

**COMMISSIONER OF POLICE — RECRUITMENT  
ROAD SAFETY COMMISSIONER — KIM PAPALIA**

*Standing Orders Suspension — Motion*

**DR M.D. NAHAN (Riverton — Leader of the Opposition)** [2.48 pm]: — without notice: I move —

That so much of standing orders be suspended as is necessary to allow the following motion to be moved forthwith —

That this house expresses a lack of confidence in the Premier and the Minister for Police; Road Safety for their handling of the recruitment process for the appointment of Western Australia's next Commissioner of Police and for their controversial removal of the Road Safety Commissioner.

*Standing Orders Suspension — Amendment to Motion*

**MR D.A. TEMPLEMAN (Mandurah — Leader of the House)** [2.49 pm]: I move —

To insert after “forthwith” —

, subject to the debate being limited to 20 minutes for government members and 20 minutes for non-government members

Amendment put and passed.

*Standing Orders Suspension — Motion, as Amended*

**The SPEAKER:** As this is a motion without notice to suspend standing orders, it will need an absolute majority in order to succeed. If I hear a dissenting voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

*Motion*

**DR M.D. NAHAN (Riverton — Leader of the Opposition)** [2.50 pm]: I move the motion.

**Mr P.A. Katsambanis:** Where is the Premier?

**Dr M.D. NAHAN:** That is what he often does on these issues.

**The SPEAKER:** Members!

Several members interjected.

**The SPEAKER:** Members, it is unparliamentary to mention whether or not people are in the house. I will call anyone to order who keeps calling it out.

**Dr M.D. NAHAN:** This motion goes to the issue of misconduct under the Corruption, Crime and Misconduct Act. Under the act, the issue is the role the member for Burns Beach had in changing the selection process for the next Commissioner of Police. Under the Criminal Code, a public officer includes a member of either house of Parliament. Under the Corruption, Crime and Misconduct Act, misconduct could be if a public officer—in this case, a member of Parliament—adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer. In this case, it was the actions of the Public Sector Commission in selecting and recommending the next Commissioner of Police.

We have been through a long, tortuous process to extract information from this government. It has resisted at every stage. Some of our questions were simply not answered and even when questions were answered, the government backtracked and gave different opinions. As far as we have been able to ascertain, here are the facts on the selection of the Commissioner of Police. On 5 and 6 May the Public Sector Commission advertised for a new police commissioner. There were 11 submissions. The commission set up a merit panel of Mal Wauchope, the Public Sector Commissioner; Kay Hallahan, Robert Mitchell and Mick Keelty. Submissions closed on 29 May and the panel met on 14 June. The group went through the process and short-listed six people. What happened? The four people who were not short-listed were informed that they were not short-listed. Our evidence is that Mr Glenn Crannage was one of those people. During that period, the member for Burns Beach made it public, outside in the media, that he was unhappy with his friend and former colleague not being short-listed. He said that he personally knew the man and that he had been unfairly treated. He believed his former colleague had been unfairly overlooked for an interview.

The member claimed that the process of the merit selection panel was improper—unfair. He made solicitations in the media and we were informed by the Premier himself that he was unhappy. The media has also reported that he

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was not on his own. The merit panel selected six people, and Mr Crannage was left out. His friend and former colleague the member for Burns Beach lobbied on his behalf, and what happened on 19 June? The panel decided to expand the short list back to 10, including Mr Crannage. What is the explanation? Why was someone excluded and then included? The explanation given by the government in various questions in the other house included that the small applicant field—there were 11 people initially—required it to be 10 people. First of all, 11 people was not a small applicant field. I will go through a couple of previous examples of selections of people. In the past, for instance when the director of the Department of Training and Workforce Development was selected, the selection panel had 15 applicants and four people were interviewed. For the Fire and Emergency Services authority, there were 12 applicants—remember, that is just one more applicant than for the Commissioner of Police—and three applicants were interviewed. For some reason, the government’s claim is that the panel selected six people out of 10 applicants. The member for Burns Beach complained, and they expanded it to include his friend back in. The rationale given was that the number of applicants was small. First, on evidence, there was not a small number of applicants. Second, six is actually a large number of people to interview relative to previous cases.

