

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

*Consideration in Detail*

Resumed from 22 March.

**Clause 4: Purpose —**

Debate was adjourned after the clause had been partly considered.

**Mr R.F. JOHNSON:** I want to make a very brief statement on this clause, because we seem to have spent all of Tuesday evening debating clause 4, and I did agree that I would get parliamentary counsel's advice on some comments that were made by members opposite. In fact, the parliamentary counsel who dealt with this bill was actually watching this debate live on his computer at home, because obviously he was very concerned about the debate on this bill, because this was a bill that he had drafted, in conjunction with WA Police. He said in his advice that the answers that I gave during that debate were all correct; I did not give any wrong answers.

He said in relation to clause 4 that it is intended to provide a flavour of scope to the bill, and that it is deliberately stated in general terms.

Several members interjected.

**Mr R.F. JOHNSON:** He says also that rather than repeat the definition of "CHOGM event" in clause 3, parliamentary counsel used the undefined term "associated events, functions and activities". That term assumes its natural meaning; that is, events, functions and activities that are associated with CHOGM Perth in 2011. When a power is provided in the bill—for example, in clause 8, where the commissioner with the approval of the minister may declare an area to be an additional security area—specific definitions are used. In the case of clause 8, reference is made to the definition of "CHOGM event" in clause 3. The scope of this bill needs to be flexible. As mentioned by at least two of the opposition members who spoke on this bill, part of CHOGM's success is the informality of the arrangements. Leaders and delegates are encouraged to meet informally, without advisers, to discuss issues of importance. However, police need powers to protect dignitaries, delegates and other participants in Perth for CHOGM at whatever formal or informal CHOGM event they are attending. Accordingly, the bill should not strictly define "CHOGM Perth", as this could lead to police not being able to use these powers to adequately protect the security of participants in CHOGM.

**Ms M.M. QUIRK:** We did actually conclude that we would not prolong the debate on this clause. But I have to say that what the minister has just said cannot go unanswered. The minister talked about "a flavour of scope" in the operations of this bill. I am sorry, but as one of my colleagues has said, that is up there with the line in *The Castle*, "It's the vibe, your honour". I am sorry. We are dealing with the creation of a criminal offence, and the exercise by police of broad and extensive powers. I think we are owed a better explanation than that. I think that is appalling. Frankly, we now have the ludicrous situation, from the debate the other night, where the formal meeting of the foreign ministers will be subject to the exercise of these powers and the protection that that encompasses, but, according to the minister, any dinner that those ministers might have at the end of that day's deliberations will not be included in that. We find that ludicrous. It is a principle of law that matters will be strictly interpreted when, for example, criminal sanctions are imposed. We were trying to get some level of certainty to assist the judiciary, which may be in the position of having to make determinations about a person's guilt or innocence. Frankly, after the explanation that the minister has given, I would say that the courts will be taking a narrow interpretation.

**Mr R.F. JOHNSON:** I will give the member some further advice in relation to the words "associated events". Those events will be organised by the commonwealth secretariat of the Australian government and the Western Australian government. The program and associated events have not been finalised. Therefore, I cannot tell the member what all of the associated events will be. The word "associated" has the ordinary meaning of "to connect by some relation"; therefore, it will be only those events that are connected with CHOGM—not merely attended by some delegates—or that are held at the same time as CHOGM. The member talked about how some of the delegates might decide to go to a karaoke bar in Northbridge. If they decided to do that, they would not come within the scope of this bill. We would, of course, send protective service officers to try to ensure their safety. But they would not come within the scope or the definition of this bill. That is something that they would do separately.

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

**Mr R.F. JOHNSON:** Let me finish this, because it is important. The application of core security areas to associated events will be by way of regulation. The regulations will ultimately go to the Standing Committee on

Mr Rob Johnson; Ms Margaret Quirk; Mr Bill Johnston; Mr Peter Tinley; Dr Tony Buti; Mr Andrew Waddell

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Delegated Legislation. This will provide an appropriate check and balance as to what will constitute “associated events”.

**Ms M.M. Quirk:** So are you saying that all the events that will be covered by this bill will be listed in the regulations, once you know what they are—because if that is the case, minister, you could have saved yourself a lot of time?

**Mr R.F. JOHNSON:** The security areas that apply to events will be covered under regulation.

**Ms M.M. Quirk:** All right. In that case, is it possible to list the events by way of regulation? We just do not want a situation where CHOGM starts and we do not know when the powers will be used and when they will not be used. That is not an unreasonable request.

**Mr R.F. JOHNSON:** I am advised that, no, we cannot actually list them.

**Ms M.M. Quirk:** Why not?

**Mr R.F. JOHNSON:** Because we do not know what those events will be.

**Ms M.M. Quirk:** But you will know before CHOGM starts.

**Mr R.F. JOHNSON:** No. We may not know until the very last moment for some events. If the event comes within a designated area, it will be covered under the regulations.

**Ms M.M. Quirk:** This is extraordinary, minister.

**Mr R.F. JOHNSON:** We are doing much the same as they did in the eastern states with APEC.

**Ms M.M. Quirk:** That’s absolute rubbish!

**Mr R.F. JOHNSON:** This is modelled very much on their legislation.

Several members interjected.

**Mr R.F. JOHNSON:** I have given members an explanation. Members opposite are still arguing on clause 4, which is basically describing the scope of the bill. I cannot believe that members opposite are spending so much time on that. I will tell members what I will do. If members opposite have some serious concerns, and if their intent is to filibuster this again —

**Ms M.M. Quirk:** No, it is not. We just want an answer.

**Mr R.F. JOHNSON:** This is a bill that members opposite say they support, with the exception of the CCC powers that are contained within this bill. Members say that they support the bill, yet they spent all of last Tuesday evening filibustering on clause 4.

Several members interjected.

