

**CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2023**

*Second Reading*

Resumed from 18 May.

**MR C.J. TALLENTIRE (Thornlie)** [11.19 am]: Before I begin my remarks on the Corruption, Crime and Misconduct Amendment Bill 2023, I acknowledge the wonderful performance of the Matildas in the FIFA Women's World Cup and congratulate the team on what it has achieved. I also express some disappointment at the loss last night. On Sunday, it will be a case of *arriba España*. We can look forward to that game and the playoff for the third position.

I rise to speak to the Corruption, Crime and Misconduct Amendment Bill 2023 and note that an anti-corruption commission has become an important feature of the integrity framework in Australia at the state, territory and commonwealth levels. Its purpose is to investigate and report on allegations of corruption by public sector employees, public office holders and individuals and entities performing public functions, and people responsible for managing and spending public funds. That is something the community expects us to have and we must ensure that the legislative framework around meeting that expectation is as strong and reliable as possible. Corruption commissions also perform an important role in preventing corruption by exposing systemic risks and bringing them to the attention of government entities and the public.

Our Corruption and Crime Commission was established in 2004 and was created under the current Corruption and Crime Commission Act. When Attorney General Hon Jim McGinty introduced the legislation into Parliament, he said —

Western Australians deserve a Police Service and a public sector that are free from the scourge of corruption.

He described the proposed commission as one of the most powerful crime and corruption-fighting bodies in Australia that would be able to investigate Western Australian judges, ministers, members of Parliament, police and other public officers. The range of areas and positions that the Corruption and Crime Commission has the capacity to investigate is very important. I will go into that in some detail.

I want to say a little about the sorts of crimes that exist in our society and in the world today that are often committed in broad daylight. Think of the 2016 Trump election campaign and the 2016 Brexit campaign. Misinformation is put out there that can lead to terrible consequences. The capacity for bodies like corruption and crime commissions to delve into those seem beyond the reach of such organisations at the moment. There is a problem with mechanisms that have the ability to influence people's thinking in a malevolent way. That is often done in coordination with media outlets. Think of Fox News, *The Sun*, the *Daily Mail*, the *Express* and the *Daily Telegraph*. Think of the deceit, lies and misinformation by organisations that manipulate Facebook, such as Cambridge Analytica, and the capacity of Russian bot farms to influence views. I fear that we have seen some of this type of thing in the current no campaign being waged in the discussions leading up to the referendum around the Voice. There is the issue of the behaviour of some of the big four consultancies and their ability to determine policy while garnering massive contracts. Think also of the work of some public relations consultancies. I noticed even yesterday that there was clearly a pile on—I suggest it is orchestrated—over the urgent need to release more land for property developers. I am well aware that in my electorate there is not an abundance but certainly a significant availability of land not more than 20 kilometres from the Perth CBD. That land is ready for development yet the property development industry, through its public relations work, is on the radio saying, "Hang on, we've got to release more land." That is because the industry has a cookie-cutter model of developing and providing housing. Of course there is a housing crisis. That is a separate issue and we must respond to it, but this orchestrated campaign is arguing for the release of land well away from where people work in many cases. Property developers want to be able to deliver a cookie-cutter model of having vast areas of very flat land that they can build houses on as cheaply as possible. That model leads to all kinds of problems and it ignores the fact that we have land available in areas like my electorate. These are perhaps issues that are beyond the Corruption and Crime Commission, but I believe they are a corruption of our processes as they stand at the moment. As I said before, I have seen the arguments around the presentation of the no case in the lead-up to the referendum, and I think there is some corruption of the facts, at the very least. I note the comments this morning from Professor Megan Davis, the co-chair of the Uluru dialogue, who said that even in our mainstream media we see an almost respectful presentation of the no case when many falsehoods are being delivered. That is clearly very damaging.

Most people, though, when they think of our Western Australian Corruption and Crime Commission, would think of the reports that come out and terrible things like the Paul Whyte scandal and the recent report into Goldmaster Enterprises that found there was a loss of about \$20 million to the state. Again, they were property development matters. It is interesting to note some of the other popular areas of reporting that the Corruption and Crime Commission has delved into. I refer to matters relating to public integrity and problems at the universities. Universities have been investigated on a number of occasions. Of course, relevant to this place is the misconduct of former member of the other place, the upper house, Phillip Edman and the misuse of the member's allowances.

They are the sorts of very important things that the Corruption and Crime Commission has very successfully delved into. That is something that our society needs. We need that level of investigative capacity.

The current and previous commissioners have one attribute in common, and that is the exercise of a fearless independence in wielding the commission's considerable powers. People sometimes say to me that if they use Signal or Proton Mail, no-one will get their communications. Should the Corruption and Crime Commission desire to see someone's emails on Proton Mail or their Signal conversations, it would simply be a matter of issuing a summons. I would not be surprised if the CCC also has access to technology that can get around whatever encryption methods may be deployed by those supposedly more secret and secure electronic platforms.

If the commission determines that a matter should be investigated, it can execute search warrants, apply for telecommunications service warrants and surveillance device warrants, conduct controlled operations and compel persons to produce documents and other things. The commission may conduct an examination for the purposes of an investigation. Such examinations are inquisitorial; that is, they are inquiries conducted by the commission to ascertain facts. Such examinations are not adversarial contests between parties trying to prove or disprove a case. This is a different approach to police investigations that have as their purpose obtaining evidence about an alleged offence. The commission's investigatory purposes are much broader. In a misconduct investigation, for example, the commission must also seek to ascertain how the misconduct came about, why it was not prevented or detected, whether it extends beyond an individual agency, whether it is the result of systemic shortcomings, and what organisational or policy or procedural changes are necessary to prevent or deal with such conduct in the future.

The bill will amend the Corruption, Crime and Misconduct Act 2003 to deliver two key reforms to provide for timely and effective appointment processes for commissioners and acting commissioners, and the new position of deputy commissioner. As mentioned, the Corruption, Crime and Misconduct Act provided for the establishment of the Corruption and Crime Commission as Western Australia's pre-eminent independent anti-corruption body with functions in relation to serious misconduct by public officers, the confiscation of unexplained wealth and criminal benefits, and the investigation of organised crime. As the Leader of the House stated when providing the second reading speech on behalf of the Attorney General, this bill represents the first tranche of a much larger body of work to carefully modernise the CCM act and will address the appointment process to ensure stability and accountability in the leadership and management of the CCC.

