CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2023

Second Reading

Resumed from an earlier stage of the sitting.

MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary) [3.00 pm]: Before question time, I had gone through the sovereignty of Parliament and parliamentary privilege. I would now like to turn to the next point that I want to traverse before concluding my contribution, and that is the role of parliamentary committees. I will quote from a booklet that I received soon after my election in 2017 titled *Committee practice and procedures: A guide for members of the Legislative Assembly*. It says —

> Parliamentary committees are made up of members of Parliament and assist Parliament in its scrutiny and review functions by holding inquiries into complex issues and reviewing the work of statutory authorities or government agencies. Committees report their findings and recommendations to the House.
>
> The Assembly committee system is now well established and many members find committee work to be a challenging, stimulating and rewarding aspect of their role as a member of the Assembly. While committee membership brings greater responsibilities and an increased workload, it also offers members increased opportunities to make a significant contribution to the work of the Parliament. Through the inquiry process committee members are able to work in a co-operative manner with their parliamentary colleagues. This process also allows members to develop an in-depth knowledge and understanding of important and complex issues.

As I was saying before question time, I was privileged to participate in an outstanding committee during the fortieth Parliament, the Public Accounts Committee, chaired by the member for Armadale.

Dr A.D. Buti: And I was privileged to be on it with you!

Mr S.A. MILLMAN: Thank you, member for Armadale. The minister will recall that we undertook some investigative travel to New South Wales, Victoria and the Australian Capital Territory. I will quote from our 2017–18 annual report. It states —

> The enhanced knowledge and appreciation of the PAC role gained through this travel enabled us to better contribute to the process of identifying and appointing a new Auditor General for Western Australia. This appointment process was undertaken by the Treasurer, Hon Ben Wyatt, MLA. It took place through the second half of 2017, and ultimately resulted in Ms Caroline Spencer being appointed to the position for a 10-year term … We welcome … appointment …
>
> Schedule 1 of the *Auditor General Act 2006* … outlines a range of requirements associated with the appointment of an Auditor General. These include the requirement that the Treasurer 'consult with the Public Accounts Committee … as to the appropriate criteria for selection for appointment,' and again with the PAC prior to an appointment being made. While the Act does not specify what level of consultation is required with the committee, we were pleased to receive invitations from the Treasurer to provide feedback both in respect of the proposed selection criteria, and later in respect of the nomination … This enabled us to draw upon what we learned during the meetings in Sydney, Canberra and Melbourne, and to establish a strong and informed relationship … soon after her appointment.

The reason I make that point is that this was a multiparty committee. It was made up of members of the Labor, Liberal and National Parties. Over the course of the fortieth Parliament, every report that this committee handed down was unanimous. That shows exactly how a well-functioning committee, exercising its parliamentary privilege and the sovereignty of Parliament, can operate. I think all those elements need to be taken into account when having regard to the selection process proposed in the bill.

I want to turn now to clause 6, which seeks to insert new section 9A. It deals with the appointment of a commissioner and a deputy commissioner and states —

> (1) The Commissioner and Deputy Commissioner must be appointed on the recommendation of the Premier by the Governor by commission under the Public Seal of the State.
>
> (2) The Premier can recommend the appointment of a person under subsection (1) only if the following requirements are satisfied —

There are two gates that the Premier needs to go through before the appointment can be confirmed by the Governor —

> (a) the person's name is on a list of 3 persons that is submitted to the Premier by the nominating committee under section 9B(1);
>
> (b) if there is a Standing Committee —

(i) the Premier has given the Standing Committee notice of the proposed recommendation …

(ii) the Standing Committee has not vetoed the proposed recommendation …

(iii) the period determined under section 9C(3) has ended;

It will be a two-stage process.

The DEPUTY SPEAKER: Sorry, member for Mount Lawley. There is a lot of background noise going on at the moment. If you would like to have a conversation, please do it quietly or take it outside the chamber.

Mr S.A. MILLMAN: It is a two-limbed process. The committee will still have a role to play. When I think about the Joint Standing Committee on the Corruption and Crime Commission, I think about the work that it did over the course of the previous Parliament and some of the reports that it provided. Under the chairmanship of the member for Landsdale, the joint select committee provided reports on the efficiency and timeliness of the current appointment process for the commissioners; the ability of the Corruption and Crime Commission to charge and prosecute; clarifying the legal composition and powers of the committee; the parliamentary inspector's report on the issuing of notices by the Corruption and Crime Commission; the execution of a search warrant; and unreasonable suspicion. It also provided the great report titled *Red flags…Red faces: Corruption risk in public procurement in Western Australia*. The then committee performed an incredibly important role and it consisted of people who took their parliamentary responsibility seriously.

This Parliament is placing a great deal of trust and confidence in the Joint Standing Committee on the Corruption and Crime Commission through these amendments, but it is not just the committee that plays a role in the appointment of the commissioner. Before the appointment even gets to that stage, it has to go through the nominating committee. The nominating committee is made up of no less than the Chief Justice of the Supreme Court of Western Australia, the Chief Judge of the District Court of Western Australia and a person appointed by the Governor of Western Australia who has the interests of the community of Western Australia at heart. They comprise the nominating committee. The outstanding legal acumen of the members of that committee who are required to put forward three names to the Premier already puts in place one safety check. That is enhanced by the role that the committee plays in the second limb of the appointment process. The clarification of the role of the committee provided by this amending bill will only serve to promote the work of that committee consistent with the objects in the committee practice and procedures document that I have outlined. I place on the record how impressed I am with the way in which the legislation has been formulated by the Attorney General, but also the way in which the former chair of the committee discharged her functions during the fortieth Parliament in what was a very difficult time.

The final point I want to make before concluding is that this legislation will finally give effect to a recommendation made by the joint standing committee in successive reports in 2011, 2012, 2014 and 2020. The recommendation for the appointment of a deputy commissioner has been made four times. Unsurprisingly, for all the reasons that the member for Cockburn went through, the reluctance of the conservative parties to give more power or work to the CCC was on full display. There was absolutely no response to the reports in 2012 and 2014 from the conservative parties when they were in government. In 2020, the recommendation was made in the midst of the COVID pandemic, and not more than two years later, the Attorney General has responded to those reports and has brought forward the legislative amendment that will give rise to the appointment of a deputy commissioner. The trouble is, when we saw a former Nationals WA member being stripped of his role as a member of Parliament today, and when we saw Phil Edman and all the salacious and scandalous activities he got up to, we can only wonder whether the expanded workload of the Corruption and Crime Commission is a result of the behaviour of conservative political party members in Western Australia! Far be it from me to make that suggestion. Clearly, the CCC's workload is increasing and it needs a deputy commissioner. For that reason, I think this amending legislation is timely and will give effect to a very sensible recommendation that has been made on a number of occasions.

This is a government that recognises the important issues of principle—the idea of the sovereignty of Parliament, the idea of parliamentary privilege and the role of parliamentary committees. This is a government that is strong and confident, knows where it stands in the world and knows what its philosophical foundations are. We can give more powers to the body that investigates the government and government agencies, and that can be done because we know that we are doing the right thing. We are the only government that could do this, we are the only government that could strengthen the CCC, and we are the only government that could implement the role of deputy commissioner. For that I commend those who continue to advocate for the fundamental principles that are so important to us: the sovereignty of Parliament, parliamentary privilege and the role of parliamentary committees. I commend the executive arm of government for making sure that the people of Western Australia are well represented and that their interests are well looked after. For those reasons, I have no hesitation in commending the Attorney General and commending the Corruption, Crime and Misconduct Amendment Bill 2023 to the house.

MS M.M. QUIRK (Landsdale) [3.11 pm]: It goes without saying at the outset that any improvement in the way in which the Corruption and Crime Commission functions or in which the legislation is drafted and interpreted is to be commended. I want to make a couple of relatively arcane comments, but this is really my first opportunity to speak on these matters since my rather peremptory departure from the Joint Standing Committee on the Corruption and Crime Commission. It is after lunch, so I apologise for going into this arcane excursus on some fairly technical issues in respect of the relationship between the Corruption, Crime and Misconduct Amendment Bill 2023, the CCC and the oversight committee of Parliament.

The first point I want to make—I have the permission of the Procedure and Privileges Committee to mention this—is about an issue I raised with that committee earlier this year. I was of the view that the committee should consider minor amendments to the standing orders to ensure more seamless operation of the Joint Standing Committee on the Corruption and Crime Commission in the future. As it has turned out, this legislation has obviated the need for those amendments to the standing orders, but as I explain my suggestions, members will see how they could have obviated the drama, fanfare and hoopla we had over what was considered to be an impasse.

Standing orders 288 to 292 set out the requirements for the Joint Standing Committee on the Corruption and Crime Commission. Under standing order 289, its functions are to —

> (a) monitor and report to Parliament on the exercise of the functions of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission;
>
> (b) inquire into, and report to Parliament on the means by which corruption prevention practices may be enhanced within the public sector; and
>
> (c) carry out any other functions conferred on the Committee under the *Corruption, Crime and Misconduct Act 2003*.

Membership is set out under standing order 290, which states —

> The Joint Standing Committee will consist of four members, of whom —
>
> (a) two will be members of the Assembly; and
>
> (b) two will be members of the Council.

By convention, that usually means two members of the opposition parties and two members of the government. On the last occasion I was on that committee, there were two Assembly government members, one Council member of the Liberal opposition and a Council member of the Greens, so that was, in a sense, a departure from convention. Those are the relevant standing orders. Members will note that there were four members of that committee—not, as with other joint standing committees, five members. It has been said on numerous occasions—I have searched *Hansard* for this—that there were four rather than five members of that committee for the reason that it was hoped and intended that the committee would work on a consensus basis. That is why it had four members rather than five—because it was the hope of those who created the committee and the legislative regime that consensus would occur on most occasions, and certainly, in my experience over the years, it did; but as I have said, we have now moved into new territory.

For obvious reasons I am prohibited from disclosing what occurred during the deliberations relating to Commissioner McKechnie and I do not think it would be particularly productive to canvass those issues again. As I said, I am precluded from doing so, and I was very saddened that that was not the stance taken by every committee member who should have complied, to the letter, with our requirement to not disclose committee deliberations, but that is history.

I make the point that there is no provision in the existing standing orders for a casting vote. With regard to the impasse that occurred on that occasion, instead of passing a special bill that actually named the existing commissioner, as we had to do in 2020, we could have come to this place and changed the standing orders to empower the chairman with a casting vote. That structural inefficiency could have been easily remedied via that course and we would not have had to go to Parliamentary Counsel to wait for the bill to be drafted and all the glacial processes that seem to be associated with drafting legislation in this day and age. I am concerned that that was never considered; it would have been a quite easy and flexible way of dealing with that situation, but it was never addressed or even considered.

The equivalent federal act, the National Anti-Corruption Commission Act 2022, has provisions relating to the parliamentary oversight committee in part 10, division 1. Under section 173(5), the chair of that committee is not only given a deliberative vote but also a casting vote, if there is equality of votes. I also understand, from extraneous material that I have read, that this section was specifically inserted to avoid what occurred in this state. It is worth noting that the role of the oversight committee in appointing the commissioner, deputy commissioner and inspector are set out under section 178. I would like to put it on the record that we could have dissolved what became a heated and controversial issue through a mere amendment of standing orders when the government had a good majority and could easily have passed those changes without dissent.

This is probably contestable, but I think it is also arguable that under section 9 of the Corruption, Crime and Misconduct Act, as it applied prior to amendments, although the Premier had to go to the oversight committee—there is reference to the support of the majority of the standing committee and bipartisan support—only consultation was required. As we have seen in a vast array of legislative provisions that consultation occurs, consultation is most often honoured in the breach. If people had complied with their duties in terms of disclosing what happened or did not happen in the committee, the Premier may well have been free to proceed with an appointment irrespective of what the committee decided or whether there was bipartisan support. As I said, that is probably arguable. I really want to stress the point that that problem could have been much more easily resolved by virtue of an amendment of standing orders.

I want to raise a second matter. I am very mindful of the sub judice rule and the prospect that in the future indictments may be filed again, but I want to make some general observations about a recent matter. As I said, I am mindful of the prosecution against Mr Anthonisz—I apologise for my pronunciation. The Attorney General mentioned in the estimates hearings that this case may well be reinstated at some later point. But I want to make the point that I do not think the Corruption and Crime Commission is particularly adept at managing expectations. A report came out in 2021 about the investigation of Paul Whyte—sorry, the report came out earlier than that. We know that over 500 charges were laid and millions of dollars in the public purse were involved. People made the reasonable expectation some years ago that that would ultimately lead to the prosecution of all people involved.

As it turned out, Mr Whyte pleaded guilty, so that was helpful. In terms of the wealth that was supposed to be secured, the expectation was over $20 million could be recovered. We are way shy of that at the moment. For example, Mr Whyte's brother, Mr Ronald Whyte, has —

> … consented to an unexplained wealth declaration for $450,000. His unexplained wealth was received in connection with the criminal offending (corruption and property laundering) of his brother, Mr Paul Whyte.