**Mr R.F. JOHNSON:** Yes, they did. I will tell members why I say that. The person on that side of the house who knows most about this bill is the member for Girrawheen. The member for Girrawheen has actually studied the bill closely. She is the opposition’s lead speaker. The member for Girrawheen told me before we went into consideration in detail that we will not be in consideration in detail for long, because the opposition supports the bill —

**Ms M.M. Quirk:** Congratulations to the member for Cannington for picking this problem up!

**Mr R.F. JOHNSON:** Congratulations! Obviously the member for Cannington has some serious concerns. I am not going to gag the debate on this bill—which I know members opposite are looking forward to my doing—because this is too important. I want members to realise that the eyes of the world are on us. If people around the world see the ridiculous comments that are coming from the opposition, and the way the opposition is trying to diminish the security of the heads of state —

Several members interjected.

**Mr R.F. JOHNSON:** If members opposite think they know better than our police, our police legal services and parliamentary counsel, I am sorry; they have bigger heads than I thought they had to start with.

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

**Mr R.F. JOHNSON:** Not the member for Girrawheen; other people. I am not directing that at the member for Girrawheen. I am saying members opposite in general. I will tell members what I will do. If there is filibustering on this clause, and if the Parliament’s time is being wasted, I will adjourn the debate at some stage, and I will offer members opposite a whole day’s briefing, at which they can ask all the questions they want and they can get all the answers they want. Members opposite have had briefings already. But I will offer them one more

Mr Rob Johnson; Ms Margaret Quirk; Mr Bill Johnston; Mr Peter Tinley; Dr Tony Buti; Mr Andrew Waddell

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briefing, and they can have a whole day for that briefing, because I do not want to see the Parliament's time wasted. I will bring this back on the first Tuesday after the recess and we will sit late on Tuesday night, Wednesday night and any other night that we need to.

**Mr W.J. JOHNSTON:** I am very pleased that the minister read out the parliamentary draftsman's opinion because I think that clarifies the issues we were trying to deal with the other night. Based on what the parliamentary draftsman said, the minister's answers on Tuesday night were complete and utter rubbish, and the Commonwealth Heads of Government Meeting (Special Powers) Bill is not restricted to specific events. As the parliamentary draftsman explained, it is in the flavour of CHOGM—events that are tangentially related. The minister sits at the table mumbling so that Hansard does not pick up the stupid things he says. I will make clear to the chamber the stupid things that the minister is mumbling. The minister claims that I am filibustering. If the minister had been able to answer the question on Tuesday night, we would not be in this place now.

**Mr R.F. Johnson:** Parliamentary counsel said I did! It was not the answer that you wanted, that was the problem.

**Mr W.J. JOHNSTON:** The problem is that the answer the minister gave at the start of the evening was 180 degrees different from the answer he gave at the end of the evening. The problem was, as we discussed outside the chamber yesterday, that the first time the minister read clause 4 was after I had raised the issues with him in the chamber.

**Mr R.F. Johnson:** Don't talk rubbish!

**Mr W.J. JOHNSTON:** If the minister did his quarter of a million dollar a year job, had a bit of dedication and actually read the legislation before he brought it into this place, we would not end up with these problems. If the minister continues to mumble in his usual way, incoherently, trying to ensure that it does not get in *Hansard*, this is what will happen. Why does the minister not go back and look at the words of the parliamentary draftsman? This is the point that I made on Tuesday, which the minister would not listen to. The parliamentary draftsman wrote those words for a reason; the government wants to give broad application to this bill. We ask the minister: why does the government want that broad application? Why is there not some process by which we would know the hockey event is not part of the bill? Quite frankly, the words the minister read out mean that the hockey event is part of the bill and is subject to —

**Mr R.F. Johnson:** No, it doesn't!

**Mr W.J. JOHNSTON:** It does! The minister said "connected". The minister said it would be determined by the ordinary reading of the words. The ordinary reading of "associated" is "connected in some way"; that is what it means. I am not inventing these things. If the minister says that he will adjourn debate on the bill, I welcome that because I am very happy to sit with the parliamentary draftsman. That is exactly what I said to the minister on Tuesday; I am happy to have a discussion with any intelligent person who understands the issues in this bill. I am very happy for that to happen, so if the minister is inviting me to do that, I fully accept that opportunity. Remember that this legislation provides for extraordinary powers, which the government is trying to grant. The opposition thinks that these extraordinary powers should be used for the protection of all the people who attend CHOGM, but they should not be used other than to do that. If the government says that it wants these powers for more than that, we will, and did, ask the question. The answer given by the parliamentary counsel is that it is intended that this bill covers more than CHOGM. That is fine, so why did the minister not say that on Tuesday?

**Mr R.F. Johnson:** No, it doesn't.

**Mr W.J. JOHNSTON:** Those are the exact words used by the parliamentary draftsman. The minister should stand and say, "Yes, that's right."

**Mr R.F. Johnson:** No, that's wrong.

**Mr W.J. JOHNSTON:** Those are the words that were used.

**Mr R.F. Johnson:** You're misinterpreting the words that I used.

**Mr W.J. JOHNSTON:** I cannot believe that the minister does not understand the words he read into *Hansard*. Next Tuesday, he will have the opportunity to look at *Hansard*. The minister should get a dictionary and look at what those words in *Hansard* mean, because they do not mean that the powers are restricted to only CHOGM. Quite frankly, we should not restrict these powers to only CHOGM; we want these powers to cover the youth forum, the business forum and the people's forum.

**Mr R.F. Johnson:** But it will.

**Mr W.J. JOHNSTON:** But those events are not CHOGM!

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

Mr Rob Johnson; Ms Margaret Quirk; Mr Bill Johnston; Mr Peter Tinley; Dr Tony Buti; Mr Andrew Waddell

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

**Mr R.F. Johnson:** They are associated with CHOGM.

**Mr W.J. JOHNSTON:** Yes, but so are so many others!

**Mr R.F. Johnson:** The hockey is certainly not associated with CHOGM.

**Mr W.J. JOHNSTON:** There are many other events associated with CHOGM too. That is the point: we need to have an understanding of what the government intends, and the minister does not know what is intended by this legislation. The draftsman does, but the minister does not.

**Mr P.C. TINLEY:** Just to maybe tease this out in one small way, is there, in the minister's view, an opportunity during CHOGM for an associated event, or whatever term the minister wants to use, to be listed ad hoc?