It should be noted that the Corruption and Crime Commission Amendment Bill 2012, in the time of the Barnett government, provided for the creation of the position of assistant commissioner, but that bill lapsed on the prorogation of Parliament on 14 December 2012 and was not resurrected by the Barnett government following the 2013 general election. The need for a deputy commissioner has been identified in a number of reports, going back to the 2008 Archer report. A more recent report that identified this need was the thirty-first report of the Joint Standing Committee on the Corruption and Crime Commission of the thirty-ninth Parliament, titled *The efficiency and timeliness of the current appointment process for commissioners and parliamentary inspectors of the CCC*, which was published in November 2016. That need was reiterated in the seventeenth report of the Joint Standing Committee on the Corruption and Crime Commission, *Meaningful reform overdue: The Corruption, Crime and Misconduct Act 2003*, published in November 2020. Recommendation 1 of the thirty-first report of the JSCCCC of the thirty-ninth Parliament states —

The Attorney General prepare an amendment to the *Corruption, Crime and Misconduct Act 2003* to allow for the appointment of a Deputy or Assistant Commissioner to assist the Commissioner in the day to day work of the Corruption and Crime Commission.

I note that even earlier than that, Hon Michael Mischin, in his capacity as Attorney General, lent his support to the creation of the position of deputy commissioner in his response to the twenty-sixth report of the Joint Standing Committee on the Corruption and Crime Commission of the thirty-ninth Parliament. In fact, Hon Michael Mischin said that the government was supportive of the joint standing committee's recommendation to amend the Corruption and Crime Commission act to allow for the appointment of a deputy or assistant commissioner. In various public hearings of the JSCCCC of the fortieth and forty-first Parliament, the Corruption and Crime Commissioner reaffirmed the advice that he had provided to the committee of the thirty-ninth Parliament that the act should be amended to provide for a deputy commissioner who may act as the commissioner during any period of incapacity or vacancy and perform functions under the CCM act as directed by the commissioner. I am pleased that the government has taken steps to introduce a bill to amend the act for this purpose. There should be bipartisan approval for the establishment of this new position on the basis of a previous recommendation of the JSCCCC of the thirty-ninth Parliament and the intention of the Barnett government to create a similar position.

I turn to the proposed amendment in this bill regarding the appointment and reappointment process. The process for the appointment of integrity commissioners affects the public perception of an anti-corruption commission's independence. It is a best-practice principle that the appointment of commissioners should be made on the basis of merit following an open and transparent appointment process. Selection should be measured against publicly

available criteria, with an independent panel putting forward a shortlist of suitable applicants to the relevant minister for appointment. Merit should be the dominant consideration in selection.

It was very unfortunate for the public of Western Australia that the reappointment of our outstanding Corruption and Crime Commissioner was rejected by the JSCCCC of the fortieth Parliament on the vote of a single member, for reasons that were never made clear by the committee and, consequently, were open to wild and unsubstantiated speculation in parts of the media and, particularly, inflammatory contributions made on this topic in the Legislative Council by members of the opposition. The events that took place in 2020 revealed a substantial flaw in the appointment and reappointment process for the position of commissioner—that is, it was susceptible to inappropriate and cynical manipulation by a single member of the standing committee who was immune from any accountability. Here are the facts. Mr McKechnie's term as the head of the Corruption and Crime Commission expired on 8 April 2020. Mr McKechnie was the only commissioner to have served a full five-year term and the first to seek reappointment. Mr McKechnie was the outstanding candidate of the three eligible nominees identified by the nominating committee, which was chaired by the Chief Justice of Western Australia, Hon Peter Quinlan, SC, and which recommended Mr McKechnie's appointment for a further period of five years, as permitted by the act. However, the parliamentary Joint Standing Committee on the Corruption and Crime Commission did not give majority and bipartisan support for his reappointment.

[Member's time extended.]

**Mr C.J. TALLENTIRE:** There was no requirement for the JSCCCC to provide clear and documented justification for that dissent, although a cryptic media statement was issued by the committee, leaving the public to speculate wildly on the reasons. The public was both confused and dismayed by the fact that Hon John McKechnie, the state's most successful commissioner who at the time of his proposed reappointment had exposed staggering corruption in the public service, was not reappointed given that a commissioner is eligible to hold office for a period of five years and to be reappointed for a further five years. No substantial grounds were provided for the reappointment not to occur. Following the March 2021 general election, the government introduced a bill on 16 June 2021 to provide for the reappointment of Hon John McKechnie as commissioner of the Corruption and Crime Commission. That bill was declared an urgent bill. This was an extraordinary but necessary move because of the opposition's continuing intransigence and refusal to correct what it knew to be an infamous wrong perpetrated in the fortieth Parliament; it lacked the spine to undo the wrong.

The standing committee comprises four members, each with a single deliberative vote. Under the existing requirements of the act, the proposed appointment and reappointment of a commissioner requires both majority and bipartisan approval. In the fortieth Parliament, the JSCCCC comprised two government members, one opposition member and one member from the crossbench—a member of the Greens party. This composition meant that both majority and bipartisan support rested on the concurrence of a sole member of the opposition serving on the committee. The amendment proposed in this bill will reverse the requirement for bipartisan and majority support for the recommendation to appoint the nominee recommended by the nominating committee and will provide for a veto of the recommendation. This change will require the majority of the committee to reject the recommendation. I note, however, that the amendment will not require or mandate the joint standing committee to provide written reasons to the Premier for vetoing a nomination. Perhaps the Attorney General could provide the reason that this requirement was not considered as part of the amendment bill.

The method of appointment of integrity commissioners, including the procedure for the confirmation of the appointment of the person nominated, varies across the states. An examination of the six state jurisdictions and the commonwealth shows that the exercise of a veto or similar by a parliamentary oversight committee is more common than the use of a mechanism requiring bipartisan and majority support for an appointment. In New South Wales, the Independent Commission Against Corruption Act 1988 makes provision for the appointment by the Governor of a chief commissioner and two other commissioners as a result of changes enacted in 2016. The move to a three-commissioner structure was one of a series of recommendations made by the NSW parliamentary oversight committee in an October 2016 report. It appears that the appointment of the chief commissioner and commissioners is made by the Premier, with the concurrence of the NSW joint parliamentary oversight committee, which has the right of veto over the appointment of commissioners.

In Victoria, the parliamentary Integrity and Oversight Committee has the power of veto over agencies such as the Independent Broad-based Anti-corruption Commission. This is an 11-member committee, with three members from the Legislative Council and eight from the Legislative Assembly.

