

**COMMONWEALTH HEADS OF GOVERNMENT MEETING (SPECIAL POWERS) BILL 2011**

*Second Reading*

Resumed from 23 February.

**MS M.M. QUIRK (Girrawheen)** [4.25 pm]: Today our task is to determine whether this bill strikes the right balance between ensuring the necessary level of security for visiting dignitaries and dealing with threats to public safety, without unduly interfering with the rights of members of the Western Australian public to go about their lives without unreasonable interference. As Mr Justice Adams in the New South Wales Supreme Court said in the case of the New South Wales Commissioner of Police v Bainbridge in a 2007 decision concerning the special powers for the Asia-Pacific Economic Cooperation group —

Freedom is always in tension with regulation in a democratic society. Regulation is designed to enhance or maintain the freedom of citizens from violence, fear, intimidation or disruption. It must go no further than is reasonably required for that purpose.

Before looking at the specific elements of the legislation and some of the concerns that the opposition has, I want to talk a bit more about the background of CHOGM and what we can anticipate will occur in Perth in October. It is also germane when we consider the kinds of activity that will need to be regulated under the proposed laws.

The Commonwealth Heads of Government Meeting is a biennial summit meeting of the heads of government from all nations in the Commonwealth of Nations. In the commonwealth there are 54 independent states spanning every continent. To put it in a way that some of the older members of this chamber will find easier to grasp from their primary school geography lessons last century, it is all the pink bits on the map!

**Mr M.P. Whitely** interjected.

**Ms M.M. QUIRK:** In fact, member for Bassendean, they are pink and not red because the printing on the atlas could not be read well enough if they were red.

From a more contemporary perspective, however, the commonwealth has a combined population of more than two billion—almost a third of the world’s population—and represents more than a quarter of the nations of the world. The commonwealth represents a fifth of the total global trade, and between them commonwealth countries dealt with around \$US4 trillion worth of goods in 2008. However, some consider that the commonwealth’s true strength and its point of difference lie in its sheer diversity of not just geography, but also religion, race and culture; 800 million Hindus, 500 million Muslims and 400 million Christians live in the commonwealth. The commonwealth spans industrialised nations such as England, Australia and Canada, as well emerging economies such as India, South Africa and a number of developing countries; it includes some of the world’s most populous countries as well as some of the smallest. The aim of the commonwealth is to work together in the common interests of its citizens for development, democracy and peace. As Fiji has been suspended from membership and Nauru is a member in arrears, it is expected that delegations from 52 countries will attend the Perth meeting. Based on attendance at previous CHOGMs, it is expected that somewhere in the vicinity of 4 000 delegates will come to Perth. These will include heads of government, foreign ministers, senior officials and support staff. Foreign minister Rudd recently described it as the largest political summit ever hosted in Australia. The program includes a range of separate meetings between these groups, the most notable being the heads of government meeting and the foreign ministers meeting. There will also be approximately 1 000 domestic and international media attending the event.

In recent years CHOGM has adopted a special theme. The theme in Trinidad and Tobago was Partnering for a More Equitable and Sustainable Future. I understand the theme for CHOGM 2011 is still to be announced, but we expect certain themes to arise in the discussions—firstly, the strengthening of commonwealth governance now and into the future; secondly, ensuring an effective voice for all member states; and, thirdly, addressing global challenges of key importance to the commonwealth membership. However, these high-level political meetings are only part of the event; in conjunction with CHOGM 2011, a range of business, civil society and youth leaders will participate in three major parallel events in Perth. These are the Commonwealth Business Forum, the Commonwealth People’s Forum and the Commonwealth Youth Forum.

The business forum will be organised by the Commonwealth Business Council in collaboration with Australian governments at both the national and state level, as well as with the private sector. The forum provides a unique opportunity for delegates to contribute policy recommendations to CHOGM itself, which will immediately follow the business forum. The forum also presents the opportunity to learn about new business and investment opportunities, and to examine conducting business with other international partners. It provides network opportunities with key government and business leaders, and it seeks to influence the debate on important trade and investment issues.

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The second event is the Commonwealth People's Forum, which will occur in the week before CHOGM. The people's forum will aim to raise the profile of civil society organisations and to strengthen their links with private, public and youth sectors. It seeks to create opportunities for dialogue between civil society and government ministers on priority issues in the commonwealth. Input from the people's forum will be presented for discussion at a round table with foreign ministers.

The third parallel event is the Commonwealth Youth Forum, which aims to develop young people's understanding of the commonwealth and its values. The youth forum creates a platform for young people to contribute to commonwealth and CHOGM agendas, and it promotes networking and interchange between young people and their organisations.

CHOGM will be chaired by the Prime Minister, who for the currency of CHOGM is the commonwealth chairperson in office. Therefore, the Prime Minister will attend. Recently, CHOGMs have been attended by Queen Elizabeth II who, of course, is the head of the commonwealth. There has been no formal announcement about whether the Queen will attend CHOGM in Perth or whether another member of the royal family will be deputising, but she has certainly appeared at many CHOGMs since 1997.

The first CHOGM was held in 1971 and 21 CHOGMs have been held in total. As I said, the most recent was in 2009 in Trinidad and Tobago. The venues rotate by invitation amongst the various members of the commonwealth. In the past, CHOGMs have attempted to coordinate common policies on certain contentious issues and on current events with, of course, the focus being on issues affecting member nations. In the course of those 21 meetings, issues discussed have included the continuation of apartheid rule in South Africa and how to end it, military coups in Pakistan and Fiji, and allegations of electoral fraud in Zimbabwe. Sometimes, however, the member states also agree, as I mentioned earlier, on a common idea and solution or a theme, and a communiqué is released at the end of CHOGM. Official themes for CHOGMs were introduced in 1997 and the focus of discussions is held around that core theme.

How CHOGM is conducted is important for this legislation. The core of CHOGM is the executive sessions, which are formal gatherings of the heads of government to do business. However, the majority of the important decisions are made not in the main meetings, but in so-called informal retreats. This modus operandi was introduced in the second CHOGM, in Ottawa, by then Prime Minister Pierre Trudeau. The rules for these retreats are pretty strict. The head of the delegation, his or her spouse and one other person are permitted to attend. That additional person can be of any capacity; they can be political, they can be personal or they can be security. That third person has only occasional or intermittent access to the head. It is usually at the retreat where, isolated from their advisers, the heads successfully resolve the most intransigent issues.

As the scope of CHOGM has expanded beyond the meetings of the heads of governments themselves, CHOGM has actually become progressively shorter and the business compacted into less time. In 1971, for example, CHOGM lasted nine days, the 1977 and 1991 CHOGMs went for seven days each, as did the CHOGM in Harare. The 1993 CHOGM lasted for five days and the highly contentious 1995 CHOGM for only three and a half days. That set the precedent for the time frame for these meetings ever since. CHOGM has also been the venue at which some of the most dramatic events in the commonwealth have taken place. Some of us recall Robert Mugabe, for example, announcing Zimbabwe's immediate withdrawal from the commonwealth at the 2003 CHOGM. Nigeria's execution of Ken Saro-Wiwa and eight others on the first day of the 1995 CHOGM led to that country's suspension. It has also been the trigger for a number of events that shook participating countries domestically. The departure of Uganda's President, Milton Obote, for the 1971 CHOGM allowed Idi Amin to overthrow Obote's government in his absence. Similarly, President James Mancham's attendance at the 1977 CHOGM gave Prime Minister France-Albert René the opportunity to seize power in the Seychelles.

I am sorry this is a somewhat discursive examination of the issues to hand in the bill, but I think it is useful to canvass the recent history of CHOGM to demonstrate that the event has certainly not in the past been as politically charged or enjoyed the same level of international profile as international gatherings such as the World Trade Organization, the Group of Twenty, the Group of Eight, the Asia-Pacific Economic Cooperation or even the Olympics. Having said that, I think we must concede that we should be neither complacent nor naive about the challenges that a series of meetings such as these present. These challenges include transport, traffic control, the maintenance of security, controlling airspace, meeting tight time frames and the maintenance of high standards of hospitality and accommodation. The opposition will certainly explore in consideration in detail some of the specific logistics for CHOGM and how we understand that they will operate.

In that context I need only at this stage mention the special issues posed by having all the main events effectively in the CBD itself. Minister, I understand the youth forum is in Fremantle?

**Mr R.F. Johnson:** Yes.

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**Ms M.M. QUIRK:** Having most of the events in the CBD presents special challenges. The Perth Convention and Exhibition Centre will host formal proceedings. The leaders' retreat will be held at Fraser's Restaurant in Kings Park. The business leaders' forum will be convened at Burswood. Depending on whether a member of the royal family attends, and the identity of that person, Government House will certainly also require special arrangements. Of course, much of the delegates' accommodation will be along the Terrace.

On striking the balance, I think we need to be mindful that the operation of these extraordinary laws is restricted to the lead-up to CHOGM, during the CHOGM period and the parallel events, and for a few days thereafter while security arrangements are being stood down and physical barriers dismantled. I need to stress this: what would seem unacceptable for general application—if its currency were for more than a few days—can be accommodated for a finite, short period.

Any attempt to insinuate that the opposition is in some way fickle or inconsistent on these issues is disingenuous. There are few parallels between the bill before us and the ill-fated so-called stop-and-search laws sought to be introduced by the Barnett government in 2010, and which remain on the notice paper in the other place. In these proposed laws, I think there is a clear intention to have areas declared for a short period—for a matter of days only. There is the option of a person not being searched if that person presents at a cordoned off area and decides not to proceed. That is obviously in the outer areas.

There has been equivalent legislation in other jurisdictions as a point of comparison. I have particularly relied, in researching this issue, on the laws applied for the 2007 Asia-Pacific Economic Cooperation summit in New South Wales. The clear and unambiguous objective of this bill is to facilitate security and the smooth running of an event, whereas the nexus between the laws and the desired outcomes with the stop-and-search bill was by no means clear. In this bill, there is also provision for a review of the laws, which was something that was eschewed in the general stop-and-search laws. Those distinctions are very important.

No doubt the drafters of this bill were mindful of how the APEC laws worked. In their research, they would have referred to the review of the New South Wales' APEC Meeting (Police Powers) Act 2007. That review was undertaken following the Sydney APEC meeting in 2007. The 2000 Sydney Olympics, the 2002 CHOGM and the 2006 Melbourne Commonwealth Games are other examples of events for which special powers legislation has been enacted. These laws, as I understand it, have all been used as a basis for this bill.

I want to refer particularly to the review of the APEC laws. That review is referred to in the second reading speech of former New South Wales police minister Hon David Campbell. I will refer to his second reading speech because I think we should be mindful of those objectives when we consider whether this legislation will do what it is supposed to do. The former NSW minister said —

We need to ensure that our police have sufficient powers to prevent or to stop such violence. At the same time we need to ensure that any such powers do not prevent the legitimate exercise of our civil rights. And we need to remember that APEC is occurring in downtown Sydney, where many people live and work.

...

The Government believes that the police powers bill strikes the right balance between police powers, the lawful right to protect and the needs of residents and workers in the central business district. If the APEC Meeting (Police Powers) Bill 2007 is enacted, the Government will roll out a communications plan. This will inform affected people of the impact of the proposed powers. This will involve liaison with residents and businesses.

Of course, we regard that final point as essential. We were advised in our briefings that a sophisticated communications plan will be implemented, detailing the impact the exercising of these powers will have on the community. We certainly recommend that that be done sooner rather than later.

The minister went on to say —

In summary, the bill creates extraordinary policing powers around the duration of the APEC period; namely, 30 August to 12 September 2007. APEC itself is from 2 September to 9 September. However, it is desirable that the powers be available to permit physical security measures such as the putting up and dismantling of barricades to be taken over this slightly longer period on either side of the meetings.

There are very clear objectives in the bill. Any reading of the bill will show they are quite unambiguously set out.

The review of the New South Wales act found eight objectives were considered important in the legislation. Firstly, to maintain security for APEC meetings, including staff and media; secondly, to protect the 21 leaders

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attending the meetings and to preserve their dignity and authority as world leaders; thirdly, to provide police with sufficient powers to stop and prevent violence or threatened violence; fourthly, to ensure civil rights were concurrently safeguarded; fifthly, to prevent extreme and violent protests occurring based on evidence of previous APEC meetings; sixthly, be operationally responsive both pre-emptively and proactively; seventhly, to minimise disruption to the business community and residents of inner Sydney; and, eighthly, to appropriately communicate these objectives and accompanying processes to the public. In deciding whether the act met those objectives, the review concluded that the security of the meeting and integrity of the foreign leaders was maintained.

On that issue, I need to digress momentarily. There were 13 arrests associated with APEC in 2007. Eleven were *Chaser*-related arrests. For the purposes of those who might, at some far distant time, read this *Hansard*, I should explain. ABC television's satirical *The Chaser's War on Everything* team faced charges over a controversial security breach during the APEC summit in Sydney. A group of 10 men and one woman was charged with entering an APEC-restricted area without justification, after driving a convoy of three cars into the city's multimillion-dollar high-security zone. Masquerading as a Canadian motorcade, the comedians, wearing fake IDs, plus their crew, passed a number of security checkpoints to within metres of the Sydney hotel where President George W. Bush was staying. But more of *The Chaser's* later.

I now turn to the scheme of the legislation. It provides security powers for police and authorised officers.

[Emergency evacuation alarm sounded.]

*Sitting suspended from 4.48 to 5.13 pm*

**Ms M.M. QUIRK:** With my hat on as shadow Minister for Emergency Services, I suggest to the Speaker and the President that there may need to be some tightening up of fire drill and emergency procedures. I have to say, for future information, that the instructions over the intercom were less than precise. I also make the comment that I hope that CHOGM is better organised than that emergency drill.

Before we were so rudely interrupted, I was proceeding to discuss the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011. As I said, the bill provides security powers for police and authorised officers that can be used in designated security areas, as well as additional powers for police to close roads for the purpose of conveying dignitaries and coercive hearing powers to assist in gathering evidence of suspected offences aimed at disrupting the event or harming delegates and property. Accordingly, the bill enables police and authorised persons to exercise certain powers in designated areas, including stop and search, mainly near sites where CHOGM activities are occurring, and it enables police from other jurisdictions to perform WA Police functions during CHOGM. The bill permits publication of a list of excluded persons who will be prohibited from accessing the declared areas. By way of comment on that part of the bill, those persons represent, if you like, the professional agitators who go from one event to the next, by and large. The bill will allow the creation of certain offences as an adjunct to the exercise of those powers; and, most contentiously—I will return to this shortly—empowers the Corruption and Crime Commission to conduct hearings for the purposes of securing evidence of offences. As the minister said in the second reading speech, these CCC hearings can be held for individuals 16 years and over.

As I noted earlier, this bill goes further than what was considered necessary for the Asia-Pacific Economic Cooperation summit held in New South Wales, specifically the involvement of the CCC. Of particular concern is the assertion that these specific powers can be used in the case of young adults. In the second reading speech, the minister justified this as follows —

**Mr R.F. Johnson:** Is that my speech or the speech of the minister in the other place?

**Ms M.M. QUIRK:** I was referring to your second reading speech.

**Mr R.F. Johnson** interjected.

**Ms M.M. QUIRK:** I was referring to that earlier, but the caravan has moved on!

The inclusion of juveniles is a departure from the provisions of the Corruption and Crime Commission Act 2003 and has been made in recognition that some of the groups likely to be engaged in extreme acts are known to recruit juveniles and indoctrinate them into their cause. I will talk more later about why the opposition has found that statement difficult to verify.

For declared areas, the stop-and-search powers that are essentially conferred in the outer cordons are the same as those that currently exist in the Criminal Investigation Act 2006 allowing people who refuse a search to leave the declared area without sanction; however, within restricted areas, the option to refuse a search is not available. Members need to remember that at that stage people have already passed the outer cordon and it could be argued that by doing that they may have elicited the reasonable suspicion of those who conduct the search. As yet, we

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have no suggested plan of any particular restricted areas. I understand from our briefing that they will be kept as small as practicable. I am advised these security areas will be clearly delineated to ensure that entry is not made inadvertently, and that both of those things are essential.

The opposition will require clarification on the limited range of powers that is conferred, not just on police officers but on authorised officers. These so-called “authorised officers” are not police from other jurisdictions but are other persons who are authorised by the commissioner. It is my understanding that this will solely be those powers that have traditionally been exercised by security guards, such as scanning, wand and X-raying of bags, and traffic control by private contractors. I think there would be considerable disquiet if these persons so authorised could, for example, require the furnishing of a name or address, or oversight conduct that would form the basis of a so-called CHOGM offence. The opposition will be seeking some assurances from the minister in the course of consideration in detail that our understanding of what these authorised persons can do is correct. We need clarification about what kind of person is contemplated to be conferred with this classification of “authorised officer” and what his or her role will entail. To the extent that these laws mirror the laws for the Asia-Pacific Economic Cooperation group meeting, the opposition will generally support the bill. However, the departure from those laws by introducing the Corruption and Crime Commission is something we have strong objections to and we can see no good reason why it is necessary. In our briefings on the bill it became apparent that the incorporation of the role of the CCC was an unhappy trade-off so the police could avail themselves of the considerable physical resources of the CCC. Frankly, this is an extraordinary state of affairs. We cannot understand why these resources would not be forthcoming in any event. Why cannot the CCC be directed by the Premier or the Attorney General to assist WA Police in whatever way it can? I have to stress that we are talking about physical resources rather than the use of special or extraordinary powers by the CCC. We will be exploring this issue more at the consideration in detail stage. Certainly our preliminary view is that there is absolutely no legitimate forensic reason for this to occur. When we looked at the APEC laws, we could find no such provisions and the post-event review, which I have already referred to, did not identify the absence of these provisions as an issue.

I need to reiterate in that in agreeing to the vast bulk of this bill we are yet to see the plans for the areas that will be declared and restricted, we are not yet aware of the specifics of traffic controls that will be enforced, and we have no concrete information on whether and when the Perth bus station or the Esplanade train station will be closed and what alternative arrangements will be put in place. We still have concerns about the impact that these laws will have on small businesses in close proximity to the restricted areas. We request some advice in the course of the consideration in detail stage on these matters. Further, we are asked to accept that these extensive powers are a proportionate response to the security risks posed and are necessary for the management of the success of the Commonwealth Heads of Government Meeting. Although WA Police has given a general indication of the level of security assessment, we have not been afforded an opportunity to canvass the same with anyone making this assessment. I have tried to get such a security briefing but to no avail. I, more than many members in the chamber, appreciate operational sensitivities and the so-called need-to-know principle. It was suggested that for my purposes in the present debate I need only read the last two Australian Security Intelligence Organisation annual reports. That suggestion borders on high farce and I do not think it reflects well on the gentleman who gave me that advice. That is why I also want to go back to the Minister for Police’s second reading speech. He made certain assertions about the need for the CCC to have powers for juveniles. We cannot find out the basis for those assertions.