Mr Ronald Whyte was to forfeit $350 000 cash and his entire interest in his late father's estate. The press release continues —

> The recovery of $450,000 is in addition to the $131,972 that Mr Whyte voluntarily repaid in separate prosecution proceedings …

I make the point that there is a lot of publicity, fanfare and hoo-ha about the initial report, but the hard work still needs to be done. It was estimated that Mr Whyte had secured more than $22 million of assets by virtue of these offences, and although freezing orders were sought in an expeditious fashion, a mere fraction of that amount has been recovered.

How is it that a media report can go out and we can say this is horrendous and the worst case of public sector fraud in Australia, involving millions and millions of dollars, but we have to ask, had Mr Whyte not pleaded guilty, whether that matter would still have got to court? The last annual report of the Corruption and Crime Commission, 2021–22, says that there are $10.9 million in assets frozen—that is for every matter not only the Whyte matter—and $1.7 million was obtained under confiscation orders. Again, although I admire the ambition of the CCC, what it is delivering is way short of that.

I mentioned Mr Anthonisz. I should ask the Attorney General how to pronounce that. As late as February this year, Mr Anthonisz appeared in the Supreme Court on charges relating to his alleged association with Mr Whyte and he pleaded not guilty. There was an election to be tried by judge alone because it was conceded that complex commercial evidence would be led and a jury would have some difficulty with that. I have no problem with that at all. But in May this year, the prosecutors dropped more than 500 charges against the alleged accomplice of corrupt WA public servant Paul Whyte, and he was due to stand trial in July this year. The Director of Public Prosecutions' representative, prosecutor Michael Cvetkoski, revealed there was a breakdown in understanding with WA police of what was required to be presented in the evidence.

For those who are unfamiliar with this area, much of the evidence secured by the CCC is done so under compulsion and, therefore, is inadmissible in courts of law. When the CCC finishes an investigation, there is a need to obtain additional evidence that is admissible in courts. I can speak from experience from my time at the National Crime Authority. Although we had people from whom we compelled evidence by virtue of hearings—I was a lawyer—we worked in parallel with police at that time in those compulsory processes to ensure that we were concurrently securing evidence that would be admissible. We did not get to the end of the investigation and say, "Okay, it all starts again. The clock starts again."

I have some sympathy for the police and the false expectation that was given, I think, when the CCC announced the successful investigation against Mr Whyte and the way forward, because it did not say or make it clear that there was still much work to be done by police before the matter could go to trial. When the charges were dropped, Justice Joe McGrath described the situation as most unsatisfactory.

[Member's time extended.]

Ms M.M. QUIRK: Three and a half years ago, Mr Anthonisz was charged, and it is only this year that the case was dismissed. There are some allegations that the police handled the matter badly and did not allocate enough resources towards the matter. Commissioner Blanch tried to justify that by saying it was due to the complex nature of the work involved to build the case. He said there was a breakdown in communication between WA police and the prosecution team and that he would investigate that, but he said that he did not believe WA police were to blame for the case falling over. The DPP seems to be sitting around and waiting for police to finish the brief; the CCC has raised expectations; and, somewhere along the line, communications between police and DPP have disintegrated such that there does not seem to be any common thread or linear movement of the case forward so that it could go to court. I am very conscious that hard cases make bad law, but I am also conscious that it was known from day one that this was a complex case. I worked in a position working with both police and the Director of Public Prosecutions on cases that lasted for years. We were in regular consultation with not only the police, who were being asked to go out and get the evidence, but also the DPP, who would ultimately have to prosecute, to ask what should be in the brief. It is clear from what is publicly available that there was a real failure in communication in this case. It is my fervent hope that the Joint Standing Committee on the Corruption and Crime Commission will take the time to do an inquiry into why this occurred. I do not expect people to just walk away from this without some assessment of how things can be done better in the future.

The former Premier voiced his disappointment when asked about this issue in May this year. He said that it was most unfortunate. The former Premier had said that no stone would be left unturned when he ordered the corruption watchdog to look into the rort back in 2019, and he was disappointed by the decision and intended to take the matter to the Attorney General, John Quigley. Obviously, this is probably sensitive and I do not anticipate that the Attorney General will be able to talk about it today, but, as I said, this is very basic stuff and I query how this occurred. I am heartened that the Attorney General indicated in estimates that the matter is not necessarily dead and dismissed for all time and that there was an ongoing investigation with a view to restoring the charges, but underlying all this is the issue that has been raised by counsel for Mr Anthonisz that if too much more time expires, any assertion of abuse of process would be entertained by the courts.

I think the Corruption and Crime Commission needs to modify its reports when it finishes its investigations so that all are aware that there is still a long way to go before a matter can go to court. The police and the DPP also need to work hand in hand and much closer from day one that it is decided that a matter will proceed to investigation and it is likely that charges will be able to be brought. Finally, there needs to be continuity. One of the complaints of the DPP was that police involved in the investigation moved on to other areas, so there was no continuity. It was just a most unfortunate comedy of errors. As I said earlier, I hope that the joint standing committee, in its oversight role, calls witnesses and we discover why this debacle occurred. Next time it looks like we will need legislation in relation to a matter, maybe we should go to the standing orders to see whether it can be quickly and expeditiously resolved.

DR D.J. HONEY (Cottesloe) [3.33 pm]: I indicate at the outset that I am opposed to the Corruption, Crime and Misconduct Amendment Bill 2023 for the fundamental reason that I believe it will undermine the integrity of the role of the Corruption and Crime Commissioner. I also indicate that I fully support the recommendation, as outlined by the member for Mount Lawley, that the position of deputy commissioner be created to not only share the workload of the Corruption and Crime Commissioner, but also in effect be the commissioner when there is a vacancy for the substantive role. Given that certain powers sit with the commissioner that cannot be delegated, it makes sense to have that position. However, I believe the removal of the requirement for bipartisan support will fundamentally undermine the integrity of the appointment of the commissioner, which in turn will undermine the integrity of the commission itself.

I think some members, including some new members, do not understand the role, history, sheer power and importance of the CCC to our whole system of government. I am always interested to hear from the member for Landsdale, who is learned and educated in this area—much more so than I will ever be. However, I was extremely disappointed in the contribution from the member for Cockburn. Whether or not I agree with that member's contributions in this place, I generally accept that he puts considerable rigour into his contributions. I am not going to go into that at length, but I will talk about some points. I also note that he has a new baby in his house and he is adjusting to that, so I will give him the allowance that he perhaps could not put as much effort into the contribution he made this time because of that arrival. I congratulate the member and his partner on the arrival of their first baby. It is an exciting time for any family.

What is the role of the CCC? I think it is worth going through that. An extract from the CCC website, under the "About us" section, states —

> The Commission assesses, investigates and exposes serious misconduct in the Western Australian public sector and misconduct and reviewable police action in the Western Australian Police Force. It may also assist the Western Australian Police Force to combat the incidence of organised crime when required.

It goes on to talk about some of the detail —

> The Commission directs its efforts to areas where the risk of serious misconduct is greatest. Its investigations, public and private examinations, and reports, expose corruption and encourage agencies to implement practices that minimise the risk of serious misconduct …
>
> The Commission has jurisdiction over Western Australian public officers which includes employees of Western Australian government departments, entities, statutory authorities and boards, universities and local governments.

It goes on to talk about revealing unexplained wealth, which has been used in some circumstances. Of course, not only does this body investigate integrity, but also one of the most critical roles that the CCC plays or should play—I am surprised it is not written here—is to hold the executive of government to account. We have heard various members talk in salacious terms about investigations of members of Parliament, but a critical role and one of the motivations for the modern manifestation of the CCC is to hold the executive of government to account. That is a crucial role. Why is it crucial? Members of this place may be able to ask ministers questions about how they and the executive government conduct their affairs and the affairs of government, but we have very limited insight into what is going on. Members of the opposition can access members of the public service only with the permission of the minister, and we can do that only when the minister or the minister's representative is present, or at least they have the option to be present. We have very little insight into the great majority of government activity. Particularly with this government, when we put in freedom of information requests, we typically get back more blank pages than any information from the government. It is very hard. It is massive. We are talking about a state government with a recurrent budget of around $30 billion. The capital budget does not quite double that but it is many billions of dollars on top of that. The executive government is responsible for spending that money. How it spends that money can have a dramatic impact on individuals and businesses—the wellbeing or otherwise of businesses. Decisions made by the planning minister, for example, could have a profound impact on the value of land held by a land developer. Therefore, it is utterly critical that the executive government—the ministers and the Premier—know that they are being watched. Their actions can be scrutinised and their telephones can be tapped if the CCC forms a view or is informed that corrupt behaviour is occurring. I think the summary that the CCC puts on its website should include that critical role of executive government. Most notably, the greatest failure of the executive government was the Burke Labor government and subsequently —

Mr J.R. Quigley interjected.

Dr D.J. HONEY: The Attorney General will have a lot of time to respond. I would appreciate him doing so then. It was the behaviour of the executive of a Labor government and ministers that led to changes and the manifestation of the CCC that we have now.

I will not go through an exhaustive history of the CCC, but the summary on the famous Wikipedia site lists its three main functions as a prevention and education function, a misconduct function and an organised crime function. There is an opportunity for the Attorney General to update that particular document. Nevertheless, it outlines some of the history and the compunction, in particular, of even journalists to give evidence to the CCC. It is an immensely powerful body. It has immense powers. It has immense covert powers. If it is investigating a person, that person cannot even tell their most intimate partner that they are being investigated. If they do so, they would be guilty of a criminal offence.

Mr J.R. Quigley: What about the Liberal, Mr Edman?

Dr D.J. HONEY: It is interesting that the Attorney General should point that out because we saw great fanfare from the CCC around that investigation but only one charge arose from it. I do not know whether that matter is before the courts. Is that matter before the courts, Attorney General?

Mr J.R. Quigley: I think so.

Dr D.J. HONEY: In that case, I will not comment on it. I will comment on the only charge that I am aware of that has arisen out of that entire investigation—the allegation that there was communication between parties that was subject to investigation. The CCC has enormous powers of covert investigation, powers to compel witnesses and even powers to compel journalists to give evidence and to disclose their witnesses and if they do not, be subject to penalties. This is no idle thing.

We can talk about the attack on proper process. As I said, I will not be overly harsh on the member for Cockburn but I will talk about some of the points that he mentioned. He commented that certain members have misread the politics on this. If someone is making principled decisions on this bill based on simply misreading the popular view out there in the community, then wither our democracy. The CCC is a profoundly powerful judicial body. Every member in here should be taking decisions based on fundamental principles of justice, around preventing corruption

at all levels of government, not misreading the room or considering whether a particular journalist has a view on this. They should be asking whether it stands the test of time in terms of the fundamental principles of propriety, not only in the way that this body goes about its work but propriety in the way that the most senior officers in this body are appointed, or officers under this new proposal because there will be two.

There was some discussion about an attack on proper processes. I will tell members where the attack on proper processes occurred in this place. They were the most disgraceful attacks on proper process by the Attorney General and the former Labor Premier. What an absolutely disgraceful, shameful effort on their part. Why? Let me put some facts on the record. When the Premier's nomination was put before that committee, it was not just one member who objected, as spoken about by a number of people here. We were told in this place by the chair of that committee that it was neither a majority nor bipartisan. The assertion—I have heard this by a number of speakers here—that one individual frustrated that appointment is simply untrue.

Despite the best efforts of the member for Kalamunda to disclose the proceedings of that committee—in part, he did—he had to be restrained by his colleagues and the Speaker at the time from doing so —

Mr P.J. Rundle: I remember it well.

Dr D.J. HONEY: I remember it well. It was a shameful exercise in this place.

Mr J.R. Quigley interjected.

Dr D.J. HONEY: It was a shameful exercise in this place, like the Attorney General's behaviour now.

As part of that whole process, the CCC wanted to look at the computers of members of Parliament. The President of the upper house at that time was Hon Kate Doust, who, as I have said before in this place and I will say it again, is a true parliamentarian. She was awarded Commonwealth Parliamentarian of the Year by the Commonwealth Parliamentary Association. She is a person of enormous integrity. As I said, I may not always agree with Hon Kate Doust on particular matters, but I have enormous admiration for the way she respects this Parliament and the maintenance of parliamentary privilege as a crucial part of our work—something that protects all of us in what we do.

What did this Attorney General and the former Premier do? They launched legal proceedings against the former President of the Legislative Council because she said the government cannot have willy-nilly access to the computers of current and former members of Parliament because there may be privileged information on those computers. Furthermore, she said, "I appreciate that information on those computers could be useful to the CCC and information that is not privileged should go to the CCC." She then suggested a process to do that—to appoint a retired Supreme Court judge to look at that material to determine what material was privileged and what material was not privileged and then give all that information to the CCC. That was the proper process to go through. Why? It was because Hon Kate Doust knew that maintenance of privilege is an important thing. She stood up for proper process in this Parliament. What was the tawdry, disgraceful, bullying response by this Attorney General and the former Premier? They launched legal action against her.