**Mr R.F. Johnson:** If it had to be, yes. If there was a specific event that CHOGM decided at the last minute to have, obviously it would have to be listed by declaration.

**Mr W.J. Johnston:** Why? Under which section of the proposed act?

**Mr R.F. Johnson:** Only if we want a core area exactly.

**Mr P.C. TINLEY:** So only if the government wants to apply security to it. For example, the technical collection capacity of the Corruption and Crime Commission that has been requested —

**Mr R.F. Johnson:** We'll come to that clause.

**Mr P.C. TINLEY:** Yes, but that is not —

**Mr R.F. Johnson:** Let's not discuss that now.

**Mr P.C. TINLEY:** That is clause 8 and that relates to compulsion. It relates to an investigation; it does not relate to the request by the police service for technical collection capability. I do not refer to clause 8 or clause 9; they refer to compulsion and investigation by the CCC. If an ad hoc or any other status is applied to a parallel or associated event, will, for example, the technical collection capacity of the CCC be applied to that? It is separately requested by the police service.

**Mr R.F. Johnson:** The advice I am given is that that relates to offences, not events.

**Mr P.C. TINLEY:** It relates to intelligence, which forms the first security barrier for an event such as CHOGM.

**Mr R.F. Johnson:** A relevant event relies on the definition of CHOGM event, which is in clause 3.

**Mr P.C. TINLEY:** Therefore, if the Queen decides to go to the hockey, which is not a parallel or associated event, will the powers of security as enunciated in this bill be applied?

**Mr R.F. Johnson:** The answer I am told is: no, it is not connected to CHOGM.

**Mr P.C. TINLEY:** Therefore, any of the coercive powers that we will subsequently talk about are not applicable, even if there is a threat.

**Mr R.F. Johnson:** In relation to a hockey event, I would suggest no. If the Queen wants to go to Margaret River to enjoy some nice wine, that will not be connected with the CHOGM event as defined in this bill. We would send security officers with her, obviously. It is the same as if she went to the karaoke.

**Ms M.M. Quirk:** She'd have to rely on her corgis, really!

**Mr R.F. Johnson:** They do bite, I'm told!

**Dr A.D. BUTI:** Saying that the Queen going to the hockey would not be covered by this legislation is contrary to one of the reasons the minister gave us on Tuesday night after consulting the Premier, when he said that if the Queen came a day earlier, that would be covered to ensure that she has proper security. The hockey event is happening only because CHOGM is on. The minister says that it is not a CHOGM event; fair enough, but it is connected to CHOGM. It would not be happening in Western Australia if it were not for CHOGM. What is meant by "connected"? What is the natural meaning of "connected"?

**Mr R.F. Johnson:** It is not connected by some relation; it is simply on at the same time.

**The ACTING SPEAKER (Mr A.P. O'Gorman):** Members, I need somebody on their feet.

**Mr A.J. WADDELL:** I am a little concerned at the minister's suggestion that these events can be dealt with via regulation and that the appropriate oversight would be the Joint Standing Committee on Delegated Legislation. The time line the minister outlined about which events could be listed during the actual CHOGM event suggests to me that there would not be adequate opportunity to gazette the regulations and go through the normal

Mr Rob Johnson; Ms Margaret Quirk; Mr Bill Johnston; Mr Peter Tinley; Dr Tony Buti; Mr Andrew Waddell

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delegated legislation processes; therefore, by the time that any of these extraordinary powers were scrutinised by the appropriate parliamentary committee, those powers would have already been exercised and the event would be over. What assurance can the minister give us that there will be proper parliamentary scrutiny of these regulations, given that it will all be done and dusted before the appropriate committee has had a chance to look at it?

**Mr R.F. JOHNSON:** The situation would occur if the program changed or if a security threat became known to police. Then we would not have a month to send that regulation to the standing committee to look at. I hope the member accepts that, because these sorts of things happen very often, particularly when we are talking about security.

**Ms M.M. QUIRK:** To use the vernacular, the opposition does not really want to flog a dead horse. It is quite clear that the minister is being intransigent. We are disappointed. The minister basically had all of yesterday to reflect on what is a legitimate issue and on our legitimate concerns. The fact that a number of my colleagues all have the same interpretation after looking at the legislation, many independently of one another, seems to suggest that the interpretation of parliamentary counsel is wishful thinking. In any event, we are all wounded to the quick by the fact that the minister has intimated that this is merely filibustering. It is us doing our job, us scrutinising what is an important and significant bill that confers powers on not only police—WA Police and police from other jurisdictions—but also, as we have heard, security guards—for example, contractors on road closures. This all relates to responsibility and accountability and the fact that the capacity to investigate the conduct of these officers is diminished under this bill. It is not unreasonable that we seek some level of clarity on when these powers are used. It is not an academic exercise; it is about members of the Western Australian community being informed about when they can expect these powers will be used.

I use the analogy, although I am reluctant to do so, of a debate we had about 18 months or so ago on the community's expectations on the use of Tasers. At the time I was howled down and told that I was anti-police. One member of the media gave me a very hard time in an interview, saying that I was just against the police and I did not want them to have adequate protection. As subsequent events have shown, what I had to say at the time had some merit; that is, the community's expectations need to be clear. In that case the community needed to know when it could anticipate that police would use Tasers, when police are entitled to use Tasers and the checks and balances of using Tasers.

We have exactly the same argument before us. We are not saying that these powers are necessarily inappropriate. We are not anti-CHOGM. Frankly, we are all in the dark. The minister has given us no confidence that we will ever know when these powers will be used. We have given him a number of mechanisms through which he can ameliorate the situation and solve this problem. He is unprepared to do so. Every time a bill comes into this chamber and we put up a legitimate solution or some suggestion to make the bill clearer and make it operate better, the minister digs his heels in. Every time it goes upstairs, the very amendments that we suggested are agreed to. With a bit of humility and with a bit of generosity, I suggest that the minister treat the suggestions we make with a bit more courtesy and not accuse us of filibustering every time we make a suggestion, as this is a key section of the whole legislation.

**Clause put and passed.**

**Clause 5 put and passed.**

**Clause 6: Core security areas —**

**Ms M.M. QUIRK:** This clause, which relates to core security areas, states —

- (1) The regulations may declare one or more areas of land within the State to be core security areas for the purposes of this Act.