I have two final matters. The first is my concern that legitimate political protest should not be stifled and should be permitted to the extent that it does not compromise security or pose a threat to public safety. In this regard, we believe that a robust assessment should be made. This is not an easy call to make, but it should be based on solid intelligence. In the case of the New South Wales Commissioner of Police versus Alex Bainbridge, which I referred to earlier, the judge notes —

I do not have any doubt that the overwhelming majority of those attending the demonstration wish merely to exercise their democratic right of lawful assembly and freedom of expression, and not only do not intend to be violent, but would abhor any acts of violence. But I think it is Pollyannaish to think that everyone will share that view.

We certainly appreciate the fact that the police have a difficult judgement call to make in those cases. We would say that they should err, where possible, on the side of providing the opportunity for legitimate political discussion and protest.

Finally, I did promise to return to *The Chaser’s War on Everything*, although I do so with some hesitation.

**Mr R.F. Johnson:** We don’t want the alarm going off again!

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**Ms M.M. QUIRK:** I recounted earlier the events that led up to 11 charges being laid against members of the ABC's Chaser team. Those charges were ultimately dropped. I refer to an article by Daniel Emerson, of all people, in the TV and radio entertainment section of *The Sydney Morning Herald* in April 2008. The article states —

The NSW Department of Public Prosecutions has dropped charges against the ABC's Chaser team arising from a TV stunt at last year's APEC Summit.

...

Giles Hardie, a video producer who was one of the extras running alongside the Chaser limousine, said he was relieved at the news.

He was charged with entering an exclusion zone under laws enacted specifically for the summit in Sydney.

The article continues —

The NSW Director of Public Prosecutions Nicholas Cowdery said in a statement that the Chaser team had carried out an examination of the area on September 5, when police procedures had differed from those on September 6, when the stunt occurred.

“The offence is one of strict liability. Consequently, the defence of honest and reasonable mistake of fact is available to the accused,” Mr Cowdery said.

“Put another way, it is a defence to establish, or to raise a reasonable doubt that there existed, an honest and reasonable but mistaken belief in a set of facts which, if they had existed, would have rendered the conduct innocent.

“In the cases of all 11 accused I am satisfied that on the evidence presently available the prosecution would not be able to negate, beyond reasonable doubt, the existence of an honest and reasonable (but ultimately mistaken) belief that they would not enter or be taken into the restricted area.”

In other words, they had no intention to breach the security zone and they had expectations, especially with their obviously false identity cards, that they would be found out before they reached the zone. Mr Cowdery concludes —

“There is no reasonable prospect of conviction and for that reason the prosecutions should not proceed.”

In other words, it is a happy ending. I relay this story not to trivialise the issue but to demonstrate that the CHOGM laws, like those at APEC, however unusual and unprecedented, should not be viewed as so draconian and rigid as to exclude the proper application of the rule of law and fundamental principles such as those applied by the New South Wales DPP. I should add for completeness that certainly there was much disapproval for the conduct of the Chaser team from the broader community and both senior politicians and police. The DPP probably would have been under some pressure to proceed with the matter. It is nice that our laws are so robust that an examination of the merits of the case could be undertaken. The video of the Chaser's stunt at APEC will no doubt be used when training police. I am also very hopeful that the real Canadians at CHOGM will not be subjected to closer scrutiny than their colleagues! CHOGM is a unique opportunity for Western Australia to showcase its capital city. It is also, I think, an opportunity for WA Police to restore its tarnished reputation and demonstrate that it can plan, organise and execute what will be a massive exercise, and that it does so with professionalism, competence, sensitivity and integrity.

**MR P.C. TINLEY (Willagee)** [5.29 pm]: Having read the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011 and looked through the explanatory notes, and having particular regard for the second reading speech, I find that there is really very little of concern to me, apart from one section. Hopefully during consideration in detail I will get to ask some questions about certain matters and hear explanations about the operative methods by which they will be implemented.

This bill is, in effect, about physical security. There is a lot more to providing a safe environment for these types of international events than just some witch's hats, fences and magnetometers. Having had prior experience in security for these types of events, it struck me when reading the second reading speech that it is perhaps time, if Perth is to consider itself a truly international city, for the state government to consider doing what some other states have done, particularly Queensland, which is to have a standing special events bill that must be enacted by Parliament prior to its application to a particular event; for each bill there would be some unique amendment that is relevant to the particular event for which it is drafted.

Having looked at the range of public, non-security and straight logistics issues involved in this bill, I am a little surprised that the government has not reached out to establish a bipartisan standing group to ensure that there is a

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full flow of information and a clear understanding of the way in which these things are going to be implemented so that the people of Western Australia are truly represented in the establishment, logistics and preparation for this significant event. Although this bill deals with security, we are all on show during this event; the opposition, the government, the minor parties and every other institution in Western Australia will be judged by how well, how effectively and how efficiently we run this event. The reality is that there will always be a tension between running the event in accordance with the spirit of CHOGM, and providing a safe environment.

I say as part of my opening comments that I look forward to offering to make available myself and any other members on this side of the house who might have a useful contribution to make to participate in any bipartisan group the government might want to form to ensure that information is transferred effectively and efficiently, with the objective of all Western Australians running a great event.

Obviously the bill is principally about security. When we talk about security, particularly for these sorts of events, the cliché that is frequently used in security circles is the “onion” approach, in reference to the series of layers involved. In fact, the most important security work is actually being undertaken right now, as we sit here. The most important security work is actually identifying the potential threats to this event and any other allied events. There is always another component: “If I focus all my attention on a couple of key venues, over a period of a couple of days, what else am I leaving myself vulnerable to in areas that are completely unrelated?” From my past experience I am sure there is a lot of work going into that, right across the country, from federal and state agencies, to ensure that we have a clear understanding of the potential threat in order to strike a balance between running the event effectively and providing a safe environment.

As part of the security preparations a threat model will be created, which will be determined on the basis of historical events, both in this country and internationally, that are relevant to this particular CHOGM event. Hopefully some very smart people will be gathered in a room to develop a threat matrix from the threat model—a matrix that will actually describe the probability of each and every risk to create circumstances in which we can understand, as best we can, what is actually at stake. That risk and probability matrix is absolutely essential for arranging the various resources necessary to undertake this event. Once that has been determined, interagency coordination is of paramount importance. One of the biggest things that always emerges from any post-operational study of any event, be it the twin towers attack or earlier events, is the lack of coordination between agencies. In Australia we are a bit lucky; we have been working over a number of years—since 1979, I believe—on a range of things, up to and including the National Counter-Terrorism Plan.

When we get down to the conduct of the event, it is an exercise in barriers; it is a barrier approach. The last inner ring of the onion is the physical security barriers that we put in place, but there is a whole range of things that feed into that to ensure that an appropriate number of resources are available at the appropriate point to negate any potential risk. I raise that point about barriers because this bill could be re-termed the barrier bill; all it really deals with is what we will do in designated areas, how we will designate such areas, and how we will undertake our operations. It is about fences, and they might be temporal or physical. By that I mean that when we start to identify those threats, we start to talk about the mitigating measures we will undertake to ensure that groups or individuals and the actions that they may or may not undertake can be negated. It might be something as simple as providing public information—publishing information and making it as widely known as possible where the core security areas and restricted zones are—to ensure that people do not innocently transgress those areas, and can approach those areas with an appropriate degree of awareness.

We have seen the effect of fences; APEC was a very good example of the “walled city”. We all remember the images of the construction fences and barbed wire that virtually blocked off entire sections of Sydney at any given time and made it absolutely impossible to travel in those areas. In fact, if one lived in Sydney, it was the perfect time to go away on holiday. It is my hope that CHOGM will not create such inconvenience as to make it a good time to leave the city. It will be a real logistical challenge to do that, and I again make the point about striking a balance between the spirit and the safety of the event.

However, this is where we arrive at a problem: when I read the second reading speech, I tried to correlate it with the bill. In most part, it obviously relates to the bill. I am advised that, at certain times, there is judicial reliance on second reading speeches to understand the intent and purpose of legislation in the formation of judgements in our courts. In that context, I refer to the opening statements of the explanatory memorandum. It states in part —

The purpose of this Bill is to give police and authorised officers the powers needed to promote the safety and security of people attending the Commonwealth Heads of Government Meeting in Perth in 2011 including associated events, functions and activities.

The explanatory memorandum goes on to outline what a successful event should look like. The minister spent some time in his second reading speech not stating what was claimed, but instead spent some time stating the

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potential threats, citing the behaviour of anarchist groups at the 2010 G20 meeting, the behaviour of security officers in the lead-up to previous CHOGM events, and other events such as the 2000 Olympic Games, the 2001 Queensland CHOGM and the 2006 Commonwealth Games. I will stand corrected if I misread it, but nothing in the second reading speech relates to the idea that the purpose of the bill is to run a good show. What is the show? What is the “why”? Why are we undertaking this event? The Commonwealth Secretariat website contains an “Affirmation of Commonwealth Values and Principles”, of which there are several. The point that stuck out most for me reads —

2. We reaffirm that the special strength of the Commonwealth lies in the diversity of its membership, bound together not only by shared history and tradition but also by an ethos of respect for all states and peoples, of shared values and principles, and of concern for the vulnerable.

That is very laudable; it later reads —

- **Democracy:** reaffirming our belief in the inalienable right of the individual to participate by means of free and democratic political processes in shaping the society in which they live; underlining that not only governments but all political parties and civil society also have responsibilities in upholding and promoting democratic culture and practices as well as accountability to the public in this regard; and recognising that parliaments and representative local government and other forms of local governance, are essential elements in the exercise of democratic governance; ...

We see weekly, if not daily, the playing out of democracy and those democratic values in this very place. We saw it play out last week when nearly 5 000 people enjoyed the absolute and inalienable right to come to the people’s house to speak their displeasure in the protest about local content. I am a little concerned that in his second reading speech, the minister showed his intent to prevent anything that may detract from the otherwise nice, bright, shiny event in which we all want to be involved. However, the reality is that democracy is a messy, dirty and sometimes difficult business. It includes protests. It includes accepting that other people have alternative views to those we hold. It, at every turn, always endorses the personal liberty and the civil right of individuals to protest, or, forgetting the protesting bit, the right to gather for a common cause. I am concerned that the minister’s little-too strident second reading speech may be misconstrued because it refers to security and threats as opposed to the celebration that CHOGM should be for us—that is, a celebration, ultimately, of a strong, robust, messy, democratic collection.

I find clause 8 of the bill very difficult to understand in that it confers special powers on the Corruption and Crime Commission in relation to its capacity to investigate and to compel witnesses to answer questions. I am really concerned about the circumstances—although we will get into the detail during consideration in detail—in which we would allow the CCC to use its coercive powers to simply drag someone in to get information. I am not suggesting that there could not be a circumstance in which this power is necessary; however, it would be great to hear those circumstances. I am afraid that we will have to get into some sorts of hypothetical examples during the consideration in detail stage to really understand the clause. I say that simply because we need to consider previous event experience. I was involved in the planning and conduct of a theme of security for the 2000 Olympic Games, which was a not insignificant event both in time and geography. Security was a logistics and security nightmare by any standard, although I note the member for Girrawheen’s point that there is no greater concentration of internationally protected persons found than is the case during CHOGM. I remember working on CHOGM 2001, as it was originally designated. As a result of the events of 9/11, CHOGM 2001 was delayed and held in 2002 in a much-reduced format in Coolool, Queensland. The Queensland police service often crows about how it ran a very safe event in a very strict environment. However, the fact is that the Queensland police only had to deal with a bunch of buses going up one road to one venue to get the one job done, and I suspect that the task of covering three venues in Perth will be a lot harder for the state and federal agencies involved than was the case with the Queensland experience.

Many people who call for very strong security base some of their assessment on events that do not really have a role to play. Many such calls have their genesis in what is called “The Battle in Seattle” that occurred during the 1999 World Trade Organization event. Some 40 000 protestors overwhelmed the security forces and created absolute mayhem, including a lot of violence. However, in truth, that cannot be cited as a precedent for subsequent security for WTO events because Seattle did not prepare correctly. I do not think that will be the case in Perth.

[Member’s time extended.]

**Mr P.C. TINLEY:** During the WTO event in Seattle in 1999, only 500 police were involved, and support from outside counties was rejected. In fact, the police overreached capacity and were overwhelmed by the

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circumstances, and the police chief resigned in the wash-up to that event. One hundred and fifty seven individuals were arrested and released without charge for lack of cause, and \$250 000 of compensation had to be paid to those people. Seattle is a very good example of what can go wrong if security is not prepared. However, it is not a precedent for what we are doing because they were under prepared; we are not. The events at Seattle scared the hell out of security tacticians around the world from 1999 onwards. In the lead up to the 2000 Olympic Games and subsequent CHOGM events, it had a significant effect on security preparations.

I have corresponded with the Commonwealth Secretariat to ask exactly what has happened at previous events. The secretariat wrote back to confirm that it could not find on the record any significant security breach for any previous CHOGM event. In reality, threats from organised groups are less of a problem for CHOGM than they are for any other event. Therefore, it is very important that we do not suddenly raise the events of Seattle and other WTO events, or even APEC, as precedent for what we seek to do here. The spirit of CHOGM in Perth is the celebration of democracy and all that it brings.

The 2002 delayed CHOGM held in Coolom interestingly demonstrated what can happen when things go wrong. In a story that has overtones of the old Joh Bjelke-Petersen special branch era, I quote —

Nineteen-year-old Leah Coonan was picked up by police yesterday. She'd been putting up posters advertising a peaceful protest planned for the Commonwealth Heads of Government Meeting in Brisbane in October.

She was putting up posters at the Queensland university when —

She said she noticed she was being followed and was approached a short time later by the police and taken to the local station.

I remember this case. It was particularly interesting because it caused all sorts of dramas. That was done under the CHOGM special powers. She continues in the report —

They put me in a room by myself for a very long time and they kept ... whenever ... they'd only come in and talk to me on occasion, but just left me in the room by myself.

... she was detained for four hours before being forced to give a sample of her DNA and her fingerprints.

She appeared later in court, the report states —

... to face wilful damage charges on the grounds that the glue used to attach the posters damages the 'heritage listed' building they were being attached to.

Needless to say those charges did not stick. The whole civil liberties issue is something that we must take seriously when it comes to the enactment of these powers. It was a particularly turbulent time leading up to CHOGM in 2002; everybody was nervous. But I think we need to keep our wits about ourselves and work out exactly where to appropriately apply these measures.

Coming back to clause 8 of the bill, which refers to the special powers that will be conferred, we must bear in mind that the reality is that the police—I would like to hear from the minister in this regard in due course—requested and were very particular about getting the technical collection capability of the Corruption and Crime Commission, which is actually a capability of international standard. I do not blame the police for that; there is a lot of nice, shiny fruit in the CCC that gives a lot of politicians a lot of nervous nights and a lot of nervous phone calls. I do not think the Minister for Police is one of those. I am sure he speaks freely into his phone!

**Mr R.F. Johnson:** I certainly do.

**Dr A.D. Buti:** Not when you're driving!

**Mr R.F. Johnson:** Not when I'm driving, no.

**Mr P.C. TINLEY:** Not when he is driving—of course!

The concern I have is the circumstances under which the CCC would put somebody in the witness box and compel them to give evidence. Why? We have other legislation in this country called the National Counter-Terrorism Plan. It is a longstanding document and it is the architecture for designated events under which we can bring into force the Protective Security Coordination Centre—PSCC—for internationally protected persons. The plan is for an event that is described as a special event—I would like to think that one has already been enacted for CHOGM—and it brings with it all the powers that the federal agencies have, including and not least of which are the powers of the Australian Security Intelligence Organisation, which has the capacity to collect and compel. Further than that, we should not forget that the Howard government in 2005 brought in the Anti-

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Terrorism Act (No. 2) 2005, which I believe is still in play here. That act also provides for holding somebody for two weeks without charge. Also, in an extreme example, it has a shoot-to-kill provision. It also provides control orders. Hopefully, a lot of the stuff that is distilled into our Commonwealth Heads of Government Meeting (Special Powers) Bill has the lesser of those provisions. However, it shows on the spectrum the resources, architecture and capacity that are available to the state of Western Australia to put it in a position of running an event in the spirit of the event, so that those provisions can be seamless, silent and in the background. I cannot see any provision in the bill on the detail of the circumstances in which the CCC would undertake an investigation with coercive powers. I would love to hear from the minister on this aspect.

There are a few final points that concern me. They are not covered by this bill but I flag them in this speech as they are matters on which I would like more information from the minister and/or any other relevant minister. One concern is about some of the more operational matters being attended to for CHOGM. One aspect we found at the Olympic Games in Sydney in 2000 and at CHOGM in Coolool in 2002 was that a lot of these foreign heads of government come to town with their own special security people. They will look us straight in the eye and say, “We carry no weapons, we carry nothing and we would not be in contravention of international law.” But there is a lot that goes into a diplomatic pouch. I have seen diplomatic pouches the size of C-17 aircraft!

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

**Mr P.C. TINLEY:** Yes, they do. They put a big diplomatic seal on it and we do not get to see it. I therefore flag for the minister some real, difficult situations. Some of these guys—I have no fear in telling the minister—are keen to shoot first and ask questions later. I am not talking just about firearms; I am talking about —

**Ms M.M. Quirk:** Our Victorian colleagues who are coming over here!

**Mr P.C. TINLEY:** Yes!

**Mr R.F. Johnson:** They’ve got to operate under Western Australia Police powers.

**Mr P.C. TINLEY:** I flag for the minister and alert him to be aware of the fact that foreign security services will come. I am not talking about just weapons; I am talking about radio jammers; I am talking about listening devices; and I am talking about a range of things that would be offensive under our laws that will potentially be available to these guys when they get here.

I reiterate the points that the member for Girrawheen made in conclusion. I am particularly keen to see a map designating the special security areas and the logistics of running them. The Perth Convention and Exhibition Centre will obviously be the principal point. Does that mean the bus station will be closed? Does that mean the train station will be closed? I should hope not, but in the circumstances they may well be at short notice. I would like to know those arrangements, because the last thing we want at our special event on our special day—our time to shine, if you please—is a repeat of the walled city that we saw in Sydney.

**MR D.A. TEMPLEMAN (Mandurah)** [5.55 pm]: I always find myself in this position in which I am taking us to dinner.

**Mr M.P. Whitely:** You are the digestive!

**Mr D.A. TEMPLEMAN:** I seem to be always in this position of taking us to dinner. I will make some preliminary comments and then, of course, I know that the house will fill after dinner to hear my comments!

I have listened to the member for Girrawheen’s second reading contribution. She went through a range of matters, particularly a little history of significant events of the nature of the CHOGM event that we are expecting here, of course, in October. She raised some very important points for consideration as we debate this bill, and, ultimately, as we move into the consideration in detail stage later this evening. She was rudely interrupted by the emergency fire alarm. It was not a drill actually; it was an emergency and we did have to go outside. The last time we did that was the day on 12 September 2001, after 9/11, when a bomb hoax was made to Parliament and we vacated the building and went to the northern grassed area.

