating from the CCC.
- 4 To be perfectly clear, this matter is not about an orchestrated attempt by a so-called 'Opposition-dominated' Legislative Council to hide a former Opposition Member's 'dirt file' from examination by law enforcement agencies.

That is a claim that the government has repeated in this place today, or at least the inference is there. It continues —

Nor is it about any person or body's aim to hinder a CCC investigation, or to prevent the reappointment of the Commissioner of the CCC. And nor is it about the PPC intentionally

trapping innocent public servants in ‘no-win scenarios’ in order to score some perceived political advantage over the government.

This is the work of the Parliament.

[Member’s time extended.]

**Mr R.S. LOVE:** The report continues —

- 5 Quite simply, it is the PPC’s view that at the heart of this matter is an entirely inexplicable sudden cessation of good faith negotiations between the PPC and the Commissioner of the CCC. This coincided with the bald usurpation of the powers and privileges of the Legislative Council through the calculated intervention of the Attorney General and State Solicitor’s Office ... to the potentially unlawful benefit of the CCC.

It was said there were no grounds for the Parliament to have second thoughts or to send it back to that nominating committee to have another look at who might be a suitable appointment. At the time this position was being advertised, I wonder what effect all the controversy around legal cases et cetera had on the quality of some of the other candidates. If we started with a clean slate and made a genuine attempt to go out to the legal fraternity and find a person who was well qualified, someone who did not have this particular issue in the background, who would come forward? I do not know, but it would be a completely different exercise from the one that occurred from 27 March to 7 May because a range of information, as set out in this report, was not in the possession of that nominating committee when it made its recommendation to the Premier.

So many pages of this report set out the committee’s work. Paragraph 8 states —

The CCC served three notices on the Director General of the Department of the Premier and Cabinet (**DPC**) dated 12 April 2019, 11 June 2019 and 6 August 2019 for the production, of amongst other documents, parliamentary email account records of former Members of the Legislative Council and their staff over an almost four year period.

This refers to the period when there were so many problems working through those emails and the like. It is interesting that the Standing Committee on Procedure and Privileges of the Legislative Council has developed a working framework. Paragraph 12 states —

One of the positive aspect of this matter has been the development of a close working relationship between the PPC and WAPOL —

That is the Western Australia Police Force —

based on a number of investigation specific protocols for determining issues of parliamentary privilege.

The committee was able to work out, with one organisation that investigates criminality, how to go through the issue in an orderly fashion, and in a way that does not threaten parliamentary privilege. That has just happened. There have been no court cases or huge issues. Why has this not occurred with the CCC? Why has it become bogged down in intransigence? When members read this report, they may come to their own conclusions. If the nominating committee also had access to that report, I wonder whether it would say, “Maybe it is time to have another look. Let us take a fresh look. Let us go a bit wider.”

As I said, there is nothing in any of these documents or in my speech or in the speeches of anybody in this house that suggests that Mr McKechnie does not have the qualifications to be the Corruption and Crime Commissioner. He certainly does. He has a huge background in the law and a huge understanding of the law. There is this matter of the relationship, and this background. This indicates that perhaps the Parliament could take its time and rethink this approach. We are being forced to rush this legislation through in a couple of hours instead of taking the time that is probably needed to make one of the singularly most important appointments that this Parliament will make. In effect, this is probably one of the benchmarks of this Parliament. I think it will be seen as a bit of a turning point, a point where parliamentary process and due procedures are being set aside completely. It is something that will be reflected in history. This will be the stuff of discussions around conferences and in various places for years to come. It is a pity that we are rushing this legislation through.

I do not know Mr McKechnie. He is a highly qualified individual. He has eminent qualifications but there is certainly something here that I think that committee should have been made aware of. If the Premier and the Attorney General knew, between the time they received that recommendation and the time it took to send that recommendation to other bodies for approval, that this information had arrived and had been laid out for the public, they may have said, “Okay, let us have another look at that. Send it back to the nominating committee.” They could have asked a simple question of the nominating committee: are you still of the view that this is the right choice? The committee is made up of people who understand the framework. They are the people who know the legal scene. It would give the people of Western Australia a great deal of confidence if they felt that that nominating committee had made its recommendation in the full knowledge of what is in this report. To all members of the Labor Party, I point out

that this report was authored by one of its own. It was presented by one of its own, not authored by one of its own; that is not right. Hon Kate Doust, in her capacity as President of the Legislative Council, put this report together and ensured that it was presented to Parliament on 13 May 2021, a week or so after the nominating committee had made its choice and communicated its choice to the Premier.

