Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT

FIRST SESSION

2023

LEGISLATIVE ASSEMBLY

Tuesday, 29 August 2023

Legislative Assembly

Tuesday, 29 August 2023

THE SPEAKER (Mrs M.H. Roberts) took the chair at 1.00 pm, acknowledged country and read prayers.

NICKEL (AGNEW) AGREEMENT AMENDMENT BILL 2023

Assent

Message from the Governor received and read notifying assent to the bill.

PAPERS TABLED

Papers were tabled and ordered to lie upon the table of the house.

LEGISLATIVE ASSEMBLY CHAMBER — PHOTOGRAPHY

Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [1.02 pm]: I advise members that I have approved for staff to take photographs on the floor of the chamber this week to capture photographs of members undertaking parliamentary proceedings. The photographs will be used for the Legislative Assembly's social media and publications.

BILLS

Notice of Motion to Introduce

1. Criminal Investigation Amendment (Protection of Law Enforcement Animals) Bill 2023.

Notice of motion given by **Mr P. Papalia (Minister for Police)**.

2. Electricity Industry Amendment (Distributed Energy Resources) Bill 2023.

Notice of motion given by **Mr W.J. Johnston (Minister for Energy)**.

3. Vocational Education and Training Amendment Bill 2023.

Notices of motion given by **Ms S.F. McGurk (Minister for Training)**.

STATE ECONOMY — WORKFORCE

Notice of Motion

Ms M.J. Davies gave notice, on behalf of Mr R.S. Love (Leader of the Opposition), that at the next sitting of the house he would move —

> That this house condemns the WA Labor government for its stark failure to adequately address the ongoing skills crisis plaguing our state, its failure to properly prioritise the fundamental needs of our workforce and industries, and its inability to work with the federal Labor government to bolster our skills supply.

MINISTER FOR HOUSING — PERFORMANCE

Removal of Order — Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [1.04 pm]: I inform members that, in accordance with standing order 144A, the private members' business order of the day that appeared on the last notice paper as "Housing Crisis in Western Australia" has not been debated for more than 12 calendar months and has been removed from the notice paper.

WAFL — PRIDE ROUND

Statement by Minister for Sport and Recreation

MR D.A. TEMPLEMAN (Mandurah — Minister for Sport and Recreation) [1.04 pm]: The Australian Football League Women's league started a pride round in 2021 to recognise and celebrate the LGBTQI+ community. The AFL has overseen a number of pride fixtures, but it still does not have a dedicated round in the men's competition. We know there is still work to be done, and it is good to see our local West Australian Football League clubs taking the lead by conducting their inaugural pride round games in 2023.

The West Perth and Perth Football Clubs held their round on 5 August, with former West Perth and West Coast Eagles player and AFL coach Danielle Laidley as a guest speaker. Swan Districts Football Club conducted its inaugural pride home game at Steel Blue Oval against Peel Thunder over the weekend on 26 August. I was thrilled to attend with the member for Bassendean. The club launched its LGBTQI+ inclusion strategy, which is about helping to create a safe and secure environment in which everyone can feel they belong. Ms Misty Farquhar, the chair of Rainbow Futures, spoke at the launch on the importance of inclusion in sport, with a focus on respecting and understanding sexuality and gender and ways to build respectful relationships. Swan Districts Football Club is, quite rightfully, very proud of this initiative.

I commend the club for the work it has carried out so far in implementing its Everyone Matters program. It has recognised the importance of creating a place where everyone can be comfortable with who they are, and feel welcome and supported. The Town of Bassendean partnered with the club to provide an inclusion education session for club players, staff, volunteers and members of the local community. This work will provide a platform for the next generation, so that it feels safe and welcome. The Swans' pride game will become an annual event, in addition to the club's long supported Reconciliation Week, NAIDOC Week and Count Me In games.

Well done to our local clubs for taking a strong lead in this space. In embracing diversity, they send a resounding message that inclusion is not only a value, but also a priority, and create a culture in which everyone feels respected and valued, regardless of their sexual orientation, gender identity or expression. Members may have seen members of the West Perth and Swan Districts clubs around Parliament House recently, when the members for Scarborough and Bassendean hosted delegations from each club to thank them for their leadership in bringing the first WAFL pride round to Western Australia. I look forward to other WAFL clubs following the lead of West Perth and Swan Districts in making the pride round an annual event in the community.

VETERANS — EMPLOYMENT PORTAL

Statement by Minister for Veterans Issues

MR P. PAPALIA (Warnbro — Minister for Veterans Issues) [1.07 pm]: I rise today to celebrate the successful launch of the veteran transition employment portal. The transition employment portal is an initiative of the Veteran Employment Program. That program was established through a partnership between two trusted Western Australian ex-service organisations: Working Spirit and RSLWA.

Working Spirit and RSLWA have received nearly $750 000 from the state government across the last two rounds of the ANZAC Day Trust grants program to run the Veteran Employment Program and set up the transition employment portal. The Veteran Employment Program achieved considerable success in its first year of operation. In 2022, the program directly assisted 112 veterans and their family members into work. This is an outstanding outcome that should be widely celebrated. In 2023 the program has achieved a further 69 hires to date.

The transition employment portal is building on the good work already achieved, streamlining the process for employers to capture the talent of the veteran workforce. The creation of a portal to connect job-seeking veterans directly with private sector employers is an Australian first. The portal went live for companies to register and begin connecting with veterans on Monday, 24 April. The portal achieved its first hire within the first few days of its full operation. Air Force veteran Mark Shakes accepted an offer from Kinetic IT and is grateful for the opportunity it has provided him. According to my notes, he said —

> The opportunity offered by Ryan and the team at Kinetic to firstly learn a new set of skills and then also provide the opportunity for a career pathway I had never considered before is huge, it is something more veterans should consider.

Congratulations, Mark. I hope that you enjoy your new job. I would also like to congratulate Ryan Gray from Kinetic IT on his new hire. Ryan has already been incredibly active through the portal since it went live, connecting with veterans looking for work.

There are currently 18 companies actively engaging with veterans through the portal. I applaud the hard work of all those involved in the creation and administration of this portal. In particular, I would like to acknowledge the hard work of Karyn Hinder from Working Spirit. I encourage all employers to sign up and capture the talent of our veteran community.

HYDROGEN INDUSTRY — PROJECTS

Statement by Minister for Hydrogen Industry

MR W.J. JOHNSTON (Cannington — Minister for Hydrogen Industry) [1.10 pm]: The past months have seen an acceleration in global partnerships between Western Australian hydrogen projects and significant global investors and offtakers.

In May a partnership memorandum of understanding was signed between Infinite Green Energy and global tech giant Samsung C&T Corporation to develop and build the Arrowsmith hydrogen plant, 30 kilometres south of Dongara. The plant, powered by wind and solar, is forecast to produce up to 100 000 tonnes of green hydrogen a year for domestic and export markets. In June 2023, Infinite Green Energy and Samsung C&T welcomed renewable energy company Doral Energy Group as final development and construction partner for the 10-megawatt MEG HP1 hydrogen project in Northam, which is expected to produce up to four tonnes a day of green hydrogen for the medium and heavy transport industry. During the same month, Danish investment group Copenhagen Infrastructure Partners acquired a 26.67 per cent stake in renewables developer CWP Global's hydrogen and ammonia mega-projects portfolio, several of which are located right here in Western Australia.

In July we saw the finalisation of an MOU between Western Green Energy Hub, with project partners InterContinental Energy, CWP Global and Mirning Green Energy Ltd, and Korea Electric Power Corporation,

paving the way for the joint development of what is likely to be one of the largest proposed green hydrogen projects near Eucla, in the goldfields–Esperance region. It is expected to generate around 50 gigawatts of wind and solar power, producing around 3.5 million tonnes of green hydrogen a year, for supply to both domestic and international customers in power generation, shipping fuel, minerals processing and manufacturing.

Earlier this month, the Cook government commenced negotiations with a major South Korean renewable energy consortium, comprising Progressive Green Solutions, Samsung C&T and Korea Midland Power Co Ltd—KOMIPO—to establish a green ammonia plant at the Narngulu industrial estate in Geraldton. The facility is expected to produce up to one million tonnes of green ammonia per annum using renewable hydrogen and help support the decarbonisation of power generation assets in South Korea, with the first shipments expected in 2027. This renewable energy cluster is expected to complement the state's planned hydrogen hub at Oakajee.

International partnerships like these are vital to the delivery of the 2030 vision under the Western Australian renewable hydrogen strategy and the future opportunities that come with it. They underpin the progressive maturing of the local hydrogen market and associated consolidation of investment capital in the industry. The Cook government is committed to supporting the development of the renewable hydrogen sector as we move towards diversifying and decarbonising our economy and to supporting our key trading partners to meet their emissions reduction targets.

C.Y. O'CONNOR GOLDFIELDS PIPELINE

Statement by Minister for Water

MS S.F. McGURK (Fremantle — Minister for Water) [1.16 pm]: I rise to update the house on the important work being undertaken by the Water Corporation on the historic C.Y. O'Connor goldfields pipeline. This month the Water Corporation began a community-led research project to preserve the pipeline's rich heritage value. As members of this place will know, the 120-year-old pipeline conveys drinking water 566 kilometres from Mundaring Weir to the eastern goldfields. Designed and built under the supervision of WA's first engineer-in-chief, Charles Yelverton O'Connor, the pipeline was constructed between 1898 and 1903. With sections of the 120-year-old pipeline reaching the end of their service life, long-term upgrades are important to secure the goldfields' safe and reliable water supply.

The Stories in the Pipeline project will record a history of public memories and stories about the pipeline, with a special focus on input from Aboriginal communities situated along the pipeline. The project is anticipated to include themes like the advent of private market gardens, the stories of Muslim cameleers and their transport routes, and the contribution of immigrants and many more.

The work will inform where the original pipe can and will be retained for heritage purposes, as the Water Corporation begins to progressively replace old sections with modern below-ground pipe over the next 70 years. The work will include prioritising above-ground parts of the pipe for preservation and consider innovative ways to re-use the old pipe. The Water Corporation will seek responses via online surveys and interviews with focus groups, schools and the broader community. Once the project is complete, it is anticipated that the prepared heritage interpretation and management plan will be open for public comment by early 2024.

I ask members of this place to encourage their electorates to contribute to this important project, which will write up the history of this iconic achievement of engineering.

YOUTH PARLIAMENT

Statement by Minister for Youth

MS S.F. McGURK (Fremantle — Minister for Youth) [1.16 pm]: I rise today to inform the house about the success of the Y's Youth Parliament for 2023. Youth Parliament is run by the Y, formerly known as the YMCA. It is a yearlong initiative that sees participants act as "youth members", representing a state electorate in Parliament. They do everything a normal Parliament would do. They debate bills, deliver speeches about issues close to their heart and engage in spirited debate.

Now in its twenty-eighth year, Youth Parliament is a fantastic leadership opportunity that gives young Western Australians the opportunity to talk about issues that matter to them. The program is open to young people between the ages of 15 and 24 years from across the entire state, each representing the 59 electorates that make up our Legislative Assembly. The government of the day was headed up by Youth Premier Jovan Fidanovski and Deputy Premier Dionne Sebastian. The Leader of the Opposition was Maisara Muzaffar, who did a good job of keeping the government members on their toes. Prior to Youth Parliament kicking off, I had the pleasure of meeting the youth member for my electorate of Fremantle, Shelley Dewrance. Shelley held the shadow portfolio of child protection. On the Thursday afternoon, the member for Joondalup and I shared the Speaker role during the Youth Parliament adjournment debate.

Each youth member had the opportunity to provide a short adjournment speech on an important issue, and members had all bases covered. Topics varied from the negative impacts of social media, WAXIT and endometriosis awareness to fair rental living conditions. A lot of planning goes into coordinating Youth Parliament each year, so

I would like to take a moment to acknowledge the hard work of the Youth Parliament taskforce and CEO of the Y, Tim McDonald. Youth Parliament is a fantastic leadership program and I congratulate all those who took the initiative to get involved. The Cook Labor government strongly supports the active participation of young people across the whole state to learn, develop and grow.

HILLARYS BOAT HARBOUR AND FREMANTLE FISHING BOAT HARBOUR — JETTIES

Statement by Minister for Ports

MR D.R. MICHAEL (Balcatta — Minister for Ports) [1.18 pm]: Today I would like to update the house on a $14 million investment made by the Cook Labor government into local manufacturing and WA maritime jobs.

Earlier today, I announced details of a state government contract with local manufacturing company Global Trade Sales to design and construct five new jetties at the Hillarys Boat Harbour and replace one jetty at the Fremantle Fishing Boat Harbour. This Wangara-based company has seen its own workforce nearly triple, growing from six to 17 employees since winning the contract. It employs several specialised marine sector professionals and others, including graduates and an apprentice, to ensure that skill sets are passed on to future generations.