**Mr M.P. Whitely:** It was very reassuring to see the minister actually with his hard hat on and whistling.

**Mr D.A. TEMPLEMAN:** It was, and with his tongs in his hand!

As I take us to dinner, I want to highlight a couple of matters that I think are important. This is a very significant event for Western Australia and a very significant event for Perth. When former Prime Minister Rudd announced that Perth was to be the host city for the Commonwealth Heads of Government Meeting this year, it was a significant acknowledgement of the state of Western Australia, and indeed of Perth. However, as the member for Willagee highlighted, one thing when we have such events, particularly with the nature of the world at the moment, the degree of security and the degree of effort and work done pre-September 11, 2001, will pale into

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insignificance compared with what needs to happen now when hosting a major international event. The member for Willagee is right: we as a state and as the City of Perth are going to be on the international stage. Certainly that brings with it a range of implications. The member for Girrawheen very pertinently highlighted the experience in Sydney with *The Chaser* team. Although some saw the comedy in that—some did not—it certainly highlighted a glaring lack of security at that Asia-Pacific Economic Cooperation group meeting held in Sydney a few years ago. I am sure the organisers and the security teams will be well versed in ensuring that something of that embarrassing nature will not occur. However, it could incite some of our more creative little theatre groups throughout the community to perhaps stage or attempt to stage something.

*Sitting suspended from 6.00 to 7.00 pm*

**Mr D.A. TEMPLEMAN:** Before I was rudely interrupted by the dinner break I was reflecting on events in Sydney a few years back involving the escapades of *The Chaser's War on Everything* team. Before Madam Acting Speaker (Ms A.R. Mitchell) took the chair, the member for Albany was asking me whether, during the Commonwealth Heads of Government Meeting, I was going to act as some sort of —

**Mr P.B. Watson:** Ferret!

**Mr D.A. TEMPLEMAN:** Ferret?

**Mr P.B. Watson:** You could go down the manholes and ferret things out!

**Mr D.A. TEMPLEMAN:** I could, but I do not know whether I would be very well qualified! When we had our break this afternoon when the alarm system went off, I was halfway down Hay Street following someone wearing a hard hat before I realised it was someone from Rio Tinto! I would not be very good at it, and I certainly would be of no use to Assistant Commissioner Bell, who is in the Speaker's gallery and who, no doubt, will be advising the minister shortly in consideration in detail on issues relevant to CHOGM.

**Mr R.F. Johnson:** We could think about making you a special constable—hang on, I've just thought about it; the answer would be no!

**Mr D.A. TEMPLEMAN:** I would have thought I would have had a more ceremonial role!

Many members would know I am a very avowed monarchist, and some members would be surprised by that. I used to be a republican, but after seeing the changing of the guard when I was in London about two years ago I texted my brother and said, "I am renouncing my republican views and I am an absolute convert to the monarchy." He immediately texted me back, "Don't be so stupid. Come home immediately."

**Mr F.A. Alban:** Just take an Aspro!

**Mr D.A. TEMPLEMAN:** Minister for Police, I would be very happy to personally escort the Queen on any of the events that she has to attend; I think I would represent the state with great aplomb!

**Mr M. McGowan:** You could be Mr Brown!

**Mr D.A. TEMPLEMAN:** I could.

We have an audience in the Speaker's gallery. It is always good to see young people watching an important debate taking place, and this is an important debate. CHOGM will be a significant event in the history of Western Australia, so we have to make sure we get it right.

**Mr R.F. Johnson:** It's actually the biggest for Australia—former Prime Minister Rudd said that.

**Mr D.A. TEMPLEMAN:** It is true, and so we need to make sure that when the eyes of the world—particularly those of the commonwealth nations—are on Perth in October, we get it right and we present not only the City of Perth, but also the culture of Western Australia in the best possible light. I am pleased that the Minister for Culture and the Arts has announced a whole range of cultural events that will occur during CHOGM.

I am glad the Minister for Education is in this place. I noticed that the school holidays precede CHOGM by two weeks, and I am sure the police and traffic management people will be very focused on the whole traffic issue, because there is no doubt that the central business district will be in lockdown.

**Dr E. Constable:** There are no schools in the CBD.

**Mr D.A. TEMPLEMAN:** There is a link; it may not yet be visible, but there is a link with the Minister for Education.

There can be no doubt that for significant periods of CHOGM the CBD will be more or less in a lockdown situation with road closures and security et cetera. I will be very interested to hear from the Minister for Police in

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his reply speech, or indeed when we get into consideration in detail, about how, for example, the significant number of people who live in the CBD and the immediate surrounding area will be accommodated.

**Dr E. Constable:** This has nothing to do with me.

**Mr D.A. TEMPLEMAN:** I am coming to the schools issue.

**Dr E. Constable:** Quick!

**Mr D.A. TEMPLEMAN:** There will be an imposition on those people for that short time; I am sure the minister will be able to answer that. There will certainly be an issue for the security services around people coming and going through the CBD and being able to access their businesses and homes.

The reason I mentioned the Minister for Education was that I wondered whether, after the CHOGM announcement had been made, consideration had been given to moving the school holidays.

**Dr E. Constable:** The problem is it is very difficult to do that because they are gazetted three years ahead.

**Mr D.A. TEMPLEMAN:** Is that right? Okay.

**Ms M.M. Quirk:** They have already changed them once.

**Dr E. Constable:** They are different holidays. They are determined five years ahead by a cross-sectoral committee, and then they are gazetted three years ahead by the director general. Ungazetting and re-gazetting is extremely difficult. I do not think it is impossible, but I think it would be extremely difficult.

**Mr R.F. Johnson:** We have changed the public holiday to try to ensure that there is as minimal an amount of disruption as possible. I think that will actually work quite well.

**Mr D.A. TEMPLEMAN:** I know; I was getting on to that.

**Mr J.E. McGrath:** It is also the week before the Melbourne Cup and the Victoria Derby—one of the great races!

**Mr D.A. TEMPLEMAN:** That is why the member for South Perth will not be in Western Australia! At least one security threat will be out of the state at the time—the member for South Perth will not be here!

In regards to the timing aspect, I wondered whether consideration had been given to moving the school holidays. Members know I am a person who regularly travels to Perth from the regions.

**Mr P.B. Watson:** The regions? Mandurah?

**Mr D.A. TEMPLEMAN:** Yes.

I notice that during the school holidays, freeway traffic and traffic in and out of the city centre seems to be much freer, which is why I think it would have been a good idea to move the school holidays.

**Dr E. Constable:** It is a very difficult time of the year to change the school dates because of year 12 exams; it would really muck them up.

**Mr D.A. TEMPLEMAN:** It is good that we have the Monday holiday.

**Dr E. Constable:** Friday.

**Mr D.A. TEMPLEMAN:** If I were Premier, I would have considered making the Friday a public holiday as well.

**Dr E. Constable:** The Friday is a holiday; we have changed it from Monday to Friday.

**Mr D.A. TEMPLEMAN:** It is? I would have had the following Monday as a public holiday as well.

**Dr E. Constable:** There are an awful lot of public holidays!

**Mr D.A. TEMPLEMAN:** To be totally honest, we should encourage people to not be in the city centre unless they have to be for an important purpose. That is the reality. Members can imagine that it would be very difficult if we were encouraging people to come into the city centre using public transport or other means during this period to see if they could catch a glimpse of Her Majesty.

**Mr P.B. Watson:** It'd be difficult for her to see you!

**Mr D.A. TEMPLEMAN:** Yes, it could be.

**Ms M.M. Quirk:** I did but see her passing by!

**Mr D.A. TEMPLEMAN:** I did but see her passing by!

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We do not necessarily want to encourage a lot of people to come into the central business district; that is the reality. The arrangements that will be set out, not in the bill, but certainly in the logistics of the event, will probably discourage a lot of people from going to the city centre. Kings Park will be a no-go zone for many people during this period; particularly during the significant meeting events that will occur there. If the government had made not only the Friday, but also the Monday a public holiday, it may have found that it had encouraged more people to get out of Perth. It would have been great for places like Mandurah and the South West—tourism destinations—to encourage people to get out of Perth during CHOGM to visit those tourist regions within a few hours' drive of Perth. That is something that could have been considered, and perhaps is still not out of the question. The Minister for Police might have some comments about it—it is worth considering. The Minister for Education has answered my question about the difficulties in changing the school holiday period. That is essential.

I mention a couple of other matters related to the CHOGM event, but not directly with the legislation. They include accommodation of visitors, be they delegates, dignitaries or associated media. There has been recent media coverage about the difficulties of being able to accommodate the contingents. Obviously, heads of state and their immediate support staff or diplomatic supports will be accommodated in the Perth CBD. But immediately after the announcement of CHOGM being held in Perth, the tourism group in Mandurah, the Peel Tourism Association, was very keen to be involved, if possible, in offering opportunities for those people who need to be accommodated in places like Mandurah, Rockingham or Joondalup—places where accommodation is still available, although not in the CBD. If there is an issue in providing overflow accommodation, we should not overlook Mandurah, or the northern parts of the metropolitan area and the Joondalup area, as places to accommodate some of these people.

**Mr R.F. Johnson:** That will be a possibility, but the heads of state and their immediate entourage will be in the CBD for security reasons, of course. There will be 1 000 media people; there will be other people attending functions and I think we will find that some of them have to use accommodation outside of the CBD.

**Mr D.A. TEMPLEMAN:** I am putting in the bid for places like my electorate, Mandurah.

**Mr J.E. McGrath:** That is why they have 12 hours before the function then.

**Mr D.A. TEMPLEMAN:** We could have the CHOGM choo-choo leaving Mandurah station; it will be in the CBD within 48 minutes. That is the reality; run with it. We can arrange all those things very easily. I would not mind being the mascot riding in the front of the train! I can see that being appropriate. I think I would make a great mascot—the Mandurah mascot, wearing my little cap.

**Mr J.E. McGrath:** You could be a ticket collector!

**Mr D.A. TEMPLEMAN:** Yes.

[Member's time extended.]

**Mr D.A. TEMPLEMAN:** The other matter I mention is the major transport implications. There was some mention of this in the minister's second reading speech. I will be interested, during consideration in detail, to tease out some of those issues about transport security. There are implications for city workers, for city businesses, people who live in the CBD and those people who traverse through the city. If people traverse through the city via the public transport system, as some people do—people travel from south of the river to the north to work and vice versa—what are the implications if we have major interruptions at certain periods to public transport? I am interested in comment either directly from the minister or during consideration in detail.

**Mr R.F. Johnson:** I can almost certainly give you an answer in my response to the second reading debate.

**Mr D.A. TEMPLEMAN:** I would really appreciate that.

Another matter is that Western Australians would not have seen the level of security that we are expecting at CHOGM before in their lives. In international media coverage of violence during past and even recent events such as the G8 or G20 summits, people see things like batons—the hard-edged stuff of national security. As the member for Willagee said, these events do unfortunately attract, or can potentially attract, seasoned and very radical protesters, and I am sure that the logistical security is well aware of that. The people of Perth have never seen anything like that; we do not see that sort of stuff on our streets ever, particularly something of the order of logistics that we expect for CHOGM. This may sound like a naive question, but I am interested in knowing whether we will see, for example—the minister may not be able to answer this question for security reasons—combat infrastructure such as armoured cars or water cannons. Will those things be deployed or available? I am interested just for the sake of knowing how far we are going with security. Everyone remembers the preparations for the Sydney Olympics; I remember in the lead-up to that event big black helicopters flying over the Sydney

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Opera House and a whole range of training events taking place. I would be interested in the minister's response about the sort of training events that we are likely to see in the next few months in preparation for CHOGM.

**Mr R.F. Johnson:** I was in Edinburgh in 2005 when the G8 Summit was held. It was at the same time that the Make Poverty History event was held. Police officers from all around the United Kingdom were called to Edinburgh. I was on Princes Street, which is the main street, a lovely street just by the castle. I was outside Marks and Spencer—my favourite store!—and the police did not have water cannons, tanks, armoured vehicles or anything. They were so well coordinated that they did not need any of that stuff. They had plans in place to contain protesters. The police had to face some of the roughest of rough people that you can imagine—they came from all over Europe—professional protesters I call them, they were some of the nastiest as people I have ever seen in my life, but the police did a wonderful job there without any of that infrastructure.

**Mr D.A. TEMPLEMAN:** A lot of people would not be used to seeing those symbolic things in Perth, and I am interested in knowing whether we will see them. I remember visiting Brisbane just a couple of days before its CHOGM event, I can remember parts of Brisbane with big concrete plinths. Some were put around a particular building—I am not sure what the building was—but it was quite imposing. I wondered whether I was in Australia or New York.

**Mr J.E. McGrath:** That was in Joh Bjelke-Petersen's day. He put those on every street!

**Mr D.A. TEMPLEMAN:** There was an event in Brisbane only recently. Was it in 2002? The member for Willagee mentioned an event in Brisbane.

**Ms M.M. Quirk:** It was CHOGM.

**Mr D.A. TEMPLEMAN:** It was CHOGM.

**Mr R.F. Johnson:** That was much smaller.

**Mr D.A. TEMPLEMAN:** I know, but I remember, when I was visiting, seeing those big concrete barricades. One building had the barricades and secure fencing, and traffic was diverted.

I have already mentioned Assistant Commissioner Duane Bell, who is intimately involved in the planning for this event for the police service. I know the calibre of the assistant commissioner; I worked closely with him when he was in the Peel police district office a number of years back. I have great admiration for the expertise of the assistant commissioner and the team that will be leading the planning for this event. Certainly from my perspective, people of that calibre are going to do a fantastic job.

**Mr R.F. Johnson:** We are very fortunate.

**Mr D.A. TEMPLEMAN:** We are very fortunate. I have great faith in our police service men and women who will be dealing with the lead-up to and carrying out duties during CHOGM. I am confident that that will be done with great skill and expertise. I do not have any doubts about that.

I am interested in the special powers outlined in the bill. I am sure the minister will, in his response to the second reading debate and during the consideration in detail stage —

**Mr R.F. Johnson:** I am hoping that I can clear up any ambiguity or concerns you may have in that area when I give my response. I have answers to all the queries you have raised. That way we may not need to spend too much time in consideration in detail. It is a very lengthy bill in terms of the number of clauses it contains.

**Mr D.A. TEMPLEMAN:** As a state, we should be very excited about the opportunity we have been given. The state of Western Australia does not always get the opportunity to host events of this nature and magnitude. Such events have in the past tended to be held on the eastern seaboard. It is great recognition of the faith of the past Prime Minister and the current federal government —

**Ms M.M. Quirk:** And the member for Perth.

**Mr D.A. TEMPLEMAN:** —and the member for Perth—indeed, he was a strong lobbyist for this—in Western Australia in asking it to host this event. As members of Parliament we should be promoting CHOGM in our local communities as being a significant event for Western Australians. Whilst I will not necessarily be encouraging all the people of Mandurah to come here and clog up the streets during that period, it is certainly a chance for us to reflect on the great opportunity this event will be to show the rest of the world, not only in a cultural and historic sense but also in a humane sense, the progressive nature of Western Australia. We are, and have always been, very, very good hosts. Western Australians are very friendly and warm people who welcome others from around the country and the world. This is an opportunity to reinforce that.

**Mr J.E. McGrath:** I didn't hear the start of your speech, but are you saying that as well as the public holiday on the Friday, we should also have one on the Monday? Bearing in mind that it is the Melbourne Cup on the

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Tuesday, we might as well have a five-day weekend. You are obviously saying that we don't need people to be clogging up the city while this big event is on.

**Mr D.A. TEMPLEMAN:** I suppose what I am saying is that we do not want to encourage it. I am concerned about the people who live in the city and businesses in the city, because this event will have an impact on them. I want to make sure those people are thought about in this whole process.

**Mr R.F. Johnson:** We are working very closely with those people.

**Mr D.A. TEMPLEMAN:** The reality is that our city will be hosting some of the most important people in the world. Therefore, we have to treat that responsibility with the seriousness and importance that it requires. If it means that we need to perhaps encourage people to not be in the city, why not have an opportunity like an extended long weekend by including the Friday and the Monday as public holidays, which would actually encourage people to not be attracted to the city centre? They might then use that opportunity to be down in the South West, the Peel region, Mandurah et cetera. It would work both ways. By the time the Monday is over, most of the entourages will have left—certainly on the Monday morning. We know what the traffic is like going back and forth; we want to avoid congestion if we can. That is my view. That is why I asked the Minister for Education whether consideration had been given to bringing the last week of the school holidays into that period. She correctly explained the logistical problem of trying to do that, given that there is a legislative framework around the setting of school holiday times. I understand that. If that cannot be done, maybe the Premier could consider making the Monday a holiday as well. He would probably make himself very popular with a significant number of people if he decided to do that.

I will conclude very quickly. This is a great opportunity for Western Australia. I look forward to hearing the minister's response to some of our queries during his reply to the second reading debate and the consideration in detail stage. I have every faith that the people charged with organising this event at both the state and national level will do a sterling job.

**MR W.J. JOHNSTON (Cannington)** [7.25 pm]: I will make some remarks about the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011. It is important to understand that the Labor Party supports the bill except for one aspect of it, which is the referral of additional powers to the Corruption and Crime Commission. I will put this event in context, which is, of course, that of the Commonwealth of Nations. It is probably worth looking at what we are talking about. The commonwealth group of countries that voluntarily come together have said things about what unites them, such as in the Singapore Declaration of Commonwealth Principles 1971. I will quote one of the principles, because in examining the bill we need to look carefully at what the Commonwealth of Nations is all about. Item 6 of the Singapore Declaration states —

We believe in the liberty of the individual, in equal rights for all citizens regardless of race, colour, creed or political belief, and in their inalienable right to participate by means of free and democratic political processes in framing the society in which they live. We therefore strive to promote in each of our countries those representative institutions and guarantees for personal freedom under the law that are our common heritage.

I will start with that point, because what unites the commonwealth is a respect for freedom and liberty. The planning for this event and the police powers we will allocate in this state need to recognise people's personal liberties. As I understand it, the commonwealth meeting will have a youth forum, which will bring together young people from around the commonwealth to talk about issues of the future—I will make some remarks about that in a moment; a people's forum, which will bring together ordinary folk from around the commonwealth to discuss the important issues that confront our world; a business forum, at which business leaders will meet with government representatives to discuss what can be done to make the world a better place through the operation of commerce and industry; and the leaders' forum. The leaders' forum is not the commonwealth meeting; it is simply the last forum that will take place over those series of events. In examining the law that we are being asked to consider tonight, we have to put it in the context of the leaders' forum not being the whole of the commonwealth meeting but the last part of what we are dealing with. We also have to go back to the Singapore Declaration, which states that what unites the commonwealth is a belief in liberty. In planning this event, the government needs to take account of the youth forum, the people's forum and the business forum as well as the leaders' forum, but it also needs to take account of people's personal liberty.

Neither I nor the Labor Party have any trouble with the idea that there will be certain parts of the city—perhaps the Perth Convention and Exhibition Centre and Burswood, where these different forums will take place—for which there will need to be some control, such as people needing some accreditation to get into these forums. Nobody has a problem with that. We all respect that the police are going to need the powers to deal with those issues. We have all been to various events around the world where those sorts of arrangements have been in place. At the briefing from the police on this bill, they explained that they will be dealing with something like

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500 motorcades during the period of the leaders' forum. There is no question that is going to be administratively very difficult. We do not want those leaders to have any problems in their motorcades or for them to block traffic and get in the way of the eastern suburbs residents that I represent. That is all fine. But what is the plan to encourage protest marches? What is the plan to encourage people to express their views as part of the liberty that we are respecting through the commonwealth event? Remember that it is not just elections that the commonwealth adheres to. The declaration of commonwealth principles states —

... their inalienable right to participate by means of free and democratic political processes ...