In some respects, that relates to the extended argument we had over the past day or so about clause 4. The capacity to declare those core areas depends on whether it is a CHOGM event or a CHOGM-associated event, whatever that means. There have been some undertakings—certainly when the deputy commissioner briefed us—that there will be a lot of advance publicity about these core security areas so that members of the public are well aware of them and can decide to stay away if they do not want to submit themselves to the exercise of these powers. That is the first question I want to ask: what is the program for publicity?

Secondly, I also anticipate that the areas that are necessary to be declared core security areas will be no bigger than is necessary. In other words, they would be as small as practicable. For example, the bus station and the Esplanade train station are very close to the Perth convention centre. Obviously, the area around the Perth convention centre will be a declared area because some of the formal sessions are taking place there. We want to know whether they are likely to be declared core security areas. Also, for what period will declarations be proposed? Again, I would expect that would be for only the period during which it is necessary to set up security, conduct the particular session and then dismantle security, and no longer than that. Can we get an

Mr Rob Johnson; Ms Margaret Quirk; Mr Bill Johnston; Mr Peter Tinley; Dr Tony Buti; Mr Andrew Waddell

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indication of what is contemplated for these periods? I particularly refer to APEC, in which some areas were declared core security areas for literally a matter of hours because there was only one session at that location.

**Mr R.F. JOHNSON:** They are good questions, and I can answer them without too many problems. The areas that have been declared core security areas will be advertised on radio, in the newspapers and on television in adequate time so that people are well aware of them. The member mentioned the bus station. Part of the bus station could be a declared area, but only at very specific times when delegates are going to and from the convention centre. There will be the least amount of disruption as possible because we do not want to disrupt those people who need to use the bus station.

I am advised that the train service will keep running as normal. Police are dealing with Transperth to ensure that there is the least amount of disruption to trains and buses as possible. Once again, any areas that need to be declared core security areas will be advertised in plenty of time. I think there will be a public information meeting next month. I do not know whether this bill has to be passed first before we can hold that meeting. It may not have to go through both houses before we can adequately —

**Ms M.M. Quirk:** I hope they'll be given an explanation of clause 4.

**Mr R.F. JOHNSON:** I am sure they will. If they bother to ask, I am sure members of the public will be given an explanation. They will get the same explanation as the member got today.

I think that answers the questions that the member asked about publicity.

**Ms M.M. Quirk:** What about the length of time these areas will be declared areas?

**Mr R.F. JOHNSON:** They will be core security areas for the absolute minimal amount of time as is necessary.

**Ms M.M. Quirk:** I am asking what that is.

**Mr R.F. JOHNSON:** It depends on how long it would take a number of vehicles to get from A to B. The police are working that out at the moment, and that will be covered in the regulations. When this bill goes through both houses of Parliament, we will hopefully have the regulations ready to put in place so that everybody will be able to see quite clearly the times of those declared areas and those road closures. One road that will be closed for a specific amount of time will be St Georges Terrace because of the location of the hotel accommodation—a lot of the visiting heads of state will be travelling as an entourage and going from one end to the other. It is going to take a little while to get from the eastern end of St Georges Terrace to Fraser's Restaurant, where the commonwealth heads of government will have their intimate informal meeting. There will be many vehicles going up St Georges Terrace. That is why we have chosen to make the Friday a public holiday. Most people who would otherwise have come into work on that Friday will not have to come into work, so they will not be disrupted. There are people living in these areas. We will ensure that there is minimal disruption to their lives. Of course, businesses in this area will be closed, apart from retailers. We hope the office buildings will be closed; there will not be any staff with it being a public holiday. I am sure the member for Girrawheen does not want people to work on a public holiday when they would not normally work on a public holiday. We have tried to ensure that the disruption will be absolutely minimal.

**Ms M.M. QUIRK:** I thank the minister. Can the minister be a little more specific in his answers? There must be some estimates for such things as traffic control. I will give an example. The leaders' retreat will be held in Kings Park. There are units at the top of Malcolm Street and on Kings Park Road overlooking the river. Will the residents of those units have some issues with entering and exiting that area? I am trying to get some idea about the size of the designated areas to facilitate the event.

**Mr R.F. JOHNSON:** There is some difficulty in providing specific information at this stage, because we do not yet know the final details of when delegates will be arriving in Perth. As far as Fraser's Restaurant and Kings Park are concerned, certain roads will be closed predominantly on the Thursday night and Friday morning. We do not want to disrupt people whose homes are in that area. I assume that the police will liaise with the people who live in that area.

**Ms M.M. Quirk:** How about liaising with us now, minister, and telling us what's intended?

**Mr R.F. JOHNSON:** I cannot give the member a date until we know the dates on which the delegates will arrive.

**Ms M.M. Quirk:** Maybe you should adjourn this bill and come back when you know this information. You talk about us wasting Parliament's time, but this is disgraceful. These are legitimate questions, minister, and you can't answer any of them.

**Mr R.F. JOHNSON:** I realise the tactic the member is using today. It has not gone unnoticed. I am genuinely trying to give the member some information in response to the question she asked. What does the member expect

Mr Rob Johnson; Ms Margaret Quirk; Mr Bill Johnston; Mr Peter Tinley; Dr Tony Buti; Mr Andrew Waddell

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me to say—that it will be from 8.45 on Wednesday morning until whatever time? I cannot provide that information. Quite frankly, it is not relevant for me to provide that information at this stage. Those final details will be determined once the police have consulted people in the area and once they know what time delegates will be arriving. Those areas will be declared by regulation. All that information will become clear. Quite frankly, the hysteria demonstrated in that question is unwarranted. I think I am becoming immune.

**Ms M.M. QUIRK:** I accept that the minister will not know the hours. We have an undertaking from the minister that it will be the least amount of time necessary and practical. I accept that about the time. However, in relation to Fraser's Restaurant and the events there, the minister should be able to tell us the extent of the area to be delineated. I refer to a press release of the Premier from 5 November last year. Members should appreciate that I said this was released on 5 November last year, which is four months ago. The press release states —

With a year to go, preparations are well under way for the biggest international event to be held in Perth ...