Mr J.R. Quigley: What was the legal action?

Dr D.J. HONEY: To gain access to that material. She ended up going to court. There were two court cases in relation to this matter.

In the end, we saw a proper process. The Attorney General can tell us all the details in a while. What a bullying and disgraceful effort. What did we see happen to the former President of the upper house? How did this Labor Party treat her? This Labor Party sucked her from her position. An outstanding parliamentarian—a parliamentarian of the year!

Mr J.R. Quigley interjected.

The DEPUTY SPEAKER: Members!

Dr D.J. HONEY: That is an improper process. It is disgraceful. The Attorney General can sit there with a smile on his face, but if he thinks that that is clever, that goes to the core of the failings of the Corruption, Crime and Misconduct Amendment Bill 2023.

Mr J.R. Quigley interjected.

The DEPUTY SPEAKER: Attorney General!

Dr D.J. HONEY: That goes to the core of the failings of this bill. Imagine that. Now, we have this farce that the Premier of the day puts up a recommendation and that recommendation is not agreed to by that committee, and somehow or other that is a cataclysmic event. That is exactly what happened to the former leader of the coalition government, and that is —

Mr J.R. Quigley: A corrupt Liberal wanted to get his own way.

The DEPUTY SPEAKER: Attorney General!

Dr D.J. HONEY: That is, former Premier Barnett made a recommendation for the head of the Corruption and Crime Commission, and the committee rejected that.

[Member's time extended.]

Dr D.J. HONEY: The committee rejected that nomination. Another nomination was put forward that was accepted and went ahead. That is the track record. There was no cataclysmic event. We do not know why two members of that committee considered that that appointment should have gone ahead. Members of the Labor Party tell me that the Attorney General is the brightest bloke in the room, that he has this enormous mind. Why does he debase himself by resorting to allegations with no substantive basis? He does not know what were the deliberations in that room, but he comes in here as the most senior lawmaker in this place and reduces himself to the level of someone at a bar, just making baseless and spurious allegations against people. It does him no service and it does this Parliament no service at all.

Mr J.R. Quigley: I'll have some good ones in 12 minutes.

Dr D.J. HONEY: The appointment to this position must be bipartisan. Why? It must be bipartisan because there can be no fault that the head of the CCC owes their position to the government of the day, the Premier of the day or the executive of the day. That is what we saw in this place. Against every other party, this government forced a bill through this Parliament to appoint the head of the CCC. I said at the time, and I say it now, unless I get verballed in the subsequent response, that I make no reflection whatsoever on the head of the CCC, but I do make a reflection on the process of this government, and the Premier of the day, who would brook no resistance to anything that he wanted. I look at the debates we have had in this place, when every member speaks. I vividly remember the Aboriginal Cultural Heritage Act debate. I am certain many members on the other side are passionate about it on a personal level, yet the Premier of the day said only one person other than the Minister for Aboriginal Affairs could speak on that bill. We saw the dictatorial style that the Premier applied then. As I said, we saw a partisan appointment that was made against the view of every other party in this Parliament. Unfortunately, that taints that position, which is a tragedy. I see a couple of people working in this room who know the current head of the CCC personally, and I know the current head of the CCC personally. The simple fact is that the government tainted that position by its actions. If this bill goes forward in its current form, that appointment will be tainted in the future. It must be a bipartisan appointment, because it must be clear to everyone that that position is not beholden to the Premier of the day, the executive of the day, or the government of the day, and the person who holds that position acts without fear or failure to hold all of us to account. This applies in particular to the executive of government, as it has so much control over money, and so much power. It has so much more power on a day-to-day basis than this government does. That is the failure of this bill. If we do not have a bipartisan appointment for the head of the CCC, and it is clear that the appointment is made by the government of the day, then it will remove the public's confidence that it is a bipartisan appointment.

This may suit the government now. It has ascendant numbers in both houses and it can do what it likes, which it does. However, it may well be that this will not suit members opposite in the future, and the boot will be on the other foot. Members opposite might have concerns about an appointment and they will find that this is not just a bill that will assist this government to get its way, it will assist any government to get its way. As I pointed out, the Joint Standing Committee on the Corruption and Crime Commission, with its powers as they are now constituted, has the ability, and has acted in the past, to block appointments, and that has gone through. This appointment process has been managed perfectly well for a long period of time. This is not just some head-of-department appointment, and obviously, head-of-department appointments do not come here. This is in the context of a powerful body with the most enormous coercive powers—some people even say it has totalitarian powers but, nevertheless, extreme powers to ensure that the government and all areas in the public sector are held to account.

I will go on to another area and respond to some of the comments from the Minister for Police, Hon Paul Papalia. What a lazy, baseless contribution he made to this debate! I go specifically to the assertions and attacks on my colleagues in the upper house. There is no basis whatsoever for the allegations and assertions he made. In fact, his assertions about my upper house colleagues somehow influencing or otherwise interfering with the Leader of the Opposition's decision to suggest an amendment on this bill are utterly and totally false. I have the permission of those members from my party room to say that it is utterly and totally false that my upper house colleagues exerted any influence or control over the Leader of the Opposition. I am not sure if the Leader of the Opposition was here for the Minister for Police's contribution and the assertions he made in relation to that, but they were offensive, insulting and utterly untrue comments that added nothing to the quality of this debate. It was not only insulting to the Leader of the Opposition, who I think anyone would recognise is a fearless individual in the way he goes about his work, but utterly false to allege that they in any way attempted to exert or exerted influence over anyone in the way this bill has been carried out.

I want to talk about a couple of clauses. In the Attorney General's second reading speech, there was an indication that this will be the beginning of a reform process for the CCC. In clause 6, new section 9A(2) refers to the Premier's recommendation to a standing committee; and in proposed section 9A(2)(b), "if there is a Standing Committee". Furthermore, proposed section 9C(4) states —

> This section does not apply if —
>
> (a) there is no Standing Committee …

I am not alleging that it is a conspiracy, but I would like to understand the purpose of that. Is it a portent that there is not going to be a CCC committee and that part of the changes that the Attorney General is going to make will get rid of the standing committee, or is it simply a catch-all in the unlikely event that a committee is not there?

Mr J.R. Quigley: The latter.

Dr D.J. HONEY: I am pleased to hear it. As I have said, the government has the numbers and it can force this bill through this place.

Mr J.R. Quigley: We will.

Dr D.J. HONEY: Clearly—like it has with all its bills, including the Aboriginal Cultural Heritage Bill.

Mr J.R. Quigley: We've got that coming too.

The DEPUTY SPEAKER: Members!

Dr D.J. HONEY: If the government does that, what we will see in the near future is more of the same; that is, the Premier—actually, I do not think this Premier will do what the last Premier did, but who knows?—and the Attorney General of the day will simply make whatever choice they like to suit their purposes and taint the position as being a partisan position. It will not be a position that has the support of all sides of Parliament, nor will the person in that position be able to act without fear or favour in the way that they do their work, because they could potentially be appointed purely at the behest of one side of Parliament. I think that would be a fundamental degradation of the standing of the head of the Corruption and Crime Commission. I hope the government does not continue to do it. As I have said, I fully support the logic and reasoning behind the appointment of a deputy commissioner. I think that is a sensible move, but in terms of the principal parts of this bill, that is the only part that I support; otherwise, I oppose the bill.

MR J.R. QUIGLEY (Butler — Attorney General) [4.01 pm] — in reply: Thank you, Deputy Speaker, for your forbearance during my perhaps untimely interjections. I will plead provocation by the misleading statements made by the Leader of the Opposition and the member for Cottesloe. What has brought us to this point is that which the Leader of the Opposition and the member for Cottesloe deny over and over; that is, the reappointment of the Honourable John McKechnie, KC, was stymied by a corrupt Liberal, Jim Chown, who was on the standing committee and under investigation. We know that. We know that the two Labor people on the committee supported the nomination that had come forward to the committee by the nominating committee comprising the Chief Justice, the Chief Judge and the Governor's nominee, all of whom put up three names, which included the commissioner, Honourable John McKechnie, KC. We know that, from those three names, the Premier, in accordance with the act, put up the name of Honourable John McKechnie, KC, for reappointment. He had been uncontroversial during his term. He had not done anything other than his job of investigating matters that had come to his attention. He did not start off to investigate the Liberal Party. He was investigating a Western Australian agent in Tokyo, who we know was double dipping on his wages and smashed the Western Australian agency's car in Tokyo while inebriated and gave a false story about it. It was while investigating that matter—it had nothing to do with parliamentarians—and a telephone intercept and intercepting his emails that it came across that there was a coterie of Liberals, headed by Mr Edman, with two or three others, who were intent on visiting brothels in Tokyo on taxpayers' funds. In fact, one of them emailed the other and said, "We've got to do it before 30 June before the parliamentary imprest system closes for the year. Come up and get some Asian honey." That was a despicable reference to the exploitation of young Asian women serving in sexual servitude in brothels in Tokyo. It was not the sort of behaviour that we would like visiting Western Australian parliamentarians to engage in, but there it was. They were not being investigated initially. They stumbled into the investigation being carried out into a public servant of Western Australia.

This opened up a cache of allegations and evidence that did not lead to many criminal charges, but involved revelations that shocked the public. The revelations included the use of taxpayers' funds to go on a wine-tasting tour to the Barossa Valley and for "The Clan" to go to Tokyo, which was revealed to us all for the first time in that investigation, but it was known very well of course by members of the opposition. They knew of "The Clan". No-one else in Perth did. The hypocrisy! They used to say that the Labor Party was riven with factions. Yes, we are organised into groups. Everyone knows that. The groups meet openly at state executive meetings and the groups make different submissions on policy matters at the state conference, and the media will be present and will report on the different factions. No-one knew about "The Clan" or the "Black Hand Gang". They were as secret as a Masonic

lodge. They met in secret. They decided what to do in secret and they would use their numbers in the Council and within the Liberal Party to dictate policy and who would be preselected. Of course, that is why they were driven so far into opposition and decimated. We saw what members of "The Clan" did. They preselected weirdos who did not make it to voting day. They dropped out on the way because "The Clan" had preselected extremists.

That was not the point of the CCC investigation; it was just that the CCC had laid this open for the public. As a consequence of another important investigation into a public servant, all of this collateral information, if you like, came out, which appalled the public. One of those being investigated was Hon Jim Chown, a member of "The Clan" and the "Black Hand Gang". That name is ominous—the "Black Hand Gang". I think the "Black Hand Gang" was behind the assassination that started World War I, but I will not go into that dissertation. It is an ominous name—an underhanded, powerful group. Jim Chown was one member of the group. He was a Liberal. He is not here anymore, not because of any offence or conviction, but because the Liberal Party could see what he was up to in the end and dropped him so far down the ticket that he had no chance of being re-elected and so he disappeared.

He was on that committee, and he was under investigation.

Members should look at the act as it was and what the Leader of the Opposition wants to return it to with his tabled amendments. The act required majority and bipartisan support of the joint standing committee. Bipartisan support was defined as including a member or members of the official opposition party in the Legislative Assembly. One or more opposition members had to be on the committee for it to function. The Leader of the Opposition went to great lengths to try to dissemble the truth, to say: how do we know? No-one knows that it was Jim Chown who blocked the reappointment of his inquisitor. No-one knows that; four people were on the committee. Well, we know it just by simple, logical deduction. The two Labor Party members on the committee were the honourable Margaret Quirk and Matthew Hughes, member for Kalamunda. Both came into this chamber and voted for the reappointment of Mr McKechnie when we reappointed him by legislation, so we know what they thought about his reappointment. They came to the Assembly to vote for it, so we can count them out as no votes in the committee. Mr Hughes stood here and criticised the committee he sat on. We can lock down those two as yes votes for the reappointment.

The committee did not achieve a majority, and only four members are on the committee. If it did not achieve majority, the Greens and the Liberal members had to vote against it. It did not matter which way the Greens member voted, even if the Greens member voted with the two Labor people who have declared in this chamber how they voted for the reappointment of Mr McKechnie. Is the Leader of the Opposition following this? It is pretty simple logic. Stay with it.

Mr R.S. Love: Actually, you are verballing me. I did not say we didn't know. In fact, I refer to this media release from the then chair, which said so.

Mr J.R. QUIGLEY: Stay with it. Margaret Quirk voted here for the reappointment of Mr McKechnie, and she is voting for this amendment. She has not voted for it yet, but she has spoken in favour of it, so the person who held this up was Hon Jim Chown, and he was a person under investigation. Without his vote, Mr McKechnie could not be reappointed. This community has a lot to thank Hon John McKechnie, KC, for. We should thank him not only for his work on that. He was humiliated, firstly, by the person he was investigating, Jim Chown, and, secondly, by the opposition that came along here—here he is! Pontius Pilate has re-entered! Sorry, the member for Cottesloe has returned.