It is processes—not just elections, not just political parties. Rallies and protests and these types of things are clearly part of what the commonwealth is about. In fact, if we have a Commonwealth Heads of Government Meeting without some protest marches, we will not be participating in the democratic process in the same way as people participate in every other event. This is why we belong to the commonwealth: because we respect people's individual liberty to participate in the political process. If people do not have the opportunity to go down and say why this leader or that leader or all of us combined are not doing a good job, we are failing. We are not doing the right thing. Yes, the police need to have a counter-terrorism plan. They need to have a plan to ensure that accredited people get into the various events and all these different things, but they also need a plan that allows people to protest and to express opinions that are not the same as the leaders—the business leaders, youth leaders and the people's leaders as well as the heads of government—who attend these forums.

It will be very good for the police minister to explain to us what liaison is occurring with potential protest organisers. I noticed on *Green Left Weekly's* website—let me say that I have never read *Green Left Weekly*—that on 3 March there was a meeting to begin planning for the protests that they want to coincide with these commonwealth events. What are we doing to negotiate with them? What is the government doing to facilitate those protests and marches?

**Mr R.F. Johnson:** I can tell you that the police, as they always do, encourage anybody who wants to have a protest or a march or anything like that to talk to the police, and they will endeavour to try to facilitate that and in some situations try to protect them from people who have an opposite view. So that would happen.

**Mr W.J. JOHNSTON:** Indeed, minister. I asked the police at our briefing to tell me where it was planned for the protests to be located, and they did not know. I am not saying they do not know, but at that time there was no indication from the police that they had decided where these protests and marches are to take place.

If members type “CHOGM violence” into Google and search for that, they will find reports about reports about agenda items about domestic violence and how the people's forum in Trinidad dealt with that international issue of trying to reduce domestic violence. Members will find that through Google, but they will not find images of baton-wielding police facing Molotov cocktails from protesters, because that is not what CHOGM is about. In effect, CHOGM is a representative body representing Asian and African people. The overwhelming majority of people in the commonwealth are Asian people or African people. Caucasian people are a small minority of the members of the commonwealth. So the First World–Third World debates that lead to protests around G8 and the World Trade Organization meetings just do not happen during CHOGM, because this is not a forum where the rich world tells the less developed world what to do; it is a forum at which 54 countries that have volunteered to sign up to individual liberty and a range of other issues come together and discuss matters that are important for us all.

Just to let members know, the six largest countries in the commonwealth are India, Pakistan, Bangladesh, Nigeria, the United Kingdom and South Africa. Of those six countries, India is the second-largest Muslim country in the world; Pakistan is the third-largest Muslim country in the world; Bangladesh is the fourth-largest and Nigeria is the sixth largest. That is why CHOGM does not attract the sorts of protests and violence by extremists that members would find if they typed “WTO violence” into a search engine. Quite frankly, I think they are protesting about the wrong thing, because the World Trade Organization, if it is allowed to operate, would actually deliver for poor countries at the expense of rich countries. Nonetheless, that is what happens; extremists go to those sorts of events. We do not get them at CHOGM. We should not be planning for a WTO response when we are actually holding a CHOGM event. We should be planning on the basis that we are coming together in personal liberty and freedom, and I do not see any discussion of that in the minister's second reading speech. That is why the legislation ends up going down this blind alley of the CCC powers.

I make the point that when we asked the police service what issue they would refer to the CCC for investigation that they would not refer to ASIO, they were not able to identify any activity that would be referred to the CCC that would not also be referred to ASIO. Australians all accept that we need a proper level of protection against extremists. That is ASIO's job. The taxpayers of this nation have already paid for an organisation to do that anti-terrorism work. How can we give these additional powers unnecessarily to the CCC without any reference to

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why we have a CHOGM meeting in Perth and when individual liberty and liberty is the basis of the CHOGM event? It is completely illogical.

It will be interesting for the minister to explain to us in consideration in detail what the CCC powers are there for. What is the issue that we are being protected from? If it is about a terrorist group blowing up a Western Power transformer to plunge the city into darkness and disrupt the event, that is terrorism. We already have laws to deal with those terrorist acts. If instead it is that maybe some people will want to throw themselves in front of a Rolls-Royce carrying some president from some other country, do we really need the CCC to deal with those matters? The problem is that at the top end the state and the Crown already have enough power through the various instruments at the federal level as well as the state level to deal with those terrorism-related issues, and at the bottom level it is a complete overreaction to some minor protesting.

It is interesting to read the speech of Her Majesty the Queen when opening the last CHOGM in Port of Spain, Trinidad and Tobago, because this is the only occasion when the Queen gets to speak as herself. Every other time she speaks, she is speaking on behalf of a government.

A member interjected.

**Mr W.J. JOHNSTON:** Somebody mentioned the Christmas message. That would be true. The Christmas message would be another one in which she speaks as herself, but in the Christmas message she does not speak on politics.

Let me make this clear. At CHOGM she speaks as the head of the commonwealth, not on behalf of the British government or the Australian government. If she were at the opening of Parliament in Canberra, the speech she would deliver would be written for her by the Commonwealth of Australia. When she delivers a speech to open Parliament in England, she speaks on behalf of the British government. But this is her speech giving her own views. She said —

In my view one of the core strengths of the Commonwealth lies in the commitment to common goals and values. Our shared pledge to “the pursuit of peace, liberty and progress” that my father helped to enshrine in the London Declaration in 1949 means as much today as it did then. We cherish freedom, democracy and development as dearly as ever.

It is interesting to read the London declaration—this is for the benefit of the member for Mandurah—when India was accepted as a member of the commonwealth, even though it had become a republic. It states in part —

... the intention of the Indian people that under the new constitution which is about to be adopted India shall become a sovereign independent republic. The Government of India have however declared and affirmed India’s desire to continue her full membership of the Commonwealth of Nations and her acceptance of The King as the symbol of the free association of its independent member nations and as such the Head of the Commonwealth.

I make the point to the member for Mandurah that we can have the British sovereign as the head of the commonwealth and still be an independent republic. That has been well established. The member can have love and affection for the head of the commonwealth and still allow Australia to become a republic.

**Mr D.A. Templeman:** One thing I missed was them bringing out a special tea set to commemorate CHOGM.

**Ms M.M. Quirk:** A tea towel.

**Mr W.J. JOHNSTON:** A tea towel and tea set.

**Mr D.A. Templeman:** I’ve still got my Diana and Charles one!

**Mr W.J. JOHNSTON:** It is probably worth a bit now.

I will read another excerpt of Her Majesty’s speech to the opening of CHOGM in the Port of Spain, because it is very good to know what is important to Her Majesty. She said —

The Commonwealth can be proud of the fact that in each of its six decades, it has shaped the international response to emerging global challenges.

And on this, the eve of the UN Copenhagen Summit on Climate Change, the Commonwealth has an opportunity to lead once more. The threat to our environment is not a new concern. But it is now a global challenge which will continue to affect the security and stability of millions for years to come. Many of those affected are among the most vulnerable, and many of the people least well able to withstand the adverse effects of Climate Change live in the Commonwealth.

A second area of opportunity for the Commonwealth is nurturing its young people. As with environmental challenges, this area is not new; but while the Commonwealth may rightly celebrate

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reaching its 60th anniversary, the future of this association lies with the one billion who are under 25 years of age. The Commonwealth must show that it is relevant to and supportive of our young people who need to be convinced that the Commonwealth can help them to realize their ambitions.

[Member's time extended.]

**Mr W.J. JOHNSTON:** The reason I have chosen to highlight that speech is that, firstly, it is clear that the Queen wants action on climate change. We should all respect her position on that and seek to adhere to her urgings.

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

**Mr W.J. JOHNSTON:** Of course, John Howard was as well. He wanted an emissions trading scheme, but we will not go there tonight.

This is an opportune moment to reflect on the purpose of the commonwealth meeting. Again, Her Majesty said —

The Commonwealth must show that it is relevant to and supportive of our young people who need to be convinced that the Commonwealth can help them to realize their ambitions.

That is the reason these leaders are coming to Perth. This is not the World Trade Organization. This is not the G8. Even recent meetings of the G20 did not have extremists causing violence. Those organisations have a different focus. The reality is that the commonwealth meeting will bring together an overwhelming number of people from less-developed countries who aspire to the standards of living that westernised nations enjoy. It is about their aspirations. It is about the one billion young people the Queen referred to in Trinidad and Tobago. Almost the overwhelming majority of those young people are in Asia and Africa. That is why the planning for this event should be done in a proper context. That context is everybody's desire to have as much expression of personal liberty as possible. These are not things that I have invented; these are the bases of the commonwealth's declared position on these matters. Why, then, are we responding by saying that we want legislation that will allow 16-year-olds to be taken into custody for the Corruption and Crime Commission to interview in a kangaroo court without legal representation and without any of the things that freedom and liberty demand? It is contrary to the purpose of these leaders coming to Perth.

I agree with the member for Mandurah; we should celebrate this event. I think that the biggest problem from CHOGM for the people in the eastern suburbs will be traffic chaos. Clearly, the airport is to the east of the city and the roads into the city that will be used by the motorcades are in communities such as Cannington, Victoria Park and Belmont, which many members on this side of the chamber represent. Riverside Drive will potentially be difficult for people in the eastern suburbs to use. It is a critical piece of road infrastructure for people in the eastern suburbs. These are genuine problems that people in the eastern suburbs will have. I think the member for Mandurah's solution is right. If we have an extra holiday, people will leave town and get out of the way of the traffic chaos that will be caused. That is cool. I am not saying that we should not have CHOGM. We should have CHOGM, but we should recognise the problems that will be caused. Let us celebrate what is important to the commonwealth. Let us celebrate liberty and the right of people to get angry and upset and to be disappointed with their national and world leaders. That is the reason they will come to Perth. They will come here to express that right. Our planning should be focused. Of course we need to make sure that the extremists cannot take advantage of these leaders coming to Perth and cannot get involved in the various opportunities for malfeasance, but let us do that in a proper context, and the proper context is our enduring support of liberty.

**DR A.D. BUTI (Armada)** [7.47 pm]: We are talking about an incredibly important bill—the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011. The speakers before me outlined that CHOGM is a meeting of the heads of the various commonwealth countries. We are very fortunate that they have selected Perth this time around. It is not the first time CHOGM has been held in Australia. As far as I can recall, CHOGM was held in Brisbane in 2002, and the member for Willagee was involved in the security operation for that meeting. Of course, CHOGM was also held in Sydney in 1978.

**Mr A.P. Jacob:** There was a bomb.

**Dr A.D. BUTI:** That is exactly right; there was a bomb. The Ananda Marga sect was accused of being involved. Tim Anderson went to jail, but there was concern that he was not the culprit. Of course, there has been violence at CHOGM, but —

**Mr R.F. Johnson:** Your colleague just said that there hadn't been.

**Dr A.D. BUTI:** Of course, overall, CHOGM has been a very peaceful celebration of the leaders of the commonwealth countries coming together. I think there are 53 countries in CHOGM. As far as I can tell from the research that I have done, apart from the 1978 CHOGM, there has been a lack of any violent activity. As was

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mentioned by the member for Cannington, CHOGM is not like the G20 or the G8 leaders' summit, or the various other economic forums that take place around the world at which anarchist groups congregate. The minister referred in his second reading speech to the possibility that anarchist groups will be involved in the CHOGM celebrations. I tend to think that that will not be the case, because although we should celebrate CHOGM—it is a great event, and we should be very proud that this august body will be meeting in Australia—we also should be realistic and put the commonwealth and CHOGM in its true context. CHOGM is a powerful organisation, in the sense that it will be attended by 53 nations. But the importance of CHOGM in the international sphere in respect of economic and scientific matters is probably far less than that of meetings such as the G8 and the G20. Members on this side agree with the government's view that proper security measures need to be put in place for CHOGM. Overall, we are not opposing the bill. However, as has been mentioned by previous speakers, we have some concerns about the bill. It always comes down to the fine line between protecting the world leaders and the members of the community, and protecting the fundamental principles that we stand for in a democratic society. In respect of the 53 nations that will attend CHOGM —

**Mr R.F. Johnson:** I think it may be only 52. We are not sure yet.

**Dr A.D. BUTI:** Is it Fiji that will not be attending?

**Ms M.M. Quirk:** It is Nauru. Nauru is in arrears.

**Dr A.D. BUTI:** Okay. At least 50 nations will be attending CHOGM. One could argue that many of those nations are not necessarily pillars of democracy. But Australia is a pillar of representative democracy. We are a pillar of freedoms. That is why we are debating this bill in this house. In some societies, the government makes the decision about what is going to happen, and there is no debate. Therefore, we have an obligation as Her Majesty's opposition in the state of Western Australia to hold the government to account for the legislation that it brings to this house. That is particularly the case with this legislation, because the government, and we as a Parliament, have an incredibly important responsibility. That responsibility is to protect the world leaders and heads of state who come to this country. However, we also have an obligation to not throw away our freedoms. There is always a fine line between the two.

The history of police power and state power is very interesting. The Blackstonian view of society was that the Crown—the king—was all powerful, and the Crown could do whatever it wished. The only thing that inhibited the Crown from doing whatever it wished was if there was a constitution that prevented certain laws from being enacted; otherwise, the Crown had absolute power. In many respects under our constitutional legal system, that view of society remains. However, we also have the inherent or implied liberties that are in either a written or an unwritten constitution. We need to always be vigilant that we protect those individual rights. The famous American jurist Oliver Wendell Holmes, in his annotated version of Chancellor Kent's *Commentaries*, said the following in respect of police powers —

Acts which can only be justified on the ground that they are police regulations, must be so clearly necessary to the safety, comfort, or well-being of society, or so imperatively required by public necessity, that they must be taken to be impliedly excepted from the words of the constitutional prohibition.

He is making it clear that if we do have police regulations or state regulations, we need to make sure that they are necessary. There is no doubt that many of the provisions that are proposed in this bill are necessary. But we do have concerns about some areas of the bill. One of our concerns is the involvement of the Corruption and Crime Commission. To tell the truth, when we look at the history of the CCC, I sometimes get a bit nervous when the CCC is involved in things. I am actually in favour of the government's proposal that the CCC be given a focus on organised crime. It is laudable that the CCC will go after the people whom we should be going after. But I am not sure about the role of the CCC with regard to CHOGM. The minister said in his second reading speech —

Pursuant to this, the Commissioner of Police will be able to request the commission to conduct an examination of persons, including juveniles. The inclusion of juveniles is a departure from the provisions of the Corruption and Crime Commission Act 2003 and has been made in recognition that some of the groups likely to engage in extreme acts are known to recruit juveniles and indoctrinate them to their cause.

I think that is stretching it in Western Australia. There is always a possibility that some extreme act will happen. However, we as a Parliament need to have a sense of proportionality between what we are trying to enact and the consequences of that action. As I have said, we do not have a crystal ball. It may be the case that juveniles are involved in such an act, but I think it is highly unlikely that that will be the case.

**Mr R.F. Johnson:** If they are not involved, they will not be brought before the police and the CCC.

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**Dr A.D. BUTI:** True. But when we enact legislation, it sends a message. The member for Cannington mentioned this very well when he said that the existing antiterrorism laws and the existing police laws would deal with many of the situations that the minister is trying to deal with in this legislation.

**Mr P.C. Tinley** interjected.

**Dr A.D. BUTI:** I should have said also, of course, the member for Willagee. It is just that he was so eloquent that I went right over that fantastic effort that he made.

We need to be careful about where we go with this legislation. We on this side of the house have a concern about the CCC, and we will deal with that in more detail during consideration in detail.

**Mr R.F. Johnson:** I think I may be able to answer the concerns that have been raised by some of your members.

**Ms M.M. Quirk:** We have to go through the consideration in detail stage.

**Mr R.F. Johnson:** That is fine, because you are going to vote against it, but I hope I can convince you that you do not need to.

**Dr A.D. BUTI:** Although we on this side of the house are generally supportive of the bill, I just want to give the minister some forewarning of some of the concerns that will be fleshed out during consideration in detail, and some of the areas that I will be seeking further explanations about.

Under clauses 8, 12 and 15, the police will be given very broad powers. The police and other authorised officials will be given the power to do X, Y and Z, and there will be no legal consequences for their actions. It is always a concern when people are not held responsible for their actions.

**Mr R.F. Johnson:** This mirrors very closely what the eastern states have done in similar situations, such as APEC and so on.

**Dr A.D. BUTI:** I am not saying it is out of the ordinary, but we need to be careful about that.

Another issue is the removal of vehicles. Of course, we would want vehicles to be removed if they are in areas that they should not be in. However, under clause 36, if any damage is done to a vehicle that needs to be removed, so be it. Under clause 37, no effort needs to be made to inform the owner of the vehicle that the vehicle has been removed. There is a possibility that the vehicle was in a particular location because of an innocent or stupid mistake. Surely there should be some obligation on the state, when it removes a person's property, to inform the person that his property has been removed. When the minister says there will be no possible consequences if damage occurs, that may breed careless behaviour on the part of the police, because they know that there will be no consequences for their actions. That is just a point for consideration.

**Mr R.F. Johnson:** I think that is a normal area that is covered in most legislation. Can I say that we impound something like 15 000 vehicles, and very little damage is ever done to any of those vehicles. They are taken away professionally. Of course the police will inform the owners of the vehicles, but not straightaway, because they may be busy dealing with other security areas. I do not think you need to have a concern about that, really.

**Dr A.D. BUTI:** With respect to protection from liability, when we are looking at state security and when we are trying to protect heads of state, the police should be able to act in a manner without worrying whether they may be prosecuted for their actions. There is that fine line. I am a bit concerned when we have absolute protection from liability. Is there a possibility of massaging that situation, particularly when we will have officers in Perth who are not actually police officers; they will be other authorised officers? I presume that some of those officers will be from private security firms.

**Mr R.F. Johnson:** No, they will not be doing front-line police work. We will have fully trained police officers from other jurisdictions. There will be security officers who will not be doing the work that the police are doing.

**Dr A.D. BUTI:** In the second reading speech to this bill the minister mentioned that the WA government has given additional funding to the police force, which is what needs to take place in order to establish a 24-hour command centre and to meet the costs associated with additional vehicles, maritime and air support capabilities, the use of personnel from the Australian Federal Police and police services in other states and territories and New Zealand, and also the recruitment of additional Western Australian police officers. That is really interesting. I would be interested to know the number and what will happen to these police officers after CHOGM. I dearly hope that a significant number of them will be relocated to Armadale.

**Mr R.F. Johnson:** I will see what I can do. Of course the allocation is down to the commissioner.

**Dr A.D. BUTI:** I assume they will become permanent after CHOGM.

**Mr R.F. Johnson:** Of course they will be. They will be fully sworn, fully trained police officers.

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**Dr A.D. BUTI:** Does the minister have a number?

