

WA POLICE — MISUSE OF FORCE ALLEGATIONS

Matter of Public Interest

THE SPEAKER (Mr G.A. Woodhams): Members, I received within the prescribed time a letter from the member for Mindarie in the following terms —

Dear Mr Speaker,

...

I wish to raise the following as a matter of public interest today.

“That the House —

Expresses its deep concern at the complete failure of the Attorney General and Police Minister to act when informed of serious allegations of misuse of force by WA Police.

Members, the matter does appear to me to be in order. If at least five members will stand in support of the matter being discussed —

[At least five members rose in their places.]

The SPEAKER: I note that there are; the matter can proceed.

MR J.R. QUIGLEY (Mindarie) [3.05 pm]: I move —

That the house expresses its deep concern at the complete failure of the Attorney General and the Minister for Police to act when informed of serious allegations of misuse of force by WA Police.

The importance of the independent oversight of Western Australia Police is emphasised in the Corruption and Crime Commission’s own report of 2 September 2011 where at paragraph 27 it states —

It is the Commission’s contention that failure to properly and effectively deal with misconduct weakens the integrity of WAPOL and also places operational police officers at a distinct disadvantage and increased risk. Dealing with these cases appropriately strengthens the integrity of ... policing.

As to which cases the CCC should oversight and whether the WAPOL investigation was adequate, paragraph 34 of the CCC’s report states —

Rather than reviewing all completed WAPOL investigations, the Commission focuses its attention on reviewing completed WAPOL investigations ... that are relatively serious and/or complex ...

In this regard, I now turn to the Joint Standing Committee of the Corruption and Crime Commission’s report tabled in this Parliament on 8 September 2011, which refers in particular to the incident involving Associate Professor Rob Cunningham. Whilst in Fremantle with his fiancée, he acted as a good Samaritan and bent over to extricate a person who had been either pushed or had fallen into a bush in Fremantle. While he was helping this gentleman up, somebody pushed him in the back. By the time associate professor Cunningham was getting himself out of the bushes, he noticed that his fiancée, who was standing nearby and who had been talking to police, walked away. He noticed the police grab his fiancée very heavily. We know from the Parliamentary Inspector of the Corruption and Crime Commission’s report that associate professor Cunningham then approached the police. The most aggressive thing he did was wag his finger and say, “You can’t do this.” As a result of associate professor Cunningham approaching the police in that manner, he was handcuffed, with his hands behind his back. He was kicked several times in the leg to dislodge his feet. He was wearing spectacles at the time, as the parliamentary inspector notes, and was forcibly taken to the ground where he was tasered several times, inflicting excruciating pain. He was then taken to the Fremantle Police Station with his fiancée, who was also charged and charges were preferred.

On 12 December, shortly after the incident, associate professor Cunningham complained to the Western Australia Police about their conduct. That was before the trial was held. A trial was held in Fremantle; I will say more about that later. During the trial the first police officer who was called to give evidence conceded that the summary of facts given to the court was inaccurate. Incredibly, he then conceded that the statement that he had prepared bore exact resemblance to the statement of the other police officer in its phraseology and contained the same spelling errors. At that point the prosecutor cancelled the trial. He would not call the second police officer. He suggested to the defence that they submit a “no case to answer”. The magistrate, in his scathing comments, said that not only was the summary of facts inaccurate but also the constable denied there was collusion with his colleague in the formulation of the statements, made by both officers, that were put to him. He said that that was a most unconvincing explanation for the reason given in relation to the spelling error made in both statements and also in relation to the terminology used, as alleged by himself and in the statement of his colleagues, that it

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

may not have been inaccurate. He said that if there had not been collusion, how else could such an exact statement have been recalled by both the police officer and his colleague? This was very, very disturbing. After the trial, associate professor Cunningham, not unexpectedly, wrote to the police and again complained. The police sent an officer from these two officers' own station of Fremantle, who wrote off the complaint. He wrote off the complaint by letter to associate professor Cunningham on 12 July.