Here we are again, about a month after this report was produced, rushing this decision. Why are we rushing this decision? Why are we not going back to the nominating committee and saying, “Please tell us whether you are still confident that this is the right choice for the next five years for Western Australia”? The role of Corruption and Crime Commissioner is a fundamental role for ensuring integrity. That is why bipartisan support is called for in the act—to ensure that the position is not an instrument of the government and that this person is appointed not by the government, but by Parliament.

The minister can shake his head if he likes, but his arrogance is —

**Mr P. Papalia** interjected.

**The DEPUTY SPEAKER:** Minister for Police!

**Mr R.S. LOVE:** The position of Corruption and Crime Commissioner needs to be supported by the whole Parliament—both sides. That is what the act says. We are telling the government that we do not have confidence in the process it is putting forward. We are telling it that we do not support this bill, yet it is ramming it through. That is contradictory to the sentiment behind the act. In fact, the act explicitly states that bipartisan support is required for the appointment of the commissioner. If we do not have that, he is not the servant of the Parliament and the state; he is the servant of the government. With that level of power, that is a very, very dangerous path for this state.

**Mr P. Papalia** interjected.

**Mr R.S. LOVE:** I am not impugning the integrity of an individual at all. I am saying that what the government is doing is, as a matter of process and principle, fundamentally flawed and hugely dangerous to democracy, and it should not be doing it.

**MR J.R. QUIGLEY (Butler — Attorney General)** [3.31 pm] — in reply: In speaking on the Corruption, Crime and Misconduct Amendment Bill 2021, I would like to deal with the last speaker first, because the disingenuous argument he put before this chamber is freshest in our minds. His disingenuous argument was that we do not know what the vote was in the 2019 committee. What a lot of rot! We know that the honourable member—I have to call him that, although his actions were dishonourable—voted, as the Liberal member, against —

*Withdrawal of Remark*

**Dr D.J. HONEY:** I believe that under the standing orders it is not appropriate to cast aspersions against members of the other place, as the Attorney General just did. I ask that he withdraw.

Several members interjected.

**The DEPUTY SPEAKER:** Members! There is no point of order. The Attorney General had not mentioned anyone’s name. With caution, Attorney General.

*Debate Resumed*

**Mr J.R. QUIGLEY:** It was posited by the member for Moore that we have no idea what the voting was on the previous committee. He quoted from a previous report of the committee that cited an opinion from a lawyer that if one of the Labor people had voted against the nomination, it would not have been bipartisan. It could have been that a Liberal member and a Labor member voted for it, but one of the Labor members voted negative. What a lot of disingenuous eyewash to mislead this Parliament. After that committee’s incredible decision to reject the candidate—not a captain’s pick, but someone named by the Chief Justice’s nominating committee as the outstanding candidate—the amendment bill of 2020 was brought on in this chamber to appoint him directly. Two Labor members of that committee sat in this chamber: Hon Margaret Quirk, the member for Girrawheen as she then was, and the member for Kalamunda. They were both in this chamber and they both spoke in support of the bill to appoint Mr McKechnie. Now it is suggested to this Parliament that, in the committee, one of them may have voted not to support him. For heaven’s sake, these were Labor Party nominees to the committee! Does the member think those members would vote against the Premier’s nomination and then come into this house and vote to appoint Mr McKechnie?

Several members interjected.

**Mr J.R. QUIGLEY:** I am not taking interjections because I am on limited time and I have a bit of ground to cover. Does the member think they would then come into this chamber and vote to appoint Mr McKechnie? It is beyond reasonable doubt that at least one of the people who voted against the appointment of Mr McKechnie in the 2020 committee’s deliberations was a prominent member of the “Black Hand Gang” then under investigation, Hon Jim Chown. That is beyond reasonable doubt.

Now we come to this debate and the member for Moore has tried to mislead us into believing that it might have been someone other than him who voted against Mr McKechnie and caused the committee to report that bipartisan support could not be achieved. We know from the definition in the legislation that “bipartisan” would have consisted of at least a member from the party led by the Leader of the Opposition, which would be the member for Moore.