**Mr R.F. Johnson:** Not off the top of my head but there will be a large number of additional police officers this year, which will be good as far as I am concerned, as far as the government is concerned and, I am sure, as far as the member is concerned.

**Dr A.D. BUTI:** I have a few concluding remarks on this debate. More will be said in consideration in detail. Of course this legislation is necessary. This is a very important meeting. I and the members who spoke before me, including the member for Willagee, who spoke in an incredibly articulate manner, say that there will always be a fine line between the need of the state to protect its own citizens and foreign leaders, and to ensure that we uphold our liberties. As the member for Cannington mentioned, this is a celebration. The member for Willagee, who spoke prior to the member for Cannington, also said that it is a reason to celebrate. Let us celebrate it, let us ensure that we protect our foreign leaders but let us also ensure that we protect the very precious freedoms that we live by.

**MR R.F. JOHNSON (Hillarys — Minister for Police)** [8.03 pm] — in reply: I thank the members who have spoken on the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011 for their contribution. I appreciate the history that we got from the member for Girrawheen. I truly found it very interesting. I did not know some of the things that she mentioned.

**Ms M.M. Quirk:** *Wikipedia* is good, minister.

**Mr R.F. JOHNSON:** I am not very good at those things. I hope that I can put the concerns that a few members have raised in the comfort basket because I honestly believe that some of the things that have been raised have caused undue concern. I will go through my responses to the comments of the various members who have spoken. I will start with the shadow police minister, the member for Girrawheen. They may not be in chronological order but I will try to answer the questions that she asked. The concern that she and some other members have is primarily related to the Corruption and Crime Commission and its powers that may or may not be used. The information that I have been given states that the power to conduct examinations of witnesses in part 8 of the bill are intended primarily to prevent offences intended or likely to cause harm to people attending a CHOGM event, damage a venue or facility for a CHOGM event, or directly or indirectly disrupt a CHOGM event. Of course WA Police have had great success using the existing compulsory hearing power in part 4 of the CCC act relating to organised crime.

**Ms M.M. Quirk:** Yes, but it is a different category of offence, you admit, minister.

**Mr R.F. JOHNSON:** It is, and I will come to that. We are not looking at organised crime; we are looking at possible terrorist acts.

**Ms M.M. Quirk:** These are CHOGM offences of a potentially minor nature.

**Mr R.F. JOHNSON:** I will come to that. They have certainly found the use of these powers, which enable reluctant witnesses to provide information during a hearing, without threat or having information provided, used in a criminal prosecution against them. So it often has a positive effect. This has resulted in considerable intelligence information being provided that would subsequently be used in the investigation of a crime. This power is expected to provide a similar tool for the investigation of threats against CHOGM. If there are threats against CHOGM, that gives us the power to use the CCC powers. I suppose in a way it is a bit like an insurance policy.

**Ms M.M. Quirk:** Can you confirm what period these powers will be in force for?

**Mr R.F. JOHNSON:** These powers will cease after CHOGM.

**Ms M.M. Quirk:** How soon prior to CHOGM do they kick in, if you like?

**Mr P.C. Tinley:** On assent.

**Mr R.F. JOHNSON:** Yes, on assent; once the bill has been approved by the Governor.

**Mr P.C. Tinley:** And the remainder of the bill comes in on proclamation.

**Mr R.F. JOHNSON:** Indeed.

**Ms M.M. Quirk:** We are talking about gathering intelligence presumably to prevent these things happening at CHOGM. How soon before CHOGM are these powers able to be deployed?

**Mr R.F. JOHNSON:** Our police, the Australian Security Intelligence Organisation and the Australian Federal Police are working together already, particularly our police and the federal police, on intelligence matters.

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**Mr W.J. Johnston:** They don't have these powers. How are they coping?

**Mr R.F. JOHNSON:** They are gathering intelligence. They do not have the power to bring witnesses who would need to be compelled to give evidence to answer questions.

**Mr W.J. Johnston:** How are they coping?

**Mr R.F. JOHNSON:** We are talking about CHOGM.

**Mr W.J. Johnston:** You are talking about intelligence on CHOGM. How are they coping if they don't have these powers?

**Mr R.F. JOHNSON:** They are looking at the threat during CHOGM.

**Mr W.J. Johnston:** Because they don't need them. That's what you said.

**Mr R.F. JOHNSON:** No. They are looking at the powers to be used when CHOGM is taking place. They are there to protect people—to save people's lives, to save property and so forth. They cannot use the CCC powers at this stage.

**Mr W.J. Johnston:** Can I ask you this: —

**Mr R.F. JOHNSON:** We will go into consideration in detail, so members can ask me questions then. Let me respond to the questions and concerns that members have raised so far tonight. We are questioning the need for compulsive hearing powers. The compulsive hearing powers imposed in this bill are an investigative tool. Powers currently exist under federal law that enable the coercive examination of persons by ASIO in relation to terrorism offences and by the Australian Crime Commission in relation to organised crime. Under WA law, the Corruption and Crime Commission has powers to conduct coercive examinations in relation to organised crime. That is what these different organisations have at the moment. The police do not have those. The threshold for the use of these existing powers is extremely restrictive. The CHOGM coercive hearing powers are aimed at expeditiously investigating any of the many serious offences that are outside the scope of the existing coercive hearing powers for terrorism and organised crime. For example, would a person who has a personal vendetta and is planning to injure a particular delegate for no other reason than revenge not fall within the scope of those coercive hearing powers? I hope the member is listening to this.

**Dr A.D. Buti:** We always listen to you, minister!

**Mr R.F. JOHNSON:** I do not think members are; the member for Girrawheen is having a chat. That is the trouble. I wish members would listen.

The member for Girrawheen asked: why can Corruption and Crime Commission resources not be used by police under existing arrangements? The answer I am given is that section 16 of the Corruption and Crime Commission Act provides that the CCC has functions under that act or any other written law. The CCC act provides the functions of the CCC as primarily misconduct, cooperation with the Australian Crime Commission, organised crime, and reviewable police action. The Commonwealth Heads of Government Meeting (Special Powers) Bill 2011 provides that the Commissioner of Police may arrange for the use of officers of the CCC or any other facilities and resources for the purposes of the bill—that is, to promote the security and safety of people attending CHOGM.

The member for Girrawheen also asked: why are juveniles included in the CCC coercive powers provisions? The answer I have been given is that the compulsive hearings power proposed in this bill is an investigative tool that is complementary to existing powers. Those seeking to cause harm to the delegates or to disrupt the event can come from all walks of life. Overseas, for example in the United Kingdom, we have seen a number of cases in which home-grown terrorist activities have involved young men under 18 years of age—that is, juveniles—who have at the very least facilitated the activities. Juveniles get radicalised, too. The bill also limits powers when a reasonable suspicion of offences likely to be committed may mean a vital piece of information is missed.

The member for Girrawheen also asked: what kind of person will be appointed an "authorised person" and what powers will they have? The answer is that authorised persons will be appointed to perform functions to support the police in the security operation. At the current threat level, authorised persons may well be local government officers and contractors to assist in, for example, road closures and traffic control measures. If the threat level escalates, it is important to have this provision to allow greater resourcing to meet the challenges that a higher threat level brings. In all cases, however, the authorised persons will not be doing police work. The Commissioner of Police will reserve those duties for sworn officers.

The member for Girrawheen also asked: when will we know where the security areas are? The answer is that areas will be determined on a threat and risk assessment, together with site surveys, based on intelligence and

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physical protective indicators. The areas will be contained in the regulations. A comprehensive communications plan will ensure the community and members are aware of those areas. That answers the question on communications, and ensures that not only the public but also members in the chamber are aware.

The member for Willagee asked under what circumstances would we drag a person before the CCC to answer questions under compulsion. The answer is for the reason detailed at clause 83 of the bill —

To facilitate the investigation of serious offences ... intended or likely —

- (a) to harm people attending a CHOGM event; or
- (b) to damage a venue or facility for a CHOGM event; or
- (c) to disrupt ... CHOGM ...

Those are the reasons for someone to be brought before the CCC. For an investigation to be conducted, the CCC must be satisfied that there are reasonable grounds for suspecting that a serious offence against CHOGM has been, is being or will be committed, that an investigation will provide evidence or information relevant to the offence, and that conducting an examination will be in the public interest. It is not intended that persons conducting lawful protests will be investigated. If the member is concerned about some people who want to protest lawfully, it is not the case that those people will be investigated.

The member for Willagee also asked about powers and resources provided under the national counter-terrorism plan. The answer that I am given is that the national counter-terrorism plan can be invoked only for terrorism offences, whereas this bill includes other provisions for offences that do not reach that threshold. Moreover, the plan does not give powers to police. The bill simply sets out arrangements for who does what and when.

The member for Willagee also asked a question about the special event status and the commonwealth providing powers. Special event statuses relate to matters such as dignitary protection. Outside the obligations to protect dignitaries, the commonwealth provides no powers to state police to perform those duties and meet the purposes of this bill.

The member for Willagee also asked why we need coercive hearing powers when we can use the Australian Security Intelligence Organisation. The answer is that ASIO powers can only be invoked in circumstances in which it is reasonably believed that a person or group of persons have the intent to advance a political, religious or ideological cause and coerce or influence by intimidation the government of the commonwealth or a state, territory, foreign country or the public, and, in doing so, intend to cause serious harm or death to a person, seriously damage property or seriously disrupt or destroy significant electronic systems such as telecommunications or utilities. An additional problem with the use of ASIO is that the information is gathered for the purpose of security intelligence and, as such, may not be admissible as criminal evidence. Another problem is that accessing ASIO can be difficult and take considerable time. Clearly, there is a very limited scope to use ASIO for CHOGM-related purposes. That is the advice that I am given by our police.

A question was asked by the member for Cannington about the use of powers for protestors. This bill is certainly not designed to deal with lawful protestors. This is a democratic country in which lawful peaceful protests can and do occur often.

**Mr W.J. Johnston:** The question I asked was: what have you done about planning for that?

**Mr R.F. JOHNSON:** I will come to that.

Indeed, our police facilitate people going about their democratic and civil rights by giving guidance in obtaining necessary permits and protecting protestors from other citizens who do not agree with the issue being promoted. If people want to protest, they can protest. People protest all around the world and if they want to do it in Western Australia, they can do it quite easily.

**Mr W.J. Johnston:** Where will they go?

**Mr R.F. JOHNSON:** The plan is this: first of all, the protestors or the group have to talk to the police. The police will then facilitate an area that will be designated for them to protest.

**Mr W.J. Johnston:** Where is that?

**Mr R.F. JOHNSON:** I do not know.

**Ms M.M. Quirk:** Cervantes!

**Mr R.F. JOHNSON:** Very tempting, but no, I do not think it will be that area. I cannot tell the member exactly where in the CBD it will be allowed.

**Mr W.J. Johnston:** You can tell us all these other things; where is the planning?

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**Mr R.F. JOHNSON:** That is an operational issue that the police are working on at the moment. If the police do not get any requests from protests groups to carry out lawful protests, the police will not designate an area. The member does not expect the police to come out and say, “Anyone who wants to protest, you can do it in Forrest Place. That is your area and it is the only place you can do it.”

**Mr W.J. Johnston:** Why not?

**Mr R.F. JOHNSON:** That may not be convenient; it depends on what the protestors want to do. They need to talk to police, which is what they do now. It is the same with the member for Cannington’s mates in the union. If protestors want to march up St Georges Terrace to Parliament House, they liaise with Parliament House and the police, and they get escorted all the way up not only to keep them in order, but also to protect them.

**Mr W.J. Johnston:** But they protest without a permit. UnionsWA has never sought a permit for a protest.

**Mr R.F. JOHNSON:** But it has advised police.

**Mr W.J. Johnston:** Yes, but never with a permit.

**Mr R.F. JOHNSON:** I do not know whether it ever had a permit.

**Mr W.J. Johnston:** They have never had a permit.

**Mr R.F. JOHNSON:** The member says that, but I will find out whether it has ever had a permit.

**Mr W.J. Johnston:** UnionsWA never seeks a permit—it is a policy decision—because it does not believe that it should have to.

**Mr R.F. JOHNSON:** Are members opposite a rebellious lot? Would they not be prepared to seek a permit?

**Mr W.J. Johnston:** No; it is because it is not appropriate. In a democracy you shouldn’t have to get a permit.

**Mr R.F. JOHNSON:** That is the union movement for us. I am not a lover of the union movement, obviously, but I know the member for Cannington is.

**Mr T.G. Stephens:** I hope you got a permit to be out on the grass earlier today after the siren sounded!

Several members interjected.

**Mr R.F. JOHNSON:** This is a very serious bill. I believe members of the opposition support 99 per cent of it. I hope they do.

**Mr W.J. Johnston:** It’s just the stupid bits we don’t agree with.

**Mr R.F. JOHNSON:** If that is the case, that is their prerogative. That is the democratic system we have in this Parliament, as well as in this state and in this country generally. If members opposite want to vote against all or any part of this bill, it is their prerogative to do so. I urge them to think carefully before they do because this is an important issue. It is a once-in-a-lifetime event. I do not think anyone in this chamber will ever again see anything as huge as the Commonwealth Heads of Government Meeting in WA in their lifetime.

**Mr D.A. Templeman:** That’s right.

**Mr R.F. JOHNSON:** The member for Mandurah, who is a great royalist, knows that only too well and he appreciates it.

An opposition member interjected.

**Mr R.F. JOHNSON:** It is in a way, yes. We certainly have an obligation to protect all our visiting heads of state and the people who are coming with them. As we know, some of those countries do not even like each other and there are terrorist organisations within some of them.

**Mr W.J. Johnston:** Which ones?

**Mr R.F. JOHNSON:** Is the member for Cannington going to tell me there are no terrorist organisations in Pakistan?

**Mr W.J. Johnston:** You said that some of the countries hate each other. I want you to put on record which ones you are talking about.

**Mr R.F. JOHNSON:** The member may do, but I will leave it to his imagination.

**Mr W.J. Johnston:** You’re the minister in the state of Western Australia.

**Mr R.F. JOHNSON:** If the member for Cannington does not believe that people in some of those countries do not hate each other, I am sorry; he is living in cloud-cuckoo-land.

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**Mr W.J. Johnston:** You're the minister; you raised this issue. Why won't you explain yourself; why aren't you being accountable?

**Mr R.F. JOHNSON:** Being accountable?

**Mr W.J. Johnston:** Yes.

**Mr R.F. JOHNSON:** For goodness sake!

**Mr W.J. Johnston:** To explain why you said something.

**Mr R.F. JOHNSON:** That was a silly comment. I thought we were getting on all right.

**The ACTING SPEAKER (Mr P.B. Watson):** Can we get on with the legislation?

**Mr R.F. JOHNSON:** I would love to, Mr Acting Speaker. Let me answer the questions. These are the questions the member for Cannington asked. As occurs at the Asia-Pacific Economic Cooperation meetings, will WA have a dedicated commissioned officer to work with issue-motivated groups to facilitate lawful and peaceful protests? A dedicated liaison officer, who will be a commissioned officer, will work with any of those groups who want to facilitate peaceful protests. However, this bill will provide the necessary powers should any protester move into security areas and cause a safety concern or intend to disrupt the CHOGM activities.

My very good friend the member for Mandurah asked: are we going to see armoured cars, water cannons and other overt security and crowd control measures? No; as far as I am aware, we will not see any water cannons, armoured cars or small tanks or anything else of that nature. The answer I have been given is that the security operation will have all the resources that the police ask for. Under the current threat level, and balancing security with an appropriate look and feel for this event, there is no need for tanks and water cannons to be roving up and down our streets. I concur with that. There will be a highly visible police presence both to protect those attending CHOGM and to serve members of the community who go along to see the procession and welcome the delegates. A lot of Western Australians will go along to see the procession of all the heads of state as they go from A to B. I am sure they will wave their flags. People who are now Australian citizens who originated from some of those countries —

**Mr W.J. Johnston:** Like England?

**Mr R.F. JOHNSON:** Yes, like England. I am sure there are plenty of English people who live and work and are bringing up their families in Western Australia who will be here to see members of the royal family and, indeed, people such as the new British Prime Minister.

**Dr A.D. Buti:** What about the head of Scotland?

**Mr R.F. JOHNSON:** Yes, we will leave that one.

The bill provides powers to close roads and put protective measures around venues. The physical measures will not be like those at APEC events. The member for Mandurah asked about transport security and the implications for commuters and disruption to services caused by CHOGM. Transport security is being addressed by both police and a transport subcommittee chaired by the Director General of the Department of Transport, Reece Waldock. The subcommittee's brief is to also ensure that public transport, including buses, rail and taxis, will accommodate travel around CHOGM so that the Western Australian community can continue to use our transport system to go about their daily lives. I hope that gives the member some comfort. He will not be short of people coming down to Mandurah from the northern suburbs. I know some people who go regularly.

**Mr D.A. Templeman:** You're always welcome.

**Mr R.F. JOHNSON:** I know that. The member for Mandurah also asked: how will people who live and operate businesses in the CBD be accommodated? The security operation is being designed to reduce as far as possible disruption to parts of Perth. The bill puts an obligation upon police to ensure road closures do not last any longer than necessary. Road closures will be as short as necessary and then the roads will be opened up again. A public communication plan is being rolled out and the first public meetings will occur in the first week of April. In addition, there will be a public holiday on the Friday so that people can shop in Perth, see the procession in the morning or move to other areas if the security measures cause them too much disruption. We are trying to cater for everyone's needs.

The member for Cannington asked about people being dragged before the CCC without legal representation and no access to natural justice. It is not correct that people who appear at a coercive examination cannot have legal representation. In fact, if a person gives notice that they will not be represented, the CCC may arrange for them

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to be represented if it is in the public interest to do so. I hope that addresses the member for Cannington's concern.

**Mr W.J. Johnston:** You used the word "if", not that they will be, but if the CCC decides it is okay.

**Mr R.F. JOHNSON:** No; if a person gives notice that they will not be represented —

**Mr W.J. Johnston** interjected.

**Mr R.F. JOHNSON:** One hopes if they want representation they can have it.

**Mr W.J. Johnston:** No; it doesn't say that at all.

**Ms M.M. Quirk:** No they can't. It's only if the CCC says it's in the public interest.

**Mr R.F. JOHNSON:** The information I have been given is that if a person gives notice that they will not be represented, the CCC may arrange for them to be represented if it is in the public interest to do so.

**Mr W.J. Johnston:** "If".

**Mr R.F. JOHNSON:** Yes, if it is in the public interest. Members have to note the first and second parts. It should be noted that evidence given by a person cannot be used in a prosecution against them. Section 142 of the Corruption and Crime Commission Act provides that all persons being examined by the CCC are entitled to legal representation. The member for Girrawheen is hurriedly looking up section 142 of the CCC act. I hope she confirms that the information I have been given is the same as what she reads in the CCC act.