The Premier then went on to say —

... a number of major roads in the central business district (CBD), including St Georges Terrace, were expected to be closed for security reasons for most, if not all, of Friday October 28, 2011.

He went on to say —

... it will still be business as usual for city shops during this time, with shopping malls in the Perth CBD open for people to enjoy public holiday trading."

He also made some announcements about Fraser's Restaurant. If the Premier could say four months ago that preparation and planning for this event was well underway, that St Georges Terrace was expected to be closed for most of Friday, 28 October, and that most businesses in the city would remain open, why can the minister not tell us what are the intended plans for Kings Park and the Fraser's venue?

**Mr R.F. JOHNSON:** The Premier was quite right; Friday, 28 October is the big day. That is the day on which St Georges Terrace will be closed for the necessary period to allow the different heads of state to go from their hotels up to Fraser's or to the Perth Convention and Exhibition Centre—wherever they need to go in that direction. There are very few retail businesses along St Georges Terrace. The Premier said that shops will be open on that Friday. They will be able to open if they want to, but that will mainly be in Hay Street and the mall. If they want to open, they can. A lot of people may come into Perth to do some shopping. They may want to see the procession of the different heads of state, including whoever comes from the royal family. They may want to cheer and wave their flags. Some might prefer to boo at certain people who might go past.

Several members interjected.

**Mr R.F. JOHNSON:** They are entitled to do that.

**Ms M.M. Quirk:** I was told to respect my elders.

**Mr R.F. JOHNSON:** That is obviously freedom of speech and expression. They can do that, as long as they do not also throw things or do any violent acts that would break the law.

The member asked specifically about Kings Park and Fraser's. The best information I can give is that the security measures for the state reception centre will be confined to Kings Park and will not include nearby residences. Those residences will not be affected. Additionally, only part of Kings Park will be affected. Once again, the area affected will be kept to a minimum. All venues will have security measures in place as required. The PCEC will need to have measures applied at the start of the CHOGM week, for instance; I think I covered that point in relation to the bus station. I again say that we are not looking to close the roads or disrupt the people of Perth except in the most minimal way possible.

**Dr A.D. BUTI:** If people do work that day and are late to work, will the minister give them a late notice?

**Ms M.M. QUIRK:** I know Kings Park well but I am not sure about the names of the roads. Is the main drive into Kings Park called May Drive?

**Mr R.F. Johnson:** Fraser Avenue.

**Ms M.M. QUIRK:** As one drives south along Fraser Avenue, on the left-hand side is a side road along which is a number of multistorey buildings containing dwellings. I think the American consul might live in that area. That area is within the precinct of Kings Park. I think those residences would come within the declared area. Given the nature of the proceedings at Fraser's, we do not have any objection to that, but I need to get some idea of the size of the area and whether those residences are likely to come within the various controls that will be implemented to provide security at Fraser's.

Mr Rob Johnson; Ms Margaret Quirk; Mr Bill Johnston; Mr Peter Tinley; Dr Tony Buti; Mr Andrew Waddell

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**Mr R.F. JOHNSON:** Residents will still be able to get access to that parallel road. It will not be designated as part of the security area, and nor should it be. People need to be able to get to their homes. Indeed, other parts of Kings Park will not be part of the designated area. Visitors to Kings Park will be able to enjoy the rest of Kings Park.

**Ms M.M. Quirk:** So snipers will be able to get on the DNA tower. Is that what you are telling me, minister?

**Mr R.F. JOHNSON:** I would suggest that probably our police, the Australian Security and Intelligence Organisation and the Federal Police will have enough intelligence to work out whether snipers are coming to town. That is why we need this bill to go through this house and, responsibly, we should deal with this bill as soon as possible.

**Ms M.M. QUIRK:** Again the minister is simply not answering the question. Opposition members asking questions does not mean that we are anti-CHOGM or that we do not want to ensure that there are adequate security measures. The bottom line is that I was not complaining that residents in the Kings Park area might be subject to security controls; I just wanted to know whether they are likely to be. For example, there is provision in the bill for residents to proceed through security areas with identification subject to certain controls; that is not the problem. It is a question of getting some concrete information about where the restricted areas and the boundaries are.

**Mr R.F. JOHNSON:** I am advised that all areas will be determined on a threat and risk assessment, together with site surveys, based on intelligence and physical protective indicators. That is happening now; the police is working on that and once it is completed it will be covered in the regulations, which should be well in advance of CHOGM.

**Ms M.M. QUIRK:** The minister earlier told the house that there will be some public information sessions, which of course will be particularly interesting for those who live or work in the CBD. As I understand it, those sessions will be held in early April.

**Mr R.F. Johnson:** We are hoping that the sessions will be held in early April, provided they are not impeded —

**Ms M.M. QUIRK:** I think it is early April; it has been advertised.

**Mr R.F. Johnson:** Yes, I know that it has been advertised, but I am hoping that the information we give residents is accurate enough because we have been able to get this bill through Parliament. If this bill is amended to any extent, it would make it difficult to give residents proper advice.

**Ms M.M. QUIRK:** Is the minister saying that the police are still working on the boundaries of the security areas and then that will be subject to gazettal? Is that correct?

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

**Ms M.M. QUIRK:** Therefore, it is unlikely, given that the bill has to go through not only this place but also the upper house, that regulations to gazette the restricted areas will be done before the public information session.

**Mr R.F. Johnson:** No; the public information session is to try to advise people of what is proposed. It will all be subject to the bill.

**Ms M.M. QUIRK:** The minister does not know what is proposed yet; he just told us that.

**Mr R.F. Johnson:** The police have some preliminary ideas.

**Ms M.M. QUIRK:** Can the minister give us some preliminary advice? That would be helpful.

**Mr R.F. JOHNSON:** I have already told the member the answer. I have told the member that St Georges Terrace will be closed for the length of time necessary, as will Fraser Avenue and those associated roads up to Fraser Avenue. I have told the member all this information; she really is filibustering now. The member is not doing herself justice. I have already answered that question, yet the member asks me it again. The member for Girrawheen is a very intelligent member; she is one of the most intelligent members on the opposition benches. I hate to say that, but I have to say that. The member is letting herself down now by simply filibustering on a bill that she is supposed to support. When the Liberal Party was in opposition, it only filibustered on bills that it totally opposed. For bills that we supported, we would have two speakers at the most and we would let the bill go through the Parliament.