The explanation given in the upper house, which has been repeatedly misquoted by the Premier here, is in answer to the question: who made the decision to expand the interview panel from six to 10? It was done by the merit panel, but the answer states that the panel “agreed” to do it. The question we have is: Who asked it to? Who asked the panel to expand from six to 10? The panel agreed to do it—no doubt. It was 10 people, but someone had to have asked them. The answer from the Public Sector Commissioner was not that it was his decision or that he directed the panel or that it came from the panel. It was that the panel agreed to expand to all candidates. It is unbelievable that the panel was reduced from 10 to six people, it contacted Mr Crannage and said, “You’re not in the interview panel”, but then changed its mind after the member for Burns Beach lobbied, and they then said it would expand the panel up to 10. From historical records, 10 is a large interview panel—in fact, too large. The Public Sector Commissioner did not, as the Premier said, take it upon himself to expand that panel.

This is clear evidence of someone interfering in the process of the selection of the next Commissioner of Police. The question is: who interfered with the decisions of the panel? That is why we are here today. If there was interference—there is substantial evidence—it is in conflict with the law, with the Crime and Corruption Act. That is why we are here.

The second issue in this motion—I will leave my colleague to do most of this—is the Road Safety Commissioner. The Road Safety Commissioner wrote to me. He was responsible for making submissions to the Minister for Road Safety about using money from their trust funds. He was responsible for putting together the submission for the \$1.5 million for the Western Force. He is responsible and he knows it was brought to cabinet, and he was responsible when the Langouant inquiry wrote to him and asked him to provide information. He, quite rightly, wrote to me and said: “Would you release information on the Western Force for sponsorship?” I never saw that document. I do not have the material. He did not provide it to me. All I said is that we will continue with the long-held tradition of not allowing access to previous cabinet discussions. That is what we did.

That is what we did; just kept working. It was him who decided whether in fact it was under cabinet confidentiality, not me. He told me it was. It is his decision; he is the guardian. What we now know is that he was concerned and leaned upon by the government to release that information, even though he thought it was against the law. He believed that the information on the Western Force sponsorship was cabinet-in-confidence. He asked me to release it; I said no, therefore he should not release it. The government is on the record as saying it does not believe it went to cabinet. It does not believe—it; the Premier—it is cabinet-in-confidence. Was it up to the Road Safety Commission to make that decision?

**Mr M. McGowan:** No, it is not.

**Dr M.D. NAHAN:** It disagreed with him, so what did he do? He took out an injunction against the government forcing him to release document that he thought had cabinet confidentiality.

**Mr M. McGowan:** What?

**Dr M.D. NAHAN:** That is what he did. He went out and got an injunction to stop the government from releasing it!

**Mr M. McGowan:** No, he didn’t! No, he didn’t!

**Dr M.D. NAHAN:** He did!

**Mrs L.M. Harvey:** He was going to seek an injunction —

**Dr M.D. NAHAN:** He was going to seek an injunction.

**Mr M. McGowan:** That’s quite a difference.

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**Dr M.D. NAHAN:** When the Premier's henchmen heard about this, he called them up and said, "What are you doing? Don't do that", and the next day he is gone! He has not left the public service; he is over in the holding station in the Public Sector Commission. He has not left. He did not walk out the door; he did not quit. He was upset about the machinery of government, but that was resolved over a month ago. He was worried about the Premier and his operatives forcing him to release information and that he—I might add, a former policeman and former employee of the Corruption and Crime Commission—would be forced to do something that he thought was improper and illegal. That is the issue here.

The evidence is clear. Someone leaned on him and forced him out the door. The response of the Minister for Road Safety directs matters back to the Premier's office. The Premier has been trying to force somebody out of the Road Safety Commission and force them to do something that that person, quite rightly, thought was improper. That is why we are here today. On the evidence, that is a breach of the Corruption, Crime and Misconduct Act.

**MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition)** [3.02 pm]: It gives me no joy to stand here today discussing the unusual departure or removal from the position of Road Safety Commissioner of Mr Kim Papalia. I appointed Mr Papalia. I found him to be a man of great knowledge. He had a very high sense of integrity, and understood governance and the very important role he had as Road Safety Commissioner. Being a former police officer and director of the Corruption and Crime Commission, he absolutely understands the legislative instruments under which he is required to operate.