Similarly, nearly 40 local subcontractors and suppliers engaged to complete the two projects will benefit. The suppliers of the locally made jetty components will be able to continue to grow their business. As a result of collaboration with local suppliers, the floating modules, fendering and aluminium frames for the new jetties will be 100 per cent manufactured in WA, with the aluminium used sourced from WA and other Australian mills.

The projects in Hillarys and Fremantle will see around 115 newly completed pens sized between 10 and 22 metres at two of the best locations in the city. This result represents the Cook Labor government's willingness to invest in WA's maritime construction and manufacturing sectors.

The construction of a realigned 3.5-metre-wide central floating walkway in Hillarys is now nearing completion. This walkway will provide continued penholder access while work is undertaken to demolish and replace jetties F, G, H and J with WA-made jetties.

We have already seen the replacement of jetty 3 at Fremantle with a new WA-made jetty. This is an excellent result for our marine construction and manufacturing sectors in WA, and it also demonstrates the success of the WA recovery plan in delivering job opportunities and economic activity for our state.

LOCAL GOVERNMENT ELECTIONS

Statement by Minister for Local Government

MR D.R. MICHAEL (Balcatta — Minister for Local Government) [1.19 pm]: I remind the house of the upcoming local government elections in October. As members know, council elections provide residents and ratepayers across Western Australia with the opportunity to have their say in the future of our local governments. As part of recent reforms, optional preferential voting has been introduced for local government elections, which will give residents the greatest possible say in who they vote for and ensure that the elected council best represents their local community. This year it will be the first time many electors will be able to vote directly for their mayor or president, and the first time many candidates will have the opportunity to be directly elected into those roles. Other changes involve the removal of wards in smaller local governments and council numbers being aligned to the population in the municipality for more equitable and consistent representation.

The Cook government has also introduced a number of reforms to support and bolster diversity in local government. For example, we are introducing parental leave entitlements for council members, and local governments will soon be able to pay education expenses. It is important that our councils reflect the diversity of the people who live within their boundaries and, more widely, the diversity of our state. We need people of all backgrounds, life experiences, skills and talents to put up their hands to serve their communities. Like several other members of this house and the other place, I was elected as a local government councillor. Being on council can be very rewarding. It is an opportunity and experience that is open to practically anyone. With nominations opening this week on Thursday, 31 August and closing next Thursday, 7 September, I encourage anyone who is interested in running for their council to give it go. When ballot papers hit people's letterboxes, or, in some councils, on election day, I urge every Western Australian to have their say.

CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2023

Second Reading

Resumed from 17 August.

MR D.A.E. SCAIFE (Cockburn) [1.21 pm]: I rise today to speak on the Corruption, Crime and Misconduct Amendment Bill 2023. This bill will make important amendments to the Corruption, Crime and Misconduct Act 2003, which was a watershed act in our state's political and legal history because it established the Corruption and Crime Commission, Western Australia's version of what is known as an anti-corruption agency. Anti-corruption agencies have a long history in Australia and, indeed, the region. They probably first found their voice in Hong Kong,

when there was a need to weed out corruption amongst law enforcement in Hong Kong. That led to the creation of an anti-corruption agency that had broad and sweeping powers to deal with allegations of corruption within the police. That model of a corruption-finding agency has been exported around the world and has really found purchase in Australia. Of course, we have the Independent Broad-based Anti-corruption Commission in Victoria, the Independent Commission Against Corruption in New South Wales and the Corruption and Crime Commission in Western Australia. There is probably no other country in the world that has so enthusiastically taken up the job of finding corruption through the use of anti-corruption agencies than Australia. We have had them at a state level now for, in most cases, decades. For whatever reason, it took the federal government a long time to come to the party. I say "for whatever reason", but we know the reasons. The previous federal Liberal–National government dragged its feet on it because it was engaging in all sorts of rorts.

Ms M.M. Quirk: A Pandora's box.

Mr D.A.E. SCAIFE: That is right. It did not know what was going to jump out if it let the National Anti-Corruption Commission, as it is now called, take a look in the box.

Over the years, through the hard work of investigative journalists, agencies like the Ombudsman and through FOI processes, it has been found out that the former federal Liberal–National government was rorting the place left, right and centre. We know that it engaged in sports rorts, whereby it preferenced its own electorates or marginal electorates. We know that it preferenced a car park fund as well, when it made sure that funds to establish car parks were going into electorates that it wanted to sandbag or win. It took into account electoral considerations, which should not be done in the ordinary grants processes of government. It is quite clear that all sorts of shonky dealings were going on. I wonder to myself what would have been exposed if we had had a national anti-corruption commission under the last Liberal–National federal government, because, as it was, we found out all sorts of things that were in Pandora's box, as the member for Landsdale said. I imagine that if there had been a NACC, government members might have behaved themselves, because they might have feared some sort of consequences. Maybe it gives too much credit to the former federal Liberal–National government to suggest that it would have acted rationally when it comes to consequences, because it did not seem to care about consequences when all the revelations about sports rorts and the car park fund came out. If we had had a national anti-corruption commission, perhaps it would have deterred some of that shonky behaviour. That would have been a great thing for the public, because taxpayer funds would not have been wasted on projects that did not meet merit requirements, public trust in government would not have been undermined by revelations of rorts and shonky dealings, and sporting clubs and communities that actually deserved projects would have received them, rather than losing out to electorates or areas that may have been less deserving but more important to the government of the day's political prospects. If we had had a national anti-corruption commission, it is possible that would have deterred some of that outrageous behaviour. Failing that, it would have meant those dealings being exposed to the public earlier. There is no better disinfectant than sunlight when it comes to corruption. We want to open the curtains and let the light in for full transparency. When we shine a light on people, they are less likely to engage in corrupt behaviour and we can hold them accountable for it.

The commonwealth has finally caught up and we have the National Anti-Corruption Commission. We have the National Anti-Corruption Commission only because of the great work of the Albanese Labor government. It was great to be at a breakfast this morning with about a thousand other people to hear from the Prime Minister, who is a down-to-earth bloke who is focused on good government and delivering sensible, progressive change and improvements for working people. I can see why we ended up with the National Anti-Corruption Commission under his watch, because he is a sensible operator who believes in good government, good governance and public service. We have him, his government and the Labor Party to thank for the National Anti-Corruption Commission finally being delivered.

I will get to the detail of the bill, but it is impossible to speak about this bill without speaking about the background and the circumstances that led to the need for the bill. Members will be aware that this can be traced back to an operation that was run by the CCC called Operation Betelgeuse. It resulted in two reports—an interim and final report—being tabled in Parliament. Under Commissioner McKechnie, the CCC found gross abuse of the members' allowance, what was then known as the electorate allowance, by some members of the other place, particularly Phil Edman. The commissioner found that Mr Edman had used his electorate allowance for lavish dinners; berthing fees for his yacht, which from memory was called *Prime Minister*—he wishes!—visits to strip clubs; and gifts to girlfriends and others he was seeing in what appeared to be sex-worker relationships. An electorate allowance is paid to members to ensure that they can do their duties in supporting and communicating with electors. He took $78 000. Members know that the electorate allowance was recently increased, but it is not a lot of money to do this work for constituents. A member has to work really hard to stretch that money to make sure that all the things that are expected of them as a member of Parliament are done. A member has to communicate with their electorate, fund all the basics like stationery for the office and for staff, fund sponsorships for people who might be attending sporting competitions and donate prizes to community groups. Those are all things that constituents ask for and expect from us. They are the bread and butter of the job. For me, the most important part of the job is serving my constituents. The electorate allowance is not a lot of money; it does not go very far. I know that members in this place make it

go as far as they possibly can. Phil Edman was not doing that. The CCC report at the end of Operation Betelgeuse found that instead of using money for the benefit of his constituents and community groups, Phil Edman was spending his allowance on lavish dinners, yacht berthing fees and visits to strip clubs. It was totally outrageous behaviour.

If we go back to that period in the midst of Operation Betelgeuse, which was investigating members about their use of entitlements, Commissioner McKechnie's term of appointment expired and a new commissioner needed to be appointed to the position. In that case, the Joint Standing Committee on the Corruption and Crime Commission sat on its hands and refused to provide majority and bipartisan support for the reappointment of Commissioner McKechnie. In the middle of an investigation into the use of entitlements by members of Parliament, a group of MPs effectively decapitated the Corruption and Crime Commission by refusing to provide majority and bipartisan support for Commissioner McKechnie's reappointment. I thought that was an outrageous chapter in the history of Western Australian politics and the Parliament. One can imagine the damage that was done to public confidence in this place and to members of Parliament when, behind closed doors, members refused to reappoint a commissioner who was currently investigating their use and potential abuse of entitlements. It was completely outrageous.

I have to say that that episode and the opposition's continued bungling of the issue has led me to always view their criticisms about gold-standard transparency as being hollow. One of the favourite lines for the opposition in this place is to jump up and say that this government is somehow failing to deliver on its promise of gold-standard transparency. How can the opposition possibly have any credibility on that topic? We do not even have to go back to the period of Operation Betelgeuse, but to earlier this year and comments made by Hon Peter Collier and Hon Dr Steve Thomas attacking the government for not giving a running commentary on the CCC's investigation into Mr Edman's laptop. Members may recall that Mr Edman sent around some text messages—or it might have been a phone message—in which he said that a laptop of his had material on it that could bury other members of Parliament. That occupied a lot of the time of the Attorney General and the Parliament to resolve how it would deal with an investigation into Mr Edman's laptop. Mr Edman made salacious comments that it contained material that would bury people.

It transpired that once that part of the investigation wound up, Commissioner McKechnie found that the material on Mr Edman's laptop did not live up to the hype. Of course, nobody would have known that, because Mr Edman himself provided the hype and said that the laptop contained material that would bury other people. However, it turned out that was not the case. Hon Peter Collier and Hon Dr Steve Thomas were informed by answers to questions in the other place that that inquiry had been wound up and that the contents of the laptop did not live up to the hype. They came out with a media release in which they slammed the government for acting in a way that was duplicitous, cunning and arrogant. I thought those comments were extraordinary and out of touch. To attack the government for engaging in duplicitous, cunning and arrogant behaviour —

Mr S.A. Millman: Nothing quite so arrogant as spending your electorate allowance on strippers!

Mr D.A.E. SCAIFE: There is nothing quite as arrogant as misusing taxpayers' money as Phil Edman, a former Liberal member of the upper house, did. He misused taxpayers' money on lavish lunches and dinners that people in many of our electorates could never even dream of. He spent his electorate allowance on personal favours to people in his private life, as well as berthing fees for his yacht. Nothing could be more cunning, duplicitous or as arrogant as that. I thought the comments from Hon Peter Collier and Hon Dr Steve Thomas were outrageous and showed a tin ear. I could ask the people of Western Australia, "What would you count as duplicitous? What would you count as cunning? What would you count as arrogant?" Would Western Australians consider the government not interfering in an investigation run by the CCC by not providing running commentary on that investigation as any of those things? It is not the Attorney General's job to go out and confirm when the CCC has concluded an investigation or what the outcome of that investigation is. That is why the CCC is an independent statutory body with various oversight mechanisms. It is supposed to be independent so that it can do its job without fear or favour. It would be wrong for the Attorney General to provide running commentary about or put words into the mouth of the CCC. That is what Hon Peter Collier and Hon Dr Steve Thomas effectively criticised the government for.

It would beggar belief that those two members of Parliament would have done anything differently if they had been in the shoes of the Attorney General. If they are claiming that they would have, I do not believe them and it would be outrageous if they were to do that. If I went to the public and asked, "What is more outrageous, the Attorney General rightly respecting the independence of the CCC, or is the outrageous, cunning, arrogant and duplicitous thing the fact that Phil Edman abused his taxpayer-funded electorate allowance for frivolous and unbelievable dealings?" I can tell members what side the people of Western Australia would come down on.

I notice that the member for Central Wheatbelt and member for Cottesloe are very interested in their phones at the moment. They will not be drawn into this debate because they know that it is indefensible. That is why they are not saying anything. However, that did not stop Hon Peter Collier and Hon Dr Steve Thomas from trying to defend the indefensible. I thought that was an example of the Liberal and National Parties having clearly not learnt the lessons of the last few years. I assume they are continuing to throw punches over some sort of bruised egos. However, they have no regard for the role of the Attorney General and the Premier and what the public would expect of them as members of Parliament. I thought the confected outrage from the Liberal and National Parties was exactly that.