Two members of the current committee represent the Labor Party. One of those members, the chair, is in this chamber today. See which way he votes on the second reading of the bill and which way Hon Klara Andric votes on it in the upper house, and that will put beyond reasonable doubt that it was the member for Moore who voted no. Why did he vote no? First of all, he said that this committee has somehow been corrupted or disfigured by the Premier and the Attorney General appointing the chair. We do not appoint the chair. He voted for the chair; he must have voted for the chair, because there are only four people on the committee. What happens is that this chamber nominates its representatives to that committee; it votes on the representatives to the committee nominated by each party. The opposition’s nominee was the member for Moore and Labor’s nominee was the member for Kalamunda. They went into conclave, and in conclave they, not I—this is what was utterly misleading from the member for Moore—elected their chair. They could not have elected a chair if the member for Kalamunda and Hon Klara Andric were the only members who voted for the member for Kalamunda. It would have required at least the member for Moore or Hon Dr Steve Thomas to have voted for the member for Kalamunda to achieve a majority.

So this was totally and deliberately misleading this chamber to try to slur the Premier and —

*Withdrawal of Remark*

**The DEPUTY SPEAKER:** Attorney General, I have to call you up on some unparliamentary language there. You cannot say they came in here and deliberately misled the chamber.

**Mr J.R. QUIGLEY:** I withdraw the word “deliberately” and say he misled this chamber by saying that the chair was appointed by the Premier or the Attorney General.

*Debate Resumed*

**Mr J.R. QUIGLEY:** Now what comes up? The killer line. Since the nominating committee met and put forward three names, a report was handed down by the Standing Committee on Procedure and Privileges in which it was revealed in paragraph 6 of the executive summary —

The good faith negotiations in question were embarked upon to establish a workable protocol to ... facilitate the CCC’s access to relevant parliamentary email account evidence of Members of Parliament ... Those negotiations took place in circumstances where there was a likelihood that material protected from disclosure by the long-standing law of parliamentary privilege would otherwise be unlawfully accessed by the CCC in the process.

It then says that the CCC broke off its dealings with the Parliament in unexplained circumstances. The member for Moore did not go to the evidence that was before the committee. Unfortunately, the executive summary does not reflect the evidence. I go to page 287 of the report. The member just flicked through it and said, “Oh, there was a lot to read.” Here was the former President of the Council, who was chairperson of the Standing Committee on Procedure and Privileges, talking on this very subject of whether there was an agreement or negotiation between the CCC and the privileges committee. I quote the third point on page 287 —

**The PRESIDENT:** Once we had that initial meeting in May with yourself and we started the conversation around the possibility of an agreed procedure, and the committee commenced that and we had correspondence between this committee and yourself and outlined the procedure that we had agreed to—and I think you gave us some feedback in the first instance.

This is what she said —

I think, as I have said to you before, we then seemed to hit a wall and were then no longer part of the process. What is it in your view—can you explain to us where that fell down?

**Mr McKECHNIE:** First, I do not think there was ever any agreement reached. I think, as sometimes happened, each side thought there was a particular position and there was not a meeting of minds on it. Then the person to whom the notice was directed, who, I think, Mr Pratt —

That is Nigel Pratt —

—I may be wrong; he will correct me—asserted was the committee’s agent, indicated that he was prepared to produce certain of the documents in compliance with the notice, bearing in mind that he had a legal obligation to comply with the notice.

So there was never an agreement. Was this known? Was this news? Was this something that the nominating committee missed out on because this report was handed down after it met? Hardly. In appendix 4 to the fifty-sixth report of the

Standing Committee on Procedure and Privileges, on page 56, there is a letter from the CCC to Mr Craig Bydder, Deputy State Solicitor at the State Solicitor's Office. It states —

Dear Mr Bydder

**Notices to Produce NPR ...**

And it gives the two notices. It then continues —

I refer to our telephone conversation this morning in relation to this matter, in which you sought clarification as to:

1. whether there is an agreed procedure in place between the Commission and the Procedure and Privileges Committee ... in relation to assessing documents to be produced under the above Notices for parliamentary privilege; and
2. whether the proposed process of physically handing the records to be produced under the above Notices to the Commission's exhibit officer, before that officer immediately passes the records to the PPC, would satisfy production under the Notices.

**Is there an agreed procedure in place between the Commission and the PPC?**

The answer was —

The Commission has not agreed a procedure with the PPC.

The Commissioner's letter of 26 June 2019 noted the PPC had 'finalised its procedure for dealing with the Commission notices'.

While the Commission has conferred with the PPC (and ... the DPC) with a view to offering technical assistance, the Commissioner's clear position at all times has been that the Commission cannot approve or agree to a process. That is a matter for the PPC, not the Commission.