In the meantime, on 5 July associate professor Cunningham wrote to the CCC complaining about the police process. The CCC, unbelievably, just sent it back to the police, who had already dismissed the complaint. There is no investigation, no oversight, in this city anymore, despite the CCC having a budget of \$31 million. After the CCC had referred it back to the police who had already written off the complaint, the complainant wrote to the parliamentary inspector. On 31 August 2010 the parliamentary inspector wrote to the CCC. On 21 September 2010 I wrote to the commissioner, Roberts-Smith, urging him to independently investigate the complaint. The commissioner wrote back and said, *inter alia* —

‘the Commission presently has little capacity to take on additional investigations’ and competing demands on its resources.

Firstly, it had a budget of \$31 million and spent only \$30.2 million, so it could hardly be a lack of resources. It had an extra \$800 000 that could have been spent on this one complaint. I pause here and say that the parliamentary inspector is not some inspector of police; the parliamentary inspector is the former President of the Court of Appeal of Western Australia, the esteemed jurist Mr Christopher Steytler, QC. In relation to the CCC's weak explanation for not looking into this matter, the parliamentary inspector said —

I find it impossible to accept that the commencement of only one independent investigation ...

In 18 months —

... of 381 excessive force allegations reflects an appropriate balance.

Mr C.C. Porter: What page is that on?

Mr J.R. QUIGLEY: Page 31. The period was from 1 July 2009 through to March 2011. He said that he found it impossible to accept that as a reasonable explanation for there being only one. The only one that they investigated was the case of Spratt. We had to jump through hoops of fire for that. I had to get all the documents under FOI, give them to the media so that the media could write up the cover-up and have a full investigation. This one is not going to go away.

The failure here—we are not here to condemn—is that this report has been with the Parliament now for a couple of weeks. The parliamentary inspector wrote to the CCC and pleaded with it to conduct an investigation into this matter. The parliamentary inspector notes that the excuses given by the CCC for not holding an investigation were not credible. It said it would not investigate because, as stated on page 33 —

the version given by the WAP officers complained about was different to that given by the woman ...

That is why we have the CCC. It is so that the police internal investigation that her complaint is unsustainable was reasonably open to it; that is just ignoring the woman's complaint.

Mr C.C. Porter: What page?

Mr J.R. QUIGLEY: Page 33.

The second reason is that the CCC could not justify infringing the liberties of the Western Australian police officers by conducting a private examination to ascertain the truth of the woman's complaint. There has been a total collapse of the system. The CCC says, “Although we've got these powers, it would be too much of an imposition on the police to call them in and to say, on oath, what happened.” We know why. It is because the prosecutor at the Fremantle court chucked in the towel. The Attorney General was a former prosecutor and he would never in his career have said that.

In conclusion I say this: the importance of the Attorney General writing to the CCC is to be found at page 25 of the report, which states —

Both complainants have been left traumatised by their experience. Both say that they have lost faith in the justice system because of their experience, coupled with their disillusionment at the internal police investigation(s) ...

The failure of the CCC to conduct its own investigations, and the failure to persuade the CCC to independently investigate credible allegations concerning the use of excessive force, leads to a loss of confidence in the body that is the CCC and the system of justice. We ask the Attorney General to write to the CCC.

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

DR A.D. BUTI (Armadale) [3.15 pm]: I rise to support this matter of public interest. I am particularly going to concentrate on the role of the Attorney General and the Minister for Police in the fight for justice by Mr Cunningham and his friend. As outlined by the member for Mindarie, on 2 November 2008, while acting as good Samaritans, Mr Cunningham and his friend were subjected to excessive police brutality. That is what it was. I actually went to the trial. I went to the Magistrates Court in Fremantle when they were charged with obstructing police officers. I saw the footage of the initial interchange between the police, Mr Cunningham and his friend. I was appalled. I am sure that if the Attorney General and the police minister take the time to see that footage, they will be appalled. The female friend walked away from the police and is grabbed and brought back to the police officer. Mr Cunningham comes for support. His hands are tied behind his back in handcuffs, and they are tasered. That is not on the footage, but it was actually being filmed from the balcony of the Esplanade, and I will get to that a bit later.