I do not think I saw as much outrage in that press conference from anyone in the Liberal or National Parties when it came to the actual allegations and findings that were made against Phil Edman. I do not recall a press conference being held in which senior members of the Liberal and National Parties came out and attacked him in the way that they attacked the Attorney General and the Premier. I am happy to be corrected, but I do not recall that. Actually, the person they should be directing their invective at is Phil Edman because he did a disservice to not only this Parliament, but also the opposition political parties. Therefore, I want to make it very clear, in summary, that it is not right to criticise the Attorney General or the Premier for failing to pre-empt an announcement from the Corruption and Crime Commission about the investigation into Mr Edman's laptop, and it is not right to use words like duplicitous, cunning and arrogant, which are strong words and have meaning in that context, particularly given the findings that were made against Mr Edman.

[Member's time extended.]

Mr D.A.E. SCAIFE: I would like to turn to the text of the bill. As I said at the outset, the CCC is what is otherwise known as an anti-corruption agency. It is a particular species of integrity agency that came out of Hong Kong decades ago and has entrenched itself in and throughout Australian jurisdictions. When it comes to establishing an anti-corruption agency, the conundrum that has always faced Parliaments and governments is that we want to give it independence and the teeth it needs to do its job—to root out and fight corruption. However, we also have to ensure that it does not get off track and that it does not abuse its power. We do not want the government interfering in the work that the CCC does because the CCC needs to investigate government, but, at the same time, particularly given the very considerable coercive powers that we give to anti-corruption agencies, we do not want an anti-corruption agency misusing or abusing its powers against the government or against the public. Therefore, there is this conundrum of how we ensure that an anti-corruption agency is not only independent from government, but also is able to be kept on a tight enough leash that the considerable powers it has are not abused. There is a saying in anti-corruption literature that corruption is like a fish; it rots from the head down. If there is corruption at the top in the CCC and that corruption spreads, it could lead to the CCC itself becoming a problem. It could become something that causes corruption or mischief in people's lives.

Over many years, the solution that has been adopted has been that we cannot just impose another layer of bureaucracy above the CCC because we would then have to ask ourselves and old Latin phrase, which escapes me now, but it is essentially —

Ms M.M. Quirk: Who guards the guards?

Mr D.A.E. SCAIFE: There you go. Who watches the watchman, or who guards the guards? If we were to put in an oversight agency over the top of the CCC, what agency is watching over that oversight agency? So we could end up in this infinite regress.

The solution to that is to create what we call criss-crossing networks of accountability. This is when we establish multiple bodies that each watch the other. In the same way that the CCC can inquire into the government and the activities of members of Parliament, the members of Parliament can inquire into the activities of the CCC via the Joint Standing Committee on the Corruption and Crime Commission. The Parliament has also appointed a Parliamentary Inspector of the Corruption and Crime Commission, which is an officer of the Parliament rather than an officer of the government, who can inquire into, and consider complaints against, the CCC. The parliamentary inspector can also be investigated and inquired into via the joint standing committee, so we have this criss-crossing set of relationships between the executive, the CCC, the joint standing committee and the parliamentary inspector. With each keeping an eye on each other, the theory is that that provides sufficient checks and balances to keep an anti-corruption agency like the CCC on the straight and narrow.

We know from the circumstances that I just outlined that one of these checks and balances essentially misfired during the debate over the reappointment of Commissioner McKechnie. It misfired because one of the checks and balances is that rather than allowing the executive to appoint whomever it likes as commissioner, there needs to be majority and bipartisan support from the joint standing committee. The idea of this is, obviously, we do not want a government that might be particularly ascendant to appoint someone who is perhaps not qualified, is biased or will not be independent and will do the government's bidding and use the CCC as a political tool. The way around that, as I say, was to put a protection on that whereby the Premier can nominate someone, but that person can be appointed as the Corruption and Crime Commissioner only if they receive majority and bipartisan support from the joint standing committee, so that is the check on the power.

That check misfired during this process because at that time the CCC was running an investigation into members of Parliament and the joint standing committee, which is obviously made up of members of Parliament, refused to provide that majority and bipartisan support. Therefore, it effectively left the CCC without a leader during that investigation. There is just no other way to slice or dice it; we can have as many legal or technical arguments about it as we want, but the way that played out with the public is that it looked like a stitch-up. I am not saying that it was, but that is how it looked to the public; it looked like politicians protecting other politicians. It was a sad episode that left the CCC without a commissioner for 14 months, and it also led to the Parliament having to take the extraordinary step of reappointing the commissioner via a bill. I will be the first to say that that was an extraordinary step, but it

was a necessary one because of the way things had been handled previously. I will be very clear that I am not criticising any particular member of the committee; I am just making the point that, unfortunately, because those deliberations are private and because they involve only politicians, the way it looked to the members of the public was that there was some kind of dealing there that was improper. Perceptions matter in this game.

Ms M.M. Quirk: Jesus!

Mr D.A.E. SCAIFE: I can hear that I have got the member for Landsdale excited, and I apologise for that.

Ms M.M. Quirk: Well, I'm actually being defamed, member.

Mr D.A.E. SCAIFE: Well, you are not, member for Landsdale, but that is a pretty serious accusation to make.

Ms M.M. Quirk: Yes, well, so are the ones you're making.

Mr D.A.E. SCAIFE: Pardon?

The reality is that members, and it appears not just members on the other side of the chamber, seem to have misread the politics on this. I am not going to resile from that or be bullied about it or heckled about it from the cheap seats. The reality is that that process had to be amended and that is what this bill will do. This bill will maintain a check and balance by ensuring that the joint standing committee will continue to have a role in the appointment process of the CCC commissioner, and it will have a veto power. Rather than having the power to stop or stand in the way, it will have a veto power. That means that if someone objectionable is proposed for appointment by the government, the committee, by a majority or consensus position, will be able to step in and say that the person is not an appropriate person to do the job, and it will be able to veto that appointment. That seems to me to be a good compromise. I congratulate the Attorney General and the government on coming up with that compromise, because it means that the committee will retain its role in the appointment process, but it will be done in a way that means we will not end up in the same situation as the one we found ourselves in in the not-so-distant past. It was not an edifying period in the state's politics. It was not an edifying period in the history of the Parliament either. I make the point again that it is not a criticism of any particular individual, but the way that it unfolded was not something that I think the public expects from all of us or from the processes of the Parliament.

The final thing I want to touch on is the provision for a deputy commissioner of the Corruption and Crime Commission to be appointed. This is a very good reform. It is clear that the workload of the CCC has grown considerably over the years. As far back as 2008, it was recommended that the CCC should have the capacity for a deputy commissioner. That will be achieved here. It also follows the recommendation of the Martino review in 2021. Having a deputy commissioner will mean that the workload can be spread. It will also mean that the commissioner and the deputy commissioner can avoid any conflicts of interest in decisions that have to be made. It will mean that the two of them can divide up the work so that conflicts of interest can be avoided.

I again wholeheartedly congratulate the Attorney General on this bill. It is an excellent bill. It shows that this government is serious about transparency and fighting corruption. I commend it to the house.

MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary) [1.52 pm]: I rise to make a brief contribution on the Corruption, Crime and Misconduct Amendment Bill 2023. I thank the member for Cockburn for his contribution. Unfortunately, I will not have the opportunity to touch on some of the scandalous and salacious elements that were raised by the member for Cockburn in his contribution. Suffice it to say that he made an apposite point about Operation Betelgeuse and the conduct of the opposition during the last Parliament. He made an important point about the conundrum, and I want to pick up this point about the conundrum: what does a government in the ascendency do to empower the body that is required to investigate the behaviour of public officials?

Before I wrestle with that conundrum, I will firstly say that once again the Attorney General has brought important legislation before Parliament. We know from prior legislation that the Attorney General has brought to this chamber, including legislation tackling bikies and outlaw motorcycle gangs and unexplained wealth provisions, that this Attorney General is committed to using the powers and authorities of this Parliament to make sure that those in the community who are doing the wrong thing are held to account. The Attorney General has also brought before this house a piece of legislation that will strengthen the Corruption and Crime Commission to give it the powers it needs to discharge its functions in the service of the people of Western Australia. That is by way of introduction.

There are three points that I want to traverse in my contribution. It locates the debate in the right context. I want to talk about, firstly, the concept of the sovereignty of Parliament; secondly, the idea of parliamentary privilege; and, thirdly, the role of parliamentary committees. I want to talk about those three limbs in this debate because of where the Corruption and Crime Commission sits.

Let me first turn to the question of the sovereignty of Parliament. I will quote from *The Sovereignty of Parliament: History and Philosophy* by Jeffrey Goldsworthy. It states —

> The doctrine of parliamentary sovereignty has long been regarded as the most fundamental element of the British Constitution. It holds that Parliament has unlimited legislative authority, and that the courts have no authority to judge statutes invalid. This doctrine has recently been criticized on historical and philosophical grounds. Critics claim that it is a relatively recent invention of academic lawyers that

> superseded an earlier tradition in which Parliament's authority was limited by the common law. The critics also argue that it is based on a misunderstanding of the relationship between statutory and common law, and is morally indefensible.

I would not agree with that, but I would say that, in the Australian context, we do not have unlimited parliamentary sovereignty. We can look at our Constitution, which is up for debate at the moment as we come to consider the Voice to Parliament referendum. In the Australian context, the concept of parliamentary sovereignty is taken to mean that the Parliament has the right to make, amend or repeal any law within the limits of the Constitution; Parliament cannot make a law that a future Parliament cannot change; and, in general, Parliament takes priority over other executive and judicial arms of government. That is the commonwealth Parliament, but insofar as it relates to the exercise of power within state Parliaments, we have a non-enumerated source of power. We have the power to make law with regard to the peace, order and good government of our jurisdiction. I wanted to start with that point because we have happily recently welcomed the new member for Rockingham into our ranks as another member of this august Legislative Assembly. The elevation of the new member for Rockingham to this chamber provided us with an opportunity to listen once again to the oath or affirmation that members of Parliament make when we are sworn in—that is, to serve the community of Western Australia. Although we have this idea of the sovereignty of Parliament, we are here to discharge our duties to the people we serve. In the discharge of those functions, we are beneficiaries of an incredible privilege, and one that is unparalleled in the privileges that are exercised in a democratic society—that is, parliamentary privilege. For the purposes of *Hansard*, I am referring to *Parliamentary Privilege* by Enid Campbell, published by The Federation Press. The member for Landsdale will have seen the movie! I want to go through *Parliamentary Privilege* because it pertains to what I am going to say shortly. It states —

> The term "parliamentary privilege" is commonly used to refer to the special rights and powers possessed by individual houses of a parliament and the various protections accorded by law to members of a parliament and other participants in parliamentary proceedings. These protections include an immunity from legal liability for things said or done in the course of parliamentary proceedings. The special powers possessed by houses of a parliament include a power to require the attendance of persons to give evidence … Other special powers of a house may include —

This is apposite for today —

> a power to suspend, or even expel, a member of the house and a power to impose penalties on persons whom the house adjudges to have engaged in conduct in contempt of the house or in breach of parliamentary privileges.
>
> The special rights, powers and immunities collectively known as parliamentary privileges serve one essential purpose, that being to enable houses of parliament and their members to carry out their functions effectively.

When we have regard to the sovereignty of Parliament and to the incredible privilege that we have as members of Parliament through parliamentary privilege, an effective, functioning Corruption and Crime Commission has an essential role to play.

I will come now to the bill itself. There are two key points that I want to make. I will touch on the point about a deputy commissioner when I get a chance after question time, I suspect. Before I do, I want to talk about the role of parliamentary committees. In my first term as a member of Parliament between 2017 and 2021, I was fortunate enough to serve with the member for Armadale, the honourable minister, on the Public Accounts Committee, which I have referenced on a number of occasions in other debates.

The SPEAKER: Member for Mount Lawley, the business of the house is now interrupted; I am sure that people will be tingling with anticipation for the continuation!

Debate interrupted, pursuant to standing orders.

[Continued on page 4094.]

VISITORS — ROLEYSTONE SCOUT GROUP

Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [1.59 pm]: I would like to acknowledge, on behalf of the member for Darling Range, students from the Roleystone Scout Group to the Speaker's gallery today. That includes Hugh Norman, Iona Harman, Seb Douglas and Josh Van Der Welt; and also adult members Dan Ramsell, Trista Lee Perry Saville and Kehan Harman. Welcome to the Speaker's gallery for question time.

QUESTIONS WITHOUT NOTICE

PERTH MINT — SENATE COMMITTEE INQUIRY

545. Mr R.S. LOVE to the Minister for Mines and Petroleum:

I refer to the Senate inquiry into the Perth Mint, which has received evidence from the Australian Securities and Investments Commission, the Australian Transaction Reports and Analysis Centre, the Australian Taxation Office and the Reserve Bank of Australia, amongst others, and the description of the June 2022 meeting between AUSTRAC

and the Perth Mint by Mr Bradley Brown, the acting deputy chief executive officer of AUSTRAC, as being pretty sombre. Would the minister like to take this opportunity to update the public record and his comments on matters surrounding the Perth Mint?