In South Australia, the appointment of a commissioner may only proceed if it is referred by the Attorney-General to the Statutory Officers Committee and either the committee approves the proposal or does not respond in a specified period of time.

Since the completion of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct—the Fitzgerald inquiry—in 1989, Queensland has possessed a body focused on investigating police and public

sector misconduct and cooperating with the police to investigate organised and major crime. In Queensland, the Corruption and Crime Commission is subject to the scrutiny of the Parliamentary Crime and Corruption Committee. The Queensland Crime and Corruption Act 2001 establishes a five-member commission to head the Queensland Corruption and Crime Commission, including a full-time commissioner, who chairs the commission. The commissioners and the CEO of the commission may only be recommended for appointment by the minister if the minister has consulted with the parliamentary oversight committee and the chairperson for appointments other than the chairperson, and the nomination is made with the bipartisan support of the committee. This is similar to the existing WA provision. The major difference is that the Queensland Parliamentary Crime and Corruption Committee has seven members—four nominated by the Leader of the House and three by the Leader of the Opposition.

Tasmania has dealt with the establishment of a crime and corruption body in a peculiarly unique way, the governance of which differs substantially from that of other state integrity commissions.

Under section 178 of the National Anti-Corruption Commission Act 2022, the Parliamentary Joint Committee on the National Anti-Corruption Commission must approve or reject the minister's proposed recommendations for the appointment of the commissioner, a deputy commissioner or the inspector. The committee does not make the appointments. If the committee approves a proposed recommendation, the minister may make that recommendation to the Governor General under sections 241, 242 and 185 of the act. The committee is required to report its decisions about appointments to both houses of Parliament.

The commonwealth legislation is the most recent dealing with the appointment of commissioners and parliamentary inspectors, and in its drafting has benefited from an examination of the appointment processes adopted by existing state commissions. The commonwealth has adopted the ability of the commonwealth joint standing committee to veto recommended appointments, with the requirement to report its decision to the Parliament.

One of the current features of the appointment of the commissioner of the current WA Corruption and Crime Commission is unique to WA—that is, the utilisation of a nominating committee. The WA act specifies that the commissioner is to be appointed by the Governor on the recommendation of the Premier. However, the Premier may only recommend the appointment of a person whose name is on a list of three eligible persons provided to the Premier by an independent nominating committee comprising the Chief Justice, the Chief Judge of the District Court and a nominee of the Governor to represent the interests of the community. A critique of this nomination process has been included in the JSCCC's thirty-first report of the thirty-ninth Parliament, which recommended that sections 9(3a)(a) and 9(3b) of the Corruption, Crime and Misconduct Act be amended to remove the role of the nominating committee in the appointment process for commissioners and parliamentary inspectors; and in lieu thereof, mandate the Premier propose one name from a list of three people to the committee for its bipartisan and majority support, effectively abolishing the independent nominating committee. The observation made by Hon Wayne Martin, the then Chief Justice, in support of removing the nominating committee as it is currently constituted, raised, in his view —

- (a) the constitutional prohibition upon the engagement of judges in non-judicial work that is inconsistent with their judicial office;
- (b) the undesirability of involving judges in executive functions that are unrelated to the work of the courts; and
- (c) the practical consequences of requiring heads of jurisdiction to perform other roles.

I understand that at times it has been difficult for the nominating committee to provide a list of three eligible nominees, with the committee having to seek out candidates who would have the right qualifications to hold the position but who were, in effect, invited to be included on the list, albeit they understood they would not be recommended for appointment. This is a little ludicrous, to say the least, but necessary to comply with the requirements of the act. Previous recommendations have included amending the wording to provide the Premier with a list of up to three names rather than the Premier having to recommend an appointment from a list of three eligible candidates. It is both nonsensical and offensive that in practice a single member of the committee should be capable of negating a recommendation of the Premier of Western Australia on a whim following the advice provided by the independent nominating committee, but that is what happened.

In summary, clause 6 of the Corruption, Crime and Misconduct Amendment Bill 2023 seeks to insert a new section 9C in the Corruption, Crime and Misconduct Act to confer on the joint standing committee a power to veto. The key benefit of the new section is that it will address the demonstrated problem in the existing appointment process that emerged in the fortieth Parliament while absolutely supporting the Parliament's joint standing committee's considered and important function to scrutinise the recommended appointment and to uphold the ability to prevent the appointment of an unsuitable person as commissioner when the majority of the standing committee believes this appropriate. As mentioned by the Leader of the House when introducing the bill, on behalf of the Attorney General, as I mentioned earlier in my remarks, the new section proposed in the bill aligns with the processes in New South Wales, Victoria and the commonwealth for the appointment of the equivalent anti-corruption bodies.

This bill really improves our current legislation for the effective appointment of a commissioner to do this very important work. The work of the commissioner is vital to Western Australians having confidence in the work of many of our public officers. The work of the commissioner includes investigating matters of organised crime and all manner of referrals, including those that are sometimes unexpected. It is very interesting to look back at some of the reports. A recent report related to a matter of poor governance at Murdoch University that involved the falsification of the registration of cattle at Murdoch because the person who had responsibility for the farm was seeking to further his own status in the breeding of cattle and exhibiting them at the Royal Show. This deceitful behaviour was able to carry on because there was not the necessary governance and oversight. Another incident at the same university found that a former vice chancellor was viewing pornographic materials on his work computer.

I commend this bill to the house.

**MR R.S. LOVE (Moore — Leader of the Opposition)** [11.49 am]: I rise to make a contribution to this debate on this very important matter, the Corruption, Crime and Misconduct Amendment Bill 2023. I strongly support elements of the bill, and I have great issue with other elements. I will spend a bit of time talking about those, and about some comments made in this place on the history of the situation and the committee's practice of consideration of five-year appointments to the role of Corruption and Crime Commissioner.

Firstly, we know from the second reading speech and the explanatory memorandum that this bill basically sets out to do two things. According to the explanatory memorandum, the bill sets out to amend the Corruption, Crime and Misconduct Act to reform the process for the appointment of the Corruption and Crime Commissioner and to establish a new position of Deputy Commissioner of the Corruption and Crime Commission.

With regard to the requirement for there to be a deputy commissioner, right back at the beginning of the journey of the development of the Corruption and Crime Commission in 2003, legislation for the establishment of that body went from this place to the other place. The Legislative Council sent it to the Standing Committee on Legislation, which produced a report in 2003 on the act as it was. This eventually led to the Legislative Council splitting the bill into two sections to enable the carrying on of the CCC while looking at certain matters in greater detail. Reading *Hansard* of that period indicates great umbrage seemed to have been taken when the bill returned to this house, with discussions about the Legislative Council introducing bills that appeared to involve the expenditure of money. That seemed to be the major topic at that stage in this chamber with outrage about what had happened.