The ACTING SPEAKER (Mr P. Lilburne): Thank you, member. Please make reference to any members by their correct names. The member for Cottesloe has just entered the chamber.

Mr J.R. QUIGLEY: He acted like Pontius Pilate.

The ACTING SPEAKER: Thank you, Attorney General.

Mr J.R. QUIGLEY: He went for the crystal ball. He said, "I am not casting any aspersions on the person I am about to crucify. I will not criticise the person I am about to stick the boot into, but what they have done in reappointing Mr McKechnie in this way is absolutely dreadful. I have the greatest respect for Mr McKechnie, but reappointing him was a dreadful thing." The member for Cottesloe went on to say that this government debased the committee by appointing Hon John McKechnie, KC, who was the Liberal Party's nominee for the position. He was nominated to the committee and appointed by Hon Colin Barnett, a previous Premier and the previous member for Cottesloe. He put him up. At the time, I congratulated Mr Barnett. In fact, sitting behind the Speaker's chair on the chesterfield lounges in the corridor, I informed the former Premier but one, Hon Colin Barnett, AC, who came to me for my opinion because they could not get a Corruption and Crime Commissioner. They had had Mr Len Roberts-Smith, who was as useless as a hip pocket on a T-shirt.

Several members interjected.

Mr J.R. QUIGLEY: I said as useless as a hip pocket on a T-shirt. Did the members not hear me? He resigned after Mr McCusker, KC, had to go down to the Supreme Court. That commissioner was trying to get a mandatory

injunction against the Parliamentary Inspector of the Corruption and Crime Commission. It was just a dog's breakfast, and he went.

Then, they appointed the next one, a kindly man whom I have known since school. Mr Withnell was not the only person who went to Aquinas College; Mr Roger Macknay also went to Aquinas, as did many other fine men. Mr Roger Macknay became the commissioner for a short while, but he could see what a mess the shop was in, and he said, "Pardon me. I have been appointed for five years, but I realise I love my grandkids. Goodbye." Mr Macknay, a former judge, then retired. To clean it all up and get the commission happening and working effectively, the previous Liberal administration, led by Premier Barnett, appointed Mr McKechnie, and he received unanimous support by the committee. It was bipartisan, majority and unanimous support.

I have to correct a further matter from the member for Cottesloe, which was entirely misleading of this chamber, and that is that I sued or introduced Supreme Court proceedings against the former President of the Legislative Council for the purposes of stopping that inquiry and the actions she was undertaking. That is not true. If anyone goes back and looks at that litigation, it never went to trial; it never went anywhere. I simply sought, on behalf of the government of the day, an interpretation of the Corruption and Crime Commission Act from the court because an investigation was going on into members' computers, to which the member for Cottesloe has referred. The President of the Legislative Council was advising the acting director general, now director general, of the Department of the Premier and Cabinet that if she handed over and responded to the CCC's summons for the production of the materials, she would be in contempt of the Legislative Council and would be punished for doing so. The director general attended my office and showed me a letter she got from the CCC that said that if she did not produce them, she would be in contempt of the CCC. Mrs Emily Roper is not politically biased either way and is a dedicated public servant in Western Australia. She is an honest, diligent and hardworking Western Australian public servant, and she was being told by one of two august offices, "Give us the documents or we will do you for contempt", while the other was saying, "If you give them the documents, we will do you for contempt."

What was I to do as Attorney General? Advise her to not give the documents so that one of them will do her for contempt, or give her the documents so that the other one will do her for contempt? She was in a no-win situation that no public servant should ever be allowed to be put in, so I simply filed an application to the Supreme Court for what we call a declaratory judgement: would the court please declare the correct interpretation of the legislation? What is the correct interpretation of the standing orders? That is not out here to stop anyone, member for Cottesloe. That was doing the right thing by the public service—to get a Supreme Court declaration on the correct interpretation of the law, so that that public servant could then know what she should be doing. What is wrong with that? That was the honourable thing to do for the public service, but it was not something that the member for Cottesloe would countenance. He would not allow a public servant to be educated or directed by the Supreme Court; he wanted to drive her under. That is what provoked me, during his speech, to interject.

It bemuses me to hear these arguments: "Oh, this is an important position and it's got to be bipartisan." As the Attorney General I can honestly say—and I have been commended by the judiciary for this—that every judicial appointment I have made has been made on merit. We do not go to a committee and ask for its warrant. I did not even have to go to a committee when recommending to cabinet the appointment of the Honourable Peter Quinlan, SC, as our Chief Justice. I considered everyone, I discussed the matter widely with everyone in the profession and I made the recommendation. Since then all of the profession has said, "Well done, AG. He's a great CJ." There is no-one in Perth who will dispute that he is a great Chief Justice. The same can be said of Her Honour Chief Judge Gail Sutherland at the Family Court. She is a marvellous chief judge, and that was the same process as what the Liberal Party has done for 120 years.

We introduced the Corruption and Crime Commission legislation at a time when there had been controversy in the body politic, and yes, there should be some parliamentary oversight as to who oversees the appointment of the head of the body that oversights us and all the rest of the public sector. Let us look at the process. When it comes time to make an appointment, the legislation requires the nominating committee, chaired by the Chief Justice, to advertise nationally, receive applications, do its interviews and select the three best candidates. Having done that, it is required to recommend the three best to the Premier—the three most suitable applicants. This is not an open field, as when we select a Governor. The member for Cottesloe does not rail against the selection of a Governor; he did not rail against the former federal Liberal government's selection of the Governor-General. What a powerful position that is; if he does not assent to legislation, it does not happen. The Premier then gets the three names that the nominating committee has put before him and out of that reduced field of candidates of only three that have been vetted by the Chief Justice, the Chief Judge and the Governor's nominee, makes his selection for the position of Corruption and Crime Commissioner.

As in other jurisdictions, as we have already alluded to, there is some parliamentary oversight of the process by giving the committee a right of veto if there is someone unacceptable to the Parliament. I mean to say: this committee lost its way. It started conducting interviews; that is not its function. That happens when the candidates apply for

the job, and the nominating committee then conducts the interviews. Hauling people in for interviews—what would these committee people know about the candidates' CVs or backgrounds? The veto might be exercised if there is someone who is, on the basis of probity—and it is hard to imagine this, given that they have been vetted by the Chief Justice, the Chief Judge and the Governor's nominee—so out there that they are unacceptable.

I can give members an example. In Queensland there was an Attorney General—I used to call him the "Attorney General for short pants"; a gentleman by the name of Bleijie—who went and appointed a magistrate, Tim Carmody, as Chief Justice. Bleijie liked this magistrate because he was against giving people bail! He said, "Well, you're against giving people bail, so I'll make you Chief Justice." The system failed with that nomination, but it did not end there. None of the judges would go to Carmody's welcoming; he had to sit on the bench on his Pat Malone while the Attorney General told him why he had been appointed Chief Justice. Poor man! He was set up; he had to resign. It was just so humiliating for him, and for the legal profession. Mr Walter Sofronoff, KC, who has just conducted the inquiry into the Brittany Higgins rape trial, also conducted the inquiry into the big dam collapse in the foothills of Brisbane; I forget the name of the dam now.

Dr D.J. Honey: Wivenhoe Dam.

Mr J.R. QUIGLEY: That is it: Wivenhoe Dam. He conducted that inquiry. He was Solicitor-General of Queensland when they appointed this gentleman as Chief Justice, and he resigned as Solicitor-General in protest.

Before we get to that point, we have in Western Australia a committee that can say, "Oh, we want to veto this appointment because we know something you don't. We'll veto it." It is not there as a selection panel; it is not there as a nominee panel. It is there as a safety net so that if somehow the system fails and a person like Mr Carmody in Queensland gets through to the Chief Justice's chair, it can stop that. No other jurisdiction has the cumbersome situation we have here in Western Australia, and we are not going one out; we are going in line with other jurisdictions that have this sort of approach, like Victoria, New South Wales and the ACT, as my friends the members for Mount Lawley and Cockburn have already pointed out.

There is nothing unusual, out there or extreme about what we are proposing. We know it is not extreme because in the review of the Corruption and Crime Commission legislation conducted by Supreme Court Justice Gail Archer, SC, in 2008, she identified this as a problem and recommended it be switched to a veto power like in the other states. So much happened in the law under the Barnett government; it went for bells and whistles instead of bread and butter. It got on with the criminal anti-association laws to drag a razor across the bikies' back. We spent days and days in here arguing the law that the police never used once, but it got the government so much publicity as it was going through that everyone thought it was going to crack down on the bikies. What was the net result? The bikies exploded during the Liberals' time in government—literally exploded; they blew things up and exploded in numbers while government members had their hands in their pockets, saying that they would be tough on crime. Give us a rest. The former government had the Archer report before it, which recommended this change. It had appointed Mr McKechnie and could have gone on to bring about this amendment, the Archer proposal, in quiet uncontroversial times. It would have been waved through by the Labor opposition of the day because it just brought it into line with the other proven models in the other jurisdictions.

But the setting in the act that required the opposition members to vote for the appointment, rather than veto the appointment, gave the honourable—it is hard to get it out, but I am told that is what I have to say—Hon Jim Chown, the chance to put the block on the investigation into himself. How would members like to have that power? Someone gets stopped for a random breath test, knowing they have had a skinful and they say, "You are under suspension, officer. Rack off. I am the Attorney General. You're under suspension." Imagine the Minister for Police saying, "You are under suspension, sunshine. You're not going to put that bag on me." That is tantamount to what Hon Jim Chown was doing. "You're not going to test my breath. You're not going to test my honesty. You're not going to test my dishonesty. I'm going to block you."

This community has a debt of gratitude to Honourable John McKechnie, KC, because he could have rolled up his swag then and said, "I've had enough of this. I've served for 20 or 30 years in the office of the DPP and was the Director of Public Prosecutions." He was then selected to be a Supreme Court justice. He served—I cannot remember now—for about 12 or 14 years, which is no easy job, and he was the lead judge in crime in the court at the time. He had earned his retirement, before he got tapped by Hon Colin Barnett to take over the CCC because he was the most senior judge in crime, with incredible forensic skills and a tenacity to pursue offenders. I could well understand if he put up his hands and said, "Enough, I am gone." He would not have had the attempts by some in the media to belittle and humiliate him. He did not deserve that or need it. He could have just gone with Beth, his lovely wife, and done a bit of travelling like other justices do when they retire after serving this community for nearly 50 years. But he hung in there.

He hung in there not for the money, not for the position. But he would show resilience in the face of a corrupt politician who was blocking his inquiry. He did not have to report on Chown in the end because the Liberal Party dealt with him. It put the boot into him like "Buddy" used to put the boot into the Sherrin—kicked him right out!

The ACTING SPEAKER: Excuse me, Attorney General. Can you just pause for a moment? Standing order 92 reads —

> Imputations of improper motives and personal reflections on the Sovereign, the Governor, a judicial officer or members of the Assembly or the Council are disorderly other than by substantive motion.

I just wish to remind the Attorney General that allegations of corruption against members of Parliament are disorderly. While the person you are referring to is a former member, I would caution you about the use of such language. Thank you.

Mr J.R. QUIGLEY: I wish you had been in the chair when Hon Colin Barnett was on the other side calling all of us corrupt. You would have thrown him out of the chamber.

Anyway, for whatever conduct that Mr Chown was trying to hide, he was successful by misusing his position on that committee. We were not going to stand for someone of that reputation and motivation stopping the proper reappointment. Since Mr McKechnie has been reappointed, has anyone complained about what he is doing? Not one person and not one person on the other side. They did not make a big deal out of the computer again—noticed that it was seedy.

Mr R.S. Love: It was never about him. It is about your process of appointment. That is the issue. It is not the individual. It is your process. That is the issue.

Mr J.R. QUIGLEY: I will respond to that. It is not about our process of appointment. It is about your process of rejection. It is about your process of blocking justice. It is about your process of misuse of your position on the committee. It has all been exposed. I thank Mr McKechnie for hanging in there, not for us, but for the people of Western Australia. He was not going to the South Pole in isolation on the vote of one person who was under investigation by him, just like the policeman who is trying to put a bag in my mouth—I have not had a RBT for a few years—and is told, "No, constable. You can't do that. You're under suspension."

How pathetic. That is what they are proposing. They are proposing that people in power could stop investigations. It was wrong.

Mr S.A. Millman: Why are they smarter than Gail Archer?

Dr D.J. Honey: Talk about pathetic. How does the appointment of the CCC head stop an investigation? It does not. The investigations go on and you've got an acting commissioner, so why are you misleading this place in that regard?

Mr J.R. QUIGLEY: Why have you taken such a set?

Dr D.J. Honey: I take a set against you misleading this place —

Mr J.R. QUIGLEY: Why have you taken such a set against the highly regarded Honourable Justice Gail Archer?

Several members interjected.

Mr J.R. QUIGLEY: First of all, you attack Mr McKechnie, KC, and now you are attacking the Honourable Justice Gail Archer, SC. Why are you attacking her?