The government does not like this issue. It has dragged Mr Papalia's name through the mud. The government has made it look like there is almost some kind of misconduct issue, and that he has been asked to step aside because he has been inappropriately seeking advice about whether he should injunct the Langouant inquiry around the matter of the release of the documents. The government has been absolutely desperate to try to take away from the actual issue we are trying to discuss here. The issue is not about the Western Force sponsorship taken out by the Road Safety Commission from the road trauma trust account; it is not about that. The issue is not about the machinery-of-government changes. Mr Papalia went on radio and said, "My understanding is that because of the machinery-of-government changes, I won't have a job from 1 July." Then the Premier went out and said, "No, that's not true. The continuance of the Road Safety Commission is one of our election commitments. Mr Papalia will still have a job." Mr Papalia actually said, "I'm happy to continue in the role", and was working, I understand, with police and other agencies to understand how he could help give effect to the government's election commitment around the machinery-of-government changes.

What has come along here and upset the applegart is that the Langouant commission of inquiry—the witch-hunt the Premier has put together—has requested documents from Mr Papalia. Mr Papalia has made an assessment that he thought these documents would be subject to cabinet-in-confidence. Under the Public Sector Management Act, he has done exactly what he should as an employee of government. He has looked at section 24D, looking at the powers of the commissioner to request and require an employee to hand over documents, and section 24F, "Privileges of employees in relation to s.24D powers". He has found that under section 24F(2)(b) he does not have to hand over documents if he ascertains that those documents would be subject to —

a privilege or immunity existing by custom or convention and relating to the production of documents or other information of previous Governments of the State.

**Mr M. McGowan:** Who found this?

**Mrs L.M. HARVEY:** I found this in the Public Sector Management Act. I suspect this is the reason Mr Papalia has sought legal advice.

Under that section, if the documents he has been requested to release could be subject to —

... immunity existing by custom or convention and relating to the production of documents or other information of previous Governments of the State ...

— he is not required to hand those over. The only way he can hand those over is if he gets the permission of a member of the former government to release those documents deemed to be cabinet-in-confidence.

It gets a bit murky here because we do not understand what has happened. It looks to me like an inordinate amount of pressure has been put on Mr Papalia to release the documents. There has been a dispute that has been in the paper that Mr Papalia has refused to accept advice from the State Solicitor's Office with respect to whether those documents were in fact cabinet-in-confidence or not.

**Mr B.S. Wyatt:** It did not go to cabinet.

**Dr M.D. Nahan:** Yes, they did.

**Mrs L.M. HARVEY:** Mr Papalia has then done exactly what he should. He has taken action to protect himself from prosecution for releasing documents he should not, by seeking to injunct the inquiry and have a court determine whether the documents are cabinet-in-confidence or not. I think that is fair and reasonable. If he releases

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documents he is not entitled to, there could be some serious ramifications. It is not about the documents; it is about the process that this government has trashed.

The extraordinary thing here, members, is not that Mr Papalia sought an injunction, but that he felt so harassed and pressured to do the wrong thing in releasing documents he deemed to be cabinet-in-confidence that he has had to take the extraordinary step of potentially seeking an injunction against a government inquiry. That is the scandal we are dealing with here.

Several members interjected.

**Mrs L.M. HARVEY:** That sends a message out to every person in the public sector, that if they do not break the law and release documents they are not entitled to release to comply with the Premier's desire for this witch-hunt, they will be moved into the departure lounge of the public sector, will have their name dragged through the mud and be made to look like they have done something improper and incorrect. Mr Papalia did not do that and, quite frankly, he deserves better. He deserves far better treatment than he has received, and he did not even get the protection of his minister, who did not even know any of this was going on until she read about it in the paper, apparently!

Several members interjected.

**Mrs L.M. HARVEY:** Section 4 of the Corruption, Crime and Misconduct Act 2003 states —

Misconduct occurs if —

...

(d) a public officer engages in conduct that —

(i) adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer.