I have extracts with me from the *Report of the Standing Committee on Legislation in relation to the Corruption and Crime Commission Act 2003 and the Corruption and Crime Commission Amendment Bill 2003*. The executive summary states —

- The amendments to involve the parliamentary committee with oversight of the new agency in the appointment process for the Commissioner of the CCC and the Parliamentary Inspector. These amendments make both these roles accountable to the Parliament and the people of Western Australia through a parliamentary joint committee.

Prior to that, the committee was not involved in the appointment of the commissioner. It was a matter of the Premier consulting the Leader of the Opposition, and I think there was a reference to other parties, but I may be mistaken on that; my memory could be failing me there. However, there was no formal definition of how that consultation should take place. The committee felt that a bipartisan approach to the appointment of the commissioner should be entrenched, because the role of the commissioner is extraordinarily powerful; it is probably the most empowered single standing position in the state, as the commissioner holds powers to launch investigations, gain entry and compel evidence. All the powers held by that position mean that it is essential that it not be seen as a political appointment; it must be seen as a bipartisan appointment. Therefore, the committee formed the view back in 2003 that the appointment of the commissioner should take place in a way that ensured bipartisan support, and we came to the situation whereby bipartisan and majority support is needed for the appointment of the commissioner.

That process worked seamlessly from 2003 until an impasse occurred between the committee and the reappointment of a commissioner; he had become the former commissioner because his term had lapsed. That led in 2020 to an attempt in Parliament to directly appoint the commissioner. That did not succeed. Another bill was passed in 2021 that directly appointed the commissioner to the role.

At no time in the 18-year period from 2003 until then had such action been needed. I think the seeds of the issue were sown by the government in 2017, as I discussed in this place at that time, when it appointed two Labor lower house members to the committee, leaving two upper house members from diverse parties —

**Mr P. Papalia:** Were you actually there?

**Mr R.S. LOVE:** I was there.

**Mr P. Papalia** interjected.

**The ACTING SPEAKER:** Minister!

**Mr R.S. LOVE:** Give it a second; the minister will get a go.

Two upper house members from diverse parties had to nominate the position. To gain bipartisan support, the decision needed the support of the upper house members. I pointed out in this place that, as a member of the Nationals WA, I did not think that I would ever be on that committee, as I did not think a member of the Greens (WA) would ever be on that committee, because if the government was hoping to achieve bipartisan support, it would make no sense for it to support someone other than a member of the formal opposition being on that committee. I made that point in 2017 and I was astounded by what happened. The government put two lower house Labor members on that committee and then left it to the other place to determine what should happen. Of course, that created a much finer balance; that caused a person from the formal opposition to be in that position rather than two opposition members.

I note that the Attorney General's second reading speech put forward the proposition that only one member of the 2017–2021 committee of the fortieth Parliament was responsible for rejecting the appointment of the commissioner. We know that that is not the case, because we know that the committee chair at the time, who was then the member for Girrawheen, now Landsdale, put out a media release on 23 April 2020, titled "Reappointment of the Corruption and Crime Commissioner, John McKechnie QC". The media release states —

The committee met on 22 April 2020.

It took into account the matters which were recently brought to the Committee's attention by the Premier.

We do not know what those matters were. The media release continues —

Again, it was unable to reach either a bipartisan or a majority decision in support of the recommendation to reappoint the current incumbent.

We know that there was not only no support from the member of the opposition—that is evident, because there was no bipartisan decision—but also no majority support for that appointment. It was never the case that there was only one person —

**Mr J.R. Quigley:** Because the Greens didn't support it, either.

**Mr R.S. LOVE:** We do not know who else did not support it, but we know from discussion here that there was not majority support for that decision, so the proposition that has been put—I heard it again from the member for Thornlie—that it involved a single person is quite wrong. Two people failed to support it, so it did not achieve a majority. It says "to reach either a bipartisan" —

Several members interjected.

**Mr R.S. LOVE:** There is further evidence of this. I will get to it in a minute if members will allow me. The Attorney General and Minister for Police will have plenty of time to talk. They will have an unlimited amount of time, virtually.

**Mr P. Papalia:** No, I will not. I have 20 minutes, I think.

**Mr R.S. LOVE:** Between the two of you, I am sure you will make a very lengthy contribution.

We know that meant there was, in fact, a lack of not only bipartisan support but also majority support. If we think back to the time, we know that what actually happened was that the Corruption and Crime Commission was in an argument with the other place. We have to remember that this was not a time when everybody was getting on. Around that time, an argument was going on between the Legislative Council and the CCC. It does not take a rocket scientist to think that members of the Legislative Council might not be that supportive of the reappointment. In fact, that was pretty well demonstrated because we know that the former President of the Legislative Council in mid-May 2021, on the final or second-last day of her role as President and chair of its equivalent of the privileges committee, released a report that outlined a whole series of problems between the two bodies. Is it any wonder that members of the Legislative Council were reluctant to make that reappointment? Was it to do with some sort of a political thing, or was it actually to do with all members of the Legislative Council being a bit grumpy with the CCC? We know that the Labor member who was the President was also leading the charge against the CCC. We know that the members of its privileges committee were not happy. The situation had become an impasse between the CCC and the Legislative Council. In my view, to dress it up as some sort of political measure by one person is, in fact, quite wrong. Looking at the situation at the time, a big stoush was going on. The Attorney General surely remembers.

**Mr J.R. Quigley:** I do!

**Mr R.S. LOVE:** He does remember, but he dresses it up as though it is some sort of unsupportable decision by those members. I put it to the Attorney General that if he were a member of the Legislative Council, he would have had a lot of reason to be concerned about reappointing the Corruption and Crime Commissioner at that stage. He was locked in court action—backwards and forwards between them. I think it was one of the more difficult periods for our Parliament. Somehow, this had reached an impasse. It was not, as the Attorney General has dressed it up, one member holding up the appointment of the commissioner. As we have seen here, it was at least two members

because there was not majority support, as noted in this media release from one of the government members. We know that at least two members were opposed to this.