The member for Armadale asked about removal of vehicles. As I said, all care is always taken, in practice, to have a full audit of every scratch on a vehicle before moving it, which is what they do at the moment. Clause 37 "Notification of removal", provides that, "As soon as reasonably practicable after ...," the police officer is to give notice of removal to the owner. The police do that, as I said they would, although they may not do it there and then. The term used is "as soon as reasonably practicable". They will try to contact the owner because I suggest they will want to know why the vehicle was left there in case there are any security issues related to it.

I think I have covered a lot of the concerns that members raised. I get the funny feeling they may want to oppose part of the bill, and that is their prerogative to do so. I thank members for their contributions and look forward to, hopefully, getting through the bill as soon as we can—it has to go to the other house—so that police can do the job they need to do in this very important area; this once-in-a-lifetime event in Perth.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

*Consideration in Detail*

**Clauses 1 to 3 put and passed.**

**Clause 4: Purpose —**

**Mr W.J. JOHNSTON:** I want to know why the purpose of the act is not to promote the successful completion of the Commonwealth Heads of Government Meeting; why is it only aimed at the security and safety of the people attending? Will there be other legislation that will assist in the successful functioning of the event, or is the Parliament of Western Australia being asked to deal with security and safety only?

**Mr R.F. JOHNSON:** I enjoy hearing the member for Cannington when he talks about the wonderful things that the commonwealth means—freedom of speech, the freedom to protest and everything else—but the reason we have not put that in the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011 is because this is a joint operation between the state government and the federal government, and Western Australia Police will be responsible for security outside of the private property events; federal police will deal with security inside events. WA Police will obviously assist them, but it is, primarily, their responsibility. Outside of the venues, if I can put it that way, will be the responsibility of the WA Police. We are simply doing what the federal government wants us to do. There have been many, many long and very fruitful meetings between the state and federal governments, particularly in this area. Stephen Smith is right across this whole area, and I think we can thank Stephen Smith for suggesting Perth as the venue for CHOGM.

**Mr W.J. Johnston:** Absolutely. He is a high-quality representative of the state of Western Australia.

**Mr R.F. JOHNSON:** I was sure the member for Cannington would say that. I find Stephen Smith very easy to get on with. I think he is honest and honourable, and I have no problem with him—it is just that, unfortunately,

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he is with the wrong party! But there we go; that is only my opinion. I get on very well with Stephen Smith, and I do not see any problem there at all. I am very glad he recommended Western Australia and Perth to hold CHOGM because I think it will be a great event. All the things members want to come out of it—all the things members have espoused about the benefits of CHOGM—will come out anyway, provided we do not have any serious injuries, deaths, threats, or any terrorist activities. We need to have a smooth-running CHOGM so that everybody, not only the visiting dignitaries—heads of state—but also the WA people enjoy this event. A lot of things are being planned for Western Australians to come into Perth and enjoy as part of CHOGM, and they will unfold as the weeks and months go by. They are still in the planning stage, but there will be a lot of things planned for Western Australians to be able to enjoy CHOGM and join in with this very, very special event.

**Mr W.J. JOHNSTON:** Minister, will these powers apply to other events planned for Western Australia during the commonwealth meeting?

**Mr R.F. Johnson:** No.

**Mr W.J. JOHNSTON:** So will these powers apply only to specific areas related to Commonwealth Heads of Government Meeting associated events, functions and activities?

**Mr R.F. Johnson:** Correct.

**Mr W.J. JOHNSTON:** But the words are “associated events”. If these cultural and sporting events are associated with CHOGM, how can these powers not apply to these other events?

**Mr R.F. JOHNSON:** They will apply to anywhere that visiting heads of states will be attending; there will obviously be protection and security for them. The events I was talking to the member about are events that will be laid on for WA people to come and enjoy and to be part of the event.

**Ms M.M. Quirk:** Like the hockey tournament or the netball tournament or cultural events? Is that what the minister means?

**Mr R.F. JOHNSON:** Yes; and other things that are being planned.

**Mr W.J. Johnston:** So are they not associated events in accordance with the act?

**Mr R.F. JOHNSON:** Well, they may be. I do not think hockey is a CHOGM event actually.

**Mr W.J. Johnston:** Well, whatever.

**Mr R.F. JOHNSON:** That was used as an example.

**Ms M.M. Quirk:** The Premier announced it the other day as part of CHOGM, as I understand it.

**Mr R.F. JOHNSON:** Lots of things will be happening; it will be a public holiday. All sorts of things will be happening, but they do not necessarily need to be covered under this CHOGM legislation.

**Mr W.J. Johnston:** Are they an associated event in accordance with the words printed on that piece of paper?

**Mr R.F. JOHNSON:** No. The associated events, as I understand —

**Mr W.J. Johnston:** I don't want to know what you understand; I want to know what the facts are.

**Ms M.M. Quirk:** Maybe just list what they are.

**The ACTING SPEAKER (Mr P.B. Watson):** Members, one at a time, please.

**Mr R.F. JOHNSON:** The people's forum, the business forum and the youth forum will be associated events.

**Ms M.M. Quirk:** And events attended by foreign ministers and heads of state.

**Mr R.F. JOHNSON:** Correct.

**Ms M.M. Quirk:** So are there five events, minister?

**Mr R.F. JOHNSON:** Yes. I am advised that dinners and things like that will need the security provisions that the CHOGM legislation will invoke. The legislation will not cover other events that happen to be on at the same time.

**Mr W.J. JOHNSTON:** What in these words makes it clear that a sporting or cultural event, about which we have seen media releases from the various ministers, is not an associated event? I am no lawyer—the intention of the act is that it be read by a layperson—but on a plain reading of the words “associated events”, given that ministers have been putting out media releases stating that arts, cultural and sporting events are associated with CHOGM, which words in the bill mean that the act does not apply to those events? Is there something in this wording that states that a ballet at His Majesty's Theatre will be covered only if the President of India attends?

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What makes an event an associated event in accordance with the words in subclause (1)?

**Mr R.F. JOHNSON:** The member might want to look at clause 3, which gives the definition for “CHOGM event”. It states —

... any meeting, event, function or activity that forms part of CHOGM ...

That is what we are talking about.

**Mr W.J. Johnston:** Yes, but that’s what I’m talking about.

**Mr R.F. JOHNSON:** It will be any of the events to which delegates from other countries will go, which will be decided by the organisers. It will be official events organised by the organisers of CHOGM.

**Mr W.J. Johnston:** Where does it say that?

**Mr R.F. JOHNSON:** The definition of “CHOGM event” is —

... any meeting, event, function or activity that forms part of CHOGM ...

**Mr W.J. Johnston:** So not the people’s forum and not the youth forum, because they’re not part of CHOGM.

**Mr R.F. JOHNSON:** Yes, they are.

**Mr W.J. Johnston:** No, they’re not.

**Mr R.F. JOHNSON:** They are organised as part of it.

**Mr W.J. Johnston:** Yes, but so’s the sporting event and so’s the other event.

**Mr R.F. JOHNSON:** What sporting event?

**Mr W.J. Johnston:** The ones the minister put out a media release about—the cultural festival. What makes them different? That’s all I want to know, minister, because none of the words in here make it clear.

**Mr R.F. JOHNSON:** I am advised that events such as the hockey are events that will happen in parallel. They are not part of an organised CHOGM event.

**Mr W.J. Johnston:** You say that, but what in the bill makes that click? Where is the provision that says that? I draw your attention to the definition in clause 3. It doesn’t include the youth forum, yet you’ve already specified in your speech and your media release that the youth forum will be one of the events covered by the legislation. That is not CHOGM; CHOGM is the meeting of the heads of government. Or is the minister saying that CHOGM will be everything that happens at the time in Perth, which would then include the sporting event?

**Mr R.F. JOHNSON:** No; only if it is included by the organisers of the CHOGM event.

**Mr W.J. Johnston:** Who are the CHOGM organisers?

**Mr R.F. JOHNSON:** The federal government, predominantly. It is the feds, not us. The federal government will dictate what the CHOGM events will be. I am advised that the program has not been finalised, so I cannot give a definitive answer.

**Mr W.J. Johnston:** Why doesn’t the legislation say that?

**Mr R.F. JOHNSON:** Clause 3, “Terms used”, includes the following definitions —

*CHOGM (Perth)* means the Commonwealth Heads of Government Meeting (*CHOGM*) to be held in Perth during the CHOGM period;

*CHOGM security area* means —

- (a) a core security area; or
- (b) an additional security area;

**Mr W.J. Johnston:** That means that the youth forum isn’t part of it.

**Mr R.F. JOHNSON:** I am advised that it will be.

**Mr W.J. Johnston:** But how?

**Mr R.F. JOHNSON:** It is a parallel event.

**Mr W.J. Johnston:** Yes, but so’s the sport.

**Mr R.F. JOHNSON:** No, it is not organised by CHOGM. The youth forum is organised by the CHOGM event organisers.

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**Mr W.J. Johnston:** Who's CHOGM?

**Mr R.F. JOHNSON:** Okay. It is the member's federal government. The federal government defines what CHOGM is.

**Mr W.J. Johnston:** It's not my federal government; it's your federal government—it is our federal government.

**Mr R.F. JOHNSON:** Are we just going to waste time tonight?

**Mr W.J. JOHNSTON:** This is the problem with this legislation. The minister has agreed to a definition of "CHOGM". The definition of "CHOGM (Perth)" is that it is the Commonwealth Heads of Government Meeting, but there will be four events organised by the commonwealth—the commonwealth youth forum, the commonwealth business forum, the commonwealth people's forum and the Commonwealth Heads of Government Meeting. If I am wrong, I am wrong—it would not be the first occasion—but if CHOGM (Perth) means the Commonwealth Heads of Government Meeting, how can it relate to meetings that the heads of government clearly will not be attending, such as the commonwealth youth forum, the commonwealth people's forum and the commonwealth business forum? If the minister can explain how the plain words work, I am happy to be corrected, but, so far, the minister has not been able to explain how this sits together.

**Mr R.F. JOHNSON:** Once again, I advise the member to read clause 3. The definitions need to be read together. Clause 3 provides the definition of "CHOGM event" as being —

... any meeting, event, function or activity that forms part of CHOGM (Perth);

That is the definition we have been given. The federal government is organising the CHOGM event. We are assisting with security. Does the member understand that? Any events that may run on a parallel basis, such as the hockey, will not be a CHOGM event.

**Ms M.M. Quirk:** Clause 4(2)(a) talks not about a CHOGM event but about associated events. That is our difficulty. If the term "CHOGM event" had been used, that would be fine, but the term "associated events" has been used, which sounds broader than "CHOGM event".

**Mr R.F. JOHNSON:** Clause 4 states —

- (1) The purpose of this Act is to promote the security and safety of people attending the Commonwealth Heads of Government Meeting in Perth in 2011 and associated events, functions and activities by giving police officers, certain other persons ...
- (2) The purpose referred to in subsection (1) includes (without limitation) —
  - (a) promoting the security and safety of the venues and facilities used for CHOGM (Perth) and associated events, functions and activities; and
  - (b) promoting the security and safety of the accommodation for people attending that meeting or those events, functions and activities.

That is what is being covered by this bill. The member for Girrawheen knows this full well.

**Ms M.M. Quirk:** To me, the words "associated events" are broader than "CHOGM event". Therefore, it is a little unclear in the present context.

**Mr R.F. JOHNSON:** Well, we will have to agree to disagree. The advice I have been given is that that is what has been covered. This has been ticked off by the commonwealth, which is the main player in this area.

**Ms M.M. Quirk:** I have a hypothetical question. If some of the delegates decide to go to Northbridge to a karaoke bar, would that be an associated event?

**Mr R.F. JOHNSON:** No.

**Ms M.M. Quirk:** It will not be an associated event because, although it is linked to CHOGM (Perth), it has not been organised —

**Mr R.F. JOHNSON:** It would not be linked to CHOGM (Perth) at all.

**Ms M.M. Quirk:** It is linked.

**Mr R.F. JOHNSON:** Of course it is not. If delegates want to go to Northbridge, that is up to them. We may find that we will have to send along some protective services officers to try to ensure their safety, but that will not be a CHOGM event. Karaoke in a bar in Northbridge would not be a CHOGM event.

**Ms M.M. Quirk:** It is not a CHOGM event, but is it an associated event?

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**Mr R.F. JOHNSON:** It would not even be an associated event.

**Mr W.J. Johnston:** Why?

**Mr R.F. JOHNSON:** Because it will not be organised by CHOGM.

**Ms M.M. Quirk:** Where does it say that?

**Mr T.G. Stephens:** It is a parallel event.

**Mr R.F. JOHNSON:** No, it is not—not at all. I know the member for Pilbara is just trying to be obtuse. I thought the opposition was going to support this legislation and get on with it.

**Mr T.G. Stephens:** You told the house that this legislation covers parallel events.

**Mr R.F. JOHNSON:** All members opposite want to do is to filibuster. I thought the member for Girrawheen was better than this.

**Ms M.M. QUIRK:** To be fair, minister, this very point escaped me. I commend the member for Cannington for being so eagle-eyed and astute. As I said, it is probably just a drafting oversight. Clearly, by using the words “associated events” and not the term used in the definition section, which is “CHOGM event”, we are led to believe that it is broader than “CHOGM event”. That is what we are asking.

**Mr R.F. Johnson:** Let me assure you that it is not. It will only be the ones covered by CHOGM.

**Dr A.D. BUTI:** The minister may assure us of that, but that does not necessarily carry into law. We cannot go just by the minister’s assurances. The problem is that there is no clear definition of “associated events”. Because of the powers in this legislation—this legislation is very, very powerful—the public needs to know what events or activities will be covered by this legislation. The minister may, in his honest opinion, say that this event is not covered or that this event is not CHOGM, but the legislation does not provide the legal basis for the minister’s assertion.

One must query whether the minister should seek an amendment to provide a prescribed list of events so that everyone will be clear on what are associated events. The member for Cannington was very astute to point that out. It may be a drafting oversight. I am sure that there was no intention. It is a very important matter, minister.

**Mr R.F. Johnson:** The local footy match that may be held at the same time at Hillarys or somewhere will not be an associated event, even if a delegate wants to go and watch it. This legislation has been drawn up by legal experts.

**Dr A.D. BUTI:** But they do make mistakes occasionally.

**Mr P.C. TINLEY:** Help me out, minister. The definition states that an event means any meeting, event, function or activity that forms part of CHOGM. The minister has said that CHOGM, the federal government and the secretariat will lay down the program. Under this legislation, will the Minister for Police or the Commissioner of Police be able to designate an event as a prescribed event for the purpose of this definition?

**Mr R.F. Johnson:** No; it is not up to the WA state police.

**Mr P.C. TINLEY:** Or the minister.

**Mr R.F. Johnson:** Or me.

**Mr P.C. TINLEY:** Or the secretariat or the CHOGM organising committee or the federal government.

**Mr R.F. Johnson:** I am advised that they probably could, but it would have to come from them.

**Mr P.C. TINLEY:** In other words —

**Mr R.F. Johnson:** They still haven’t finalised the program.

**Mr P.C. TINLEY:** I completely understand that, but the minister can see what we are driving at. If a dozen delegates from CHOGM want to have a sidebar meeting at a venue in Cottesloe, is there flexibility in this legislation for the federal government or whomever—I would love to know who it is—to say that this is an associated event and we need to throw this over it?

**Mr R.F. Johnson:** No, that would not be an associated event.

**Dr A.D. Buti:** Who decides?

**Mr P.C. TINLEY:** That is what I am asking. Who decides?

**Mr R.F. Johnson:** The federal government, the organisers, CHOGM.

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**Dr A.D. Buti:** Where does it say that in the legislation?

**Mr R.F. Johnson:** They are still working on the program. We don't know exactly what else they've got in mind. We've told you about some of them.

Several members interjected.

**The ACTING SPEAKER (Mr P.B. Watson):** Members! We have one member on his feet. If other members want to talk, please stand.

**Mr W.J. JOHNSTON:** This is the crux of the problem that we are generating for ourselves. We are giving extraordinary powers to the police. The Perth Convention and Exhibition Centre is one of the venues for CHOGM. When we had the briefing from the police, I asked whether the bus station next to the PCEC will be able to operate. They said, "Yes, there won't be a problem. Unless something goes wrong, it won't be a declared area." I understand that they are now rethinking that and that part of the area might have to be a declared area so that they can use these extraordinary powers. I accept that they will need these extraordinary powers, but now we have the term "associated events", which is not defined in the legislation. Before tonight, the minister had never even contemplated what was meant by the words "associated events". The plain meaning of "associated events" is not related to an event organised by the CHOGM secretariat; it is related to an event that associates with CHOGM. That means that the number of facilities and places where these extraordinary powers will be available to the police has been increased enormously because of the poor drafting of the legislation. We need to know what the police will be doing. Remember, even the Minister for Police will not have any control over the use of these powers, because the Commissioner of Police will be given the power to declare an additional area—that is clearly written in the legislation—without telling the minister and without publishing a notice in the *Government Gazette*.

These are not minor details. These are not the sorts of things about which the minister can say, "Don't you worry about that." These go to the heart of the powers that we are authorising police officers to use. Quite frankly, I do not understand how the minister can bring into the chamber legislation with an undefined term such as "associated events". Clause 3 does not narrow the powers to just events organised by the CHOGM secretariat, which seems to be what the minister is implying we are asking for. As the minister has said, the commonwealth has agreed to the legislation. I would like to know in what form that consultation was made and who in the federal government approved the wording of the legislation presented to us. Can the minister table the correspondence or minutes of meetings that show that the commonwealth has in fact endorsed the words that have been presented to this Parliament tonight? It is not good enough to say in this place that the commonwealth has agreed to the concept of the powers that have been proposed if we are not being told that the commonwealth agreed to these powers being legislated. The minister cannot hide behind the skirts of the commonwealth on this legislation. This is the state government's legislation. The state government is using the term "associated events". Remember, it is not a lawyers' picnic. A reasonable man on the Clapham bus would think that an associated event includes the events that the ministers have been announcing over the past two weeks, such as the cultural festival that the member for Pilbara mentioned. What says that they are not associated events? Do not give me the vibe.

**Mr R.F. Johnson:** Associated with or associated to?

**Mr W.J. JOHNSTON:** Where does it say that?

**Mr R.F. Johnson:** I am asking you.

**Mr W.J. JOHNSTON:** I do not know. I am reading the minister's words. His words are "associated events". That is what I am trying to find out. The ordinary person on the Clapham bus would rightly think that associated events include those events that have been announced by ministers in respect of the CHOGM bandwagon. What in this legislation says that that is not right?

**Mr R.F. JOHNSON:** I find some of the comments from the member for Cannington offensive. Quite frankly, he is insulting the parliamentary draftspeople and the lawyers who drafted this legislation.

**Mr W.J. Johnston:** No, I haven't.

**Mr R.F. JOHNSON:** Yes, he has. We based this legislation very much on the New South Wales legislation.

**Ms M.M. Quirk:** Not exactly.

**Mr R.F. JOHNSON:** Not exactly.

**Ms M.M. Quirk:** It is quite different.

Ms Margaret Quirk; Mr Peter Tinley; Mr David Templeman; Mr Bill Johnston; Dr Tony Buti; Mr Rob Johnson;  
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**Mr R.F. JOHNSON:** Okay. The definition in the New South Wales legislation is for the Asia–Pacific Economic Cooperation group meeting. It states —

**APEC meeting** means any meeting that forms part of the series of meetings of the members of the Asia–Pacific Economic Cooperation (APEC) group of economies to be held in Sydney during the APEC period.