Mr Papalia was absolutely performing his functions as a public officer when he was making those decisions about whether to release the documents. Someone—we understand it to be the acting director general of Department of the Premier and Cabinet—had a conversation with him, and the next day he is not in his position anymore. He has apparently resigned. The government is trying to have us believe that that is because he disagreed with machinery-of-government changes that he was implementing or assisting to implement. That is the scandal here. That is why we moved to suspend standing orders to debate this issue and why we have no confidence in the Premier or his Minister for Road Safety. We have a botched selection process for the position of Commissioner of Police—absolutely botched. We have been here for a week discussing these issues. The member for Burns Beach does not have enough respect for the Parliament even to stand under standing order 148 and give us a personal explanation about his involvement in this matter. It is a disgrace. Police officers and applicants for the position were advised they were being triaged for an interview, and there were applicants who were told they were not successful. Then, over a five-day period, all of a sudden everyone is getting an interview and the member for Burns Beach is taking credit for it. If that is not interference with the independent operation of a public officer—being the Public Sector Commissioner in charge of the process of selection of a Commissioner of Police—somebody needs to explain to this house what is. Yes, it is a serious issue. I find it extraordinary that the Labor Party won in a landslide and now it thinks it can do whatever the hell it wants because it has the numbers. That is not how it works. The government has to stand by process.

**MRS M.H. ROBERTS (Midland — Minister for Police)** [3.11 pm]: It appears that there is really only one person who the opposition truly has no confidence in and that is their spokesman for police and road safety, because the Leader of the Opposition and the Deputy Leader of the Opposition leave him out of these matters. We know who the opposition really has no confidence in.

Let us deal with the issue of the Road Safety Commissioner first.

Several members interjected.

**The SPEAKER:** Members!

**Mrs M.H. ROBERTS:** The summation we heard from the member for Scarborough is that under our government if someone does not break the law and release documents, they will get sacked, and therefore some pressure has been put on Mr Papalia in that regard. Let us just work out at what stage we are at here. I understand that the Langoulant inquiry had been seeking only preliminary information, documents and whatever, so there was no summons and no pressure—there was none of that. It was just at a preliminary stage. That is the advice I have been given. Yet, Mr Papalia, without consultation with me decided that he had some concerns about this process. I can appreciate him having those concerns—the kinds of concerns that have been raised by the opposition. He did what a director general should do. He sought some legal advice from the State Solicitor's Office. If he was really concerned about the propriety of whether he should hand over documents to the Langoulant inquiry, getting the advice from the State Solicitor's Office would be the thing to do and there would be no issue of misconduct if the

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State Solicitor's Office said that he could hand over the documents. He would not get charged with misconduct or anything else for handing over documents he should not if he had State Solicitor's advice that he should hand those documents over. The only problem is that was not the advice that he got from the State Solicitor. He did not like the advice he got from the State Solicitor and he chose to take another path. It is just nonsense to say that he was somehow being forced to hand over documents, because there was no duress. Secondly, he got competent legal advice from the State Solicitor, but he did not like the advice he got because he clearly does not want to hand those documents over, for whatever reason. He sought some refuge with the opposition. I think that is a huge mistake, because all it has achieved is the very thing that the member for Scarborough is criticising us for. The opposition has dragged his name through the mud. I do not like to see that happen to him, but the opposition did that because it has come in here half-baked not knowing the full story and not knowing the advice that he got from the State Solicitor's Office. There really is no issue there.

Several members interjected.

**The SPEAKER:** Members!

**Mrs M.H. ROBERTS:** He cannot claim that he thought handing over those documents would be improper when he had advice from the SSO.

**Dr M.D. Nahan:** You said you knew nothing about it.

**The SPEAKER:** Leader of the Opposition.

**Mrs M.H. ROBERTS:** Until last Friday afternoon—listen carefully, I have limited time.

**Mr P.A. Katsambanis** interjected.

**The SPEAKER:** Member for Hillarys.

**Mrs M.H. ROBERTS:** I would like to answer the opposition's questions about the position of the Commissioner of Police. I want to make a few things clear, first up. Firstly, the opposition needs to understand the context. I have walked the opposition through this part before. I draw the opposition's attention to the Public Sector Commission's website where there is a media statement dated 27 June. It states —

The ... process for a new Commissioner of Police, Western Australia Police Service is underway.