**Mr J.R. Quigley:** Yes, the two Council members.

**Mr R.S. LOVE:** Yes. Exactly.

**Mr J.R. Quigley:** Jim Chown and the Greens, and Chown was under investigation.

**Mr R.S. LOVE:** How do we know who exactly it was? We do not. We got a bit of instruction in this place, as I recall, from the discussions that took place here when the member for Kalamunda was at one point speaking about this appointment in this Parliament. I am just looking for the quote. Basically, he pointed out that it was the Greens member who had voted that way. Of course, we know that there was a considerable amount of discussion about the appropriateness of that revelation at the time. Nonetheless, it is in *Hansard*. It is there. Yes, the Attorney General is right. We know that both of the Legislative Council members voted against it, not one person.

The Attorney General in his second reading speech made the assertions that there was a person on the standing committee—I have the second reading speech here. The Attorney General knows this; he just said it. The Attorney General's speech says —

When there is only one standing committee member from the opposition, for instance, that single member's refusal to support an appointment would result in an indefinite impasse ...

The Attorney General knows that, in this case, it was not a single member.

**Mr J.R. Quigley:** It was!

**Mr R.S. LOVE:** It was not a single member. We know because both of the Labor members in this place revealed the information that more than one person voted against it. We do not know whether it was just one other person or if there were two other people. I do not know. I do not know whether there were two or three of the buggers. Who knows? But the Attorney General dresses it up as if it were one person. It was not. It was not one person; it was two people. It was two people at least and perhaps even three. I do not know. I do not know how many people; I was not there.

**Mr J.R. Quigley:** You could work it out logically.

**Mr R.S. LOVE:** I was not there at that time.

**Mr J.R. Quigley:** You were here when speeches were given. You were here!

**Mr R.S. LOVE:** I was not in the committee at that time when that discussion was made.

**Mr J.R. Quigley:** Two of the committee spoke here and blew the cover.

**Mr R.S. LOVE:** That is exactly what happened to an extent, and I have alluded to that. It was not one person who voted against it, as the Attorney General has said. Regardless of that, we know that at that stage there was concern from the Legislative Council about its relationship with the CCC. It is quite evident. I do not see why the Attorney General would suggest that that is any reason to take away the situation in which there needs to be bipartisan support for the appointment of the commissioner, because that was the situation at that point.

**Mr J.R. Quigley:** Because you locked the commissioner out for over a year, so we could not investigate concerns.

**Mr R.S. LOVE:** In the other place, there was bipartisan support for not appointing the commissioner. In the other place, it was pretty clear that the then President, a Labor member of Parliament, was very concerned about the situation between the CCC and the Legislative Council. It was pretty clear that the Greens person and the Liberal person were concerned. That looks to be bipartisan support—not! That is actually bipartisan opposition to the appointment. Just because it is not what the Attorney General wanted at that stage does not mean necessarily that the law is wrong. Perhaps the Attorney General's approach to this was wrong. Perhaps the Attorney General exerting a bit of influence to help undo that deadlock might have helped. Perhaps if the Attorney General had actually been constructive in his discussions, that might have helped, but he was not. He inflamed the situation. He made it worse. Instead of coming to a resolution through respectful discussion, it led to people retreating to their camps and throwing rocks at each other, and that is how we got an impasse. It is not because the system is fatally flawed. It is not fatally flawed. It actually could have been worked through then, and it could have been worked through in the following Parliament. Instead of that, we had a take-no-prisoners approach, and now the Attorney General wants to strip away bipartisan support for what is the most fundamentally important appointment of an officer that this Parliament makes. That position should be above politics. It is a position that everybody would acknowledge needs to be above politics, but the Attorney General is making it political by his actions. He is turning it from being a bipartisan approach to an appointment by government.

**Mr J.R. Quigley:** A corrupt politician blocked the appointment. A corrupt Liberal politician blocked the reappointment of the commissioner.

**The DEPUTY SPEAKER:** Attorney General, you will get your opportunity to respond.

**Mr R.S. LOVE:** Thank you for your helpful interjections, Attorney General! I do not want to go further down the path of denigrating people, so I will not respond to that.

In fact, there were two occasions in two separate Parliaments when that committee did not support the reappointment. But, as I say, that does not mean the matter could not have been resolved with some respectful discussion instead of the approach that was taken.

We note that back in 2003, the committee identified the need for bipartisan support. There have been no measures, and no committee report that has come forward since has mentioned the need, to remove that appointment process. There has been some discussion about the removal of the nominating committee, because I understand that the judges involved do not really want to be involved; they would prefer that there was another way that the name could be advanced to the standing committee. That has certainly been supported in a number of reports, but it seems to have been neglected in favour of what has been put forward by the Attorney General, which is the removal of the need for bipartisan support—a system that has worked well for 18 years, until there was a deadlock between the Legislative Council and the Corruption and Crime Commissioner. I am not blaming anyone, but it needed to be resolved and, with the bluster of some of the discussions that took place, including in this chamber, it probably was not advanced productively. I think there could have been a better way than it ending up in a court case and all sorts of other unseemly situations between those two august bodies. I think that was a bad outcome.

To reinforce the point, I draw members' attention to the article in *The West Australian* of 13 May 2021 written by Peter Law titled "Labor MP Kate Doust files explosive report accusing Attorney-General John Quigley of CCC 'intervention'". It states that she had accused John Quigley of direct intervention in a Corruption and Crime Commission investigation. Here we have some pretty serious matters being laid out by a Labor member in an article in the state's major newspaper of record and in the report that was brought down in May 2021, just before she retired from the office of President in the following Parliament, because we know that the upper house changes a few weeks after the Legislative Assembly. The article goes on to outline some of the toing and froing with the Council's Standing Committee on Procedure and Privileges and indicates that the report summarised the facts and relevant material arising from the interaction between the committee and the CCC over two years.

Regardless of the reason behind the investigation—nobody supports the type of behaviour that was outlined—this was about some other important matters of parliamentary privilege et cetera. Instead of encouraging a respectful outcome, as I think we had achieved in this place—we had an understanding of how we could go forward with the CCC—the approach that was taken led to division and a situation in which positions became entrenched. I think that was a low point in the Attorney General's contribution. I have gone through a lot of legislation with the Attorney General in the last couple of years, and have quite often had some quite interesting discussions and enjoyed the interaction, but I do not think his approach on this particular matter is a good one. We are again seeing a winner-takes-all approach. That is not appropriate in a Parliament that is seeking to ensure that this officer is appointed in a bipartisan way.