Mr W.J. JOHNSTON replied:

I cannot believe I get a Dorothy Dixer as the first question in this week of Parliament! I thank the Leader of the Opposition very much!

Let us put some stuff on the record here. As we all sit here today, there has never been an allegation of money laundering involving the Perth Mint by anybody, ever; not by the Leader of the Opposition, not by any member of the Senate—nobody. The *Four Corners* episode demonstrated that Perth Mint complies with the law. The AUSTRAC evidence to the Senate inquiry shows that Perth Mint is complying with its obligations. There has never been any allegation, ever, of illegal money laundering by the Mint. I want the Leader of the Opposition to acknowledge that he has never made an allegation that there has been illegal conduct. He keeps going on in public, implying that there has been illegal conduct, but he has never actually admitted that he has never had any evidence and has never alleged that anybody has used the Mint for money laundering.

I am sick and tired of the dishonesty of Senator Dean Smith. Senator Dean Smith lied on radio about the inquiry. He went on and said that the Reserve Bank of Australia had provided evidence of illegal conduct. What a disgrace! What a disgrace! He should apologise for that lie and correct the record. Let us acknowledge something here: the Senate is inquiring into four specific laws. The Reserve Bank of Australia does not perform a regulatory function in respect of any of those laws or of any aspect of the operations of the Perth Mint. I do not know what evidence the Reserve Bank gave, because apparently it was a confidential briefing, so Senator Smith's reference to the Reserve Bank in his media remarks was a breach of the standing orders of the Senate.

Several members interjected.

The SPEAKER: Order, please, members! Attorney General—and others!

Mr R.S. LOVE: Point of order.

The SPEAKER: Before I give the Leader of the Opposition the call for the point of order, I remind members that points of order are heard in silence.

Point of Order

Mr R.S. LOVE: The minister is misleading the house. In fact, the program of interview of the committee on the public record clearly mentions the Reserve Bank.

The SPEAKER: Leader of the Opposition, please sit down. This is not an opportunity for debate. If you want to bring something on for debate, you are very welcome to do that, but question time is not for that.

Questions without Notice Resumed

Mr W.J. JOHNSTON: This is the reason that this member is so embarrassed by this question. He asked me to put on the record these facts, but when I go on the record and make these points about the facts of the matter, he objects; he objects to the facts, because he does not want the facts about the Perth Mint made public. He does not want the facts of this matter.

Mr R.S. Love interjected.

Mr W.J. JOHNSTON: The member interjects about whether the fact that the RBA gave evidence was on the record. Yes, it was, but not at the time that Senator Smith made his remarks, and the remarks made by the RBA are still secret. Senator Smith went on radio and said, "Oh, if only I could tell you what I know." Well, I want him to tell us what he knows, because the reason he knows what he knows is that there are no allegations of illegal conduct by the Perth Mint. He is investigating four specific laws of the commonwealth, one of which, the Privacy Act, does not apply to the Perth Mint. With the other three, there is no evidence of any illegal conduct. One of the things the committee is investigating is weights and measures. The agency that deals with weights and measures never even made a submission to the Senate inquiry.

I mean, this is typical of the current Leader of the Opposition; we look forward to the next Leader of the Opposition, but the current one uses Parliament to make false allegations and imputations against 700 hardworking Western Australians at the Perth Mint, and he should apologise to them.

PERTH MINT — SENATE COMMITTEE INQUIRY

546. Mr R.S. LOVE to the Minister for Mines and Petroleum:

I have a supplementary question. Given the ongoing revelations about the goings-on at the Perth Mint, does the minister still stand by his refusal of an independent inquiry into the Mint?

Ms R. Saffioti interjected.

The SPEAKER: Deputy Premier!

Mr W.J. JOHNSTON replied:

I tell members what: I have asked to give evidence to the Mint inquiry. I wanted to give evidence immediately the inquiry started, but it refused to let me come and give evidence. It has asked an executive and two members of the board to give evidence at the inquiry, and we welcome that. It has not yet set a date, but if the inquiry does not call me to that hearing, it will show the dishonesty that is on display here. This is political rubbish. It is a political stunt by a senator whom nobody has heard of; nobody knows who he is, and the Liberal Party does not even think he deserves to be on the front bench. He is irrelevant to Australian politics, and he is attacking 700 hardworking Western Australians. It is a disgrace. They are his electors. Revelations? What revelations? The evidence of AUSTRAC to the inquiry is exactly what was in its media release. I noticed there was a news article that reported that AUSTRAC had drawn attention to the dates for which the inquiry was seeking information. That was in its media release when it asked for the independent audit. No new information has been provided by AUSTRAC, and everything that AUSTRAC said to the inquiry had already been put on the public record previously. The idea that a regulator would go into a Senate inquiry and talk about secret information is ridiculous. Everything AUSTRAC said in the Senate inquiry it had previously said in public, and it is the only regulator that has given evidence.

I am amused by the Leader of the Opposition's own submission to the Senate inquiry, which called for it to seek the answers he has not been able to get. I have provided an answer to every question he has asked. He can go and look at dozens of questions on notice; all of them have been answered. On every single issue regarding the Mint there has been total transparency. It took him two years to ask a question about money laundering—two sets of estimates hearings before he asked his first question about money laundering. I was already on the record on the question of AUSTRAC and money laundering before he had even asked the first question. I engaged with the Auditor General within months of taking on the portfolio, to make sure I had a full understanding—as the Leader of the Opposition knows, because I have tabled documents here previously. A year and a half before he asked his first question, I had already sought a briefing from AUSTRAC, which it refused to give me. The idea that there is anything being hidden here is stupid. This is all based on a set of false allegations made on *Four Corners* in which things were implied that were not true and no acknowledgement was given that there was no illegal conduct, but it still reported it anyway. This is a beat-up; it was a beat-up at the start, and it is a beat-up today.

DECARBONISATION — REWIRING THE NATION

547. Ms M.J. HAMMAT to the Premier:

Before I ask my question, I acknowledge on behalf of the member for Joondalup the student leaders from Poseidon Primary School who are in the gallery today.

I refer to the Cook Labor government's sensible plans to decarbonise WA industries while also creating new clean energy projects and jobs.

(1) Can the Premier outline to the house how the landmark Rewiring the Nation deal signed with the commonwealth this week will secure affordable renewable energy across Western Australia?

(2) Can the Premier advise the house what this deal will mean for jobs and workers in communities across regional WA?

Mr R.H. COOK replied:

(1)–(2) I am delighted to answer the question from the member for Mirrabooka. It is a great question. Minister Johnston is having a red-letter day. Not only has he flexed his debating muscles already, but he is also in a position to celebrate having attracted almost $3 billion of funding from the commonwealth to continue to ensure that we embark on a statewide epic mission of decarbonising our electricity grids.

As part of the Rewiring the Nation plan, this $3 billion deal with federal funding is the biggest in Australia. The major upgrades to the south west interconnected system and the north west interconnected system will allow electricity grids to modernise and expand; deliver secure energy for generations to come; and, critically, allow our state to truly harness the power of renewable energy. Our existing grids were put in place at a time when renewable energy was part of science fiction or, as the Prime Minister said this morning in his announcement, at a time when the only solar power that was used was to make our pocket calculators work. This package will bring our network into the next century. It is the automotive equivalent of trading in a dusty old Datsun for a brand new Tesla.

It was a privilege to be with the Prime Minister this morning—a Prime Minister who gets Western Australia. He is a Prime Minister who is like no other in living memory as he really understands the importance of Western Australia to the nation's economy. I also joined with the federal Minister for Climate Change and Energy and, of course, our Minister for Energy, Minister Johnston, to confirm this deal this morning. WA will receive up to $3 billion through concessional loans and equity investments through the Clean Energy Finance Corporation. The funds will go to new builds and major upgrades to transmission. For instance, the south west interconnected system, which serves more than $1.1 billion people, will increase its capacity and capability to deal with the significant uplift in energy consumption that will take place.

It also will be about connecting those systems in which we see a big uptake in renewable energy production, such as the midwest–Geraldton area. The north west interconnected system, which powers our energy-intensive industries, accounts for 40 per cent of WA's energy use. There we will be able to see a truly interconnected system, building on the standalone generating capability of industry in the Pilbara but also connecting it so that we have a smooth, integrated system that takes advantage of our huge renewable energy capabilities.

WA has made major inroads in our phased transition to cleaner, reliable, affordable and more secure energy. The joint Rewiring the Nation agreement bolsters our efforts to delivering our sensible and achievable climate action plan. It is a responsible and collaborative approach with the Albanese federal government and the private sector, and it will pave the way for world-leading renewable energy and hydrogen projects in WA, supporting thousands of jobs. In this funding alone, there will be 1 800 jobs in construction, which is an exciting opportunity for Western Australia. But the jobs that will be generated as a result of having these upgrades to our north west interconnected system and our south west interconnected system will be in the thousands. This is a really exciting opportunity. I congratulate the Minister for Energy for securing this agreement and thank the federal government for its collaborative partnership in making this happen.

ABORIGINAL CULTURAL HERITAGE ACT —
ENVIRONMENTAL PROTECTION AUTHORITY GUIDANCE

548. Ms L. METTAM to the Minister for Environment:

I refer to the Environmental Protection Agency's release in June of the *Interim technical guidance environmental impact assessment of social surroundings—Aboriginal cultural heritage* in readiness of the commencement of Labor's Aboriginal Cultural Heritage Act 2021 on 1 July 2023, to work alongside the new laws.

(1) Given the Aboriginal Cultural Heritage Act 2021 is being repealed, can the minister confirm the EPA's approach has been updated to reflect the Cook Labor government's repeal bill changes?

(2) Will these technical guidelines be updated publicly to reflect the Cook Labor government's repeal bill changes?

(3) Can the minister provide industry with certainty that there will be no duplications?

The SPEAKER: Just before I give the minister the call, that was an exceedingly long question, so I would caution you to try to make the questions a little briefer or have fewer parts.

Mr R.R. WHITBY replied:

(1)–(3) I thank the Leader of the Liberal Party, and I thank her for her concise and direct question there—fantastic effort! The cultural heritage legislation obviously sits with a colleague of mine, another minister. The Environmental Protection Authority has a role under its act to consider social surround issues. In its history it has always considered Aboriginal cultural heritage to fit in that parameter and it will continue to do so. As the member probably knows, the EPA is a statutory independent body, with a chair and board, that considers and always acts according to its legislative obligations under the act. It will continue to consider social surround issues, which may from time to time include Aboriginal cultural issues as appropriate. It will continue to behave in that way.

ABORIGINAL CULTURAL HERITAGE ACT —
ENVIRONMENTAL PROTECTION AUTHORITY GUIDANCE

549. Ms L. METTAM to the Minister for Environment:

I have a supplementary question. Can the minister confirm that there will be no hangover from the Aboriginal Cultural Heritage Act 2021 with the Environmental Protection Authority and handling of Aboriginal cultural heritage?

Mr R.R. WHITBY replied:

As the member knows, the state is reverting to the original 1972 legislation. The Environmental Protection Act has not changed in any way and will continue to operate as before.

METRONET — RAILCAR MANUFACTURING — C-SERIES

550. Ms J.J. SHAW to the Minister for Transport:

I refer to the Cook Labor government's significant expansion of Perth's public transport network through Metronet.

(1) Can the minister outline how this expansion is being supported by the local construction of new C-series railcars and what this means for jobs?

(2) Can the minister advise the house whether she is aware of any other investments in local jobs?

Ms R. SAFFIOTI replied:

I thank the member for the question.

(1)–(2) In Swan Hills we are seeing the Ellenbrook train station emerging—actually, it is nearly finished—in the town centre. We are very proud of our Metronet program, and no program are we more proud of than our

railcar manufacturing program. As people know, two railcar sets are doing trials up and down the Joondalup and Mandurah rail lines. People would have seen the new C-series railcars going back and forth. We brought back the railcar industry from oblivion despite the criticism of the Liberal and National Parties, which said we should not be investing in these types of industries. That industry is up and going and we are employing people from around the state, like Paul Fitzgerald, a mechanical fitter at our railcar facility, and Daniel Holloway, an electrician with the testing and commissioning team. We are supporting many businesses in the supply chain across the suburbs and across the state.

Wherever we look, we are supporting local manufacturing across the transport portfolio. Through our bus program we are building our buses here in Malaga. We built the new ferry, *Tricia*, here in WA. Of course, Dongara Marine, which built that ferry, is also building a number of pilot boats for our ports across the state plus other boats for emergency services across the area.