As mentioned by the member for Mindarie, Mr Cunningham made a complaint to the police and to the Corruption and Crime Commission. Before I go to the role played by the Attorney General and the police minister in this appalling story, I should also mention what happened in April 2009. Remember that this takes place on 2 November 2008, which happens to be Mr Cunningham's birthday; what a great birthday present! He went out and tried to enjoy his birthday, tried to be a good Samaritan and the police engaged in brutality against him. He was then charged with obstructing a police officer. As we know, the case was thrown out of court.

What happened? The assertion by the friend of Mr Cunningham is that on an early morning in April 2009, or maybe a bit later, there was a knock on her door. She went to the door. She was getting ready for work. A police officer was there. The police officer told her that her car had been involved in a hit-and-run accident. She was nonplussed; she had no idea what he was talking about. The police officer said, "Oh, yes; we have a witness. The driver of the other car took down your registration." She was still nonplussed. She found out the date of the alleged hit-and-run accident. On that day her father was over from the eastern states, and he had had her car for that week. She contacted her father, who was in the eastern states. He said that he had no idea what she was on about. He wrote to the police force and informed it that he was not involved in a hit-and-run accident while in Western Australia. He never heard from the police again.

Surely the Minister for Police would have to have that investigated. He may not have heard of it before, but he is hearing it now. There is an assertion of intimidation by the police against a person who has made a complaint against the police, and I hope that he will see that that is investigated.

I turn now to the Attorney General. Mr Cunningham is an assistant professor of law.

Mr C.C. Porter: Associate.

Dr A.D. BUTI: No, he is an assistant professor of law. Make sure you know your facts.

He had a face-to-face meeting with the Attorney General nearly a year after the incident. Not long after that face-to-face meeting —

Mr C.C. Porter: He had two, actually.

Dr A.D. BUTI: I will get to that; do not worry. I think I may know some of the facts as well, not just you; do not be so arrogant.

On 16 December 2009, Mr Cunningham had a face-to-face meeting with the Attorney General. It was in the lobby or the cafe of the building of the ministerial office. The trial took place on 29 April 2010. Mr Cunningham had another meeting, as the Attorney General interjected, which took place in his ministerial office on 24 August 2010. Mr Cunningham laid out his complaint and his attempts to have justice in this matter not only to be seen to be done but actually done. We are dealing here with a good Samaritan who was the subject of excessive force by the police. He was charged with an offence against the police, which of course was discharged at a later stage. He is asking the first law officer of the state whether he would have the ability at all to progress this matter.

Then Mr Cunningham wrote to the Attorney General on 11 October 2010 and provided some background information, which was the questions he asked the CCC. He also asked the Attorney General three specific questions. According to my notes, the first question was —

Based on the attached written statement —

Mr Cunningham also included in his correspondence a statement of material facts —

what is the opinion of the Department of the Attorney in relation to whether there is any police conduct worthy of original unilateral investigation by the CCC?

Secondly —

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

If the Department of the Attorney is of the opinion that there may be police conduct worthy of investigation, is the department willing to provide the CCC with the necessary resources to engage in an original unilateral investigation of the matter?

Thirdly —

Does the Department of the Attorney have a specific suggestion as to how I might best seek a satisfactory resolution in relation to this matter?

The Attorney General wrote back to Mr Cunningham on 30 November 2010, from my understanding, and did not provide answers to those three specific questions. There are a couple of points in regards to the Attorney General's response. One was the issue of funding. In his response to Mr Cunningham, the Attorney General said that it is generally not appropriate to provide funding for specific matters or specific investigations. Why was there any need to even mention additional funding? As was mentioned by the Attorney General in media statements after the tabling of the parliamentary inspector's report, the CCC has not used all its resources. The Attorney General has also mentioned this in Parliament. On 1 June 2010, he said —

The CCC will be with us for some period and its longevity will depend on its ability to investigate both organised crime and corruption and misconduct in a body such as the police force.