The Commissioner of Police is an independent statutory office appointed by the Governor, pursuant to s. 5 of the *Police Act 1892*. There is no prescribed appointment process. The Public Sector Commission is assisting the Minister for Police with the recruitment process, as has occurred for past appointments.

There have not very many past appointments I might add. The tradition in this state was that the minister would make a recommendation to cabinet and the Governor would act on the cabinet's recommendation. In most cases applicants for the position are generally very senior officers within WA Police and there might be a handful of other applicants from outside WA Police. As I have put on record, before I embarked on any process, I have had advice. Back in March, I spoke to the Corruption and Crime Commissioner and I also spoke in March to Mr Wauchope and asked him if he would —

Several members interjected.

**The SPEAKER:** Members!

**Mrs M.H. ROBERTS:** I am sorry, his friend, the member for Cottesloe, told us the other day that the name was pronounced "Wauchop" and that is why I pronounced it that way. Is it "cop" or "chop? Okay, it is "cop". I sought Mr Wauchope's advice and asked him whether he would be prepared to assist me in that selection process, something that I am not compelled to do by law. I asked for his assistance and for him to put a panel in place. He volunteered to chair that panel. He asked me whether I would like him to chair the panel. I said I thought that would be a good thing. I do not have any preconceived notion even now about who the next Commissioner of Police should be, although many members think I do. I think there are two, three or four frontrunners for that position, but I do not have a fixed conclusion. I have an open mind and I am genuinely interested in getting the best person for the job.

Several members interjected.

**The SPEAKER:** Members!

**Mrs M.H. ROBERTS:** I discussed with the Public Sector Commissioner not only whether he would chair the panel but also the size of the panel and its composition.

**Mr S.K. L'Estrange:** When?

**Mrs M.H. ROBERTS:** We started that conversation way back in March. I suggested that there should be a sizeable panel and it should not just have one or two people. I said it would be good to have a larger number of people on it. He suggested that four people would be appropriate and that is what he went with. Because it is my

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recommendation that will go to cabinet and I have to make that choice, and the Public Sector Commission is assisting me in it, I said that I wanted some really high calibre people on that panel. I said I wanted to ensure that there was a woman on the panel—there needed to be at least one woman—and at least one person with really senior policing experience. We have heard some nonsense from members opposite about people not having diary conflicts and that everything could have been sorted. The first woman who was selected for the panel accepted one morning and by the afternoon said that her work commitments would prevent her from participating. I suggested a range of people, who the commissioner did not go with. I asked whether it would be appropriate that the Chief Justice be on the panel—I thought he would be someone of eminence—but I was told that it would be inappropriate for the Chief Justice to be on the panel.

**Mr P.A. Katsambanis** interjected.

**The SPEAKER:** Member for Hillarys!

**Mrs M.H. ROBERTS:** During every step of this process I have sought the advice of the Public Sector Commissioner, who is someone I have the utmost respect for and who has served both sides of politics over a very long period of time.

**Mr S.K. L'Estrange:** So why change from six to 10?

**Mrs M.H. ROBERTS:** I will get to that. I have taken some notes on what the Leader of the Opposition said and I want to deal with the issues that he raised. He mentioned the advertisements that appeared in May and the short listing and so forth. I think he made the point that on 16 June six people were advised that they had a position —

**Mrs L.M. Harvey:** It was 14 June.

**Mrs M.H. ROBERTS:** Whatever.

**Mr P.A. Katsambanis:** That's your whole attitude.

**The SPEAKER:** Member for Hillarys, you had an opportunity to speak on this and you did not, so do not speak now. I call you to order for the second time.