That is very simple, and that is what we are saying in this legislation.

**Mr W.J. Johnston:** No, you’re not.

**Mr R.F. JOHNSON:** This legislation states —

**CHOGM event** means any meeting, event, function or activity that forms part of CHOGM (Perth);

**Mr W.J. Johnston:** I’m not talking about clause 3. I’m dealing with clause 4, which refers to “associated events”.

**Mr R.F. JOHNSON:** If it is associated to CHOGM, it is covered.

**Mr W.J. Johnston:** It doesn’t say that.

**Dr A.D. Buti:** Who decides?

**Mr R.F. JOHNSON:** Who decides? I believe it would be the secretariat —

**Mr W.J. Johnston:** Rubbish! The secretariat has got nothing to do with it.

**The ACTING SPEAKER:** I give the call to the member for Cannington.

**Mr W.J. JOHNSTON:** The minister sits down because he is frustrated that his words do not explain the bill. The offensive suggestion by the minister that I am criticising the draftsmen is completely wrong. I completely accept the words that have been presented by the draftsmen. I do not accept the rubbish coming out of the minister’s mouth. We are talking not about the words in the bill; we are talking about the minister trying to explain words that he has never read. The fundamental problem is that the minister did not read the bill before it came to the chamber. The words “associated events” were written in the bill on purpose by the parliamentary draftsmen. That is why they are in the bill. The question is not that. The question is: why did the minister not know that those words had been written in by the parliamentary draftsmen? I agree with the minister. I am using this as an opportunity to refute the nonsense —

**Mr R.F. Johnson:** As a personal attack against me, as always, which is what you do.

**Mr W.J. JOHNSTON:** The personal attack that the minister made on me a moment ago, when he claimed that I was criticising the parliamentary draftsmen, was offensive to me. I am making it clear to the parliamentary draftsmen that I have no trouble with the work that they do. What I have a problem with is the minister.

**Mr R.F. Johnson:** I know that!

**Mr W.J. JOHNSTON:** The minister had an opportunity to read the bill before it came to this place, and explain to us —

**Mr R.F. Johnson:** I am very happy with the wording. You are not, obviously.

**Mr W.J. JOHNSTON:** No. I am happy with the wording.

**Mr R.F. Johnson:** You have already said that you do not understand it.

**Mr W.J. JOHNSTON:** No. I said that if I do not understand it, the minister should point it out to me. But the minister still has not been able to answer the simple question; and it is a simple question.

**Mr W.J. Johnston:** No. You just do not understand the answer. That is the trouble.

**Mr W.J. JOHNSTON:** Where are the words “associated events” defined in the bill? As I understand it—I am not a lawyer, and all the lawyers can jump up and say if I am wrong; but they are saying that I am right—if the bill does not define the words “associated events”, it is the common man on the Clapham bus who will determine what those words mean. Those words clearly mean events that have been organised in parallel with the CHOGM event. That will include the CHOGM formal events, such as the youth forum, the business forum and the people’s forum. Those events are not mentioned in the bill, but the bill clearly includes those events, and the minister agrees with me on that. What is also included in the bill are the events that the member for Pilbara referred to, the cultural events, and the events that the member for Girrawheen has referred to, the sporting events. If the bill does not include those events, will the minister please explain to me which words on this piece of paper say that this bill will not apply to those events?

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**Ms M.M. QUIRK:** Minister, I turn to clause 4(2)(a). This is about short-circuiting the debate. If the minister wants to think about this overnight, I am happy to move on and come back to this in the morning. Frankly, if the minister were to just get rid of the words “and associated”, there would be no problems. Paragraph (a) would then read —

promoting the security and safety of the venues and facilities used for CHOGM (Perth) events, functions and activities.

We all know what that means. The problem is the words “and associated”.

**Mr R.F. Johnson:** The associated events are the events that I have explained to you—the youth forum, the business forum —

**Ms M.M. QUIRK:** No. They are CHOGM events.

**Mr R.F. Johnson:** They are associated events.

**Ms M.M. QUIRK:** No. They are not associated events. They are CHOGM events. We have a problem with what are the associated events. If the minister wanted to delete those words, and to draft such an amendment overnight, we would be more than happy to agree to that.

**Mr R.F. JOHNSON:** I am happy with the legislation as it stands. If members opposite want to vote against that, they can. The advice I am getting from people who know more about this than some of the members opposite, that is for sure, is that that would be of no use whatsoever to this legislation.

**Ms M.M. Quirk:** Why?

**Mr R.F. JOHNSON:** Because they believe that it is already covered in the legislation. What the member is suggesting will serve no purpose whatsoever. There may well be other associated events that will be announced at a later date.

**Ms M.M. Quirk:** It does not say “other”. It says “associated”.

**Mr R.F. JOHNSON:** Associated events to CHOGM—not with CHOGM, but to CHOGM. It is very simple.

**Dr A.D. BUTI:** The other problem, apart from the definition of “associated events”, is who will decide. We still do not have an answer to that question.

**Mr R.F. Johnson:** It is the secretariat. I have already said that three or four times.

**Dr A.D. BUTI:** Where in the bill does it say that? We are talking about a piece of legislation. We are not talking about what advice the minister might be receiving by way of opinion. This is law that we are talking about. Where in the bill does it tell us who will decide what the associated events will be? We are talking about a very powerful law here. Does the minister have an answer?

**Mr R.F. Johnson:** The bill does not need to do that. Clause 3 states —

*CHOGM (Perth)* means the Commonwealth Heads of Government Meeting (*CHOGM*) to be held in Perth during the CHOGM period;

It is the secretariat of that particular organisation, which is done by the feds, which will dictate what the associated events to CHOGM will be. There is only one CHOGM meeting.

**Dr A.D. BUTI:** Clause 3 defines “CHOGM event”. We are talking about associated events.

**Mr R.F. Johnson:** Associated to CHOGM.

**Dr A.D. BUTI:** The definition does not include associated events. The minister cannot join “associated events” with the definition of “CHOGM event”, because they are different things. Otherwise, no purpose is served by having the words “associated events” in clause 4(1) and (2).

**Mr R.F. Johnson:** If you removed those words, you would be widening the definition to cover almost everything.

**Ms M.M. Quirk:** No, because it would be defining CHOGM events only. It would be narrower.

**Mr R.F. Johnson:** Sorry. We have a different view.

**Dr A.D. BUTI:** We may have a different view. But it is very hard for us to have confidence in this piece of legislation, which will provide incredible powers, when we cannot even decide what “associated events” means and we cannot decide what “associated events” is. It is not in the legislation.

**Mr R.F. JOHNSON:** I will read it once again, because some members do not seem to be grasping it. Under clause 3, “Terms used” —

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**CHOGM event** means any meeting, event, function or activity that forms part of CHOGM (Perth);

Those events that we have mentioned so far are the people's forum, the youth forum and the business forum. There may be other events that the secretariat from the federal government wants to include.

**Ms M.M. Quirk:** If the secretariat organises it, it is then a CHOGM event, and you do not need the words "associated events".

**Dr A.D. BUTI:** They become meaningless.

**Mr R.F. Johnson:** An associated event could be a dinner for delegates.

**Ms M.M. Quirk:** But that is a CHOGM event, surely.

**Dr A.D. BUTI:** The minister may be right. We are dealing with legislation, and the legislation is very confusing. However, by not having in clause 3 a definition of "associated events", those words becomes superfluous and confusing when used in clause 4(1) and (2). Legally, it is nonsensical.

**Mr R.F. Johnson:** You will find that parliamentary counsel will disagree with you.

**Mr W.J. JOHNSTON:** If the minister says that this legislation is intended to cover only CHOGM events, and there is a definition of "CHOGM event", the minister should draft an amendment overnight to clause 4(1) and (2) to delete the words "and associated events, functions and activities", and replace those words with the words "CHOGM event", because the legislation will then apply only to the events that the minister says it should apply to. That is the only logical conclusion of the minister's statement to the chamber. If the minister does not do that, that means that this legislation will apply to events other than the ones provided for in clause 3. The purpose of providing the definitions in clause 3 is so that every time we use those words, they will have only one meaning. If the minister uses the words in clause 3 in the definition of "CHOGM event", which have a clear meaning—they are fixed in time and place, just like the TARDIS—we will know what he means. We know that the words "and associated events, functions and activities" do not mean a CHOGM event, because if the minister had wanted the legislation to say "CHOGM event", he would have said "CHOGM event", and he would not need to worry about the definition, because it would be fixed. But because the minister has not used the term "CHOGM event", we know that those words do not refer to a CHOGM event. That is the purpose of clause 3. The minister has already agreed to clause 3. I have already agreed to clause 3. I have read clause 3. I hope the minister has read clause 3. What is more I have read clause 4, and clause 4 does not say "CHOGM event". It says "associated events, functions and activities". Therefore it cannot mean "CHOGM event". If the government intends this legislation to apply only to events that come from the CHOGM secretariat, it should amend clause 4.

**Mr R.F. JOHNSON:** Let me just say this: if the Queen arrives here on the Thursday, that would not actually be a CHOGM event, but the security will apply. It must be realised that the purpose of clause 4 is to define what is later in the bill in relation to —

**Mr W.J. Johnston:** Clause 4 is not a definition, minister.

**Mr R.F. JOHNSON:** The provisions in the bill state quite clearly the CHOGM events. Clause 4 and clause 3 are giving simply the definition. It goes into more detail; the purpose of it.

**Mr W.J. Johnston:** Clause 4 is not defining anything.

**Mr R.F. JOHNSON:** No, clause 3 is. But clause 4 goes on to say —

**Dr A.D. Buti:** But there is no association.

**Mr R.F. JOHNSON:** The member is arguing, and thinks he knows better than the parliamentary counsel. It has taken a lot of time in addressing this bill—

**Mr W.J. Johnston:** No, I don't.

**Mr R.F. JOHNSON:** Yes, the member does.

**Mr W.J. Johnston:** As the Premier says, the lowest form of debate is trying to put words in other people's mouths. I agree with the Premier on that issue. Don't try to say what I'm saying. Tell us what you're saying. Clause 4 is not a definition.

**Mr R.F. JOHNSON:** No, clause 4 is not. The definitions are under clause 3.

**Mr W.J. Johnston:** It's the purpose.

**Mr R.F. JOHNSON:** The purpose relates to further clauses in relation to the CHOGM events.

**Mr W.J. Johnston:** No, it doesn't say "CHOGM events". If you said "CHOGM event", I'd give up. It does not say "CHOGM events".

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**Mr R.F. JOHNSON:** In clause 4?

**Mr W.J. Johnston:** Yes, where does it say “CHOGM events”?

**Mr R.F. JOHNSON:** Clause 4(2)(a) and (b) —

- (a) promoting the security and safety of the venues and facilities used for CHOGM (Perth) and associated events, functions and activities; and
- (b) promoting —

**Mr W.J. Johnston:** That’s right. It doesn’t say “CHOGM event”. It doesn’t say it anywhere in clause 4—not once.

**Dr A.D. Buti:** It says “associated events”.

**Mr W.J. Johnston:** The definition is in clause 3, so if you do not use the words in clause 3, you do not mean what is defined; you mean something else. The one thing we know is that it is not referring to clause 3.

**Mr R.F. JOHNSON:** We are using it in the rest of the bill.

**Mr W.J. Johnston:** So what?

**Mr R.F. JOHNSON:** We give the definition in clause 3 and we are using it in the rest of the bill. The member is specifically pointing out clause 4 on which he has a different view from that of our parliamentary counsel.

**Mr W.J. Johnston:** No, I don’t. I have the exact same view as the parliamentary counsel.

**Mr R.F. JOHNSON:** I do not think he does. I am advised that clause 4 is explanatory, whereas the rest of the bill is the provisions that we are putting forward and using the definition under clause 3.

**Dr A.D. BUTI:** There are a number of problems obviously. I know the minister is in discussion with the Premier, and there is merit in his saying that he wants to cover more than just CHOGM events, and that the Queen may arrive early, but that is not really the issue. The issue is: where is the legal definition of “associated events”? We do not have any definition. That is a glaring omission from the terms in clause 3. We have a definition for “CHOGM events” and, yes, the minister may be right that he wants to cover more than just CHOGM events; he wants to cover associated events.

**Ms M.M. Quirk:** Whatever they mean.

**Dr A.D. BUTI:** Yes, whatever they mean. We do not know what they mean. Further, we do not know not only what they mean, but also who decides what they mean. It is no good in consideration in detail for the minister to tell us this is what he thinks or this is what he intends. We need legislation that gives legal force to the associated events, because these are incredibly powerful powers that we are giving the police force for CHOGM events. The minister is saying “associated events” when we do not know what they are.

**Ms M.M. QUIRK:** I might also assist the minister. The minister said that we need to proceed on this basis because we are using that term throughout the rest of the bill. What we are in fact using is the term “CHOGM event”.

**Mr R.F. Johnson:** Correct.

**Ms M.M. QUIRK:** It is not “associated event”.

**Mr R.F. Johnson:** As in clause 8.

**Ms M.M. QUIRK:** That is the whole problem. The term “associated events” is used here. It is not used elsewhere in the legislation, and there is no definition.

**Mr R.F. Johnson:** Clause 3 gives a definition.

**Ms M.M. Quirk:** It is not of “associated events”.

**Mr R.F. JOHNSON:** Clause 3 provides the definition. Does the member agree with that?

**Ms M.M. Quirk:** Not of “associated events” it doesn’t.

**Mr R.F. JOHNSON:** Let us just do one thing at a time. Clause 3 provides the definitions used in the clauses further on. Clause 4 is only an explanation of the purpose of the bill. The member would understand that as she is a lawyer. Clause 4 is only an explanation of the purpose of the bill.

**Mr J.R. Quigley:** Is it superfluous?

**Mr R.F. JOHNSON:** No; we do not think so.

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**Mr J.R. Quigley:** If it is necessary, you have to be particular as to what events the word “associated” means.

**Mr R.F. JOHNSON:** The provisions of the bill—for example, clause 8—use the definition from clause 3. The powers must use the definition in clause 3, not clause 4. Does the member agree with that?

**Mr J.R. Quigley:** So it is redundant.

**Mr R.F. JOHNSON:** No, it is an explanatory clause.

**Mr W.J. Johnston:** No, it is not explaining anything.

**Mr R.F. JOHNSON:** Parliamentary counsel thinks it is, and my adviser at the table thinks it is, and I would certainly take their advice over that of some members. I think the member for Girrawheen knows that only too well.

**Dr A.D. BUTI:** We want to pass this legislation too at some stage. There is really only one solution to this, and that is either to have a definition for “associated events” in the terms used under clause 3, or to have an amendment to remove “associated events, functions and activities”. That is the only way around this.

**Mr J.R. QUIGLEY:** I hear that there is going to be some artistic performances during the CHOGM conference as people take advantage of the international visitors. Is a picture show running during CHOGM, directed towards attracting CHOGM attendees, an associated event? Is a play at the State Theatre Centre run during CHOGM an associated event?

**Mr R.F. Johnson:** No, because it is not part of CHOGM.

**Mr J.R. QUIGLEY:** Where is the delineation? When is an event that is being promoted to CHOGM attendees not a CHOGM event?

**Mr R.F. Johnson:** When it is in the program set out by the secretariat of CHOGM, which is federal.

**Mr J.R. QUIGLEY:** Do I understand it is the government’s intention that only events set out in the CHOGM program will be covered by this legislation?

**Mr R.F. Johnson:** Yes.

**Mr J.R. QUIGLEY:** Why then after saying “promoting the security and safety of the venues and facilities used for CHOGM”—they are facilities in the CHOGM agenda, are they not?

**Mr R.F. Johnson:** Program, yes.

**Mr J.R. QUIGLEY:** What are associated events that are not in the program? What sort of events is the government contemplating?

**Mr R.F. Johnson:** There is none. There might be some that are on at the same time, such as the hockey match.

**Mr J.R. QUIGLEY:** Good point; is the hockey match an associated event for CHOGM?

**Mr R.F. Johnson:** No.

**Mr J.R. QUIGLEY:** Okay, so not the hockey match. The minister went to the hockey match, but it is not the hockey match.

**Mr R.F. Johnson:** We have had all this before. This has been covered by—

**Mr J.R. QUIGLEY:** Is the hockey match an associated event?

**Mr R.F. Johnson:** No, not to CHOGM.

**Dr A.D. Buti:** But how do we know? That’s the point.

**Mr J.R. QUIGLEY:** How do we know?

**Mr R.F. Johnson:** Because there will be a list of the associated CHOGM events such as the business one, the youth one and the people’s forum. They are the three that we said quite clearly are such events.

**Mr J.R. QUIGLEY:** But if the youth forum attendees go out to Rottnest, is that an associated CHOGM event?

**Mr R.F. Johnson:** No.

**Dr A.D. Buti:** If the Queen goes to the hockey game, what happens?

**Mr R.F. Johnson:** It would not be a CHOGM event. We would certainly ensure that there is adequate security for her, but it is not a CHOGM event.

**Dr A.D. Buti:** Is it an associated event?

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**Mr R.F. Johnson:** No, it's not.

**Ms M.M. QUIRK:** Maybe we can approach this in a different way.

**Mr R.F. Johnson:** Sporting events are put on by the state government for the local people, not for people attending CHOGM.

**Ms M.M. QUIRK:** Was the acronym CHOGM used in the press release in that case?

**Mr R.F. Johnson:** What press release?

**Ms M.M. QUIRK:** The one about the hockey match. I think the minister will find that it was.

Referring to the rest of the bill, is the minister saying that these powers that this bill seeks to confer relate only to CHOGM events?

**Mr R.F. Johnson:** Yes.

**Ms M.M. QUIRK:** The words "associated events" have absolutely no place in this legislation whatsoever and there is no link between those words and the powers that the minister seeks to confer.

**Mr R.F. JOHNSON:** I am advised that a connection between the event and the CHOGM meeting has to be shown. Does the member understand that? I know she does. Other events are run in parallel.

**Ms M.M. QUIRK:** The reference to "associated events" has no relevance to the legislation at all because the powers are conferred on only those events that are CHOGM events. Would the minister concede that the words "associated events" are of no relevance and are misleading?

**Mr R.F. JOHNSON:** The opposition thinks that the words are superfluous. They are certainly not misleading. We think they are in the bill as an explanation.

**Ms M.M. Quirk:** An explanation for what?

**Mr R.F. JOHNSON:** For the scope of the act.

**Ms M.M. QUIRK:** It has the potential of widening out or giving the impression that the use of the powers is broader than it is.

**Mr J.R. QUIGLEY:** I move —

Page 5, line 8 — To insert after "activities" —

as listed in the official CHOGM programme of CHOGM events

This argument is going around in circles. I can see what the minister is trying to do. I agree with it. He is trying to confine the power to official associated CHOGM events.