He went on to say that the CCC was a well-funded organisation and that he did not think it needed extra funding. Therefore, there was no need for extra funding for this matter to be properly investigated. Of course, the Attorney General thought it would be a way out by stonewalling a case that he had knowledge about in which an assistant professor of law, a good Samaritan, was charged by the police for obstructing the police, and was subjected to excessive force by the police. The Attorney General had knowledge of this matter and he would not even assist the complainant, Mr Cunningham. All he returned was a letter that stonewalled the complaint by Mr Cunningham. Mr Cunningham did not ask the Attorney General to investigate the matter personally, but he asked the Attorney General to use his good offices to try to have this matter further progressed. I am sure that anyone in this house who saw what I saw in the court that day would be appalled. They would be appalled that this government and this Attorney General—I will get onto the Minister for Police soon—stonewalled or did not encourage the CCC to do a proper investigation of this matter.

Mr C.C. Porter: Outrageous statement! That is an absolutely outrageous statement!

Dr A.D. BUTI: Mr Cunningham also raised the issue about the video footage taken on the balcony of the Esplanade Hotel, which recorded the tasing by the police. Imagine this: two innocent good Samaritans were tasered by the police; that is just appalling. The Attorney General can say that what I said is outrageous, but I would think that the tasing of two innocent people is outrageous, and I would think that the Attorney General in his position and the Minister for Police would do what they could to ensure justice was seen to be done and was done. Do not be sanctimonious and say that I am outrageous; it is outrageous that two good Samaritans who had done nothing wrong were tasered in Fremantle. How appalling could that be?

Mr C.C. Porter: Do you say I disrupted a CCC investigation? Is that what you say?

Mr J.N. Hyde: Don't take interjections.

Mr C.C. Porter: Come on, say it; make your allegation again. Be brave.

Dr A.D. BUTI: My allegation, if the Attorney General wants to know, is that he should have used his good offices to ensure that Mr Cunningham's complaint was properly investigated. That is what I say—nothing more, nothing less—and the Attorney General did not do that.

Mr C.C. Porter: You've just told me that I discouraged a CCC investigation.

Dr A.D. BUTI: No; I said the Attorney General stonewalled Mr Cunningham.

Mr C.C. Porter: This is going to be very interesting, member.

Dr A.D. BUTI: It may be very interesting, Attorney General. I said the Attorney General stonewalled by replying to Mr Cunningham and saying that he did not see it appropriate to put on additional funding. That is what I said. The Attorney General can use all his university debating techniques to try to put words into my mouth, but that is what I said, so go back and look at *Hansard*.

Mr C.C. Porter: Are you going to say that outside the house?

Dr A.D. BUTI: We also have —

Several members interjected.

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

The SPEAKER: I have given the call to the member for Armadale; I have not given the call to anybody else, Attorney General. I presume that you will respond to this; that might be a more appropriate time.

Dr A.D. BUTI: In Mr Cunningham's letter to the Attorney General, he raised the issue of the video footage of the tasing that I mentioned. The Attorney General's response to Mr Cunningham should be seen in the light of the fact that in paragraph 33 on page 17 of the parliamentary inspector's report, it mentions that further video or camera footage was confiscated in regards to this matter—that was at the police station. In the Attorney General's response to Mr Cunningham, he stated —

... I do not investigate or make decisions in regard to such factual matters.

That may be true; I do not necessarily dispute that. But I would like to hear from the Attorney General: if the police do not investigate the matter, if the CCC does not investigate it, if the Attorney General does not or cannot investigate it, who does investigate it? If someone has been subjected to excessive police brutality or the excessive use of police force, who investigates that? If the police will not properly investigate it, if the CCC will not properly investigate it, if the Attorney General cannot or will not use his good offices to have the matter referred to the CCC—it had already been sent to the CCC, but it could have been sent back on the referral of the Attorney General, who has referred other matters to the CCC in regards to the Mr Spratt incident—and the Minister for Police will not look at the matter, who will? Who does a citizen of Western Australia, who has been a good Samaritan, who has been subjected excessive police force, turn to? Are they to make their own private investigation? Are they to employ their own private investigator? How absurd. If we get to be a state like that and if we get to a situation in which a person who is subjected to excessive use of force by police has nowhere to turn, it cannot be considered to be a state of civilised people.