Of course, we are very much focused on jobs in WA. I know the National Party is focused on jobs, too, but it is about who is going to be the new member for the midwest and who will be the next member for Central Wheatbelt. As we know, there is a bit of a battle and positioning between the member for North West Central and the member for Moore with the potential new seat of the member for midwest.

The SPEAKER: Sorry, minister; resume your seat, please. There is a point of order.

Point of Order

Mr P.J. RUNDLE: I think the minister is straying away from the transport question by talking about electoral reform et cetera. It is not relevant.

Several members interjected.

The SPEAKER: Order, please! I am not going to uphold the point of order at this time, but if the minister were to stray for a very long period, she will be called to order.

Questions without Notice Resumed

Ms R. SAFFIOTI: Sure. The question was talking about jobs.

I refer to the article in *The West Australian* about Nationals WA servant Lachlan Hunter purchasing the Northam home previously owned by Hon Brendon Grylls. I understand that that home is always the home of the eventual member for Central Wheatbelt. It was Hon Brendon Grylls' home; he is a former member for Central Wheatbelt. It is like the *Big Brother* house; National Party members come and go, and the last one to get evicted becomes the member for Central Wheatbelt!

This government is very focused on delivering jobs for Western Australia—jobs throughout the community and local manufacturing jobs—as opposed to the National Party, which is looking after its own seats.

STATE ECONOMY — MIGRATION

551. Mr P.J. RUNDLE to the Minister for Training:

I refer to the joint press conference between the minister and the Prime Minister yesterday afternoon and note the federal government's decision to slash WA's allocation under the state nominated migration program by 70 per cent. Is the minister satisfied with the Prime Minister's comments that the skilled migrant shortfall might be made up in the future—yes or no?

Several members interjected.

The SPEAKER: Order, please, members! The Minister for Training has the call.

Ms S.F. McGURK replied:

Unlike the previous Liberal–National coalition government and its federal counterpart, we have a good relationship with our federal government and are able to work through a number of issues. That is certainly the case when it comes to training and skills development and it is certainly the case when it comes to the Albanese Labor government understanding the issues that are facing our state. That was nowhere better demonstrated than in the last few days when the entire federal cabinet held meetings in Western Australia and spent time around the state to understand the issues that are confronting our community, our employers, government agencies and the like. I am certainly very confident that we have a good relationship and that we can continue to work through issues.

The federal government said to both the Premier and me that it was challenged by the completely dysfunctional visa processing system that it inherited when it came to office. There was a huge backlog of applications and a lack of capacity within the public sector to manage those applications. That is one of the things that it has been working through in a number of ways. The first was a review of the entire migration system. The plethora of different visa categories is one issue; it is very confusing and complex for people to navigate. The federal government wants to improve the simplicity of the system for people who want to live, study or work in Australia. The second thing it has been working on is the time taken to process the applications, so that people get a timely response. It is working

through those issues. It has put more staff into the processing system and they are working through the backlog of tens of thousands of visa applications. I understand that and take the federal government at its word. I am sure that is the case.

As the member knows, Western Australia's economy is in rude health; we are going well by every measure. But the other side of that healthy coin is that skills are in demand. As well as needing to train local people to fill those skills needs—I am looking forward to the debate on this tomorrow, as we are putting a huge effort into skilling local people—we understand that we need to bring in skilled migrants. We communicated that very forcefully to the federal government prior to its announcement about the overall number. Over the last couple of days, I have had the opportunity to meet with the Minister for Skills and Training, Hon Brendan O'Connor; briefly with the Prime Minister, including during the press conference that the member referred to; and briefly with the assistant minister for immigration. I was able to make the point to all of them that employers need skilled migrants now. The federal government needs to overcome some of the processing issues, and I understand that it is trying to work through them. What we do not want to do is to send a message to overseas markets that there will be any reduction in our capacity to host overseas —

Mr R.S. Love interjected.

Ms S.F. McGURK: Perhaps the Leader of the Opposition could listen, as he might learn something.

We do not want to send the message to overseas markets that there is a foot on the hose when it comes to attracting skilled migrants to Western Australia. I appreciated the constructive dialogue with federal ministers when they were here in Western Australia, and I am confident that we will be able to reach an outcome with the federal government.

The SPEAKER: Just before I take the member's supplementary, I note that it is not permitted to stand at the back. You can sit in the Speaker's gallery if you like.

STATE ECONOMY — MIGRATION

552. Mr P.J. RUNDLE to the Minister for Training:

I have a supplementary question. Can I therefore take it that the minister agrees with the Prime Minister's decision to slash the state's nominated migration program?

Ms S.F. McGURK replied:

I did not say anything of the sort, and I think the member knows that. I said that we have sent a very clear message to the federal government. We are doing a lot in the training effort, and a lot of that is done cooperatively with the federal government. We appreciate that cooperation. The other thing I have said publicly and privately to the ministers to whom I referred, including the Prime Minister, is that we have demand now for skilled workers and we have requested that the federal government revisit that decision. The Premier has done that formally by correspondence and I backed that up in the conversations I had. I am confident that they heard that message while they were here. We will continue to work through those issues. I reiterate that I took them at their word when they said that they inherited a dysfunctional processing system from the previous government and that they are trying to work through that, but we do need to send a message to our overseas markets that we want skilled migrants to come here.

Mr R.S. Love interjected.

The SPEAKER: Order, please!

Ms S.F. McGURK: We will continue to work to overcome those issues. We have been very clear in our message to the federal government.

MENTAL HEALTH SERVICES — JOONDALUP HEALTH CAMPUS

553. Ms E.L. HAMILTON to the Minister for Mental Health:

I refer to the Cook Labor government's commitment to providing world-class mental healthcare facilities.

(1) Can the minister update the house on the progress of the new 102-bed mental health unit at Joondalup Health Campus?

(2) Can the minister outline how the Cook Labor government is making sure that people in the northern suburbs can access world-class mental health care closer to home?

Ms A. SANDERSON replied:

I thank the member for Joondalup for the question and her advocacy and support for best quality public health services in her electorate and the northern suburbs.

(1)–(2) Mental health is a key priority for this government. In 2018, the Premier, as the former Minister for Health, opened the mental health observation area at Joondalup Health Campus, offering patients a quieter and less busy environment away from the main emergency department, which is often very confronting and not the best place for people experiencing mental health episodes. Since opening, the MOA has treated more than 20 000 patients, with around 60 per cent of those requiring inpatient admission. Five years on, we are

growing Joondalup Health Campus to provide care closer to home for people who are experiencing mental health episodes. Last week, it was a great pleasure to join the Premier and a number of members representing seats in the northern suburbs to open the new 102-bed mental health unit at Joondalup Health Campus. It is a beautiful facility and a new benchmark in not only mental health provision but also public inpatient mental health provision. It is a high-water mark. This came about through investment from the state and the federal government, and I thank the commonwealth for its commitment to this facility. The 102-bed unit replaces the 47-bed unit. That transition has happened and demolition of the 47-bed unit has already started.

Demand for acute mental health services continues to grow, but, for the first time, the northern suburbs will have a dedicated youth unit and a dedicated older adult mental health unit, both growing areas of need in mental health. We know that families who have young people who are experiencing an inpatient admission currently have to travel to Murdoch and Bentley. That is a long way. The best results are always when families are engaged with those young people's therapies and support them when they come out. When families have other children who also have commitments, it is very hard for them to make the time commitment and do the hours of support and work that is required, and balance everything else.

I am very happy to be part of the government that is opening this facility. It really will be a game changer for the northern suburbs. The wards are beautiful; they are designed like a home environment. They all have access to a courtyard with natural sunlight and have big windows in the bedrooms. There are no fences. It is the only secure public mental health unit with no fences in Western Australia. The design is exceptional. There is a gym and community spaces for non-government organisations to come in and support inpatients with their transition out. There are schooling facilities for younger patients, and it is very much focused on a recovery model to help members of our community recover from their episode and live their best possible life. This is very much a key part of our commitment to modernising our public mental health facilities with significant investment. This is on top of the $420 million in the last state budget, which included over $200 million for the reconfiguration of Graylands Hospital, which is also in significant need of modernisation. I want to thank the North Metropolitan Health Service, Ramsay Health Care and Multiplex for bringing this in on budget—we are all thankful for that—delivering what is a nation-leading, if not world-leading, mental health facility for the northern suburbs.

NAPLAN — RESULTS

554. Mr P.J. RUNDLE to the Minister for Education:

I refer to the recent NAPLAN results, which found that one-third of WA students are not meeting the new proficiency standards in reading, writing and maths, and, as highlighted by the federal Minister for Education, there was a massive over-representation of Indigenous students, regional students and students from poor families not meeting standards.

(1) What is the minister doing to assist regional schools to attract and retain principals and teachers where there are gaps in many roles within these schools?

(2) What strategies does the minister have to lift the proficiency standards in the three identified groups of students who need extra assistance?

Dr A.D. BUTI replied:

(1)–(2) The NAPLAN results this year are under a new system. We moved from a 10-band to a four-band proficiency standard, which is a much better way of measuring students that allows for better interaction with parents. The bands are "exceeding", "strong", "developing" and "needs additional support". There is good news in the sense that Western Australia has the highest participation rate in the NAPLAN tests, and that our year 9 students had the highest scores in numeracy in Australia. That is the good news. There is also other positive news—for instance, the percentage of Western Australian students in the "exceeding" proficiency level is higher than the Australian percentages for year 9 in numeracy, grammar, punctuation, spelling and reading; and for year 7 in spelling. The percentage of WA students in the "strong" proficiency level is higher than the Australian percentages for all year 7 and 9 assessments; for year 5 in reading, writing and spelling; and for year 3 in writing. They are the positives, but I take the member's point. There is a lot more to be done—not only in WA, but also across Australia, as Minister Clare stated.

The member also asked about what is being done to retain teachers and principals in regional areas, and what we are doing to look after students who are struggling in NAPLAN. Remember that NAPLAN is just one measurement or tool that we have in the education system. In regard to principals and teachers in remote and country schools, we have the attraction and retention incentive. There are other incentives for particular subjects, but it is a challenge. There is a teacher shortage in Australia and internationally. Minister Clare mentioned today that he met up with international ministers at a conference a few months ago and in most of the western world there is a shortage. A number of measures are in place to try to attract more people to the profession. Professor Scott, the vice-chancellor at Sydney University, released a report commissioned by Minister Clare earlier in the year on how we can try to attract and retain teachers, and improve teacher training.

Regarding what we are doing for students who are struggling, we are doing many things. Firstly, this year we instigated a mandatory phonics check in year 1. We have a quality teaching strategy that focuses on early intervention for students who are struggling. We also this year increased the budget for the education adjustment allocation to $44.5 million over the forward estimates. It was $33 million last year and now it is $44.5 million over the forward estimates. That is there to help students who are struggling. It will help with early intervention and may even allow students to be withdrawn from class to get specialised mentoring in numeracy and literacy. Other measures also came out in the budget—for instance, $137.6 million has been allocated in the forward estimates for students who have disabilities and additional learning needs, in addition to $8.5 million for students who need assistance.

They are all measures that are very, very important. The additional $44.5 million education adjustment allowance will now allow us to specialise in intervention for the bottom 15 per cent of students. Previously, it only allowed 10 per cent coverage and now it is 15 per cent. This is a struggle, but this government, the Cook Labor government, is investing an immense amount of money into trying to ensure that we improve the education and academic outcomes for our students across the board, whether they are in the metro area or in country or remote schools.

NAPLAN — RESULTS

555. Mr P.J. RUNDLE to the Minister for Education:

I have a supplementary question. The minister acknowledged that there are shortages of staff in the system. Is he concerned about the increase in the use of relief teachers on a permanent basis, especially in regional schools?

Dr A.D. BUTI replied:

I am not quite sure of the connection, but I will answer it in any case. Relief teachers have always been a part of the system. I was a relief teacher back in the 1980s! When I went back to full-time study, it was under a conservative government in Western Australia, and I was being called every day by the education department for relief teaching. It is a normal practice; it has always been the case and will remain the case. There is a shortage of teachers in Western Australia, in Australia, and the world. We have in place a number of strategies to address that, but it cannot be changed overnight.

TRAINING — RENEWABLE ENERGY

556. Ms C.M. ROWE to the Minister for Training:

I refer to the national Skills and Workforce Ministerial Council meeting held in Perth last week, which included a focus on preparing our workforce for the energy transition.

(1) Can the minister outline to the house what this government is doing to build Western Australia's workforce for new and emerging clean energy jobs?