This was all known to the nominating committee prior to making the nomination. This is just a smokescreen that is now being raised by reference to the executive summary of the sixty-first report. It was all out there well before the nominating committee met in 2021, as this report was tabled in September 2019.

What do we know? We do not know why the member for Moore voted against Mr McKechnie. He is not going to say what he has got against Mr McKechnie. He says, "I just do not like the bill and I do not like the committee because you or the Premier made the chairperson." We did not. We know that; everybody knows that. What is being put forward by the member for Moore is just more conflagration and bluster to hide the fact that at all costs the opposition does not want Western Australia's best corruption fighter back in the chair because the last time he was there he had it under examination. That is what it is all about. This is all filibuster —

*Point of Order*

**Mr R.S. LOVE:** We have to be quite clear that the current opposition, as I understand it, is not the opposition that is being referred to —

**The DEPUTY SPEAKER:** Deputy Leader of the Opposition, what is the point of order?

**Mr R.S. LOVE:** As far as I know, we have never been under any investigation.

**The DEPUTY SPEAKER:** That is not a point of order; please sit down.

*Debate Resumed*

**Mr J.R. QUIGLEY:** That is more of it. This is just exhibit A. This is more filibuster to try to distract from the fact that at all costs the opposition does not want the Corruption and Crime Commissioner to be Mr John McKechnie, QC, because when he last had that position, he had Betelgeuse up and going and he was inquiring into serious improper conduct by members of the opposition. When in his report of December 2019 he identified the "Black Hand Gang", the use of funds for sex tours to Tokyo, the use of funds to go and talk about these sex tours while swilling wine in the Barossa Valley and the use of funds to have "Black Hand Gang" soirees at expensive Perth restaurants, he said, "This is only the beginning; there is more to come." That is what he said in his report. That sent a shiver up their spines—a shiver so severe that they said, "We have got to get rid of this person. His term is up; we will block him at all costs." The chamber can disregard what the member for Moore said in its entirety. He voted against Mr McKechnie in keeping the faith with the alliance to block Mr McKechnie. This reliance upon the executive summary of the report of the privileges committee tabled by the former President of the Legislative Council in May 2021 reveals nothing more, and he has not turned to any part of the report that is averse to Mr McKechnie—not a piece of it. As I have already said, that Mr McKechnie would not enter into an agreement was already out there in September 2019.

If I can now turn back to the Leader of the Opposition. She said this process was put in place to reappoint the commissioner but had not resulted in what the AG or the Premier desired. She then referred to Mr McKechnie as

a captain's pick. He was not a captain's pick. He was the nomination of an independent committee chaired by the Chief Justice of Western Australia. How more independent can you get?

**Ms L. Mettam** interjected.

**Mr J.R. QUIGLEY:** I will get to it in a moment.

Upon that committee sits the Chief Judge of the District Court of Western Australia—an eminent person appointed by the Governor. The committee came up with the three names. In coming up with the three names, Mr McKechnie was identified as the outstanding candidate of the three people who were put forward. Also known by the Premier is that the Western Australian Commissioner of Police, no less, urged the reappointment of Mr McKechnie as his crime fighting partner. What if the Premier had chosen one of the other people? That could have been perceived as political interference because the Premier would not be going for the best person but for someone of his own choosing—his own captain's pick. Consider the time before the three names were released publicly. I do not know how the three names were released publicly. They went to the committee, but how their names got out from there, I do not know. The committee was leaking like a sieve. The other three names were put out there. One of the other three names was Hon John Paul Rowe, SC, a former Labor Deputy Premier of South Australia. The second person was a Senior Counsel—I will not mention his name in case I am wrong—who I believe was, or had been, a member of the Labor Party. The third person was the committee's outstanding choice, pick or nomination—Mr McKechnie. What if we had picked the former Deputy Premier of South Australia? The opposition would have said that it was a captain's pick and that the government was trying to get someone biased in here. The Premier put forward the name of a person who had been appointed to the role by the Liberal–National government led by Mr Barnett. That person had been vetted by the Joint Standing Committee on the Corruption and Crime Commission, chaired by Hon Nick Goiran, the members of which all came out and supported Mr McKechnie and spoke highly of him. Mr McKechnie had the total support of the conservatives, who, by the way, appointed him to the Supreme Court and who, by the way, gave him his second term as the Western Australian Director of Public Prosecutions. I think it was Mr Berinson who initially appointed him and Hon Peter Foss who reappointed him under Mr Court's government. Mr McKechnie was then promoted to the Supreme Court under Mr Barnett's government and was then made the Corruption and Crime Commissioner by Mr Barnett's government, with the support of the committee chaired by Mr Goiran. What suddenly changed? Why have they gone so sour on him to consistently vote against him? I am suggesting to this chamber that it is as obvious as the nose on your face—it is Operation Betelgeuse, in which he identified members of the “Black Hand Gang”, being Liberal Party members in the Legislative Council, and said, “This is only the beginning; I've got more.” This is just a ruse by the opposition to say that his reappointment this way is improper.