In regards to the Minister for Police, in a question on notice today he said he was unaware of the case. One is surprised that he is unaware of case like this in which a member of the public —

Mr R.F. Johnson: Sorry; you said question on notice?

Dr A.D. BUTI: A question without notice—sorry.

My question without notice to the Minister for Police today asked when he was aware of this matter, and the minister was unable to give me an answer. The Attorney General, in responding to Mr Cunningham, made a carbon copy to the Minister for Police; therefore, the minister should have had knowledge of what was said by the Attorney General. Also, Mr Cunningham, as I stated in my supplementary question to the Minister for Police, wrote to the minister. We have a situation in which the Minister for Police and the Attorney General, who have been in government for three years as the strong legislative arm of the police, are not prepared to oversee whether police are properly utilising the force of the state; they do not properly monitor that police do not use excessive force against the citizens of Western Australia. Yes, the Attorney General stands condemned on this matter and so does the Minister for Police.

MR C.C. PORTER (Bateman — Attorney General) [3.29 pm]: I must say that that is the most serious allegation that has been made against me, not merely in this place, but in my entire career as a working person, and I will address it in full and it will take some time —

Dr A.D. Buti: And don't misrepresent what I said!

Mr R.F. Johnson: We will know what you said from *Hansard*.

Dr A.D. Buti: Yes, you will see in *Hansard*.

Mr C.C. PORTER: We will be looking very carefully at what the member for Armadale said, but I —

Mr J.N. Hyde: Don't worry about your reputation, get on with the issue! Why did you tell the media that you had —

The SPEAKER: If members want to have their say, they have the opportunity to get their feet and have their say.

Mr C.C. PORTER: When I read the Joint Standing Committee on the Corruption and Crime Commission's "Parliamentary Inspector's Report Concerning the Procedures Adopted by the Corruption and Crime Commission when Dealing with Complaints of the Excessive Use of Force by Police", I looked at that matter that is in there that has become known as the second incident, which involved someone who is nominated in the report as person "A". I must say, based on the two meetings I had with Mr Cunningham, I had assumed upon reading that report that person "A" was Mr Cunningham, but until this moment I was not aware that that was a form of public knowledge. The two meetings I had with Mr Cunningham were at his request and I, at least, had understood them to be confidential. That is why I had not raised this matter previously; I also did not have any

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

reason to do so. Mr Robert Cunningham was and is an academic at the University of Western Australia. I met with him twice. I knew him, albeit not terribly well, during my period of employment at UWA.

The motion in the MPI is that concern be expressed because the Minister for Police and I failed to do something that the member says should have been done upon hearing the allegations of Mr Cunningham. The member for Armadale also said that I had stonewalled Mr Cunningham. I think the word the member used was “discouraged” the CCC from an investigation.

Dr A.D. Buti: No, I did not say “discouraged the CCC”.

Mr C.C. PORTER: What word did the member use?

Dr A.D. Buti: I said that you had stonewalled Mr Cunningham and that you could have referred the matter to the CCC. I did not say you discouraged the CCC—never.

Mr C.C. PORTER: I will be looking at *Hansard* carefully, but that is a sentence that I recall.

In any event, I met twice with Mr Cunningham. The first time was after he sent an email to me to request a meeting. The first meeting was on 16 December 2009. According to my notes, the email that he sent to request that meeting reads —

Dear Christian,

I hope this finds you well. I enjoyed sharing lunch with you and listening to your thought-provoking address today at the AmCham function, London House. I write to seek an appointment with you at your convenience to discuss a matter that may be of some interest to your ministerial portfolio.

Very rarely do I meet with anyone who has not first nominated what they want to meet about, because there are some dangers in doing so as a minister. However, as a matter of prudence and because we had shared a place of employment, I agreed to meet with Mr Cunningham. At that stage I did not know what he wished to meet about.