Withdrawal of Remark

Dr D.J. HONEY: I have a point of order.

Mr J.R. Quigley: Sit down, you mug.

The ACTING SPEAKER (Mr P. Lilburne): Thank you, Attorney General. Points of order are heard in silence.

Dr D.J. HONEY: The Attorney General is deliberately misleading and misquoting members on this side of the house in his comments that he just made, and I would ask him to withdraw.

Mr J.R. Quigley: That is no point of order; it is a point of debate.

The ACTING SPEAKER: Just one moment, thank you, Attorney General. Members, I rule in relation to this matter that there is no point of order; however, I would ask for our discussions and debate to be held orderly. There were times during our discussion that interjections were being taken and I accepted that. On this occasion, I ask the Attorney General to please return to his feet and continue with his contribution.

Debate Resumed

Mr J.R. QUIGLEY: Thank you, Mr Acting Speaker—just as I anticipated.

Members can anticipate, with confidence—do not worry—that this bill will pass this Assembly. We are not putting up with the opposition's silly amendment to return it to where it wanted it to be—that is, to give him a personal right of veto. He is on that committee.

Mr P.J. Rundle: He's not on the committee.

Mr J.R. QUIGLEY: Who is on the committee now from the opposition?

Mr R.S. Love: You can look it up; it's a matter of public record.

Mr J.R. QUIGLEY: You were on the committee.

Mr P.J. Rundle: You should have done some research.

Mr J.R. QUIGLEY: Well, I do not care. There will be a Nat on the committee who will take orders from him. If he wants to maintain the National Party right of veto over appointments, it is not going to happen. If the National Party wants to decide who should go to the nominating committee, all it has to do, by my calculations, is win about 25 metropolitan seats at the next election.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Mr R.S. LOVE: The Corruption, Crime and Misconduct Amendment Bill 2023 has been brought to this house and brings together two quite separate streams, if you like. They are the appointment of a deputy commissioner and an amendment of the process for the appointment of both the commissioner and the proposed deputy commissioner. Can the Attorney General explain why this has come in one bill rather than two separate bills? As indicated, the opposition certainly supports the establishment of the role of a deputy commissioner, but does not support the amendment to the appointment process the Attorney General has outlined. Why has he decided to make a political matter out of something that he would have known would have received the strong support of the opposition—that is, the establishment of a deputy commissioner role? Why did he not allow that to happen and have a separate bill to deal with the assertion laid out by him or his department in the explanatory memorandum in which it is claimed there is an identified flaw in the current appointment process? If he thinks that is the case, why did he not bring them to the chamber as two separate bills so there could be strong support given for the establishment of a deputy commissioner, which the opposition supports, instead of forcing us into the position of having to oppose legislation that otherwise has merit?

Mr J.R. QUIGLEY: It is because the appointment process for the deputy commissioner will be the same as for the appointment of the commissioner. It is convenient for it to be brought forward in the same bill.

Mr R.S. LOVE: Thank you, but I do not think that addresses the point of why the Attorney General has conflated the change in the process for the appointment—that is, the change to the nature of the committee process for the appointment—and brought that together with the expansion of the commission by allowing there to be a deputy commissioner. Why would he do that? Why make a political deal out of this? He could have had strong support for the deputy commissioner. It would have been unanimous support, I am sure. Why would he want to make a political point by trying to bring on, at the same time, his quite unsubstantiated view that there is somehow an identified flaw in the current appointment process? Why deal with those in the same bill and not in two separate bills?

Mr J.R. QUIGLEY: Because we chose to.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 3 amended —

Mr R.S. LOVE: Clause 4 is the insertion of the definition of deputy commissioner. There have been terms of assistant commissioner in the past in recommendations that have been going back to the time, I think, of the first Legislation Committee that examined this legislation. Why was the term deputy commissioner chosen over the more established and understood role of assistant commissioner?

Mr J.R. QUIGLEY: The actual term was "acting commissioners". We appointed acting commissioners for 12 months and kept rolling them over. That is what we had to do. We wanted a permanent one there, and the acting commissioners did not have to go through the appointment process. The acting commissioners did not even go to the nominating committee, the Premier or the joint standing committee. The answer is because it will be

a permanent position. Before, they got appointed for 12 months at a time. We will put in a permanent deputy with all the powers of the commissioner, as delegated by the commissioner.

Mr R.S. LOVE: The term I was asking about was "assistant commissioner", which has been recommended in a number of circumstances, including the first inquiry by the Standing Committee on Legislation into the Corruption, Crime and Misconduct Amendment Bill 2021. I am asking why "deputy" is preferred over "assistant".

Mr J.R. QUIGLEY: After consultation with the CCC, it wanted to call the permanent role the "deputy commissioner", so that is what we called it.

Clause put and passed.

Clause 5: Section 9 amended —

Mr R.S. LOVE: Clause 5 amends section 9 and states —

> There is to be a Deputy Commissioner who, in the name of the Commission, is to perform such functions of the Commission under this Act and any other written law as the Commissioner directs.

There are further references in subclauses (1) to (5). The explanatory memorandum states —

> Clause 5(1) inserts proposed new section 9(1A), which creates the role of Deputy Commissioner and provides that the Commissioner can direct the Deputy Commissioner to perform (or not perform) particular functions, but does not give the Commissioner the power to direct the Deputy Commissioner regarding the manner in which the functions are performed.

Can the Attorney General please explain how that will be achieved by these particular provisions?

Mr J.R. QUIGLEY: Once the deputy commissioner is allocated a task by the commissioner, the commissioner cannot then interfere with the way the deputy commissioner exercises his power and function. For example, in an unexplained wealth matter, the commissioner will be able to allocate a particular examination to the deputy commissioner, but he will not be able to enter the room and tell him how to conduct the examination.

Mr R.S. LOVE: Thank you. I understand that is what is said, but could the Attorney General point out the part in clause 5 that specifies that the performance of the deputy commissioner role is independent of direction by the commissioner himself?

Mr J.R. QUIGLEY: I direct the member to clause 5(1)(1A), which amends section 9.

> There is to be a Deputy Commissioner who, in the name of the Commission, is to perform such functions of the Commission under this Act and any other written law as the Commissioner directs.

He will not be able to tell him how to perform that function. He will be able to allocate the function to him, but the deputy will have independence to perform it.

Mr R.S. LOVE: Where does it say that he will have that independence?

Mr J.R. QUIGLEY: It says that he is to undertake the functions as directed by the commissioner. It is plain in the act. He is to do the functions; he is to do the work. He is to perform the functions as directed by the commissioner, to take on unexplained wealth—I will save the rest of that until we get to clause 13, which sets out the functions and powers of the commissioner. The commissioner will be able to direct a deputy commissioner as to what functions to perform. We will discuss the powers that he will be able to exercise in performing those functions in clause 13—unless the member wants to waive that one through.

Mr R.S. LOVE: I will reluctantly wait until clause 13, because once we get to clause 13 we cannot return to this one. I will take the Attorney General at his word that there is an adequate explanation, but I will be looking to see at what point the power of the commissioner to direct, as outlined in clause 5(1)(1A), will cease and at what point the deputy commissioner will be protected from further direction by the commissioner. With that aside, I will conclude questioning on clause 5. I will take the Attorney General at his word that he will provide that explanation.

Mr J.R. QUIGLEY: I will come back to clause 5. I am not trying to run from the issue.

Clause put and passed.

Clause 6: Sections 9A to 9C inserted —

Mr R.S. LOVE: I will point out that I have an amendment on the notice paper, but I am not going to move that at this point. I will ask some other questions first.

The ACTING SPEAKER: That is fine.

Mr J.R. Quigley: Where does the amendment cut in?

Mr R.S. LOVE: Clause 6 is where it will "cut in", as the Attorney General says. The appointment of the commissioner and deputy commissioner will be altered from the current process by this clause. There is no deputy commissioner at the moment, but the appointment process for the commissioner, per se, is proposed to be changed with the removal of a bipartisan and majority support requirement under the act that exists at the moment, and replaced with a supposed veto power in a committee, which has at least 50 per cent government members. It is most unlikely that it is going to get a veto with the support of the government members, I would have thought, given the discussion we have had this far with the Attorney General about the way this government directs its members how to act on that committee.

Mr J.R. Quigley: I didn't say that!

Mr R.S. LOVE: You have said that. I can point you to many places in *Hansard* where you have said just that. You have definitely said that.

Mr J.R. QUIGLEY: I was just looking in the standing orders under "V" and I have been verballed!

The ACTING SPEAKER: Leader of the Opposition, please continue with your point.

Mr R.S. LOVE: To bring it back to the point, the alteration of the process is deemed to be acceptable and necessary for the appointment of the commissioner and the deputy commissioner. I think the Attorney General may have alluded to this once or twice, but could he explicitly explain why it is deemed to be appropriate that the appointment of the parliamentary inspector needs bipartisan and majority support, yet the appointment of the commissioner and the deputy commissioner is a separate process? If the process for the appointment of the parliamentary inspector is deemed to be suitable, why is the Attorney General seeking to alter the process for the appointment of the commissioner and deputy commissioner?

Mr J.R. QUIGLEY: We will have a look at that when we do the major reform. The very honourable Matt Zilko, SC, the former president of the Legal Practice Board, is the very active parliamentary inspector at the moment. We are bringing forward a lot of other amendments to the Corruption and Crime Commission legislation as a result of the review, and that will probably be covered in that. We did not see it as necessary to get ahead of the game. We needed to get a deputy on board as soon as possible, because, as the member will recall, we transferred the unexplained wealth function to the CCC. I am not sure, but he may have been over to the CCC's premises. We have refurbished the premises and there are now two hearing rooms so that when organised crime figures are brought before the CCC, one suspect can be in one hearing room and another suspect can be in the other hearing room, and they can be examined at the same time. It is impossible for them to collude as they are in separate hearing rooms. It was thought imperative that we get another deputy on board as soon as possible and to bring the deputy on under a new revised appointment process. When I say "new revised appointment process", I mean one that has been, I like to think, fine-tuned. We will look at the other one as part of the overall amendments to the legislation, which have to be done but they do not have the urgency of getting the deputy on board.

Mr R.S. LOVE: The Attorney General has just outlined that we will have an act that provides for two separate appointment processes. He does not think it is important to change the process for the appointment of the parliamentary inspector simply because it is not something he deems to be necessary at the moment, but he does not know when the parliamentary inspector might resign. It seems incomprehensible that there will be no change to the process for the appointment of the parliamentary inspector when the process is being changed for the appointment of the other two officers. Therefore, the Attorney General is saying that one role requires majority and bipartisan support, but the other does not. He is not advancing any philosophical reason for that change. I expected him to say that one has an oversight role and it is appropriate for Parliament to continue to take a bipartisan approach to the appointment of that person. That would have given me some comfort. But now we have learnt that he intends to strip the requirement for Parliament's bipartisan support for the appointment of the parliamentary inspector, who has an oversight role over the commissioner and will have, presumably, over the deputy commissioner going forward. That is even more worrying than what we have been told thus far.

I had some hope that the Attorney General would have a noble concept to allow bipartisan support to continue for the appointment of the parliamentary inspector, but what I am hearing from him is that we are dealing with this now because it is simply a matter of expedience, not because there is a philosophical difference in the approach to those two roles, with one being an oversight role to Parliament and the other being the active role of the commission. I am even more worried now than I was before I put forward the amendment that the Attorney General is going to further strip away accountability to Parliament. When I say "Parliament", I do not mean just the majority of members; that is the government. I mean the Parliament and both sides of the discussion—the opposition and the government. That is my concept of the Parliament in terms of oversight, not a bunch of people who can be directed how to vote. It is even more worrying that he is intending to strip that away from the role of parliamentary inspector.

I again ask the Attorney General: is this just a matter of dealing immediately with the deputy commissioner and the commissioner, as he has said? I ask him to put on the record that he also intends to strip away the requirement for a bipartisan approach in the appointment of the parliamentary inspector in the future.

Mr J.R. QUIGLEY: Now I am worried. I am worried that the member is worried so close to dinnertime and that it might upset his digestion. No; what I said was—I will go on the record—it is imperative that we deal with this matter now. We have transferred the unexplained wealth function to the commission. That side of the commission is expanding at a rate of knots. I think we put about $16 million out of the budget into the unexplained wealth side of the CCC's task. It has turned out to be self-funding. The amount of money that is coming into the seizure account is fantastic. We have to deal with this now. As I said, there is a review going on by the Department of Justice to look at all these issues. We will debate the appointment of the parliamentary inspector and the Parliament and all the things that the member is talking about during that process. Do not get worried before dinner.

Mr R.S. LOVE: I take some umbrage at the flippancy of the Attorney General's response. This is a very serious matter and I do not think he should be referring to his digestive needs. This is actually not about him and the dinner break. This is about what he is doing in stripping away accountability to the Parliament. When I say "Parliament", I mean both sides of Parliament, regardless of the numbers.

Mr J.R. Quigley: I just acknowledged that.