**Ms M.M. QUIRK:** I will ignore those comments about filibustering because they are beneath the minister. However, silence does not connote assent.

All I am getting to here is the publicity issue.

**Mr R.F. Johnson:** I have already answered the question.

Mr Rob Johnson; Ms Margaret Quirk; Mr Bill Johnston; Mr Peter Tinley; Dr Tony Buti; Mr Andrew Waddell

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**Ms M.M. QUIRK:** I am responding to the minister's answer. The minister will have an information session when this stuff is not yet clear; that is fine.

**Mr R.F. Johnson:** I am not; the police are.

**Ms M.M. QUIRK:** If that is the way that is being conducted, that is a matter for the minister. The police or the government will face the necessary opprobrium for not being frank with the people of Western Australia. That is the process and we will probably know the location of the security areas only once those areas are gazetted.

**Mr R.F. Johnson:** There will be more information meetings that people can attend. That one will be the first one.

**Ms M.M. QUIRK:** Frankly, not everyone reads the *Government Gazette*; people have lives. Therefore, can the minister at least undertake to issue a press release when those areas are gazetted so that people are aware of the location of those areas?

**Mr R.F. Johnson:** I believe that we will advertise the location of the areas in the newspaper, on the radio and on television. We will let the people know.

**Ms M.M. QUIRK:** It might surprise the minister that not everyone reads *The West Australian*. Some of us have to read it for our jobs, but the general community does not necessarily feel under that obligation.

**Mr R.F. Johnson:** That is why we will also advertise on television and radio.

**Ms M.M. QUIRK:** Television and radio—great. That is the first I have heard of advertising the areas on television. I thank the minister. When the areas are gazetted, it would be helpful for the minister to make a press release saying he has just gazetted the areas.

**Mr R.F. Johnson:** The Deputy Commissioner of Police will attend those meetings.

**Ms M.M. QUIRK:** Excellent; thank you.

**Clause put and passed.**

**Clause 7: Other matters may be stated in regulations declaring core security area —**

**Ms M.M. QUIRK:** Clause 7 deals with additional information, as I understand it, that relates to the declaration of a core security area. I want to know why this clause is necessary and what is contemplated will be the additional information.

**Mr R.F. JOHNSON:** These special powers are only for authorised persons. The reason is to authorise which special powers people may exercise in the core security area; where in the area particular special powers may be exercised; and when particular special areas may be exercised; and to prescribe any restrictions that apply to access to the core security area or a part of the area and any conditions that apply to entry to the core security area or part of that area.

**Ms M.M. QUIRK:** I think we have established that it is the intention that authorised persons, especially those who are not police officers, will have some sort of instrument of authorisation, which may vary. For example, a contractor from Macmahon who might be authorised for the purposes of putting up barriers for road closures will not need powers necessarily relating to frisk searches.

**Mr R.F. Johnson:** This clause only limits authorised persons' powers; it does not extend any powers. That is the whole point of it.

**Ms M.M. QUIRK:** I have not finished. The minister is keen to get this bill through, but the minister is creating a delay, frankly, by interrupting me. Given that this declaration, which is in the *Government Gazette* rather than in the legislation, may potentially curtail powers of certain persons almost on an individual basis through the authorisations, if the community sees someone walking around in a core security area, how does the community know what the ambit and the scope of the powers of that person are? Does it go back to the "flavour of scope" as parliamentary counsel said? I do not think it is unreasonable for people to have an expectation in their minds of the extent of the powers that someone is purporting to exercise. I think this reinforces that there could be considerable variation of the perceived extent of the authority of personnel who are in some way authorised.

**Mr R.F. JOHNSON:** Can I just say initially, at all times those individuals will be under the directions of the police. The powers will be limited specifically to whatever job those security officers may be doing. They have to be licensed security officers, and licensed security officers understand that they have limited powers. The limitation of those powers depends on what job an authorised person is doing. Some authorised persons will need slightly more powers than others. They would be able to ask for the names and addresses of the people who may be trying to —

Mr Rob Johnson; Ms Margaret Quirk; Mr Bill Johnston; Mr Peter Tinley; Dr Tony Buti; Mr Andrew Waddell

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**Ms M.M. Quirk:** So a Macmahon's contractor can ask for someone's name and address. On what basis could they do that, when all they are supposed to do is, for example, close the road?

**Mr R.F. JOHNSON:** Exactly as I am advised, if that power is not necessary for the job the security officers are doing, they will not be given that power. However, if that information is needed for a job that somebody else might be doing, they will be given that power by police. Security officers will be overseen by police at all times. As the assistant commissioner has just reminded me, the communication plan that the public will see and know about will explain the powers that these special security officers will have. The powers will be specific to an area and to a specific job being done on behalf of WA Police.

**Ms M.M. QUIRK:** I am in awe of the minister's confidence in and optimism about these matters. It is the opposition's job to look at cases in which these sorts of checks and balances can break down to minimise that happening. The minister is in the process of putting on 150 auxiliary police officers whose role, the minister has said, will principally be an administrative one and whose uniform will be slightly different from that of a fully sworn police officer. Does the minister agree?

**Mr R.F. Johnson:** It is only slightly different.

**Ms M.M. QUIRK:** Therefore, the members of the public who come into contact with these auxiliary officers will understand that those officers may not be in the position to use the full range of police powers and that their appointment is limited and restricted. Would the minister accept that that is part of the reason for having some differentiation?

**Mr R.F. Johnson:** Yes, and that is why "auxiliary" appears on their uniform badge.

**Ms M.M. QUIRK:** My issue, minister, is that there will effectively be no differentiation, and that there will be a number of people purporting to exercise police powers all over Perth. Unless people have a copy of the authorisation, they will not know how that person is authorised to act. I am saying that there is no capacity for members of the public who come into contact with these people to know whether they are being asked to do something within the scope of that person's responsibility.