Mr E.S. Ripper: If we want to meet with you, we write to you praising your speeches!

Mr C.C. PORTER: I like to know what the meeting is about, generally speaking. I think that is wise for any minister. In any event, I met with Mr Cunningham. That first meeting was on 16 December 2009. My recollection of that meeting is imperfect, but I recall some central features of that meeting. I recall being told by Robert that it was either he or his girlfriend or both who had been charged as a result of an incident in Fremantle. I recall him strongly putting to me, at this stage, a view that the charges against him were unfounded. I recall that at this point he had been charged, but the matter had not yet gone to a trial. I recall that I said to Mr Cunningham that under no circumstances would I become involved in the progress of the police investigation or the police prosecution.

Mr M.J. Cowper: Nor is it appropriate to do so.

Mr C.C. PORTER: Indeed. I said that standards of probity would have dictated against my having any involvement at that stage. I do recall that I said to Mr Cunningham that if he thought he had a very good defence to those charges, he would be very well served by getting a very good defence lawyer. In fact, as I recall it, I suggested names of defence counsel to Mr Cunningham of whom he might avail himself. I do not know whether he chose from the short list that I provided to him. In essence, that was the meeting. It was a pleasant meeting, although obviously the subject matter was distressing. I did not get the sense that Mr Cunningham was dissatisfied with that meeting or upset with the way it was conducted.

Mr J.N. Hyde: Why didn't you refer it to the parliamentary inspector after this had all expired?

Mr C.C. PORTER: I am going to go through this in detail. I will take your interjection at the end.

Mr J.N. Hyde: Okay. It is just that we know about all this early stuff.

Mr C.C. PORTER: I understand the point and it will get addressed, if the member wants to listen.

Mr J.N. Hyde: We do not need this early stuff. Cut to the chase!

Mr C.C. PORTER: A very serious accusation has been made about me and I think I have the ability and right to respond fully. That is what opposition members want me to do.

The second meeting occurred on 24 August 2010. Mr Cunningham again emailed. This time the email went to my diary secretary. According to my notes, his email reads —

I write to follow up on the defence of the confidential criminal matter that we discussed last December. Would it be possible to meet you at a convenient time so as to discuss the matter further? I will be in

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

Brisbane for research commitments between 14 and 28 June. So if you are amenable to a meeting, then may I suggest as a starting point the week beginning 5 July 2010?

I responded that I was busy until a certain date and we eventually met on 24 August 2010. Again, my recollection of that meeting is imperfect. I have looked to see whether I kept handwritten notes, but I did not keep notes of these two meetings. Based on my recollection, unaided by reading the subsequent joint standing committee report, I recall that Mr Cunningham informed me that the prosecution had ended. Unaided, my memory is that either there was an acquittal or it was a successful no-case submission. Obviously, from reading the report it was a successful no-case submission. I recall Mr Cunningham informing me that he was highly dissatisfied with the original police conduct at the time of the arrest and the incidents that caused the charge to arise. I also recall that he was highly dissatisfied with the efforts at internal investigation, such that it was at that stage, with respect to the police. I also recall that at that meeting—members should keep in mind that this meeting took place on 24 August 2010—Mr Cunningham informed me that he had made a complaint at that time to the CCC about the matter. The matter was before the CCC. At that stage—that is, 24 August 2010—the CCC had not yet determined whether it would investigate the matter. At the second meeting, member for Armadale, I was informed by Mr Cunningham that he had made the complaint to the CCC. I also recall putting very clearly to Mr Cunningham that as a procedural matter I would not involve myself personally or my office in any way with the CCC’s decision-making process as to whether it would continue or determine whether to investigate.

I make the point here that this was a somewhat delicate matter because at first instance I had met Mr Cunningham largely because I had known him. I put to members that if I had involved myself at that stage when the CCC was going through its normal routine of determining whether to investigate the matter, and encouraged it to do so, the MPI we would be having today would be “Attorney General forces CCC to investigate matter on behalf of colleague”.

Mr J.R. Quigley: No criticisms so far!