Mr R.S. LOVE: The Attorney General is still doing it. He is still stripping away accountability to Parliament as such.

Mr J.R. Quigley: No, I'm not. I said that there's going to be a review.

Mr R.S. LOVE: It is now leading to a situation in which at least one of the two government members will have to vote with the non-government members for there to be a veto. That is a very different bar from the one we have at the moment. The Attorney General knows that. He is now indicating that he is going to further strip away accountability to Parliament by removing that requirement in the process to appoint the parliamentary inspector.

Mr J.R. Quigley: You just verballed me again.

Mr R.S. LOVE: I am not verballing you; you have just said it!

Mr J.R. Quigley: I said that we're going to have a review.

Mr R.S. LOVE: I again ask the Attorney General whether he is definitely going to strip away the accountability to Parliament through the bipartisan appointment process that currently exists for the parliamentary inspector?

Mr J.R. QUIGLEY: I will deal with what is in the bill at this time. I do not want to answer that question. As I have said, there is going to be a review of the CCC act. There is nothing about the appointment of the parliamentary inspector in this bill. I do not want to answer any further questions.

Mr R.S. LOVE: Why is the Attorney General dealing with the matter of the standing committee's appointment process and not with the matter of the nominating committee? We have heard that there is pressure, as there has been over the years, for that role of the committee to change rather than the operation of the standing committee. Can he explain whether there was any consideration of removing or changing the role of the nominating committee? I am told that it has become something of a farce in that a person's name is put up and then the names are put forward of a couple of suitably qualified people who have no intention of taking up the role and do not want the role, but it fills the need to provide three names. If that is the case, surely that is something that should also be addressed at this time. I understand that members of the judiciary have expressed concern about being involved in that process. Why has the Attorney General not listened to them and removed the need for the nominating committee as such and found another way to provide a suitable candidate to appoint as the commissioner or deputy commissioner?

Mr J.R. QUIGLEY: Does the member want more proof?

Mr R.S. Love: Yes, I do.

Mr J.R. QUIGLEY: I thought the member would grizzle!

Mr R.S. LOVE: Well, that was an instructive answer! So the Attorney General has not given any consideration to it?

Mr J.R. Quigley: Yes, of course!

Mr R.S. LOVE: Or has he given consideration to it? Or did he think we would grizzle? What is the actual reason? Can the Attorney General give us the actual reason?

Mr J.R. QUIGLEY: I just told the member. I thought he would just go on whining and grizzling forever, saying we were trying to take total control, so I said that we would leave it as it is. We have got to pick what is necessary. If the member wants to move that amendment, I will take some instructions over dinner. If the member would like

to move an amendment to wipe out the nominating committee, I will take some instructions from the Premier over dinner, and we will do it after dinner. But I feel that if I came at that, the member would grizzle. But I will give very sympathetic consideration to an amendment that the member drafts and we could perhaps rise 15 minutes early or something. If the member wants to draft that amendment, I will give it very serious consideration; I promise.

Mr R.S. LOVE: I am just wondering why the Attorney General has ignored, in all the time he has had to compose this piece of legislation, those comments and not changed the nominating process. I am not asking the Attorney General to make an eleventh-hour change; that would be unproductive. We should be doing things in a more considered way. I think the Attorney General is revealing what has become typical of the government here in that it thinks it can do whatever it likes in Parliament and make changes without giving due consideration or consultation. This concern is something that the Attorney General well knows has been expressed, and I am wondering why he did not look at the matter.

Mr J.R. Quigley interjected.

Mr R.S. LOVE: I am still on my feet.

Mr J.R. Quigley: We've got four minutes; sorry.

Mr R.S. LOVE: Yes. In that four-minute period, I want to move to the matter of the veto process. Proposed section 9C(2) states —

> The Standing Committee vetoes the proposed recommendation if the Standing Committee gives the Premier, within the period determined under subsection (3), written notice that the majority of the Standing Committee does not support the proposed recommendation.

If a recommendation has been put forward through the existing process, in the submission of the list to the Premier, can the Attorney General explain whether there would ever be a circumstance in which the majority would oppose the recommendation, given that that would imply that a government member would be going against the government's process? Can the Attorney General explain whether there are any circumstances, other than the finding of some sort of serious misconduct or other matter that came to light in between the nominating committee and the committee itself looking at the process, in which he could realistically expect there would be such a veto?

Mr J.R. QUIGLEY: Firstly, the member said that my previous answer revealed an attitude, which I reject of course, that this government will do whatever it likes by reason of its numbers. As this debate has demonstrably shown, that is a wrongheaded notion. We would not come in and use our numbers to do that. That would be a fundamental change to the process of taking away the nominating committee. There are those in the judiciary who would like to see the nominating committee go because they believe it is an executive function, but if I brought in that provision, would the opposition agree to it?

Dr D.J. HONEY: Clause 6 of the bill refers to proposed section 9A(2)(b). This appears to be a catch-all provision that I want to explore. Is there an equivalent provision in the existing legislation, or is this a new catch-all provision that has been developed for this bill?

Mr J.R. QUIGLEY: It is not a new provision; it is a provision for when there is no Joint Standing Committee on the Corruption and Crime Commission. The member will no doubt recall that the first Corruption and Crime Commissioner was there before there was a standing committee. The first commissioner, the late Hon Kevin Hammond, was appointed before the Parliament elected a standing committee. If the Parliament does not elect a standing committee, there is nothing in this bill that will compel the Parliament to elect a standing committee. However, if there is no standing committee, the Premier will consult with the Leader of the Opposition and the leader of any other political party with five members. That would be when there is no standing committee.

Dr D.J. HONEY: I appreciate that in the first case when the CCC was being set up that there may have been a circumstance such as this. However, in what circumstance would no committee be available?

Mr J.R. QUIGLEY: What if the Council members did not elect anyone? What if they said, "We will bring this whole house of cards down and we just won't elect a committee. We won't elect anyone to a joint standing committee." Then the whole process would fail. That is not going to happen.

According to the bill, if we do not elect a committee, the Premier will proceed in this way. If there is a committee, we will proceed in that way. This Parliament would look silly if it passed this bill and then the Parliament itself and the executive could not appoint a commissioner. That would be silly, so we insure against that unlikely eventuality by having a catch-all.

Dr D.J. HONEY: This provision is about the commissioner and the deputy commissioner. Why do we need it? There would only be an urgent requirement to fill this without a recommendation going to the committee if we

had two vacancies, so surely this provision would only be included if we do not have a commissioner or a deputy commissioner in place.

Mr J.R. QUIGLEY: No, not at all. We saw the bloody-minded attitude of the Liberal Party in the last government when it kept the commissioner gardening in Mt Lawley for 18 months, not running criminals to ground. The Liberal Party was quite happy to leave Commissioner McKechnie out there doing Beth's bidding around the house, cleaning the guttering, pruning the roses and mowing the lawn. The Liberal Party was quite happy for that to continue for over a year. I cannot say with any confidence that there will not come a time when opposition members are not so irresponsible as to frustrate the whole program by simply not voting to put anyone on a committee. This is a fail-safe provision. As long as we have a committee, we do not have to worry about this section.

Dr D.J. HONEY: I refer to paragraph (c) of proposed section 9A(2) and the catch-all —

> if there is no Standing Committee — the Premier has consulted with the Leader of the Opposition and the leader of any other political party …

What does "consulted" mean? Does it mean the Premier simply comes up and says, "I'm appointing this person. I just thought I'd let you know"? Does it mean there has to be some agreement? What does consultation mean in relation to that appointment?

Mr J.R. QUIGLEY: In statutory interpretation, where consulted is not defined in the definition clauses, which it is not, it is given its ordinary English meaning; that is, to consult, to discuss with someone. It does not mean agreement. It means to consult.

Dr D.J. HONEY: Just to be very clear and explicit, does it really mean that the Premier can do what he or she likes for that appointment? Really, it is just a courtesy with no force whatsoever. Is that correct?

Mr J.R. QUIGLEY: It has enormous political force. If the Premier consults with the Leader of the Opposition and the Leader of the Opposition comes up with substantive objections and then the Premier appoints over those substantive objections, obviously the Leader of the Opposition will come out and tear the government to pieces. The Leader of the Opposition will say, "You came to us and consulted about this person. He's absolutely unsuitable. We told you why he is unsuitable and you appointed him anyway." There is a political risk. It was the same with the appointment of the late Honourable Kevin Hammond. The government of the day consulted with the opposition leader and appointed Mr Hammond, who was a good commissioner, but he did not last either, unfortunately—not like Mr McKechnie.

Mr R.S. LOVE: The Attorney General mentioned the consultation process with the Leader of the Opposition being a matter of political discourse and import, but what legal requirement is there under the terms of that consultation, as it appears in the bill? Are there any legal expectations on what that consultation might require?

Mr J.R. QUIGLEY: That has been the position for the last 20 years and I have not heard opposition members ask me one question on this subject in the nearly seven years I have been Attorney General. It has been the position for 20 years that if there is no committee, there will be consultation between the Premier and the Leader of the Opposition. That has not concerned opposition members for the last seven years I have been AG, nor anyone in this Parliament for the last 20 years since the inaugural commissioner was appointed following consultation.

Mr R.S. LOVE: The fact that the Attorney General has not been asked about a matter pertaining to this is not surprising because we have not debated these measures too often. Could the Attorney General please give me some indication whether there is any legal requirement to determine what is adequate consultation between the Premier and the Leader of the Opposition?

Mr J.R. QUIGLEY: We are a government of integrity and transparency, unlike our predecessors. We are a government of gold-plated transparency and integrity. For example, at the time of the last election we told members opposite we were going to reappoint Mr McKechnie if we got re-elected. We said we were going to appoint Mr McKechnie. We went to an election. We are a government of integrity. As soon as this chamber and this Parliament was prorogued, there was no committee. Between December and the start of the caretaker period at the end of January we could have appointed. We could have come to the Leader of the Opposition and said we are appointing McKechnie—we have consulted. We would not do that to members opposite or to the people of Western Australia. We said, as an election promise, "If you elect us, we will reappoint Mr McKechnie." We got crushed by the number of votes we got over that and other things.

Mr R.S. LOVE: We are debating the bill and the Attorney General is the foremost legal officer in the government. I am simply asking him whether there is any legal import in the term "consult" or "consultation" and what that might be.

Mr J.R. QUIGLEY: It is just a normal English meaning in Cambridge or Macquarie. It is just to consult or have a discussion to get your opinion before we arrive at a decision. That is all. It is not an agreement. It is to make up your mind and go and consult with someone. If the Leader of the Opposition wants to find out about this act, he

comes to Parliament and consults during the consideration in detail stage. The Premier can go to the Leader of the Opposition and say, "I'm thinking about putting up Jeremy Lee as the commissioner. What do you think?" He can consult. He is consulting on the recommendation of the nominating committee. That is it.

Mr R.S. LOVE: At this point, I seek to move the amendments that stand in my name on the notice paper. In doing so, I ask for leave that the house considers them concurrently because they both refer to the same clause and have the same impact or are part of the same discussion.

The ACTING SPEAKER: You have to seek leave. Attorney General, is leave granted?

Mr J.R. QUIGLEY: Yes.

Mr R.S. LOVE — by leave: I move —

> Page 5, lines 21 to 23 — To delete the lines and substitute —
>
> (ii) the Standing Committee has supported the proposed recommendation under section 9C(2); and
>
> Page 7, lines 1 to 6 — To delete the lines and substitute —
>
> (2) The Standing Committee supports the proposed recommendation if the Standing Committee gives the Premier, within the period determined under subsection (3), written notice that the proposed recommendation has the support of the majority of the Standing Committee and bipartisan support.

The first amendment means that instead of there being a veto process, as written in the legislation, the standing committee does not veto the proposed recommendation. In other words, at the moment the committee must have a positive act of a veto. As written in proposed section 9A, this would revert to the current situation in which the standing committee has supported the proposed recommendation, but in providing that support we turn to proposed section 9C(2) on page 7 of the bill, which states —

> The Standing Committee vetoes the proposed recommendation if the Standing Committee gives the Premier, within the period determined under subsection (3), written notice that the majority of the Standing Committee does not support the proposed recommendation.

We have gone from a situation in which there has to be a majority of the committee who do not support the appointment—who are opposed; that is what will be in the Attorney General's legislation.

Mr J.R. Quigley: Correct.

Mr R.S. LOVE: We have gone from that to a situation in which there could be a lack of bipartisan support or a lack of majority support for the bill. If it were in terms of majority support, the lack of a majority would mean that we would need to have three people actually supporting the appointment. The Attorney General's proposal is that three people actually have to oppose the appointment. That, in itself, is a considerably higher bar, leaving aside the bipartisanship —

Mr J.R. Quigley interjected.