**Mr R.F. JOHNSON:** These officers will be used only in security areas. The public will be informed about these officers when they enter a security area. They might be auxiliary officers; I do not know what the commissioner has in mind. But in many cases they will be licensed security officers—not police officers, not auxiliary officers, but licensed security officers—and the powers for those officers will be limited. Once people choose to enter a particular security area, they will be informed—in part, by the police communication plan and police advertising—that on entering that area they will be subject to a metal detection scan and may be asked to provide information such as their names and addresses.

**Ms M.M. QUIRK:** Perhaps I can use a hypothetical. Is it not true that these officers will exercise their powers not only in these certain areas, but on the boundary of these areas? A young lady may be outside a security area attempting to gain access to a building—because she works there or lives there—and the security guard, who likes the look of her, decides to take not only her name and address, but possibly her phone number. He might not be authorised to do that, but she does not know that. How will she know? This is relevant, minister, because —

**Mr R.F. Johnson:** The area will be supervised by the police and she can turn to the police if she has any concerns at all. A police officer will supervise those areas. The security officers are not outside the security area. They are on the boundary. It will be quite clear that a person who wants to enter the security area will be subject to a metal detector scan and various other things.

**Ms M.M. QUIRK:** They are all reasonable steps. However, I am referring to a situation in which a security officer clearly acts beyond the scope of his role—one might say his motives are not pure—and that not unreasonably someone hands over a phone number not thinking anything more of it. But that security officer is behaving in a quite improper and highly inappropriate manner that may even be a precursor to a criminal offence. This is relevant, minister, because under this legislation, the capacity to review any action taken above and beyond the scope of the security officer's authority is not open to investigation or legal challenge.

The member for Swan Hills might like to go outside; he is engaged in earnest conversation and I am finding it a little distracting.

**Mr R.F. JOHNSON:** The security officers are not acting independently; therefore, I do not think the member's concerns would come to fruition. Police officers will be there to supervise. The scenario the member has suggested could be just as easy for a police officer; some police officers do not always act appropriately.

**Ms M.M. Quirk:** But that is subject to internal investigation and, possibly, a review by the CCC; none of which will happen in this case.

Mr Rob Johnson; Ms Margaret Quirk; Mr Bill Johnston; Mr Peter Tinley; Dr Tony Buti; Mr Andrew Waddell

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**Mr R.F. JOHNSON:** If a licensed security officer were to act inappropriately, he is almost certain to lose his licence because he comes under the jurisdiction —

**Ms M.M. Quirk:** But we might not find out about that until later—if at all.

**Mr R.F. JOHNSON:** And we might not necessarily find out about a police officer who acted inappropriately. I do not believe this scenario will happen. The security officers taken on will be told in no uncertain terms the limitations of their powers and there will be no reason for them to ask for a telephone number. If a member of the public believed the request to be appropriate—I think it inappropriate—I think the member would find that the supervising police officer would take some action against the security officer.

**Ms M.M. Quirk:** I am sorry; I do not mean to labour the point. However, I am having some problems with the word “supervising”. I thought these additional security officers were required because police are a bit thin on the ground. I understand that something like 700 police officers have been brought in from elsewhere. I thought—because things were spread thinly and because of the challenges of all the checks and balances that need to be put in the CBD with the other activity going on—that it was necessary to have security officers not linked to the police doing this work. If a police officer has to stand by to supervise every action of every security officer, we may as well have the coppers doing the job.

**Mr R.F. JOHNSON:** I will stand, but I think that I have already answered the member’s question. Quite honestly, the security officers will be given only the powers they need; they will be supervised by the police and —

**Ms M.M. Quirk:** Can you tell us what supervision means? Will it be a one to one ratio or will it be a one to four ratio?

**Mr R.F. JOHNSON:** No, I would not think that it would be a one to one ratio. The whole purpose of using these licensed security officers, who are very often used for this type of event, is so that we can keep as many of our licensed police officers doing the jobs that need to be done during CHOGM.

If any security officer acts inappropriately, the commissioner can cancel that person’s —

**Ms M.M. Quirk:** That is if he finds out about it.

**Mr R.F. JOHNSON:** I have faith in our police keeping a good watch on what the security officers are doing. There will be not only police officers, but CCTV that will be watched. I believe all sorts of things will come into play while CHOGM is here. I do not want to go into too much detail about what sort of equipment the police will use, but I can say that the police will use a lot of sophisticated equipment to monitor what is going on—very, very clearly. A police officer will be there and there will be some CCTV coverage in certain areas. I hope that the member agrees that it would be irresponsible of me to advertise exactly what we are going to do.

**Ms M.M. QUIRK:** I will not press my point, because, again, I think the minister does not appreciate the subtlety of these situations. I think his confidence in security officers is not well placed.

**Mr R.F. Johnson:** My confidence is in the police.

**Ms M.M. QUIRK:** It is not well placed. Although it is a while since I have been to a nightclub, anyone who has tried to go into one knows that the people on the door are so-called security officers. Let us face it; they can make very arbitrary, very ad hoc decisions, have poor anger management, and a whole lot of problems. As the minister well knows from his role as police minister, these so-called minor incidents have the potential to escalate.

**Mr R.F. Johnson:** Yes, but this clause is about restricting their powers. Are you arguing against restricting their powers?

**Ms M.M. QUIRK:** No. What I am asking is: how will people know that someone’s powers are limited? Short of wearing their authorisation around their neck, people will not know. If the minister just concedes that, we can move on.

**Mr R.F. Johnson:** There will be a communication plan and strict supervision, and they will not go beyond that.

**Ms M.M. QUIRK:** My colleague just made a very cogent point to me. Will those security guards be drug-tested? I know that they will undergo a week or so of training, but what other checks and balances will be made to screen them?