Mr C.C. PORTER: The member for Mindarie missed the criticism because he had gone for a comfort break.

Mr J.R. Quigley interjected.

Mr C.C. PORTER: Indeed. I will go further then.

At that stage I made it very clear to Mr Cunningham that I would not get involved in pressuring or putting a view to the CCC that it should investigate the matter. How could I when I did not have a full rein over the facts of the matter in any event? I did say to Mr Cunningham that I would make an effort to find out the status of where the CCC was at in making its determination on whether it would investigate the matter further. Again, that meeting ended, I thought, convivially. I understood that Mr Cunningham, although he was distressed about the matters and had a firm view about the police behaviour, was not dissatisfied with the response I gave him in that meeting.

I then received a letter from Mr Cunningham. My office received a letter dated 11 October 2010. It was a rather long letter, several pages, and it raised 13 questions. With the letter was an attachment titled “Robert Cunningham’s written statement for the Department of the Attorney”. The questions in the letter related to the statement. The statement was, in effect, Mr Cunningham’s version of the factual events of the evening and the letter contained a range of questions on those facts as put in his affidavit. That letter was marked “in-confidence and without prejudice”. I responded to it. I do not intend to table Mr Cunningham’s letter, because he marked it to me “in-confidence and without prejudice”. I am happy to table my response to that letter if members wish. I will read some excerpts. The member for Armadale obviously has a copy of it.

Dr A.D. Buti: Not on me now.

Mr C.C. PORTER: The member was reading from something that he purported to be a copy of the letter.

Dr A.D. Buti: What about the three specific questions?

Mr C.C. PORTER: I am going through this.

Dr A.D. Buti: Those 13 questions that you mentioned were background. He was not asking you for an answer on those 13; he was asking you for an answer on those three specific ones that you deny.

Mr C.C. PORTER: I am not going to table his letter unless Mr Cunningham wishes me to or latterly gives me instructions to do so. The questions are very specific questions involving me acting or my office acting as an arbitrator of fact or law on the events that occurred that night. My office does not do that; it is not an investigative office. I have no capacity to do that. Indeed, it would have been improper for me to either give legal advice to Mr Cunningham or to give him my concluded view, either as Attorney General or an ex-prosecutor, on

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

the facts of that evening and what, allied to certain principles of law, might be a conclusion that one could draw from that evening.

The point I just raised is that I sent a detailed letter in response. I noted in that letter these two points: neither I nor my office has any ability or any role in investigations. We do not investigate facts. We do not give advice on matters of law for anyone who writes in. We simply do not do that, and neither should we; and it would be a breach of probity if we did. That letter of 11 October 2010 to Mr Cunningham also notes that I did do what I indicated that I would; I had my office contact the CCC to find out what stage its consideration of Mr Cunningham's complaint was at. That is what I had undertaken to do in the previous meeting that I had with Mr Cunningham. The letter stated, firstly, that I understood that the executive director of the CCC had advised my office by telephone that Mr Cunningham's complaint was still the subject of an ongoing investigation. I did not make that call; my office did, and I corresponded to Mr Cunningham in those terms. Keeping in mind that this letter is dated 30 November 2010, at that point the information that I had from the CCC was that it was still considering an investigation into the matter. Is there anything that I should have done at that point to force the CCC's hand or encourage or discourage it in its decision-making process? I put to all members opposite that to do anything of that type at that stage would have been quite improper, and I was not willing to do that—nor would I ever do that. As far as I can see, based on my records—I note that the member did not ask me a question in question time today—that was the last correspondence I had with Professor Cunningham. Indeed, in the second last meeting that I had with him I also recall saying to him, not merely that I would find out where the CCC's consideration of the matter was at, but that he should also wait to find out what the CCC was doing with the matter and, if he was dissatisfied with its response, that the next level of complaint, if you like, was to the parliamentary inspector,

Mr J.R. Quigley: Which he did.

Mr C.C. PORTER: Indeed. The point that I think the member for Armadale and the member for Mindarie are putting—but predominantly the member for Armadale—is that I should have done something else or something more.