**Mrs M.H. ROBERTS:** Six people were advised that they had an interview and some others were advised that they did not. I was unaware that that communication had occurred. I can tell the Leader of the Opposition that the Public Sector Commissioner sought a meeting with me. That meeting took place on 19 June. The meeting was convened prior to the interview process to talk about the priorities for government, the qualities that we were looking for in a new police commissioner and our priorities for our community safety agenda. That was the substance of the meeting. At that meeting on 19 June, the Public Sector Commissioner said to me that the panel had short listed six people out of a very small group of applicants. I am not sure that he even told me how many applicants there were in total. I really do not like running the individuals through this process. In saying that, I will probably disclose the identity of one of those six applicants. One of those six short listed applicants was not available on the proposed interview date. He was overseas with the current Commissioner of Police and not available to be interviewed. The Public Sector Commissioner said to me, "That would mean we are either going to have to try to work out if we can interview him from Mongolia or whether we hold the interviews over two days. I think it is going to be impractical. I am just letting you know that I will likely move for this to go over two days, which will mean we have the ability to potentially interview more candidates." He sought my opinion on whether more candidates should be interviewed. He did not mention the names of who the other candidates would be. I did not say that I wanted to see A, B or C interviewed; I said that as far as I was concerned, anyone who met the selection criteria could have an interview. I had no idea at that time whether the gentleman whose name has been mentioned in dispatches by those opposite as the preferred candidate of the member for Burns Beach would get an interview.

**Mrs L.M. Harvey:** "No idea" seems to be a theme.

**Mrs M.H. ROBERTS:** I suggest that the member for Scarborough should not judge people by her own standards.

I can say a couple of things with absolute clarity. First, at no point did the member for Burns Beach raise the issue with me that his friend had not been selected for an interview. Second, he did not tell me that his friend did not get an interview and he wanted him to or that the process was no good. Did I know whether that applicant was a friend of the member for Burns Beach? Sure, I did. As I said to the house before, hundreds of people have expressed a point of view to me on who they think would be a good bloke or woman to be the next police commissioner in this state. I took no notice of that. I could have. I could have not had a panel. I could have sought advice from various people and said, "Okay, that's my opinion." However, I genuinely wanted, as I did back in 2004, really able and top level people interviewing the candidates and providing advice to me, and in turn to the government, so that we could make the right choice. This is exactly the same process that I instituted when Karl O'Callaghan was the recommended candidate.

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There is plenty of history going back to previous commissioners in which that process has not occurred and the minister had not chosen to get such thorough advice. Let us be clear that the suggestion from the Public Sector Commissioner was that given that the interviews were likely to be held over two days so we could accommodate the candidate who was overseas who was on the recommended list of six, there was an opportunity to interview more people. There were some well qualified candidates who had not been short listed. I said that that was fine by me. I was more than happy for a broad selection of candidates to be interviewed. Quite frankly, I do not think that will change the outcome. I am guessing that it is highly likely that the names ultimately submitted to me —

**Mr S.K. L'Estrange:** If it's an independent process, how do you know what the process is going to be?

**The SPEAKER:** Members!

**Mrs M.H. ROBERTS:** It is highly likely that those who look best on paper will also look like the best candidate at the end of the interview process. That is not always the case. I am awaiting the Public Sector Commissioner's advice.

**Mrs L.M. Harvey:** You wouldn't know how many were short listed if the process had not been interfered with.

**Mrs M.H. ROBERTS:** No process was interfered with. In making that kind of comment, the member for Scarborough is reflecting on the Public Sector Commissioner. He has been quite clear in his advice.

**Dr M.D. Nahan:** He was leaned on.

**Mrs M.H. ROBERTS:** That is an absolutely baseless allegation. The Leader of the Opposition should think about what he is saying. The Public Sector Commissioner is on record as saying that he was not approached by anyone to increase the number of applicants on the short list. He suggested to me that there was an opportunity to interview more candidates. I said that I did not have an issue with that. I said there was no issue with his suggestion. He went away, as is now on the record, and spoke to the panel members. They agreed to an extra number of candidates. What number they agreed on was entirely up to them and who was included was entirely up to them.

**MR M. McGOWAN (Rockingham — Premier)** [3.27 pm]: The government does not support this motion, and the Minister for Police has just outlined the reasons. As the minister outlined, it was a matter for the Public Sector Commissioner, who made the suggestion to expand the number of candidates because the interview dates had changed. I think he made the right decision. It is his decision.