(2) Can the minister advise the house how the government's commitment to reaching net zero emissions by 2050 is creating new opportunities for Western Australians in renewable energy industries?

Ms S.F. McGURK replied:

(1)–(2) I am really pleased to speak about this issue, because it is so connected to the themes we heard from the Premier when he spoke at the Seven West Media breakfast a couple of weeks ago, and the announcement today about the investment in the north west interconnected system and the south west interconnected system. The message is very clear from our government that we take climate change seriously and we are transitioning our economy to not just deal with climate change, but also go one step further and take up the opportunities that come with a clean energy future. I am really confident of our ability to leverage off the many natural resources and also the building and industry capacity we have in our state to make that transition. I was able to showcase that, as the member said, to my state and territory training counterparts and the federal minister in Perth on Friday. Where better a place to meet than in Fremantle? It was really fantastic to show them around the local TAFE facility in Fremantle, including the jobs and skills centre, and to also talk about the sort of work being done by the state government through our TAFEs and private providers. Importantly, we talked about the very sophisticated relationship we have with industry to gear up for the next stage of our economy.

We are working to finalise a new five-year agreement with the federal government. That is important because it comes with money. I note that the previous federal government could not reach agreement with the states or territories; no states or territories would sign up to an agreement by the time the federal government left office. This government has given us money for fee-free places, and we are now very close to reaching a new five-year agreement, so I welcome that. We have a number of priority areas in that five-year agreement. One of them will be the transition to clean energy.

As I said, I was able to give people an idea of what was happening in Western Australia. We could not let the chance go by while federal ministers were meeting here to showcase what we have throughout the whole

of our state. As I look around 360 degrees of our chamber, I can see parts of our state that are represented by Labor members. I look at the Kimberley, the midwest, the Pilbara, the south west and the great southern. All of those areas have opportunities to transition. Through opportunities in wind, solar, batteries and hydrogen, we are expecting to create about 350 000 jobs here in Western Australia by 2050. Obviously, we need a skilled trained workforce to do that. As I said, we are working closely with industry, TAFE and universities to deliver the training needed to help our state's workforce work in areas like construction and engineering and in electrical trades. As I said, Central Regional TAFE—the member for Geraldton knows this well—is responding to meet the workforce requirements of wind and solar farms and the exciting potential of Oakajee renewable hydrogen. In North Metropolitan TAFE, we will have a wind turbine and "working at heights" training tower as part of the commonwealth's TAFE technology fund. At the moment, more than 1 000 electrical apprentices are training in North Metro TAFE. South Metropolitan TAFE is home to the Australian-leading Australian Centre for Energy and Process Training. It is the only process facility of its kind in the Southern Hemisphere. Industry is expecting that that will transition to support clean energy work. North Regional TAFE, through the Pilbara hydrogen hub, is positioned to deliver essential training and cutting-edge research for the Pilbara. Finally, South Regional TAFE is involved in the Collie Just Transition diversification project, worth $347 million. Our work around vocational training is central to those efforts.

It is very exciting to see the work that has been done, not for the future—not off in the never-never—but now. We need to train auto-electricians, people involved in energy and batteries—for example, with electric vehicles. Just today, the federal skills minister and I were at the opening of BHP's FutureFit Academy in Forrestfield. That is a massive facility. Again, North and South Metro TAFEs are cooperating with BHP. That is a fantastic facility and one that I am very proud of.

ABORIGINAL CULTURAL HERITAGE ACT — LEGAL ADVICE

557. Mr R.S. LOVE to the Premier:

I refer to the Premier's refusal to table the advice received from the Solicitor General in relation to the botched Aboriginal Cultural Heritage Act 2021, claiming there was no precedent for such tabling, and note two examples of the Gallop government tabling legal advice regarding retail trading hours and cannabis control bills, which I have here for the Premier's benefit. They are documents tabled by a previous Labor Premier. I note that there is precedent for tabling legal advice, contrary to the Premier's claims. Will the Premier table the legal advice obtained regarding the Aboriginal Cultural Heritage Act 2021, leading to the eventual backflip by his government?

Mr M.J. Folkard interjected.

The SPEAKER: Member for Burns Beach, I ask you to cease interjecting.

Mr R.H. COOK replied:

No, we will not be tabling that advice. It is not appropriate. Governments retain the right to have legal counsel. As a result of that, we maintain that relationship with our legal counsel. Governments may from time to time, for extraordinary reasons, choose to do so, but we do not.

ABORIGINAL CULTURAL HERITAGE ACT — LEGAL ADVICE

558. Mr R.S. LOVE to the Premier:

I have a supplementary question. Given that there are clear precedents, what is the Premier's real reason for his refusal to table the summary or the advice?

Mr R.H. COOK replied:

The government receives legal advice all the time on all manner of issues. It is entirely appropriate that that advice and the relationship between counsel and the minister remains as it is and always has been —

Several members interjected.

The SPEAKER: Order, please!

Mr R.H. COOK: We know that the record of those on the other side around transparency, sharing business cases and things like that is absolutely woeful. The arrogance of our friends over there when they were occupying the government benches is there for all to see. They continue to make sure that is how they treat the community, with that arrogance.

In relation to my government's leadership, we committed to listen to the community, and that is what we have done.

Mr R.S. Love interjected.

The SPEAKER: Leader of the Opposition, you have had an opportunity to ask a supplementary. We are hearing the answer now. I would like to be able to move on with other questions during this question time.

Mr R.H. COOK: The member opposite seeks to understand our reasons. The reasons are that we listened to the community. I have noted their concerns and undertook the necessary action that that listening required. That is why we made the decisions we did.

HOMELESSNESS — LAND SUPPLY

559. Dr J. KRISHNAN to the Minister for Housing:

I refer to the Cook Labor government's record $2.6 billion investment into housing and homelessness measures.

(1) Can the minister update the house on the progress of the investment, which is delivering more housing for our state's most vulnerable?

(2) Can the minister outline to the house what steps this government is taking to unlock land to boost the housing supply pipeline in WA?

Mr J.N. CAREY replied:

(1)–(2) I want to thank the member for his question. We know that the COVID-19 pandemic radically reshaped our housing and construction markets. It created pressures across Australia, with skilled labour shortages. We have seen massive cost escalations. This has created pressures with delivery in the housing market. I am deeply proud as a state government that through our $2.6 billion investment, and despite these significant constraints and builders telling us it is the tightest construction market that our state has ever faced, we continue to accelerate the delivery of social housing in Western Australia. I have repeatedly reported to this chamber on the range of short-term or quick measures that we have introduced to boost social housing. Whether it is flipping to timber frame programs, creating modular home programs, spot purchasing or reviewing Government Regional Officers' Housing, we are doing everything we can. To date, we have delivered 1 500 social homes to the system, with more than 1 000 under contract or construction. These are significant figures.

But, of course, we are looking to the future in terms of the pipeline of work that we need to create. We are doing that on two fronts. The first front is through longer term projects, which are higher density, affordable and social housing projects. These types of projects take considerable time in terms of planning and getting the model right but we are working through projects like Stirling Street and Pier Street. We are also looking at the land supply equation. That is why we are working hard to open up new areas of land that are critical to the future pipeline of work in Western Australia.

We recently announced that two new urban areas will open in Jandakot–Treeby and North Ballajura. This will open up a significant number of new lots. There will be around 8 500 lots overall. Added to the other planning investigation areas, there will be around 85 000 additional dwellings into the future. They will be delivered over a very long time, but the point is that we have to do the work now. We have to provide assurity in planning and land planning in Western Australia. We also, of course, have to work on further planning reform. National cabinet—every state—is now focused on streamlining to assist with housing and land development in Western Australia. There is a clear contrast between our side and the opposition. It is interesting. The opposition talks about property rights except when it relates to planning reform and cutting red tape, then there is a very stark contrast. Members opposite want to add more red tape. They want to send big housing projects away from a streamlined process, which will affect overall housing supply. We are aligned with all our state counterparts and are working with the federal government to drive planning reform in Western Australia.

As I have already mentioned, we are working on a second tranche of planning reform. At its heart, and its key focus, is boosting housing supply in Western Australia. There is a very clear choice between that side, which has no policy on housing or planning other than to wind it up in red tape, and our side, which is boosting housing supply, boosting social housing and streamlining approvals for housing in Western Australia.

ENERGY SUPPLY

560. Dr D.J. HONEY to the Minister for Energy:

The Minister for Energy is looking very relaxed over there.

Mr W.J. Johnston: I am!

Dr D.J. HONEY: I refer to reports that the Australian Energy Market Operator is seeking that 326 megawatts of supplementary reserve capacity to address looming shortfalls in energy supply to be available from the 1 December 2023 to 1 April 2024 in order to avoid brownouts and blackouts during summer. That is almost double the amount of 174 megawatts of reserve capacity that was asked for last summer. This is the third time in recent history that AEMO has needed to tender for reserve capacity.

(1) Does the minister think this is now the norm?

(2) How will this impact WA's productivity, given large energy-using businesses are being asked to sacrifice production to maintain household electricity supplies?

Mr P.J. Rundle: Good question!

Mr W.J. JOHNSTON replied:

It is an interesting question, and I am very pleased to receive it.

(1)–(2) I want to explain a few things. The first is that this has been reported as a crisis. I make it clear that that is not the case. The Australian Energy Market Operator has three tools available to it to purchase reserve capacity and supplementary reserve capacity is one of those tools. It has been commented upon in the media that this is only the third time in 20 years that it has been needed, and that is true, but that is because, generally speaking, the AEMO predictions of future demand come true. On this occasion, AEMO's reserve capacity cycled three years ago underestimated load growth and so AEMO is using the tools the government has given it to go to market and seek the supplementary reserve capacity.

Also, the planning margin has changed. The government has engaged on this. AEMO has always operated at what is called n – 2, which is the total expected demand plus the two largest units. Therefore, that way, if we are at peak and the two largest power stations break down, we would not have to have a market response. AEMO has now moved to n – 3, which means that if three plants were to break down at peak, it would not require a market response. AEMO did that because the coal plants are unreliable. For those people who say that we need more coal, such as Paul Murray writing in *The West Australian*, I make the point that we changed the planning criteria because of the challenge of managing the old coal plant as it gets towards the end of its life, which is one of the reasons we are doing a phased planned retirement.

The next thing is that I think the member's question referred to demand-side management. I want to remind the member that demand-side management is actually an essential part of a modern electricity system. Members will remember that in the last sitting week I showed them a chart of peak demand—it goes up and down. We have to build a pyramid of generation and the last block on that pyramid is the most expensive. Therefore, if we do not need that last block of a power station, it will be the cheapest way going forward. Remember there is actually a peak. There is a minute of time that is the highest demand. If we can shave off that peak, we do not have to build the power station that would then be used on all the other days of the year. We are talking about two hours in a single day, and we have to have enough power from power stations to get through that peak. It is much cheaper to engage with industry and have industry choose—it is not made to do it—to use a flexible response to ensure that that last block of the pyramid is not needed. That means that it is cheaper for everybody, including industry. Not only that, industry is paid to do it because it is part of the reserve capacity mechanism.

I do not understand this war against demand-side management. It is a feature of every modern electricity system in the world. I know that the former government under Mike Nahan fought hard to drive demand-side management out of the system. At the time, I said that that was the wrong call. Mike Nahan made some correct calls, but that one was wrong, and I do not apologise for using common sense to save money. Let me make it clear: demand-side management means that in Western Australia electricity costs are lower and carbon pollution is lower than they would be if members opposite were in government.

The SPEAKER: A supplementary, which I note will be the last question.

ENERGY SUPPLY

561. Dr D.J. HONEY to the Minister for Energy:

I have a supplementary question. Is the increasing shortfall in the electricity supply over summer further evidence of an increasingly unreliable electricity system?

Mr W.J. JOHNSTON replied:

I just asked my office to find all the occasions on which Hon Dr Steve Thomas has said that we were going to run out of electricity, because I note that today he says we are going to run out of electricity not in 2023, 2024 or even 2025, but in 2027! If he is still in Parliament in 2027, we can have that debate. The reality is that, yes, Western Australia has a complex electricity system. It has to be independent and it has to be managed with very large swings in demand between peak and trough. There can be over 1 500 megawatts difference between the peak and trough of demand on a single day. That is an extraordinary effort. Remember that total peak demand is 4 500 megawatts. We can have swings of up to 30, 50 or 60 per cent of demand. On one day last year 82 per cent of the electricity in the south west interconnected system was provided by renewables. That is why on 1 October we will have the new market starting, we will go from a 30-minute settlement to five-minute settlement, which will assist in more renewable energy coming into the market. It will make the market more dynamic and flexible. It is an important change that will allow us to integrate lower cost energy into the system.