I do not think it is a good thing for a commissioner to feel that they owe the government for their position. They owe the Parliament and the people of Western Australia for their position, not the government. I note the newspaper article in *WAtoday*—I do not know whether it can be called a newspaper article, but it is an online article—in March this year featuring Mr McKechnie titled "What keeps WA's top corruption fighter up at night?" It outlines his program and some of the background to what has been occurring. In it, he, thankfully, expresses the view that he does not feel beholden to Labor or Liberal, as he has been appointed to positions by both parties. Hopefully—I am sure he does not—he does not feel that he owes anybody anything. That is good to know, but it does not mean to say that a lesser person may not feel that pressure, especially when there is a reappointment situation. Mr McKechnie is in his second term and I assume that the government is not going to bring in another piece of legislation to give him a third term, because I understand that two terms of five years is the limit; is that right, Attorney General? At the end of this term, there will not be a reappointment. Obviously, he does not feel the need to please the government. I understand that he is doing some inquiries into some issues around the Labor Party. That is interesting and we will see what happens out of that. Maybe the Attorney General will feel a bit of remorse at that point. I will not make further comment on ongoing inquiries, but it was mentioned in this article. Maybe I will read out that section just for the benefit of the house. It states —

The Labor government could also be on the receiving end of McKechnie's wrath.

*WAtoday* has previously reported the CCC was looking into Labor's use of electorate office staffing and resources in its election campaigns in a similar vein to the "red shirts" scandal that engulfed the Andrews government in Victoria.

That is interesting. I have not read that report yet, but I look forward to it—if it sees the light of day. The article goes on to refer to the situation with the now Premier's former electorate officer. There are a couple of bits in the article that certainly demonstrate that there is an even-handed approach by Mr McKechnie, and I congratulate him on that even-handed approach. I have never held anything against him personally in any discussion. The approach



of the government in its treatment of the members of the committee has been shameful and, I would say, having been somewhat on the receiving end of that myself, unjustified. Without revealing committee deliberations, some further negotiation, discussion or consideration may have led to different outcomes and not necessarily required the actions taken by the government. I do not think the Attorney General really needed to go the way he has.

Certainly, as we come to the end of this discussion, I indicate that I will be moving amendments to ensure that a bipartisan approach will still be taken. I hope the government will listen to me and agree with that approach. I put to the Attorney General that there are other ways that he could achieve what he wants to achieve. The member for Thornlie said that the Queensland committee has an odd number of people, so a majority can more easily be achieved. It has a larger group and, in fact, I highlighted back in 2017 that the standing order and the structure of the committee in the legislation means that to have non-opposition party members on a committee is problematic because it makes it more difficult to achieve bipartisan support. If we do not appoint two opposition members but instead appoint a member from another party, it leaves the committee with one opposition person. I pointed out at the time that that was a bit of a risk; I did not think the government would be so silly as to support someone other than a member of His Majesty's official opposition on the committee, but nonetheless, that is what happened. We could also simply expand the numbers on the committee, maybe even by only one, which would then provide a situation in which there would be a more easily achieved majority. But if we were to expand it as in the Queensland example, finding bipartisan support will also be easier; we would not need to find a majority of other members, just a member who voted that way.

It is interesting to see the different perceptions on either side of politics about how committees operate. Having listened to the Attorney General in previous debates, it seems quite clear that he feels that the vote of a committee member is a party vote, whereas on this side we tend to believe that committee members have their own vote. Although they are a member of a particular party, they are not necessarily bound to a party direction on how they vote. In fact, members from our side would never discuss in the party room the situation in a committee or any of a committee's goings-on; that is just something we never do. That is perhaps part of the different cultures of our parties and, again, part of the misunderstandings and positional difficulties that the Attorney General has got himself into over the years in respect of this situation. It is generally not that hard to deal with people, and I think understandings could have been reached in this new Parliament. Members should remember that when the current committee considered the reappointment of John McKechnie, this matter was still in the news. Trying to understand what it all meant took a bit of time, and if members have the time, it is something that they can do.

I refer back to a 2020 media release from Hon Margaret Quirk in which she gives the reasons for the committee's decision and the way in which it went about its deliberations. It was revealed in this media release that more than one person had voted in a particular way; there were two people at least, possibly three.

**Mr J.R. Quigley:** But under the act it was only relevant for one.

**Mr R.S. LOVE:** Under the act, yes, but it was not just one. The proposition that only one person was standing in the way is not valid. The media release states —

As has been the previous practice, the Committee interviewed all persons on the list considered by the nominating committee.

That is, the Joint Standing Committee on the Corruption and Crime Commission actually interviewed all the persons on the nominated list—the three people who would have been on that list from the nominating committee. The release continues —

We note in the report of the nominating committee that, although the incumbent is described as outstanding, the observation is also made that “*each of the nominees is qualified for appointment to the position of Commissioner.*”

There was a process in that standing committee, under that chair, by which the committee was allowed to discuss or interview the nominees.

Getting back to what we are discussing, the Attorney General has provided quite a binary choice: either the committee has no bipartisan element or it does. The other options I have proposed, such as changing the composition and size of the committee, are not being discussed. Perhaps over time we could find and agree on a way that suits the Attorney General's purposes but still allows some bipartisan element in the committee's deliberations. I will not be supporting the approach taken by the Attorney General and the opposition will move amendments to retain the current situation, under which the committee appoints a person using a majority and bipartisan approach. I put it to the Attorney General that I would entertain other amendments that would change the composition of the committee so that it can more easily attain bipartisan and majority support, such as the Queensland model. At this point, we will simply move an amendment to maintain the status quo and put it out there that that is an approach that could

well provide a solution that suits the Attorney General's purposes of having a little more certainty in respect of reappointments, but will not completely take away the bipartisan element of the appointment of the commissioner.

I also note that the appointment of the Parliamentary Inspector remains unchanged. That seems odd. Those are both very senior positions. In both cases the appointees are either judges or KCs, or the equivalent—that is, very highly qualified legal practitioners. They are often ex-judges, although not in the case of the current Parliamentary Inspector. There is now a difference between the appointment process for the Parliamentary Inspector and the Corruption and Crime Commissioner. It seems to me that if we have one process for the appointment of the Parliamentary Inspector, why would we not have the same process for the Corruption and Crime Commissioner? That seems a bit odd, but I am sure the Attorney General will explain it. I am sure he will go to some lengths to explain that one is an oversight role and the other is more of an investigative role with an outward public face. I would say that that would make it even more important for that to be a position that has bipartisan support—something that has seemingly been stripped away in the proposals put forward by the Attorney General. I entreat the Attorney General to find other ways of achieving his ends, and I will support him in that, but I will not support the situation that he is advancing at the moment.