**Mr R.F. JOHNSON:** It will be all the normal ones that are in place now.

**Ms M.M. Quirk:** Which are what?

**Mr R.F. JOHNSON:** As the member will be aware, police have the authority under legislation to drug-test security officers, particularly crowd controllers and bouncers at nightclubs. We have lots of security officers who

Mr Rob Johnson; Ms Margaret Quirk; Mr Bill Johnston; Mr Peter Tinley; Dr Tony Buti; Mr Andrew Waddell

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do a great job of protecting buildings in Western Australia to ensure that people do not break into them, do not put a bomb in them and do not set fire to them. There are a lot of hardworking security officers out there. They will be vetted in general terms before they are taken on as part of the CHOGM team, if I can put it that way. They will have some extra training. If the police have any concerns that a security officer might be taking drugs, they will obviously take action. The Commissioner of Police does not need any grounds; he can just cancel their contract to do it.

**Ms M.M. QUIRK:** I just make the final point, minister, that a lot will be going on. We all know that it is going to be colour and movement. I think the capacity to take prompt action against a person will be very limited. The restriction in this legislation on the capacity to subject people to investigation and the restriction of the liability of these persons is an official admission that the minister will not be able to control all this stuff. I am sure that his intentions are good. I am sure that people's motivations are excellent. But, at the end of the day, we are going to have some incidents irrespective. One of the checks and balances is for the people who will have to deal with these officers to know the ambit or scope of their powers.

**Clause put and passed.**

**Clause 8: Additional security areas —**

**Ms M.M. QUIRK:** This clause deals with the power to declare additional security areas. It might have to be done at short notice, and so there would be no capacity to go through the normal channels. With the approval of the minister, an additional area can be declared for a specified time and place. It is when some exigency that was not predicted arises and it is necessary to declare an additional area but not go through the same process.

**Mr R.F. Johnson:** Yes, you are quite right.

**Ms M.M. QUIRK:** The incident that comes to mind was at the Asia-Pacific Economic Cooperation group meeting in 2007. I think George Bush decided that he would go for a wander or a bike ride around Sydney, which had not been anticipated, and I gather it caused some degree of difficulty. If, for example, the Queen decides to go to the hockey at the last minute —

**Mr R.F. Johnson:** No. It comes back to a CHOGM event as outlined in clause 3.

**Ms M.M. QUIRK:** If that is not a CHOGM event or, one might suggest, an associated event —

An opposition member: A parallel event.

**Ms M.M. QUIRK:** Yes, or a parallel event.

**Mr R.F. Johnson:** A bike ride and a karaoke night are not CHOGM events in the circumstances that you have described.

**Ms M.M. QUIRK:** I will use another example. The formal meeting of foreign ministers would be a CHOGM event and would be declared. From what the minister has told us, if there were to be a dinner for the ministers—it is a bit like ministerial council meetings; there is usually a dinner on the night before or on the night of the meeting—it would not be subject to these security controls. Let us say that intelligence comes in indicating that the foreign minister for the Seychelles is under imminent threat from an obscure terrorist group. The minister might want to declare the restaurant that they are going to a security area for the purpose of that dinner. Is the minister saying that he will not be able to do that because it is not an official event?

**Mr R.F. JOHNSON:** The advice is that it is not about the person; it is about the event. If the state government decides to host a dinner for all foreign ministers, as the Premier has suggested might well happen, that will become an event related to CHOGM, because it is the whole event. If the Premier or I, or anybody else for that matter, wanted to take somebody from the Seychelles out for dinner, that would not be a CHOGM event. There may be advance notice of this. I am not aware of some of the social events that will take place. My concern is for the security of CHOGM. Quite clearly, there could be some changes to the program at the last minute. It might be decided that an additional event will be held, in which case we would have to make a decision on whether that activity would be a CHOGM-associated event whereby the special powers would need to be exercised. We would have to declare it by regulation and gazette it. For instance, if we had declared a building to be a security area but it burnt down at the last minute, we would have to move the event. We would have to make a very quick decision to declare another area so that the event could be held elsewhere. I know it is an extreme example, and hopefully it will not happen, but that is when there must be the ability to declare at very short notice designated areas for a CHOGM event or an associated event.

**Ms M.M. QUIRK:** Is the minister saying that the rationale for having this power to declare additional security areas will be related to some physical impossibility rather than an upgraded security assessment? That is what I am interested in.

**Mr R.F. Johnson:** It could be both.

Mr Rob Johnson; Ms Margaret Quirk; Mr Bill Johnston; Mr Peter Tinley; Dr Tony Buti; Mr Andrew Waddell

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**Ms M.M. QUIRK:** The minister said that it does not apply to the person; it applies to the event.

**Mr R.F. Johnson:** It applies to the event. If there is an upgrade in security information for an event that is taking place, yes.

**Ms M.M. QUIRK:** It does not apply to the person. If it is a non-CHOGM associated parallel event, the police and the Australian Security Intelligence Organisation would just use their normal powers, and they would not have access to these additional powers.

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

**Mr W.J. JOHNSTON:** I refer to subclause (4). The minister might listen, and then he might be able to answer the question instead of rabbiting on about other things.

**Mr R.F. Johnson:** Why are you so rude?

**Mr W.J. JOHNSTON:** I am only ever rude when the minister is.

**Mr R.F. Johnson:** I never said a word to you. You just had to make a rude comment about me.

**Mr W.J. JOHNSTON:** The minister was mumbling under his breath. I heard what he said.

**Mr R.F. Johnson:** I was getting some advice.

**Mr W.J. JOHNSTON:** I know what the minister said. Subclause (4) provides —

The Commissioner may declare an area to be an additional security area only if the Commissioner is satisfied that declaring the area to be an additional security area will substantially assist in promoting the security or safety of a CHOGM event, people attending the event —

I assume that “the event” is CHOGM —

or the public or in preventing or controlling a public disorder.

Is that right?

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

**Mr W.J. JOHNSTON:** The public is not related to the CHOGM event at all, and neither is preventing or controlling public disorder. Let us understand what this legislation does. The police could underestimate the number of people who attend a big demonstration on The Esplanade, for example. As my colleague the member for Willagee pointed out, the police in Seattle did not conduct their intelligence properly and the demonstration was much larger than they were expecting. This bill authorises the Commissioner of Police to declare that area an additional security area, and the powers will come into play.

Debate interrupted, pursuant to standing orders.

[Continued on page 2129.]