I want to finish on this: renewable energy is what they call a "zero marginal cost". The cost is in building the plant, not in operating the plant. That means that the electrons themselves are the lowest cost electricity in the system, so when more of the system uses renewable energy, exactly like we are planning to do here in Western Australia and the likes of which are being done by my friends on the east coast, it means—I will not say that the price of electricity will go down; I am never going to say that—that there is no reason for significant increases in the cost of electricity in the future. That is the only reason we have a queue of companies coming to Western Australia

asking to build renewable hydrogen projects. It is because this is already a low-cost industrial energy place, and that industrial energy cost will remain stable over a long period, which means billions of dollars will be invested here. I want to thank Chris Bowen for understanding that. I want to thank Chris Bowen for the good work that we have been able to do together. We have delivered $3 billion of federal government investment here in Western Australia.

The SPEAKER: That concludes question time.

CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2023

Second Reading

Resumed from an earlier stage of the sitting.

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

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

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

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

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

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

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

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

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

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

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

(b) if there is a Standing Committee —

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

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

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

It will be a two-stage process.

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

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

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

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

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

MS M.M. QUIRK (Landsdale) [3.11 pm]: It goes without saying at the outset that any improvement in the way in which the Corruption and Crime Commission functions or in which the legislation is drafted and interpreted is

to be commended. I want to make a couple of relatively arcane comments, but this is really my first opportunity to speak on these matters since my rather peremptory departure from the Joint Standing Committee on the Corruption and Crime Commission. It is after lunch, so I apologise for going into this arcane excursus on some fairly technical issues in respect of the relationship between the Corruption, Crime and Misconduct Amendment Bill 2023, the CCC and the oversight committee of Parliament.

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

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

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

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

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

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

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

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

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

This is probably contestable, but I think it is also arguable that under section 9 of the Corruption, Crime and Misconduct Act, as it applied prior to amendments, although the Premier had to go to the oversight committee—there is reference to the support of the majority of the standing committee and bipartisan support—only consultation was required. As we have seen in a vast array of legislative provisions that consultation occurs, consultation is most often

honoured in the breach. If people had complied with their duties in terms of disclosing what happened or did not happen in the committee, the Premier may well have been free to proceed with an appointment irrespective of what the committee decided or whether there was bipartisan support. As I said, that is probably arguable. I really want to stress the point that that problem could have been much more easily resolved by virtue of an amendment of standing orders.

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

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

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

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

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

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

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

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

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

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

[Member's time extended.]

Ms M.M. QUIRK: Three and a half years ago, Mr Anthonisz was charged, and it is only this year that the case was dismissed. There are some allegations that the police handled the matter badly and did not allocate enough resources towards the matter. Commissioner Blanch tried to justify that by saying it was due to the complex nature of the work involved to build the case. He said there was a breakdown in communication between WA police and the prosecution team and that he would investigate that, but he said that he did not believe WA police were to blame for the case falling over. The DPP seems to be sitting around and waiting for police to finish the brief; the CCC

has raised expectations; and, somewhere along the line, communications between police and DPP have disintegrated such that there does not seem to be any common thread or linear movement of the case forward so that it could go to court. I am very conscious that hard cases make bad law, but I am also conscious that it was known from day one that this was a complex case. I worked in a position working with both police and the Director of Public Prosecutions on cases that lasted for years. We were in regular consultation with not only the police, who were being asked to go out and get the evidence, but also the DPP, who would ultimately have to prosecute, to ask what should be in the brief. It is clear from what is publicly available that there was a real failure in communication in this case. It is my fervent hope that the Joint Standing Committee on the Corruption and Crime Commission will take the time to do an inquiry into why this occurred. I do not expect people to just walk away from this without some assessment of how things can be done better in the future.

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

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

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

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

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

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

It goes on to talk about some of the detail —

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

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

Mr J.R. Quigley interjected.

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

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

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

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

Mr J.R. Quigley: I think so.

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

We can talk about the attack on proper process. As I said, I will not be overly harsh on the member for Cockburn but I will talk about some of the points that he mentioned. He commented that certain members have misread the politics on this. If someone is making principled decisions on this bill based on simply misreading the popular view out there in the community, then wither our democracy. The CCC is a profoundly powerful judicial body. Every member in here should be taking decisions based on fundamental principles of justice, around preventing corruption at all levels of government, not misreading the room or considering whether a particular journalist has a view on this. They should be asking whether it stands the test of time in terms of the fundamental principles of propriety, not only in the way that this body goes about its work but propriety in the way that the most senior officers in this body are appointed, or officers under this new proposal because there will be two.

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

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

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

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

Mr J.R. Quigley interjected.

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

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

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

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

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

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

Mr J.R. Quigley interjected.

The DEPUTY SPEAKER: Members!

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

Mr J.R. Quigley interjected.

The DEPUTY SPEAKER: Attorney General!

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

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

The DEPUTY SPEAKER: Attorney General!

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

[Member's time extended.]

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

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

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

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

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

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

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

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

Mr J.R. Quigley: The latter.

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

Mr J.R. Quigley: We will.

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

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

The DEPUTY SPEAKER: Members!

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

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

This opened up a cache of allegations and evidence that did not lead to many criminal charges, but involved revelations that shocked the public. The revelations included the use of taxpayers' funds to go on a wine-tasting tour to the Barossa Valley and for "The Clan" to go to Tokyo, which was revealed to us all for the first time in that investigation, but it was known very well of course by members of the opposition. They knew of "The Clan". No-one else in Perth did. The hypocrisy! They used to say that the Labor Party was riven with factions. Yes, we are organised into groups. Everyone knows that. The groups meet openly at state executive meetings and the groups make different submissions on policy matters at the state conference, and the media will be present and will report on the different factions. No-one knew about "The Clan" or the "Black Hand Gang". They were as secret as a Masonic lodge. They met in secret. They decided what to do in secret and they would use their numbers in the Council and within the Liberal Party to dictate policy and who would be preselected. Of course, that is why they were driven so far into opposition and decimated. We saw what members of "The Clan" did. They preselected weirdos who did not make it to voting day. They dropped out on the way because "The Clan" had preselected extremists.

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

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

Members should look at the act as it was and what the Leader of the Opposition wants to return it to with his tabled amendments. The act required majority and bipartisan support of the joint standing committee. Bipartisan support was defined as including a member or members of the official opposition party in the Legislative Assembly. One or more opposition members had to be on the committee for it to function. The Leader of the Opposition went to great lengths to try to dissemble the truth, to say: how do we know? No-one knows that it was Jim Chown who blocked the reappointment of his inquisitor. No-one knows that; four people were on the committee. Well, we know it just by simple, logical deduction. The two Labor Party members on the committee were the honourable

Margaret Quirk and Matthew Hughes, member for Kalamunda. Both came into this chamber and voted for the reappointment of Mr McKechnie when we reappointed him by legislation, so we know what they thought about his reappointment. They came to the Assembly to vote for it, so we can count them out as no votes in the committee. Mr Hughes stood here and criticised the committee he sat on. We can lock down those two as yes votes for the reappointment.

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

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

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

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

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

The ACTING SPEAKER: Thank you, Attorney General.

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

Several members interjected.

Mr J.R. QUIGLEY: I said as useless as a hip pocket on a T-shirt. Did the members not hear me? He resigned after Mr McCusker, KC, had to go down to the Supreme Court. That commissioner was trying to get a mandatory injunction against the Parliamentary Inspector of the Corruption and Crime Commission. It was just a dog's breakfast, and he went.

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

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

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

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

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

As in other jurisdictions, as we have already alluded to, there is some parliamentary oversight of the process by giving the committee a right of veto if there is someone unacceptable to the Parliament. I mean to say: this committee lost its way. It started conducting interviews; that is not its function. That happens when the candidates apply for the job, and the nominating committee then conducts the interviews. Hauling people in for interviews—what would these committee people know about the candidates' CVs or backgrounds? The veto might be exercised if there is someone who is, on the basis of probity—and it is hard to imagine this, given that they have been vetted by the Chief Justice, the Chief Judge and the Governor's nominee—so out there that they are unacceptable.

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

Dr D.J. Honey: Wivenhoe Dam.

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

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

There is nothing unusual, out there or extreme about what we are proposing. We know it is not extreme because in the review of the Corruption and Crime Commission legislation conducted by Supreme Court Justice Gail Archer,

SC, in 2008, she identified this as a problem and recommended it be switched to a veto power like in the other states. So much happened in the law under the Barnett government; it went for bells and whistles instead of bread and butter. It got on with the criminal anti-association laws to drag a razor across the bikies' back. We spent days and days in here arguing the law that the police never used once, but it got the government so much publicity as it was going through that everyone thought it was going to crack down on the bikies. What was the net result? The bikies exploded during the Liberals' time in government—literally exploded; they blew things up and exploded in numbers while government members had their hands in their pockets, saying that they would be tough on crime. Give us a rest. The former government had the Archer report before it, which recommended this change. It had appointed Mr McKechnie and could have gone on to bring about this amendment, the Archer proposal, in quiet uncontroversial times. It would have been waved through by the Labor opposition of the day because it just brought it into line with the other proven models in the other jurisdictions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Several members interjected.

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

Withdrawal of Remark

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

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

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

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

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

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

Debate Resumed

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

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

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

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

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

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

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

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

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

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

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

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

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

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 3 amended —

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

Mr J.R. QUIGLEY: The actual term was "acting commissioners". We appointed acting commissioners for 12 months and kept rolling them over. That is what we had to do. We wanted a permanent one there, and the acting commissioners did not have to go through the appointment process. The acting commissioners did not even go to the nominating committee, the Premier or the joint standing committee. The answer is because it will be a permanent position. Before, they got appointed for 12 months at a time. We will put in a permanent deputy with all the powers of the commissioner, as delegated by the commissioner.

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

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

Clause put and passed.

Clause 5: Section 9 amended —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clause put and passed.

Clause 6: Sections 9A to 9C inserted —

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

The ACTING SPEAKER: That is fine.

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

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

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

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

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

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

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

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

Mr R.S. LOVE: The Attorney General has just outlined that we will have an act that provides for two separate appointment processes. He does not think it is important to change the process for the appointment of the parliamentary inspector simply because it is not something he deems to be necessary at the moment, but he does not know when the parliamentary inspector might resign. It seems incomprehensible that there will be no change to the process for the appointment of the parliamentary inspector when the process is being changed for the

appointment of the other two officers. Therefore, the Attorney General is saying that one role requires majority and bipartisan support, but the other does not. He is not advancing any philosophical reason for that change. I expected him to say that one has an oversight role and it is appropriate for Parliament to continue to take a bipartisan approach to the appointment of that person. That would have given me some comfort. But now we have learnt that he intends to strip the requirement for Parliament's bipartisan support for the appointment of the parliamentary inspector, who has an oversight role over the commissioner and will have, presumably, over the deputy commissioner going forward. That is even more worrying than what we have been told thus far.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr J.R. QUIGLEY: I just told the member. I thought he would just go on whining and grizzling forever, saying we were trying to take total control, so I said that we would leave it as it is. We have got to pick what is necessary. If the member wants to move that amendment, I will take some instructions over dinner. If the member would like to move an amendment to wipe out the nominating committee, I will take some instructions from the Premier over dinner, and we will do it after dinner. But I feel that if I came at that, the member would grizzle. But I will give very sympathetic consideration to an amendment that the member drafts and we could perhaps rise 15 minutes early or something. If the member wants to draft that amendment, I will give it very serious consideration; I promise.

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

Mr J.R. Quigley interjected.

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

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

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

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

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

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

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

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

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

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

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

Dr D.J. HONEY: This provision is about the commissioner and the deputy commissioner. Why do we need it? There would only be an urgent requirement to fill this without a recommendation going to the committee if we had two vacancies, so surely this provision would only be included if we do not have a commissioner or a deputy commissioner in place.

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

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

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

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

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

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

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

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

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

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

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

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

Mr J.R. QUIGLEY: It is just a normal English meaning in Cambridge or Macquarie. It is just to consult or have a discussion to get your opinion before we arrive at a decision. That is all. It is not an agreement. It is to make up your mind and go and consult with someone. If the Leader of the Opposition wants to find out about this act, he comes to Parliament and consults during the consideration in detail stage. The Premier can go to the Leader of the Opposition and say, "I'm thinking about putting up Jeremy Lee as the commissioner. What do you think?" He can consult. He is consulting on the recommendation of the nominating committee. That is it.

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

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

Mr J.R. QUIGLEY: Yes.

Mr R.S. LOVE — by leave: I move —

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

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

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

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

Mr J.R. Quigley: Correct.

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

Mr J.R. Quigley interjected.

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

Mr J.R. Quigley: Correct.