I will again put on the record that I support the situation with the deputy commissioner being appointed. As I have said, the deputy commissioner has been envisaged from the start. The first Standing Committee on Legislation report in 2003 states —

6.25 The Committee has concluded that it is appropriate for the CCC Act to be amended to enable up to two Assistant Commissioners —

An alternative term for deputy commissioner —

to be appointed.

6.26 The Committee has reached this conclusion primarily because of the serious concerns raised in relation to the limitations on delegation ...

The commissioner or an acting commissioner has to be in place for there to be inquiries and activities; some activities can be delegated to others, but not that essential element. In order for more work to be undertaken—we know there is obviously more and more demand for that work going forward—the assistance of a deputy commissioner would enhance the work of the commission. We are very happy to support that aspect of the legislation. We do not support the other primary aspect of the legislation and we will seek to make some amendments that will bring that to a head.

With that, I might wind up my contribution on this matter. I know there have been a lot of revelations in recent years around corruption of a very significant nature and we know that the work of the commission is very important. I support the work of the commission but I do not support the way the Attorney General is trying to railroad the opposition and remove the bipartisan nature of the appointment of the commissioner. I put it to him that discussions could be had and a way forward could be found that would not require that to happen, but I suspect that he has made up his mind. As we have seen in this place with the government's current overwhelming majority in both houses, this legislation will probably be accepted by the Parliament on this occasion. It will not be accepted by me, but it may be accepted by the Parliament simply by the weight of numbers.

It is interesting, though, that when this matter was first being drafted and, no doubt, the Attorney General was getting all fired up to bring it into the house, there was a different Premier in place. Perhaps there was a feeling of invincibility among members of the red team then and perhaps that might be drifting away a little bit. We have seen with the reversal of the Aboriginal Cultural Heritage Act that mistakes can be made but that they can be undone and changes can be made. I think the Attorney General had some role to play in the understanding around the Aboriginal Cultural Heritage Act. We know that he was consulted. That was said in the news releases. I think that he and the Solicitor-General were involved. Apparently, according to the newspaper, on the basis of some advice that was given, the decision to turn around the ACH act was made. Perhaps the Attorney General could take a leaf out of that book and rethink his approach at this point and work constructively to find a way that will achieve some of his ends, which are to change the method of selection in the appointment of the most senior position, I think—not taking anything away from the Ombudsman, the Auditor General or any other parliamentary appointment—that would not undo the requirement for bipartisan support.

This is a particularly powerful position. People's reputations can quite easily be made or lost depending on the way the commission goes about its business. I am not criticising the commission in any way; I am just pointing out that that power exists and it is utterly important that a bipartisan approach is taken to the appointment of the commissioner. We will not support any moves to take that away.

**MRS L.M. O'MALLEY (Bicton)** [12.33 pm]: I rise to contribute to the Corruption, Crime and Misconduct Amendment Bill 2023. This bill is an important legislative initiative. It is another step forward in the Cook government's legislative agenda and is further testament to the extraordinary work ethic of the Attorney General and

his unwavering commitment to reform and best practice. This bill seeks to modernise the framework established by the Corruption, Crime and Misconduct Act 2003. Throughout the years, the Corruption and Crime Commission has been a cornerstone in upholding the integrity of our public institutions and assisting in investigations into organised crime. However, in the past there have been several instances when the commission has been left without the leadership of a commissioner, at times for extended periods. The absence of a commissioner naturally raises concerns about the commission's ability to fulfil its obligations effectively. This amendment bill seeks to rectify this issue by introducing a streamlined and efficient process for appointing key officials including, for the first time, the role of deputy commissioner.

Before speaking further on the details of the changes within the amendment, I will begin by providing some background on the CCM act and the work of the commission itself. The CCM act, which forms the bedrock of our state's anti-corruption endeavours, grants powers to the Corruption and Crime Commission to address serious misconduct by public officers, investigate organised crime and confiscate unexplained wealth and criminal benefits. This power enables the commission to assess, investigate and expose serious misconduct in the Western Australian public sector and misconduct and reviewable police action in the Western Australia Police Force. It may assist Western Australia Police Force to combat the incidences of organised crime when required. 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 from occurring. These measures provide the Western Australian community with confidence that public officers will act with integrity and in the public interest, not self-interest. 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 also works to identify and target persons who have accumulated unexplained wealth through unlawful means. A person who lives beyond their apparent means is required to justify the legitimacy of their financial circumstances.

For those unfamiliar with the CCC, the following information provide on the commission's website is a handy reference point. It states —

The Corruption and Crime Commission (CCC) was established in 2004 to improve continuously the integrity of, and to reduce the incidence of misconduct in, the Western Australian public sector and to assist WA Police to combat and reduce the incidence of organised crime.

The *Corruption, Crime and Misconduct Act 2003* ("the CCM Act"), effective from 1 July 2015, gives the CCC and the Public Sector Commission (PSC) responsibility for preventing and dealing effectively and appropriately with misconduct in the Western Australian public sector.

The new legislation focusses the efforts of the CCC on dealing with serious misconduct and corruption by public officers. The CCC also has a broader anti-corruption and misconduct focus in relation to WA Police.

The PSC is responsible for minor misconduct and public sector prevention and education.

...

Public officers are defined in the CCM Act by reference to the definition in section 1 of *The Criminal Code*.

Public officers include State Government employees, police officers and employees of WA Police, members of government boards or committees, members of parliament, local government elected members and employees, all employees of public universities, employees of government trading enterprises and some volunteers.

...

The CCC deals with allegations concerning serious misconduct. It does this by:

- assessing allegations of serious misconduct, including police misconduct, and deciding on the action to take;
- investigating serious misconduct in the public sector;
- monitoring serious misconduct investigations undertaken by public sector agencies; and
- assisting WA Police to reduce the incidence of, and to prevent, misconduct amongst their members.

The CCC does not investigate every allegation of serious misconduct brought to its attention. It is intelligence-led and invests its efforts in areas where the risk of serious misconduct and corruption is greatest and where its resources are needed most. It focuses on fewer but "higher value" investigations and operational activities that target corruption and serious misconduct "hotspots".

The CCC is also attuned to other corruption and serious misconduct issues and areas of concern that arise across the public sector so that it may respond promptly if and when required.

### **What is serious misconduct?**

The CCM Act defines serious misconduct differently for WA Police than for other public officers.