Mr R.S. LOVE: Yes, but just let me finish explaining. If we leave the bipartisanship out for the time being, on the simple mathematics of it, we have actually considerably raised the bar in terms of what the committee must do to actually stop the appointment. Instead of there being an equal number being insufficient, because we actually have to demonstrate support, as it is at the moment under the Attorney General's bill, the committee must demonstrate that a majority is opposed. I make that quite clear, and I ask the Attorney General whether that is his understanding as well.

Mr J.R. Quigley: Correct.

Mr R.S. LOVE: Okay. If I sit down at this point, I cannot stand again—is that right?

Mr J.R. Quigley: Well, don't sit down, I'll just tell you: yes.

Mr R.S. LOVE: Yes, I have some dim, dark memory from when I used to sit in the chair that that was the case, but I was not sure.

The ACTING SPEAKER (Ms A.E. Kent): Yes, you can still keep talking back and forth if you like.

Mr R.S. LOVE: So if I sit down I can stand up again and have another five minutes?

The ACTING SPEAKER: Yes.

Mr J.R. Quigley: Because we're in committee.

Mr R.S. LOVE: That is good news.

So, that is correct.

Point of Order

Dr A.D. BUTI: I think a member needs to move an extension for the member to continue.

The ACTING SPEAKER: If you run out of time someone else has to say that they would like to hear more from the member, for you to continue to speak.

Mr R.S. LOVE: I realise that, but if I sit down after asking a question can I ask another question, or will the amendment be put?

The ACTING SPEAKER: As long as there are still people who want to speak, then you can.

Debate Resumed

Mr J.R. Quigley interjected.

Mr R.S. LOVE: If that is possible, and I am not told that I cannot say anything more.

Mr J.R. QUIGLEY: In answer to your proposition, it is affirmed: yes. That is, at the moment it is a majority to confirm; it will be a majority in the future to veto. We are not going to bipartisanship yet; the member excluded that, but the majority works in a different way. At the moment, it is a positive affirmation of the nomination. If the bill passes, it will be a majority to veto.

Mr R.S. LOVE: We have now established that there are actually a couple of higher bars in the process that the Attorney General is putting in for the committee to, if you like, stop the appointment of a commissioner or deputy commissioner. One is in the mathematics of a majority needing to actively oppose the appointment, whereas at the moment we need a majority to support, and the lack of a majority leads to the appointment falling over, so it is a considerably higher bar in itself.

Mr J.R. Quigley interjected.

Mr R.S. LOVE: No, it is not. It is considerably higher.

Mr J.R. Quigley interjected.

Mr R.S. LOVE: It is absolutely different.

Mr J.R. Quigley: It's the same bar.

Mr R.S. LOVE: It is not the same bar.

Mr J.R. Quigley: It's the same bar.

Mr R.S. LOVE: I think the Attorney General has a very fine legal mind, but he has just affirmed that there is a difference. He has reversed, if you like, the onus of the majority. Now he is saying he is confused with his earlier answer.

Mr J.R. Quigley: No.

Mr R.S. LOVE: No? Can the Attorney General explain it to us, then?

Mr J.R. QUIGLEY: At the moment it takes three to affirm; in the future it will take three to veto; same bar, three people. Out of four, three people. Three can affirm under the current legislation, three will be able to reject under the new legislation. Same bar, three people.

Mr R.S. LOVE: I thank the Attorney General, except they are opposite actions, so it is not the same bar. They are completely opposite actions. Three people must vote to support or three people must vote to oppose under the Attorney General's proposed legislation. That is a complete reversal, so for the Attorney General to say that it is the same bar —

Mr J.R. Quigley: It's the same!

Mr R.S. LOVE: He has either not really had a great look at the legislation, or he is trying to take us on a walk up the proverbial garden path, because there is a complete reversal of where the majority must act under his legislation as opposed to the current situation. That is already a higher bar for the committee to stop the appointment of the commissioner. Failure to have majority support means that there cannot be a commissioner, and that will be two-all. Now we will have to have three-one against for there to be an appointment, so there is a considerably higher bar, leaving aside the bipartisan nature of it all. The Attorney General has already made a higher bar; why would he think that is appropriate? He has been talking about the bipartisanship situation and all the terrible decisions made by me and other previous members, but if we had had this situation, it would not have mattered what that one person thought anyway, because it would take three people to stop the proposal. It is completely different, and the Attorney General knows it. That is the first part that we have established. The second part, if we turn to the bipartisan —

Mr J.R. Quigley: We haven't established that as a fact; that is your assertion.

Mr R.S. LOVE: I think anyone who took the time to read it would come to the same conclusion. If we now move to the bipartisan aspect of it, there was a suggestion by, I think, the member for Gosnells, who spoke about different models of committee membership and somewhat different compositions in which majorities might be more easily made or not made, depending on the numbers.

It may be that there has to be more than one to be bipartisan. At the moment, our standing orders have a flaw, in my view, and I pointed that out in 2017 when the previous committee in the fortieth Parliament was elected —

Mr J.R. Quigley: That is when you were on the committee, wasn't it?

Mr R.S. LOVE: No, it was not when I was on the committee. I was on the committee at the start of this Parliament, not the previous.

Mr J.R. Quigley: Right.

Mr R.S. LOVE: I think if the standing orders were construed more succinctly, we could achieve a situation in which some bipartisan support may still be required, but the appointment could not be stopped by one person. I am asking whether the Attorney General has ever considered, instead of making this change and moving to a veto by majority and ruling out any bipartisan support, amending the standing orders and, therefore, the composition of the committee. That could have led to a situation in which there was still some element of the bipartisan support but perhaps a more certain way of achieving a majority view. Did the Attorney General look at the composition of the committee at any point before he decided to make a change to the process, in the way that he has in these two matters, by the change to a majority with a veto?

Mr J.R. QUIGLEY: Yes, we consider all these things. I take the view, and I am sure Parliament takes the view, that a joint standing committee should have an even number of Council and Assembly members. Once we get to that, we end up with equal members—unless Labor takes over and says that it will have all the spots. That would be silly. We want a fair committee system whereby the committee has equal numbers from this place and equal numbers from that place. That place got to elect its members and we elected ours.

Dr D.J. HONEY: On this topic, is it not the case that under the current arrangement, at least three people on that committee must support the appointment; otherwise, it cannot go ahead. Under the Attorney General's proposal, only two people need to support the appointment for it to go ahead. That will be a material degradation in the level of support that the appointment requires from that committee.

Mr J.R. QUIGLEY: It is a misframing of the proposition. We are saying that we are fundamentally altering the committee's function to be an oversight with a veto, rather than a committee of appointment. It is an oversight by this Parliament to veto the executive's nomination. That this Parliament can stop the executive's nomination is the fundamental change.

Dr D.J. HONEY: Is it true that under the government's proposal, only two people on the committee are required to support the nomination for the nomination to go ahead?

Mr J.R. QUIGLEY: It is true that unless three people veto the nomination, it will go ahead.

Dr D.J. HONEY: The Attorney General is trying to weasel his way or squirm his way around this in terms of the support. This is a substantial degradation in the level of support that a nominee requires for it to go ahead.

Mr J.R. QUIGLEY: No. We are changing the function of the committee. The committee will have a veto power, not an approval power. That is not a degradation.

Dr D.J. Honey: It doesn't matter. You just degraded the whole thing.

The ACTING SPEAKER: Member for Cottesloe, the Attorney General is on his feet.

Mr R.S. LOVE: I think it is pretty well established that those on this side believe there will be a fundamental change in the mathematics of the number of people on the committee required to support the nomination from two to three. I was trying to get to that by talking about the reversal of the burden, but I think the summation of the member for Cottesloe is much simpler. Two people used to be required. Now we will need three. We are not talking yet about the bipartisan nature of it. We are simply talking about the need for there to be three people who actively oppose the situation. It is a fundamental change.

Mr J.R. Quigley: No, it's not.

Mr R.S. LOVE: Yes, it is. Just in terms of the bipartisan support, can the Attorney General explain to the chamber exactly what the implication for bipartisan support would have been had we had appointed two opposition members instead of a member of the opposition and a member of a different party. If there had been an appointment of that nature, instead of the situation in which we had with a member of a minor party, a member of the opposition and two members of the Labor Party, what would have been the requirement for bipartisan support?

Mr J.R. QUIGLEY: It is too hypothetical a question. If we had had Mr Chown and Hon Nigel Hallett on the committee, we would have had the same result. We would have had two Liberals voting against it. So? They were both crook.

Mr R.S. LOVE: I suggest that if we had made a simple amendment to the standing orders so that the two houses each had to put forward one member from the opposition and one member from the government, we may not have had only one member of the opposition on the committee in the first place. To some extent the government sowed the seeds of its own problem by putting in two government members from this house and leaving the other place to determine its members. Of course, it came up with a different arrangement than one would have expected. Two opposition members may have led to a situation in which we could have bipartisan support. That was an act of silliness on the part of the government going back to 2017, which I pointed out in this place at the time. I could not understand why the government made the appointments it made.

Mr J.R. Quigley: We didn't make the appointments. The Legislative Council made the appointment.

Mr R.S. LOVE: The Legislative Assembly, which Labor dominated, appointed two Labor members of this house to the committee, which left it up to Legislative Council to make its determinations; we ended up with only one member of the opposition on the committee and only one member could veto the appointment. I was just asking the Attorney General whether, if there had been two opposition members on the committee and they had a different point of view, would that have been bipartisan support and we would not have had that situation? I do not think it is a hypothetical question. I am just asking as the Attorney General as I am sure he would know the answer.

Mr J.R. QUIGLEY: Not if there were two Liberals on there. It is covered by section 3 of the act, under the definition of "bipartisan support". It means —

> members of the Standing Committee who are members of the party of which the Leader of the Opposition is a member;

It would require the members of the party of which the Leader of the Opposition is a member to vote. This system does not require that. They can split and can be mixed and matched, which will give much more flexibility. I take the Leader of the Opposition to task again. He is saying that we are lowering the bar on the support required. We are not seeking the support of the committee. No longer will the committee be asked to support the nomination. The committee will be given the option of vetoing the Premier's appointment, not approving it. But if something is amiss, it has the right of veto. The Leader of the Opposition keeps on confusing himself or the chamber by going back to saying the government is lowering the bar for the level of support. This is not about support; this is about veto. It is the opposite.

Mr R.S. LOVE: I agree it is about the opposite. That raises the bar considerably on what is required for the committee to stop the appointment of a person whom they are opposed to. I think that is pretty clear. The Attorney General has made up his mind; he is not listening. It is either that or he is confused in his mathematical abilities. I will sit down and complete my discussion.

Division

Amendments put and a division taken, the Acting Speaker (Ms A.E. Kent) casting her vote with the noes, with the following result —

Ayes (5)

Ms M.J. Davies	Mr R.S. Love	Ms M. Beard *(Teller)*
Dr D.J. Honey	Mr P.J. Rundle	

Noes (42)

Mr S.N. Aubrey	Ms K.E. Giddens	Ms S.F. McGurk	Ms J.J. Shaw
Mr G. Baker	Ms E.L. Hamilton	Mr K.J.J. Michel	Ms R.S. Stephens
Ms L.L. Baker	Ms M.J. Hammat	Mr S.A. Millman	Mrs J.M.C. Stojkovski
Ms H.M. Beazley	Ms J.L. Hanns	Mr Y. Mubarakai	Dr K. Stratton
Dr A.D. Buti	Mr T.J. Healy	Mrs L.M. O'Malley	Mr C.J. Tallentire
Mr J.N. Carey	Mr W.J. Johnston	Mr S.J. Price	Mr P.C. Tinley
Mrs R.M.J. Clarke	Mr H.T. Jones	Mr D.T. Punch	Ms C.M. Tonkin
Ms C.M. Collins	Ms E.J. Kelsbie	Mr J.R. Quigley	Ms S.E. Winton
Ms L. Dalton	Ms A.E. Kent	Ms M.M. Quirk	Ms C.M. Rowe *(Teller)*
Ms D.G. D'Anna	Dr J. Krishnan	Ms A. Sanderson	
Mr M.J. Folkard	Mr P. Lilburne	Mr D.A.E. Scaife	

Amendments thus negatived.

Clause put and passed.

Clauses 7 to 10 put and passed.

Clause 11: Section 13A inserted —

Mr R.S. LOVE: Under clause 5, we discussed the lack of power of the deputy commissioner. Once directed to a task, the deputy commissioner could not be directed any further about how he or she undertakes that task. Can the Attorney General explain how that will be achieved through proposed section 13A at clause 11?

Mr J.R. QUIGLEY: It is a combination of clause 5 and section 13 of the act. We are on clause 11, but section 9(1), "Corruption and Crime Commissioner", states —

> There is to be a Commissioner who, in the name of the Commission, is to perform the functions of the Commission under this Act and any other written law.

Clause 5, proposed section 9(1A) states —

> There is to be a Deputy Commissioner who, in the name of the Commission, is to perform such functions of the Commission under this Act and any other written law as the Commissioner directs.

Once the commissioner is not there, the deputy commissioner can exercise the powers of the commission.