I will wind it up. Finally, the Leader of the Opposition said that the government does not have a mandate because the election was only about COVID. For heaven's sake! The election was about a lot of things. The election was about the opposition's absolutely hopeless energy policy. It was about its hopeless press conference at which several opposition members stood to do their costings and which was the biggest embarrassment of a press conference that the nation has ever seen. The election defeat was about the opposition backing Clive Palmer. It was also about the disgraceful conduct that had been exposed of members of the Liberal Party in the upper house going on sex tours on taxpayers' money. The election was about the Premier standing up in the debates here and in other places to say that if re-elected, we would take all necessary steps to reappoint Mr McKechnie to the job. I have half a dozen or more letters to the editor of *The West Australian* that I have photocopied. I will read just one, dated 29 March 2021. It states —

I was very pleased to see that John McKechnie is to apply for his old job as Corruption and Crime Commissioner ... I hope that this time around whoever had the power to prevent his reappointment a year or so ago has no influence in this process. That was one of the silliest bureaucratic processes known, and kept a very able man away from protecting this State, especially as there was so much secrecy as to why the appointment was blocked. Without, of course, knowing who else may apply or what their character and/or skills are, I have to say that they would need to be very, very special indeed to be preferred to Mr McKechnie.

Peter Sherlock, Bellevue

I do not know him. And so the letters go on. They reflect Labor's election promise to go down the path of reappointing Mr McKechnie as the corruption crime fighter. To say, as the Leader of the Opposition has said, that we did not have a mandate for this process is eyewash. To say that it is a captain's pick by the Premier is eyewash. I will wrap up my reply to the second reading debate because I am sure that we will have a lot of debate during the consideration in detail stage. I thank the chamber for its time.

*Division*

Question put and a division taken, the Deputy Speaker casting his vote with the ayes, with the following result —

**Extract from *Hansard***  
[ASSEMBLY — Wednesday, 16 June 2021]  
p1547c-1555a

Mr Peter Rundle; Mr Shane Love; Mr John Quigley; Dr David Honey; Deputy Speaker

---

Ayes (47)

Mr S.N. Aubrey	Ms M.J. Hammat	Ms S.F. McGurk	Mr D.A.E. Scaife
Mr G. Baker	Ms J.L. Hanns	Mr D.R. Michael	Ms J.J. Shaw
Ms H.M. Beazley	Mr T.J. Healy	Mr K.J.J. Michel	Ms R.S. Stephens
Dr A.D. Buti	Mr M. Hughes	Mr S.A. Millman	Mrs J.M.C. Stojkovski
Mr J.N. Carey	Mr W.J. Johnston	Mr Y. Mubarakai	Dr K. Stratton
Mrs R.M.J. Clarke	Mr H.T. Jones	Ms L.A. Munday	Mr C.J. Tallentire
Ms C.M. Collins	Mr D.J. Kelly	Mrs L.M. O'Malley	Mr D.A. Templeman
Mr R.H. Cook	Ms E.J. Kelsbie	Mr P. Papalia	Ms C.M. Tonkin
Ms L. Dalton	Ms A.E. Kent	Mr S.J. Price	Mr R.R. Whitby
Ms D.G. D'Anna	Dr J. Krishnan	Mr D.T. Punch	Ms S.E. Winton
Mr M.J. Folkard	Mr P. Lilburne	Mr J.R. Quigley	Ms E.L. Hamilton ( <i>Teller</i> )
Ms K.E. Giddens	Mr M. McGowan	Ms R. Saffioti	

Noes (4)

Ms M.J. Davies	Dr D.J. Honey	Mr R.S. Love	Mr P.J. Rundle ( <i>Teller</i> )
----------------	---------------	--------------	----------------------------------

Question thus passed.

Bill read a second time.

[Continued on page 1577.]