For members of WA Police all types of misconduct described in section 4 of the CCM Act, and additional conduct described as “reviewable police action”, are called “police misconduct”. The CCM Act includes police misconduct in its definition of serious misconduct ...

For other public officers serious misconduct refers only to corrupt or criminal conduct described in sections 4(a), (b) and (c) of the CCM Act, which occurs when a public officer:

- acts corruptly or corruptly fails to act in the course of their duties; or
- corruptly takes advantage of their position for the benefit or detriment of any person; or
- commits an offence which carries a penalty of 2 or more years imprisonment.

...

### **How does the CCC deal with serious misconduct?**

Once an allegation of serious misconduct has been received by the CCC, it will be assessed and a decision made as to what action will be taken. If additional information is required during the assessment process, the CCC may contact the person making the allegation.

The CCC must assess all allegations of serious misconduct and may decide to do one of the following:

- investigate or take action itself; or
- investigate or take action in cooperation with an independent agency (which includes the Public Sector Commission) or an appropriate authority (an agency which can investigate misconduct: generally either WA Police or the employing authority of the public officer the allegation is against); or
- refer the matter to an independent agency or appropriate authority for action; or
- take no action.

When an allegation has been referred for action to an appropriate authority the CCC may monitor the progress of an investigation, and review the outcome in “higher value” matters involving corruption and serious misconduct “hotspots”.

If an investigation is commenced by the CCC, it may involve public or private examinations or other coercive powers under the CCM Act.

There are some cases where the CCC cannot form an opinion about whether serious misconduct has occurred. If it can form such an opinion the outcomes may vary widely ...

### **Reporting serious misconduct to the CCC**

Anyone can make a report or provide information to the CCC about suspected serious misconduct, including police misconduct. Public officers may make a report through an organisation’s internal reporting procedures or may provide information directly to the CCC.

A report should be based on reasonable suspicion and may be about past matters or provide information about something that is occurring, may occur or is likely to occur. It is an offence to make a malicious or reckless report or to provide false or misleading information in a report to the CCC.

Principal Officers of WA public authorities have a duty to notify the CCC of suspected serious misconduct in accordance with the Guidelines for Notification of Serious Misconduct.

The significance of the work of the CCC is beyond question, as is the need to support this work by way of the legislative update of the CCM Act. The following examples of the work of the commission further illustrate this point.

A CCC media release on 25 July 2023 gave an example of the CCC delivering close to \$1 million in unexplained wealth. It states —

The Corruption and Crime Commission has obtained two unexplained wealth declarations in the WA Supreme Court equating to almost \$1 million.

The unrelated successful cases follow investigations undertaken into the accumulation of unexplained wealth dating back more than a decade.

### **Mr Ronald Whyte**

This month, Mr Ronald Whyte 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 will forfeit \$350,000 cash and his entire interest in his late father's estate. The recovery of \$450,000 is in addition to the \$131,972 that Mr Whyte voluntarily repaid in separate prosecution proceedings in 2022.

#### **Mr James Villa**

Assets with a total value of more than \$520,000 were confiscated in May 2023 after an unexplained wealth case against Mr Villa. A significant amount of property including funds of \$415,000 from five separate bank accounts, cash, motor vehicles, and jet skis were forfeited.

By law, the onus is on those being investigated to justify their financial position. Neither Mr Whyte or Mr Villa could reasonably explain or account for their wealth.

Corruption and Crime Commissioner, John McKechnie KC, said, "These matters are often complex and require detailed and lengthy investigation and litigation. The Commission's unexplained wealth function is an important tool in the fight against crime and corruption by removing the primary motivation, financial gain."

Funds confiscated in unexplained wealth matters are used by the State Government for purposes including grants for crime prevention projects, and to assist victims of Crime in Western Australia.

The Corruption and Crime Commission's *Annual report 2021–22* stated —

The report provides a comprehensive overview of the Commission's operational and financial performance for the financial year during which time there were more than 7,000 allegations of serious misconduct assessed ...

The Commission assessed a near record number of allegations with just over half coming from the community, demonstrating an encouraging level of awareness and ongoing confidence in the work of the Corruption and Crime Commission.

During the year, the Commission commenced 57 investigations and completed 21 investigations.

This year's Annual Report highlights some unexplained wealth results and benefits now being realised after years of investigation. As at 30 June 2022, there was \$10.9m in assets frozen as a result of the Commission's work, and \$1.7m in confiscation orders.

Other performance highlights for the year included:

- 54 days of examinations held involving 70 witnesses, to inform 14 serious misconduct and unexplained wealth investigations;
- 62 per cent of serious misconduct investigations completed within 12 months; and
- 38 reports issued to State Parliament, agencies and heads of agencies.

I move to the proposed amendments, which signify the first phase of modernising the CCM Act. The bill focuses on two distinct, yet interconnected aspects: the appointment processes for commissioners and acting commissioners, and the creation of a new position—the deputy commissioner.

The amendment addresses the appointment process. Under the existing framework, appointments could be obstructed indefinitely by a single individual's refusal to support the proposed nomination. The revised process introduces a more robust approach that ensures that appointments will proceed, unless specifically vetoed by a majority of the standing committee. This amendment will guarantee that the appointment process is efficient and timely, while still preserving the essential role of the standing committee in scrutinising appointments.

A strict time limit will be introduced to expedite the process without compromising the thoroughness of scrutiny. The introduction of a 14-day time frame, extendable to 44 days if necessary, will align with recommendations from the Archer review and parallel practices in other jurisdictions. This approach strikes a balance between efficiency and careful consideration.

The Corruption, Crime and Misconduct Amendment Bill 2023 will create a new position that will undoubtedly bolster the effectiveness of the CCC—the deputy commissioner. This role acknowledges the growing workload and increasing complexity of tasks that the commissioner faces. The deputy commissioner will be empowered to perform functions as directed by the commissioner, including exercising non-delegable powers, such as conducting examinations and making exceptional power findings. The establishment of the deputy commissioner position is a long overdue measure to ensure the impartiality and efficiency of the commissioner's decision-making. With

a dedicated deputy commissioner, the commissioner will be able to distribute the workload more effectively and enhance the integrity of the CCC's functions. The Corruption, Crime and Misconduct Amendment Bill 2023 will address significant shortcomings that have plagued the CCC's leadership and performance. By promoting stability, accountability and impartiality, these reforms will undoubtedly fortify our fight against corruption and misconduct.

Debate interrupted, pursuant to standing orders.

[Continued on page 4008.]