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

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

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

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

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

The ACTING SPEAKER: Yes.

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

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

So, that is correct.

Point of Order

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

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

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

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

Debate Resumed

Mr J.R. Quigley interjected.

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

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

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

Mr J.R. Quigley interjected.

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

Mr J.R. Quigley interjected.

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

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

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

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

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

Mr J.R. Quigley: No.

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

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

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

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

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

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

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

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

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

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

Mr J.R. Quigley: Right.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Division

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

Ayes (5)

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

Noes (42)

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

Amendments thus negatived.

Clause put and passed.

Clauses 7 to 10 put and passed.

Clause 11: Section 13A inserted —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr J.R. Quigley: No.

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

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

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

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

Clause put and passed.

Clause 12: Section 14 amended —

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

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

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

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

Clause put and passed.

Clauses 13 to 36 put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

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

> That the bill be now read a third time.

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

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

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

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

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

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

MR J.R. QUIGLEY (Butler — Attorney General) [6.25 pm] — in reply: I wish to thank all those members who contributed to the debate on this bill, including the Leader of the Opposition and the members for Cottesloe, Girrawheen, Mount Lawley and Cockburn. I thank the Minister for Police who spoke on the last day that this matter came up. Leaving the controversial politics out of it, and not going back to —

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

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

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

the meantime we would appoint Mr McKechnie. It cannot be said that we did not have a mandate. It cannot be said that this is some sort of narrow, Labor Party ideology. It was the recommendation of Justice Archer in the 2008 report.

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

Division

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

Ayes (42)

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

Noes (5)

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

Question put and passed.

Bill read a third time and transmitted to the Council.

RAIL SAFETY NATIONAL LAW APPLICATION BILL 2023

Second Reading

Resumed from 22 June.

MR T.J. HEALY (Southern River — Parliamentary Secretary) [6.36 pm]: I rise to speak on this very important piece of rail safety legislation—the Rail Safety National Law Application Bill 2023. From the outset, I want to speak in favour of the bill and also talk about the very important role that rail plays in all our electorates and communities. Deputy Speaker, I use rail crossings in your electorate every week. I take my kids to ballet and we go through the Kenwick train station crossing. We get stuck there, but I am always very happy to be a little bit late to ballet in the interest of ensuring that we meet all the requirements of rail safety. I commend the bill that is before us.

I will provide some detail for those who are playing along at home. The Rail Safety National Law Application Bill 2023 that is before us will apply the Rail Safety National Law with some modifications and will repeal the Rail Safety National Law (WA) Act 2015. It will provide greater consistency with the national rail safety law. I cannot tell members how many nights I have lain awake unable to sleep because of the inconsistencies in rail safety law across this nation. This legislation will address legislative inconsistencies relating to rail safety and will support the timely application of rail safety, giving greater certainty to our operators, rail safety workers and people like myself who constantly use rail and cross rail tracks.

Some aspects of this legislation hail back to the era of federation. It is interesting that we are talking about constitutional amendments. One of the big benefits of federating was looking at using a standard gauge for rail across the nation. In my understanding, each of the colonies had a different understanding of the term "standard gauge". I believe that for a long time, we maintained a narrow gauge from Perth to Kalgoorlie. Part of our story of federation and the creation of the constitution was about agreeing upon a standard rail gauge in the interest of rail safety.

As a teacher, I have been a part of a number of different presentations to young people. I have to commend the Public Transport Authority for a number of really good public safety promotions such as "Stay Off the Tracks" and other promotions about photos and stunts, when to cross and where your vehicle should be at crossings. As I mentioned, as a teacher I have had a number of opportunities to attend presentations. I think from memory, for Hansard, John Beninca was a gentleman who fell asleep on some rail tracks many years ago and lost his arm and leg. He came to speak to students about the importance of rail safety. It was a very good and motivating factor. I again commend the Public Transport Authority for a very proactive approach to rail safety education in this state.

I find it interesting—the member for Cottesloe might be interested in this—that the approach of the Liberal Party and the Nationals WA to rail safety could be summarised as: if there is no rail, there is no need for rail safety. I draw that bow and make that tangent because when the Fremantle line was closed many, many years ago, I believe the

Liberal Party of the day did not have rail commuter interests in mind. I connect it to the airport line in the member for Belmont's community. There were no rail safety issues of concern because they were not going to build those train lines. The member for Darling Range's area was promised the Byford rail line. There were no rail safety issues because there was not going to be a rail line.

Mr R.S. Love: Excuse me, did the member just say there was not going to be a line to the airport before he came to government?

Mr T.J. HEALY: I thank the Leader of the Opposition for taking my little fish hook there. I believe he is taking credit for building the airport line.

Mr R.S. Love: The project was one that was commenced before the member started, before he became —

Mr T.J. HEALY: Promised, yes. It was one of those things that was promised at the 2013 election by Labor and copied by the member's government. He was a senior member of the Barnett government at the time. What year did the Barnett government open the airport train line?

Mr R.S. Love: I didn't say it was opened.

Mr T.J. HEALY: Sorry. The government was talking about it.

Mr R.S. Love: You said that the previous government would never support it.

Mr T.J. HEALY: The previous government introduced the Forrestfield–Airport Link legislation, which went into the chamber and was passed here, but which Minister for Transport cut the ribbon?

Mr R.S. Love: This one.

Mr T.J. HEALY: Which one? Who opened it?

Mr R.S. Love: You're being dishonest.

Mr T.J. HEALY: Not you. Okay.

Mr R.S. Love: Disingenuous, I should say.

Mr T.J. HEALY: All I can say is that the Liberal–National government of the day, and generations of Liberal–National governments, have been consistent. They always promised, but never delivered. The Thornlie–Cockburn Link was promised in 2013 and 2017. It was promised in 2008, actually, before that. The airport line out to Forrestfield was promised but never delivered. The Liberal–National government built a little bit of rail north of Joondalup. I will give it credit for some rail creation, but I believe it was dragged kicking and screaming. Of course, how could I not mention the Ellenbrook promises? The airport line legislation passed, but the project was mired in controversy and the only way it was going to be opened was by a Labor government completing the work, with the minister behind Metronet, Rita Saffioti, bringing that project and completing it. Was it promised at the 2013 election? Yes. Was legislation passed in that term of parliament? Yes. Did the Liberal–National government significantly move forward with the plans, the consultation and the build? No.

Mr R.S. Love: Yes. That is wrong. That is actually wrong.

Mr T.J. HEALY: Forgive me. When was it opened?

Mr R.S. Love: You can't just stand there and tell mistruths. That is patently not true.

Mr T.J. HEALY: In 2013, you were elected as the member for Moore.

[Quorum formed.]

Withdrawal of Remark

THE DEPUTY SPEAKER: Just two seconds before the member for Southern River carries on. The Leader of the Opposition made some interjections recently. He made the interjection that the member was being dishonest, but then he corrected himself and said disingenuous. I am not sure whether Hansard picked that up, but in case they did, calling someone dishonest is unparliamentary. Withdraw that, just in case.

Mr R.S. LOVE: Yes, I withdraw it.

Debate Resumed

Mr T.J. HEALY: I move on to the new Nicholson Road train station, which our government promised, is now building, and will deliver. There cannot be rail safety without rail, and the Thornlie–Cockburn Link is going to be the centrepiece, the absolute jewel in the crown, of Metronet. The station at Ranford Road is going to transform my community. It was promised by multiple previous governments and never delivered. I was very, very proud that we started building the Thornlie–Cockburn Link in 2019. The member for Jandakot and the Minister for Transport were there. We started building a fantastic train line. I look forward to some other milestones a little bit later on this year. The freight line is going to be shifted to the side. We have a number of different bits and pieces. For those watching at home, the brochure for the Thornlie–Cockburn Link actually takes six little flyers, because it is beautiful

and long, and in the interest of rail safety. I think people will find the Thornlie line will continue as it is here. It will be duplicated. It will go all the way along to the Nicholson Road train station, and then to the Ranford Road station, and then to Cockburn. I remember a 5.00 am video that I did with the member for Jandakot in this very Parliament about the beautiful Thornlie–Cockburn train line. The train stations themselves will be beautiful pieces of architecture. On the Thornlie–Cockburn Link, the Thornlie station itself will have beautiful extensions because it has to be duplicated and go all the way through that train station.

The Nicholson Road train station will be phenomenal. The precinct around it already has an IGA, a BP, a coffee shop, a childcare centre, and a Taco Bell. It is growing into a beautiful precinct. Ranford Road station in the member for Jandakot's electorate will be huge. It is going to be a wonderful precinct that will connect my community. Again, I could not speak about the Ranford Road station without talking about the interests of rail safety. I could not go on without talking about the widening of the Ranford Road Bridge from four to eight lanes as a core part of that precinct.

The next challenge that will be part of extending the Nicholson Road station precinct is the roundabout that exists on the corner of Yale, Garden and Nicholson Roads. As promised, the state and federal governments are working together to build an $80 million flyover that will go beautifully with the precinct. It will sail over the roundabout. However, it does create a problem. I ask my community: what should we do with the four palm trees? There is a beautiful roundabout with four beautiful palm trees. We funded $80 million from the state and federal governments as part of that transport precinct. When we build the flyover that will go from the existing over-rail bridge to Garden Street, we will need to find a location for those four palm trees. If anyone would like to give a contribution, please email me at terry.healy@mp.wa.gov.au. We are very happy to take on feedback and continue a conversation about what we can do with that community. The Nicholson Road precinct also has a number of different traffic lights being installed now in preparation for access to the train station. Works have begun on that, and people can find all the information at my website: terry.healy.com.au. Please continue to give us your feedback.

I want to briefly speak about the incredible infrastructure investment in rail safety that will happen along the Armadale train line. Members will be aware that from 20 November there will be a shutdown whilst significant parts of the Armadale train line are elevated and upgraded. There will be elevated rail all the way from the CBD to Beckenham train station. There will also be elevated train lines from Armadale to Byford. I thank the Minister for Transport and parliamentary secretary to the Minister for Transport for the fantastic enhanced Gosnells bus routes and bus priority lanes that will allow my communities of Gosnells, Huntingdale and Southern River to travel to and from the CBD. I will not say that it will not be without disruption. There will be a period when things will be a bit tough as we adjust, but I have to say that it is a very, very key and important piece of infrastructure. We hope that the shutdown will not take more than 18 months, but I think that the additional 100 buses, upgraded bus stops—we promised and funded 10 of those, with seating and shelters—enhanced bus routes, extra bus priority lanes and technology at the traffic lights to allow buses and commuters to move as efficiently as they can are a fantastic investment. Again, as part of those works there will be seven new train stations. There is a lot of focus on the period that the Armadale line will be closed, but there will be seven new train stations and 13 level crosses will be removed. There will be 1.2 kilometres of bus priority lanes, and, at the end of the shutdown, the works will connect the Thornlie–Cockburn Link into the larger Metronet network.

I take great pride in informing the chamber and my community that this Sunday, for Father's Day, and the first Sunday of every month will be fare-free Sundays. People can ride the rail and bus networks for free. If people would like to see the effects of this bill, if people would like to see all the different rail safety elements, on the first Sunday of every month they can ride for free on our rail network. People can go to my Facebook page, Terry Healy, MLA, and go through all the details if they would like. This Sunday, for Father's Day, I think it will be a great opportunity for people to take their whole family on the bus or train and enjoy themselves.

Speaking of free transport, I would like to talk to my community, and to the chamber, about all the free rail networks that people can travel on. Eligible Western Australian pensioners and eligible veterans are entitled to annual free travel on Transwa rail and bus services. They can get two or four single journeys. This poster is on my Facebook page and website, and shows people where they can go on the rail or bus networks. If an eligible Western Australian pensioner or veteran would like to have a look at the free transport networks, they can check on Transwa. The email is concessions@transwa.wa.gov.au. Again, I commend the minister for all the fantastic free opportunities that she is providing to make sure that all the members of my community can experience what this bill means because they will see all the different things that will happen.

In closing, I consider that anything 100 kilometres from my electorate is in my electorate, so I have a lot of train stations; however, from a technical point of view, I have one train station, and that is Seaforth train station. It is a beautiful train station. In this month of August 2023, Seaforth train station turned 75 years old. On behalf of the Gosnells community, I would like to wish Seaforth train station a very, very happy birthday. I look forward to this bill being passed so that the rail safety applications can be embedded, and I look forward to another wonderful 75 years of Seaforth train station.

Debate adjourned, on motion by **Ms C.M. Rowe**.

BILLS

Returned

1. Appropriation (Capital 2023–24) Bill 2023.
2. Appropriation (Recurrent 2023–24) Bill 2023.

Bills returned from the Council without amendment.

House adjourned at 6.56 pm