The amended section 9(2) will state that without limiting subsection (1) or (1A) if under this Act or other written law, act or thing may or must be done by, to, by reference to or in relation to the Commission, the act or thing is to be regarded as effectually done if done to, by reference to or in relation to the commissioner or deputy commissioner. It is conferring the powers of the commission upon the deputy commissioner.

I turn to section 18, "Serious misconduct function", under division 2. Subsection (2) states —

> (2) Without limiting how the Commission may perform the serious misconduct function, the Commission performs the function by —
>
> (a) receiving … allegations …

That can all be done by the deputy commissioner when the commissioner is not there—or when the commissioner is there—to exercise such functions of the commission as directed by the commissioner. That does not give the commissioner the power to enter the hearing room and tell the deputy commissioner how to conduct it. We have different functions of the commission, as we touched upon before, such as the unexplained wealth function. A function relating to fortification laws is still lurking around. Does the member know what I am talking about?

Mr R.S. Love: Yes, I do.

Mr J.R. QUIGLEY: The police have never brought an application because it is too difficult. The deputy commissioner can be directed to exercise those functions but not on how to conduct his hearing. He is independent. He can be directed to conduct a serious misconduct inquiry under section 18.

Under clause 11, if he is acting in the office of the commissioner, when the office is vacant or the person holding the office of commissioner is unable to perform the functions of that office—if he is away on leave—in relation to any matter in respect of which the person holding the office of commissioner has under section 13 declared himself unable to act, and that is where he has a conflict, the deputy will have the power to exercise the functions of the commissioner.

Mr R.S. LOVE: Proposed section 13A(3) states —

> (3) The Deputy Commissioner, when acting in the office of Commissioner under this section for the reason mentioned in subsection (1)(b) in relation to a matter, may perform functions of that office in relation to the matter even though the Commissioner or a person acting under section 14 for the reason mentioned in section 14(1)(b) is at the same time performing other functions of that office.

Can the Attorney General explain the import of that proposed subsection because I am unable to grasp its exact import?

Mr J.R. QUIGLEY: Proposed subsection (3) states —

> (3) The Deputy Commissioner … under this section for the reason mentioned in … (1)(b) in relation to a matter, may perform functions of that office in relation to the matter even though the Commissioner or a person acting under section 14 for the reason mentioned in section 14(1)(b) is at the same time performing other functions of that office.

That means that under proposed section 14, an acting commissioner can be appointed at the same time as there is a deputy commissioner. It is about appointing some other function of the office. We could have the commissioner and a deputy and still have Mr Scott Ellis, or someone in Mr Scott Ellis's position, acting as an assistant commissioner if needed. It is a manpower thing.

Mr R.S. LOVE: They will not be an acting deputy commissioner.

Mr J.R. Quigley: No.

Mr R.S. LOVE: Will it be possible to have an acting deputy commissioner?

Mr J.R. QUIGLEY: No. We can have an acting commissioner but not an acting deputy commissioner. We hope in the not-too-distant future to go through the nominating committee and appoint a deputy commissioner, but the Premier, after consultation during the process, will still be able to appoint an assistant commissioner, depending on the workload.

Mr R.S. LOVE: But the powers of an assistant commissioner and a deputy commissioner will not be exactly the same, because an assistant and the commissioner cannot conduct concurrent hearings at the moment; is that right? They cannot have concurrent hearings. An assistant commissioner cannot run a hearing at the same time as the commissioner is running one; is that the case?

Mr J.R. QUIGLEY: An acting commissioner will be able to be appointed under section 14, and that person will be able to do a hearing in one room while the commissioner is in another room, or the commissioner might be away and the powers of the commission could be exercised by the deputy, who would ask the government for help and an acting commissioner would be appointed. They could both sit in adjoining hearing rooms, which would be deadly for the inquiry, because, as I said before, they could not collude if they were both being examined at the same time.

Clause put and passed.

Clause 12: Section 14 amended —

Mr R.S. LOVE: I have one quick question. Proposed section 14(2C) states —

> … the Premier can recommend the appointment of a person under subsection (1)(a) without the requirements set out in section 9A(2)(a) to (c) being satisfied in relation to the person if —
>
> (a) the appointment is for a period of no longer than 12 months; and
>
> (b) the appointment will not result in the person being appointed more than twice consecutively …

The appointment could be for up to two years. Is two years the current bar or is it different from what exists at the moment? Why is it two years? There could be two consecutive terms of 12 months each. Two years seems like a lengthy time for a person to be appointed in that way. Can the Attorney General explain why that is seen to be an appropriate length of time?

Mr J.R. QUIGLEY: It is because a lot of these tasks, such as Operation Betelgeuse—I do not want to get into the politics of that—and the North Metropolitan Health Service inquiry, can take longer than 12 months. If there is a discrete inquiry and an acting commissioner is appointed to do a particular task, it might take longer than 12 months. A lot of the inquiries do. But if the appointment is going to be for longer than two terms, the person will have to go through the whole nomination process. This is just for when extra manpower is needed urgently. It could be done via the assistant commissioner route, but not for more than two appointments. The person would have to go through the whole nomination process.

Clause put and passed.

Clauses 13 to 36 put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR J.R. QUIGLEY (Butler — Attorney General) [6.16 pm]: I move —

> That the bill be now read a third time.

MR R.S. LOVE (Moore — Leader of the Opposition) [6.16 pm]: I rise to conclude my contribution on this matter and to reiterate the point that I strongly support the appointment of a deputy commissioner. It has been called for a very long time, whether they be called a deputy or an assistant commissioner. There is evidence that that has potentially, and certainly, of late, more than potentially, been seen as a required task. If the amendment proceeds, the appointment will no doubt enable the commission to undertake its work in a more effective way and provide some continuity in its tasks.

I continue to oppose the bill itself because, on balance, I think stripping away Parliament's ability to have oversight of the appointment of both the commissioner and the deputy commissioner is unnecessary. I think it overrides the merit of the proposal that has been put, simply because we know that the Attorney General could have left the appointment process as it is and dealt with the process down the track. He has already intimated that there will be consideration of the process for the appointment of the parliamentary inspector in the future. Currently, the appointment of the parliamentary inspector requires majority and bipartisan support of the standing committee. I put it to the Attorney General that at the very least, he should leave it as it is because that would ensure that the oversight role has a degree of bipartisan support. It would give some level of comfort to the opposition and the community that, short of a manifestly disastrous nomination, the government was not hell-bent on dominating the appointment process through the nomination process and the committee's consideration. The veto would never be employed in practice. I think that is a much higher bar than anybody has been talking about. We know that three people will need to oppose the appointment of a commissioner or deputy commissioner for it not to proceed.

At the moment we need two people to indicate that. On a committee of four that raises the bar. There is that aspect. Leaving aside the bipartisan nature of support, we know there is a considerable change in the bar in the move to having a veto rather than requiring there to be majority support for the appointment. It reverses the onus and it makes it more unlikely that the committee would oppose an appointment in the normal course of events—leaving aside some sort of catastrophic arrangement that had been put in place where something was discovered after the nomination committee had done its work. I think that is a pity. It is also a great pity to see the Attorney General not accept that bipartisanship is an important component, in my view, in the current process of appointment. There were a couple of rocky roads for the current commissioner in his appointment, and the Parliament passed a law and the government used its numbers to ram that through both houses of Parliament. We know that normally we would not have been able to do that to appoint the current commissioner.

I will put on the record again: I have nothing against the current commissioner. I support the work that he does. I do not support this reduction of oversight by Parliament in the role of the appointment of the commissioner and deputy commissioner. I am deeply troubled by the Attorney General pointing to a similar reduction affecting the appointment of the Parliamentary Inspector of the Corruption and Crime Commission in the future. The parliamentary inspector has an oversight role over the work of the commission on behalf of Parliament. If that were to remain as a bipartisan approach, as it is at the moment, that would at least give comfort to the community and the opposition that there would be an appropriate level of oversight even though there has been a loss of bipartisan support for the active commissioner per se.

I note the advisers have left the room, but they, as always, provided professional advice to the Attorney General and I thank them for their effort. I do not begrudge them the opportunity to go home to their families and their dinner. They finished their task here today and carried it out well. I thank them. I thank other members who have made contributions. Some have been more memorable than others. Some of them have been very different. We have heard from a range of people. I think everybody supports the work of the commission. That is not an issue here. Again, I reiterate, the opposition would have loved to have been able to support this bill and the appointment of the deputy commissioner. But, as the Attorney General refuses to listen on the matter of the composition of the committee and the nature of the bar, the opposition will not support the appointment of the commissioner and the deputy commissioner. With that, I reiterate my opposition to the bill, but my very strong support for the commission and position of deputy commissioner, as outlined. I only wish the Attorney General had brought another bill along. He is talking about doing a review anyway. He could have left that change to the appointment process to a point down the track. I am sure that the committee would have looked favourably at any number of people put forward as the deputy commissioner. There was no need for him to take this action.

The Attorney General has used a certain point in the political time line going back nearly 20 years—maybe it is 20 years—for which there had been no issue with the way that the appointment process was undertaken. It was because of a controversy that went on between the commission and the Legislative Council. It was not really the matter of whether there was bipartisan support. That was the task, but there was majority support. We know that there was conflict between the commission and the Legislative Council at that stage. We can talk about the nuances of who did what, but a conflict resolution needed to take place. It was not surprising that the two Legislative Council members of that committee did not support the reappointment of the commissioner at that time. I think it was unfortunate and I would have preferred a negotiated decision well before it got to that position. It was not a great moment in the relationship between Parliament and the commission. I am happy to say that, at least in this house, a workable relationship seems to have been maintained in regard to information sharing and the like. With that, I conclude my contribution and, once again, thank the staff who assisted the Attorney General.

MR J.R. QUIGLEY (Butler — Attorney General) [6.25 pm] — in reply: I wish to thank all those members who contributed to the debate on this bill, including the Leader of the Opposition and the members for Cottesloe,

Girrawheen, Mount Lawley and Cockburn. I thank the Minister for Police who spoke on the last day that this matter came up. Leaving the controversial politics out of it, and not going back to —

Mr P.J. Rundle: Leaving the controversial politics —

Mr J.R. QUIGLEY: No! Not going back to the events that gave rise to this.

It is a fact that as far back as 2008, the Honourable Justice Gail Archer, SC wrote a report for this Parliament recommending this change—that is, a change from majority bipartisan support of the committee to one of veto. The Honourable Justice Gail Archer, SC made the recommendation, having looked at the methods of appointment around Australia. We were the only ones, that I am aware of from that report, that the parliamentary oversight committee had to approve the recommendation rather than have a right of veto by majority over the Premier's recommendation. Although there is a chasm of difference between the opposition and the government, it is not driven by Labor Party policy, it is bringing us into line with other jurisdictions around the country for the method of appointment. We must have looked a bit silly when we could not appoint a commissioner for over 12 months. This is not a radical party policy. This is following the recommendations of Justice Archer's review, which were not followed up by Parliament in a timely manner. If the recommendations had been followed up, we would never have been in the situation we were in in 2020. We took this to the people. We said we would change it all and in the meantime we would appoint Mr McKechnie. It cannot be said that we did not have a mandate. It cannot be said that this is some sort of narrow, Labor Party ideology. It was the recommendation of Justice Archer in the 2008 report.

Although I thank all members of the opposition for their contribution, I hope they appreciate—perhaps they do not—that this has come from independent reviews trying to bring us into line with other jurisdictions. On that basis, I commend this bill to the chamber. I thank the opposition for their support for the deputy.

Division

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

Ayes (42)

Mr S.N. Aubrey	Ms E.L. Hamilton	Ms S.F. McGurk	Ms J.J. Shaw
Mr G. Baker	Ms M.J. Hammat	Mr K.J.J. Michel	Ms R.S. Stephens
Ms L.L. Baker	Ms J.L. Hanns	Mr S.A. Millman	Mrs J.M.C. Stojkovski
Ms H.M. Beazley	Mr T.J. Healy	Mr Y. Mubarakai	Dr K. Stratton
Mr J.N. Carey	Mr M. Hughes	Mrs L.M. O'Malley	Mr C.J. Tallentire
Mrs R.M.J. Clarke	Mr W.J. Johnston	Mr S.J. Price	Mr P.C. Tinley
Ms C.M. Collins	Mr H.T. Jones	Mr D.T. Punch	Ms C.M. Tonkin
Ms L. Dalton	Ms E.J. Kelsbie	Mr J.R. Quigley	Ms S.E. Winton
Ms D.G. D'Anna	Ms A.E. Kent	Ms M.M. Quirk	Ms C.M. Rowe *(Teller)*
Mr M.J. Folkard	Dr J. Krishnan	Ms A. Sanderson	
Ms K.E. Giddens	Mr P. Lilburne	Mr D.A.E. Scaife	

Noes (5)

Ms M.J. Davies	Mr R.S. Love	Ms M. Beard *(Teller)*
Dr D.J. Honey	Mr P.J. Rundle	

Question put and passed.

Bill read a third time and transmitted to the Council.