**Mr R.F. Johnson:** The Western Australian government will be hosting a dinner for all foreign ministers.

**Mr J.R. QUIGLEY:** That will be in the program.

**Mr R.F. Johnson:** It may not be in the program. That will be an associated event. It will not form part of the official CHOGM but it will be an associated event that is organised by this government. I am told that that is a traditional thing.

**Mr J.R. QUIGLEY:** Not five minutes ago I understood the minister to say, in response to the member for Girrawheen, that an associated event will be an event listed in the program. That is what the minister said in this chamber. It will be in *Hansard*. What I am saying, so we can clear this whole thing up and move on, is that an associated event is what the minister says it is; that is, an event listed in the program of CHOGM events. The member for Southern River is nodding in furious agreement. He understands the point.

The purpose of me moving this amendment is to explicitly put in the legislation the meaning that the minister at the table ascribes to the words "associated events". I do no more. It should have the support of the government.

**Mr R.F. Johnson:** It is already defined in clause 3.

**Mr J.R. QUIGLEY:** I know that I have not practised for a while but I am looking for "associated events" in clause 3. Could the minister tell me where "associated events" is in clause 3? The minister said it was already in clause 3.

**Mr R.F. Johnson:** The definition of a CHOGM event is in clause 3.

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**Mr J.R. QUIGLEY:** No, sorry. The member for Girrawheen asked the minister what an associated event was. The minister informed the member, as *Hansard* will inform us all later, that an associated event is one of those events listed in the agenda of CHOGM events. That was the minister's clear answer. I am trying to give expression to that which the minister has said found its way into the legislation. The minister said that an associated event is one that is listed in the official CHOGM program of CHOGM events. I am just moving the amendment that gives effect to his very words.

**Mr W.J. JOHNSTON:** I rise to support the amendment moved by the member for Mindarie. The other day my research officer was reading the *Hansard* from last Thursday in which the minister and I were saying nice things to each other. He said that that could not last. I will tell the chamber why it did not last. It is because the minister decided to be personal. This is not personal. We have no truck with this legislation. I have no difficulty with its drafting. It is clear from the drafting that the words "associated events" were never defined in this legislation. When the minister says that the words "associated events" refer only to events that are listed in the CHOGM agenda, that is not in clause 4. The words that are proposed to be inserted by the member for Mindarie do that very thing. There is no criticism in any way, implied or explicit, of the drafting of the legislation because clearly the intention in clause 4 was too strict. That is why the words were used the way they were.

It would be helpful if the minister had more detailed knowledge of the legislation before he brought it to the chamber. That is not a criticism; it is just a comment. In making that comment, the words mean what they say. There is no definition of the phrase "associated events" in clause 3. I did not object to any of the definitions in clause 3. We did not discuss clause 3. It was agreed *nemine contradicente*. We discussed clause 4. The amendment deals with the issues.

The minister may get up and say, "The advice I have is that the words proposed to be inserted by the member for Mindarie do not have this effect or overlap this other issue." That is fine. He should just come up with the words that he would insert. As the member for Girrawheen said, perhaps the best thing is for us to adjourn further debate on the clause and bring back words that deal with the issues that have been raised with the minister. He should get the parliamentary draftsman to look at this issue and perhaps explain to the minister, so that the minister is clear, why the associated events do not relate to the words defined in clause 3 where it says "CHOGM event". He can probably explain it to the minister. The minister has not fully understood the issues I have raised with him. Again, I do not say that as a criticism. Perhaps the draftsman can explain that the words "associated events" do not relate to the specific definition in clause 3. If they can come up with superior words to those of the member for Mindarie, that would be wonderful. We can talk about this further. Although some clauses—for example, the use of screening devices—relate only to a CHOGM event, plenty of other parts of the bill relate not to a CHOGM event, but to any of the purposes set out in clause 4. That is why we need to accept the minister's suggestion and insert those words into the bill, and as a result no confusion will arise and people will not interpret the words in clause 4 to be CHOGM events when clearly that is not meant, because a CHOGM event is specifically defined in clause 3.

**Dr A.D. BUTI:** As we have stated, it would have been better to include the amendment in clause 3. If the member for Mindarie is agreeable, the words to his amendment should also be inserted into clause 4(1) after the word "activities". It should be in line 4 in respect of clause 4(1) and in line 8 in respect of clause 4(2).

**Mr R.F. JOHNSON:** Members will make the provision more restrictive through their amendment. The dinner that the Western Australian government will host for foreign ministers from other countries will not form part of the official CHOGM program.

**Mr J.R. Quigley:** How do you know?

**Mr R.F. JOHNSON:** I am telling the member because it is something that the Western Australian government, not the federal government, will be doing. The federal government will list the program for the official CHOGM events. Is the member with me?

**Mr J.R. Quigley:** Yes, I am.

**Mr R.F. JOHNSON:** No, he is not. The member for Mindarie's amendment will not protect foreign ministers at a dinner that might be hosted by the WA government. The opposition wants those words added to clause 4, page 5, line 8. Earlier in clause 4 —

**Mr J.R. Quigley:** We agree.

**Mr R.F. JOHNSON:** The member did not say that. We think the amendment is superfluous and does nothing to enhance this legislation. We will reject the amendment.

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**Mr J.R. QUIGLEY:** In view of the minister's explanation, which is at odds with the explanation he gave the chamber earlier this evening—that is, an associated event will be an event as found in the official calendar—can the minister now tell us what other events not in the official calendar will be regarded as associated CHOGM events? We have the dinner—what else?

**Mr R.F. Johnson:** I don't know.

**Mr J.R. QUIGLEY:** Therefore, this is an open chequebook. Behind the minister, the Premier is nodding yes, and the Minister for Police is saying no. Is the Premier right?

**Mr R.F. Johnson:** It is not an open chequebook; we are trying to cover the events associated with CHOGM.

**Mr J.R. QUIGLEY:** Which ones are they?

**Mr R.F. Johnson:** I told you the three. It will depend on what the Commonwealth Secretariat lays out as the official program.

**Mr J.R. QUIGLEY:** The basic thing is the minister does not know.

**Mr R.F. Johnson:** That will come from the secretariat in London. That is the main organiser, if we like, that stipulates what events will happen.

**Mr J.R. QUIGLEY:** Will the secretariat put in events?

**Mr R.F. Johnson:** It will put in events.

**Mr J.R. QUIGLEY:** Therefore, we are not talking about those events.

**Mr R.F. Johnson:** We are.

**Mr J.R. QUIGLEY:** Hang on; the minister said “associated events” refers to events that do not form part of the official program.

**Mr R.F. Johnson:** And there are events that do form part of the official program, as I have explained, such as the people's forum, the youth forum and the business forum.

**Mr J.R. QUIGLEY:** We agree—they are all part of the official events.

**Mr R.F. Johnson:** The official program.

**Mr J.R. QUIGLEY:** Of events.

**Mr R.F. Johnson:** Yes.

**Mr J.R. QUIGLEY:** Right. Now, aside from those published by the secretariat as official events in the program, is the minister telling the chamber that other events need to be covered. Look at the Premier; he is nodding in agreement.

**Mr R.F. Johnson:** I know he is.

**Mr J.R. QUIGLEY:** The minister does not have eyes in the back of his head. The Premier is nodding in agreement. Not only do I know what is on the back of the minister's head; I know what is inside his head—but that is a different issue. The proposition is that the minister has informed this chamber that the secretariat in London will publish a program of events, which will be the CHOGM events. Can the minister's adviser, the assistant commissioner of counter terrorism, tell him which events will be covered by this legislation, which, in the police's view, will not be on the official program of events? Are the police able to tell the minister what is an associated event other than what is in the official program?

**Mr R.F. Johnson:** We do not know the final details of the program because that will come from the Commonwealth Secretariat. We are trying to cover in this bill any event that may be deemed to be associated as an official CHOGM event. We also believe that traditional CHOGM events held in other countries, such as a dinner hosted by a country or by the state government in certain instances, attended by foreign ministers will be covered within this clause.

**Mr J.R. QUIGLEY:** The minister said there will be other events that are “deemed” to be CHOGM events. Who are these other people who will deem an event to be an associated event? Who are the people who will do this deeming?

**Mr R.F. Johnson:** They will not be deemed.

**Mr J.R. QUIGLEY:** That is the word the minister used.

**Mr R.F. Johnson:** If I used the word “deem”, I am sorry; I did not mean to mislead the member in any way.

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**Mr J.R. QUIGLEY:** He is not misleading me.

**Mr R.F. Johnson:** Let us go to the vote on your amendment. We do not agree with it.

**Mr J.R. QUIGLEY:** In relation to his opposition to the amendment, the minister said other events will be deemed to be associated events. How does an event become deemed; who decides whether it is an associated event?

**Mr R.F. Johnson:** The point we are arguing now is the scope of the bill, and that is what clause 4 is all about. Do you agree with that?

**Mr J.R. QUIGLEY:** Yes.

**Mr R.F. Johnson:** We want to ensure that we can cover events such as traditional events. It may not be part of the official program, but it would normally be associated with the main CHOGM event.

**Mr J.R. QUIGLEY:** Okay. But who makes the ruling as to whether an event is associated with CHOGM? Who makes that ruling?

**Mr R.F. Johnson:** I am advised that it is a question of fact.

**Mr J.R. QUIGLEY:** Yes, but who determines the question of fact? It is not a hard question. I agree with the minister's advisers that it is a question of fact—it is a question of fact and law actually—but who decides?

**Dr A.D. Buti:** Where in the legislation does it tell us who decides?

**Mr J.R. QUIGLEY:** Some thought must have gone into this bill; someone must know who decides. Perhaps no thought has gone into it.

**Mr M.P. Murray:** Do you want me to do it? I'll answer the question for you.

**Mr J.R. QUIGLEY:** The member would do a better job!

**Mr R.F. Johnson:** We are only including ones that are linked to the CHOGM event—the whole purpose of CHOGM. I think the answer to your question is that it will be decided by various individuals; it could be WA Police or perhaps the Premier, and also the secretariat of CHOGM.

**Mr J.R. QUIGLEY:** If it is the Commonwealth Secretariat, it becomes an official event, does it not? It becomes a CHOGM event, not an associated event, if the secretariat makes the decision.

**Mr R.F. Johnson:** It would, but they would be included in that scope.

**Mr J.R. QUIGLEY:** Will the police tell us whether an event is an associated event?

**Mr R.F. Johnson:** As I understand it, the police will certainly be discussing it and liaising with the secretariat. The Federal Police will be involved, as will the Australian government and the secretariat, as I have said.

**Mr J.R. QUIGLEY:** Will they tell us whether an event is associated?

**Mr R.F. Johnson:** It's an assessment.

**Mr J.R. QUIGLEY:** Sorry? Who makes the assessment?

**Mr R.F. Johnson:** Those people I just told you.

**Mr J.R. QUIGLEY:** This legislation creates enormous powers. Who makes the assessment that these powers have been enlivened by the event being associated?

**Mr R.F. Johnson:** The advice I have been given is that it is the person exercising the power.

**Mr J.R. QUIGLEY:** That is what I mean. The person who seeks to exercise the power decides whether it is an associated event. That is giving the police an open chequebook, is it not?

**Mr W.J. JOHNSTON:** I am very interested in hearing further from the member for Mindarie.

**Mr R.F. Johnson:** I am advised that the person who makes that assessment has to ensure that it is justified; otherwise, it is unlawful

**Mr J.R. QUIGLEY:** Oh, indeed—indeed! But that is circuitous; the person who makes that assessment has to have it justified, otherwise it will be unlawful, but the minister has carefully avoided saying who, under the act, is the person authorised to make that assessment.

**Mr R.F. Johnson:** It is the person who is authorised to exercise that particular power.

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**Mr J.R. QUIGLEY:** If the police are authorised to exercise a particular power, will any police officer exercising that power make the determination as to whether he is invoking that power in relation to an associated event?

**Mr R.F. Johnson:** They will be held to account for that decision.

**Mr J.R. QUIGLEY:** I appreciate that they would have to be held to account, and they will be, minister, but that is a different question. Do I understand the minister's proposition rightly—that any policeman seeking to exercise the special powers under part 3 can individually make an assessment as to whether the event is associated to CHOGM?

**Mr R.F. Johnson:** No.

**Mr J.R. QUIGLEY:** Well, then, who makes that assessment?

**Dr A.D. Buti:** You said before that it is any police officer exercising the power.

**Mr R.F. Johnson:** No, I didn't; he said that.

**Mr J.R. QUIGLEY:** No, the minister said that. Could I have that read back from *Hansard*, please, Mr Deputy Speaker?

**Mr R.F. Johnson:** No, this is not a court of law. You don't have things read back.

**Mr J.R. QUIGLEY:** Can I have the minister's answer read back from *Hansard*, please?

**Mr R.F. Johnson:** No, you can't. Read it tomorrow!

**The DEPUTY SPEAKER:** No; I cannot do it at the moment.

**Mr J.R. QUIGLEY:** So, I have to filibuster all night long to get to the *Hansard* tomorrow? Very well. Who makes the assessment as to whether or not a policeman is appropriately using part 3 powers in relation to any particular associated event?

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

**Mr J.R. QUIGLEY:** No, he is not going to do that, member; we are going to have to take him through this slowly.

**Dr A.D. Buti:** This is one of the most powerful pieces of legislation to come before the house, and we aren't clear on who's got the powers.

**Mr R.F. Johnson:** I am advised that police officers only have that power in the areas. The areas are defined by regulation, or an extraordinary circumstance as approved by the commissioner and me as a minister.

**Mr A.P. O'Gorman:** But to pick up what the Premier said, how about if you're holding a lunch or a dinner for foreign ministers? What you need to do is go back to clause 3 and put in a definition of "associated events"—end of story.

**Dr A.D. Buti:** That's all you need to do.

**Mr A.P. O'Gorman:** And then it will get passed. Once everybody knows what an associated event is—the Premier has given us an example, and you can write that into clause 3—we are away with it. You'll have to resubmit clause 3, I understand.

**Mr R.F. Johnson:** This amendment is a nonsense.

**Mr W.J. JOHNSTON:** I find it interesting that we have continually used the term "CHOGM". I have open in front of me the Commonwealth Secretariat's web page, which I cannot print out to the printer in the chamber, but it states —

**What is CHOGM?**

CHOGM stands for Commonwealth Heads of Government Meeting. Every two years Commonwealth leaders meet to discuss global and Commonwealth issues, and agree collective policies and initiatives. CHOGMs act as the principal policy and decision-making forum to guide the strategic direction of the association. They are organised by the host nation in collaboration with the Commonwealth Secretariat.

After a formal opening ceremony and a formal Executive Session, the leaders meet privately in a 'Retreat' setting. The atmosphere is informal, encouraging a full and frank exchange of views, and decisions are reached by consensus.

Ms Margaret Quirk; Mr Peter Tinley; Mr David Templeman; Mr Bill Johnston; Dr Tony Buti; Mr Rob Johnson;  
Acting Speaker; Mr John Quigley

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Issues discussed at previous CHOGMS include international peace and security, democracy, climate change, multilateral trade issues, good governance, sustainable development, small states, debt management, education, environment, gender equality, health, human rights, information and communication technology, and youth affairs. Click on the following link to find out more about CHOGM ...

That is what CHOGM is. CHOGM is not the youth forum; CHOGM is not the people's forum; and CHOGM is not the business forum. If a CHOGM event means "any meeting, event, function or activity that forms part of CHOGM", then those events are not part of CHOGM. It is clear that they are not part of CHOGM, because CHOGM is exactly as defined by the Commonwealth Secretariat. That is the problem for the minister; he needs the words "associated events", because otherwise these powers will not apply to the youth forum, to the business forum, and to the people's forum. Quite frankly, I think these powers should apply to those three forums; I am not arguing that they should not. He needs the words "associated events"; otherwise, those three events will not be covered by this legislation because "CHOGM" is defined in clause 3, which is already settled by this Parliament—unless the minister chooses to reconsider the clause.

**Mr R.F. Johnson:** I think you've just answered your own question.

**Mr W.J. JOHNSTON:** The point I am getting to is that there is no definition of "associated events". Until that has been sorted out, this legislation is defective. It is not defective because it has not been properly drafted; it has been drafted superbly. The problem is not that; the problem is that the legislation does not say what the Minister for Police says that it says. His explanation from the table does not relate to the words.

**Mr R.F. Johnson:** I am going to adjourn the debate until tomorrow and then I will get some expert advice that I hope you will accept.

**Ms M.M. Quirk** interjected.

**Mr R.F. Johnson:** No; I am not going to accept your amendment. I want you to understand what parliamentary counsel and people with a lot more expertise than some of you have to say.

**Mr W.J. JOHNSTON:** Let us talk to parliamentary counsel. Let us not have the minister speak on behalf of a competent person. If the minister wants us to talk to parliamentary counsel, he should invite us to do so. We would be very happy to do that. I am not a lawyer, as I keep saying. I am happy to be guided on how to fix this mistake. It is not a mistake of parliamentary counsel. This is the minister's responsibility. The bill says what it says not because there is a drafting error, but because the minister has not thought through what he is doing. This is about drafting instructions, not about parliamentary counsel.

**Mr R.F. Johnson:** So now you're insulting WA Police —

**Mr W.J. JOHNSTON:** I am not insulting anybody.

**Mr R.F. Johnson:** —which put this legislation together with parliamentary counsel.

**Mr W.J. JOHNSTON:** No.

**Mr R.F. Johnson:** Do you think I drafted the whole of this legislation?

**Mr W.J. JOHNSTON:** Minister, I have only 30 seconds to go. Only one group in this state issued the drafting instructions for this bill; that is, cabinet. The minister should not put words in my mouth; the Premier will not like him for that. The point is that the legislation says what it says. It does not say what the minister wants it to say. The minister should resubmit it. If the minister is proposing to do that, we will all agree to that. He could have saved an hour of Parliament's time if he had done that when we first raised this issue, rather than wasting time by filibustering on this important issue.

**Ms M.M. QUIRK:** We are getting tied up in knots. The minister might want to consider reopening clause 3 and inserting a definition of "associated events" there, as that would alleviate the problem in clause 4.

**Mr J.R. Quigley:** As long as it is a good definition.

**Ms M.M. QUIRK:** Yes. It might be an appropriate time to adjourn. It is certainly not the time to consider the amendment moved by the member for Mindarie.

**Mr R.F. Johnson:** He will have to withdraw the amendment or we will have to vote on it.

**The DEPUTY SPEAKER:** Clause 3 can only be reconsidered once the whole bill has been dealt with.

**Ms M.M. QUIRK:** Yes. We would certainly be prepared to do that if we received an undertaking from the minister.

Ms Margaret Quirk; Mr Peter Tinley; Mr David Templeman; Mr Bill Johnston; Dr Tony Buti; Mr Rob Johnson;  
Acting Speaker; Mr John Quigley

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**Mr J.R. QUIGLEY:** On the basis that the minister is seeking further information from parliamentary counsel and from those who instruct him, I am prepared to withdraw the amendment. We have to go sensibly. No-one is trying to trick the police.

**Amendment, by leave, withdrawn.**

Debate adjourned, on motion by **Mr W.R. Marmion (Minister for Environment)**.

*House adjourned at 9.53 pm*

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