**Dr M.D. Nahan:** It's ridiculous.

**Mr M. McGOWAN:** Will you let me speak?

**Dr M.D. Nahan:** This is ridiculous.

**The SPEAKER:** Leader of the Opposition, you had the opportunity to speak and you have spoken. Let the Premier make his reply; he has only three minutes left.

**Mr M. McGOWAN:** If I were the Leader of the Opposition, I would not be lecturing people about making sense. Several members interjected.

**Mr M. McGOWAN:** He said that this was so convoluted he could not understand what I was getting at.

In any event, as was answered, the panel agreed to expand the list of all candidates who met the criteria at the suggestion of the Public Sector Commissioner. Is the opposition suggesting that he somehow behaved inappropriately? Is that the suggestion? That is that issue dealt with.

Several members interjected.

**The SPEAKER:** The next person who interjects will get called to order.

**Mr M. McGOWAN:** The panel will make a recommendation to the minister who will bring that recommendation to cabinet and then we will announce a new Commissioner of Police following a decision.

**Dr M.D. Nahan** interjected.

**The SPEAKER:** Leader of the Opposition, I call you to order for the third time.

**Mr M. McGOWAN:** I think it is forgotten by the opposition that the panel will make a set of recommendations; the minister will bring those to cabinet and cabinet will make a decision on who the new police commissioner will be, and members opposite can do their analysis at that point.

**Mr P.A. Katsambanis** interjected.

**The SPEAKER:** Member for Hillarys, I call you to order for the third time.

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**Mr M. McGOWAN:** They can undertake their detailed analysis at that time of the person who was selected as the police commissioner.

The second component was in relation to Mr Kim Papalia and what he did during the last week or so. I reiterate that the advice I have is that he indicated on 6 or 7 June that he did not want to remain in the position. That was the first occasion he indicated that. He had indicated on a number of occasions until his resignation to the Public Sector Commissioner. As if I would have something against Mr Kim Papalia—as if I would. He is the brother of one of my cabinet ministers. As people know, I served in the Navy with that cabinet minister. I have known him for a long time. I do not have anything against him.

The broader motion says something about the opposition when, on the first opportunity, it moves a no-confidence motion in the government about these issues. Do members opposite not think they might have overreached and at the first opportunity gone a bit far? They do not think that in the future when they move motions, members of the press corps might say that these people are the boys who cried wolf one time too many?

Several members interjected.

**The SPEAKER:** Members!

**Mr M. McGOWAN:** These issues are constructions of the opposition; they are not worth a motion of this nature.

Question put and a division taken with the following result —

Ayes (16)

Mr C.J. Barnett	Mr P. Katsambanis	Mr R.S. Love	Mr D.C. Nalder
Mr I.C. Blayney	Mr Z.R.F. Kirkup	Mr W.R. Marmion	Mr K. O'Donnell
Ms M.J. Davies	Mr A. Krsticevic	Mr J.E. McGrath	Mr P.J. Rundle
Mrs L.M. Harvey	Mr S.K. L'Estrange	Dr M.D. Nahan	Ms L. Mettam ( <i>Teller</i> )

Noes (34)

Dr A.D. Buti	Mr W.J. Johnston	Mrs L.M. O'Malley	Mr D.A. Templeman
Mr J.N. Carey	Mr D.J. Kelly	Mr P. Papalia	Mr P.C. Tinley
Mrs R.M.J. Clarke	Mr F.M. Logan	Mr S.J. Price	Mr B. Urban
Mr R.H. Cook	Mr M. McGowan	Mr D.T. Punch	Mr R.R. Whitby
Mr M.J. Folkard	Ms S.F. McGurk	Ms M.M. Quirk	Ms S.E. Winton
Ms J.M. Freeman	Mr K.J.J. Michel	Mrs M.H. Roberts	Mr B.S. Wyatt
Ms E. Hamilton	Mr S.A. Millman	Ms R. Saffioti	Mr D.R. Michael ( <i>Teller</i> )
Mr T.J. Healy	Mr Y. Mubarakai	Ms J.J. Shaw	
Mr M. Hughes	Mr M.P. Murray	Mr C.J. Tallentire	

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Pairs

Mr D.T. Redman	Ms A. Sanderson
Mr V.A. Catania	Mr J.R. Quigley

Question thus negatived.