Mr J.R. Quigley: No.

Mr C.C. PORTER: The member's colleague certainly thinks that I should have. I have given members a rational, open and fair explanation and I will table that letter, but I am putting to the member for Armadale, respectfully, that he is wrong: at that point in time, there was nothing I could have done further and, indeed, nothing that I should have done further. To have done anything by way of corresponding or talking directly to the CCC to encourage it to investigate the complaint of Mr Cunningham would have been quite improper because I knew him; and, indeed, it would have been improper to do so for anyone whom I had met, because the CCC makes its own decision unimpeded by political interference from the Attorney General or any other person. The member for Armadale will see why I find his statements today quite distressing, quite unfair and, might I say, a complete misapprehension of both the facts of this matter and the appropriate role of the Attorney General. I know that the member is a gentleman and he will probably be knocking on my office door this afternoon to say that he is sorry, and I look forward to it and I will accept it in due course.

Mr J.R. Quigley: The appropriate time for you to act is now that the parliamentary inspector's report has been tabled and his plea for an investigation has been ignored by the CCC, which does not have admissions.

Mr C.C. PORTER: That is a very fair proposition. It is not the proposition, respectfully, that the member for Armadale made, but it is a very fair proposition. My understanding—of course the Minister for Police will have something to say on this—is that the matter has been referred back to the CCC by the police commissioner because his assessment of looking at the CCC's disinclination to investigate that matter, similar to the assessment of the joint standing committee and the parliamentary inspector, was that it was a very unsatisfactory outcome. I must say, as a matter of policy, reading the statements in the joint standing committee's report and those of the parliamentary inspector, that this appears to me, on balance, to warrant that move from the police commissioner and investigation.

Mr J.R. Quigley: To ask the CCC to investigate?

Mr C.C. PORTER: Indeed. As I understand it, the police minister will make a contribution; it falls within his portfolio. The police commissioner has sent back the matter to the CCC for its investigation.

Dr A.D. Buti: But for a full investigation? I do not know if that is true.

Ms M.M. Quirk: They say they have not got the resources.

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

Mr C.C. PORTER: That is something that I will receive information on in due course, but again it is not a matter, given I know Mr Cunningham, for which I am going to place pressure on the CCC in terms of an investigation. But I will go as far as this —

Mr J.N. Hyde: That is why you have the inspector: you can direct the inspector; that is the arm's length. That is what you should have done.

Mr C.C. PORTER: There is nothing that the inspector has said that I disagree with. The inspector has looked at this matter. It now appears this matter is being progressed because of the good work the inspector has done. I might say, with respect to everything that has been said today, that this has been a long process and clearly distressing for Mr Cunningham.

Mr J.N. Hyde: And you could have ended it earlier.

Mr C.C. PORTER: What does the member for Perth say I should have done?

Mr J.N. Hyde: You have now revealed you knew so much about this. The moment you were aware that the CCC weren't going to act, that's when you should have directed the parliamentary inspector to act straightaway. The parliamentary inspector only came about this by accident.

Mr C.C. PORTER: The member for Perth has not been listening to me, because the letter that I sent to Mr Cunningham was the last correspondence I had with him. I did not receive information back from Mr Cunningham, or anyone else, that made me aware that the CCC had made that determination.

Mr J.N. Hyde: Sorry, you are not aware —

Mr C.C. PORTER: Just listen! The earliest time I was aware that the CCC had determined not to investigate that matter was in the joint standing committee's report.

Mr J.N. Hyde: So you had no knowledge of the result of the Fremantle trial—two police, evidence thrown out!

Mr C.C. PORTER: Member for Perth, why would I? When we look at the joint standing committee's report, the point of that report is that there were hundreds of matters referred to the CCC that they did not take up. I do not follow up each and every matter. It may have been the case that had Mr Cunningham gotten back to me with further information I would have followed that up. I think that what I did do dutifully was everything I promised Mr Cunningham that I would do; particularly, to take the trouble to get someone from my office to contact the CCC to find out what the status of its consideration of the matter was so that I could relay that to Mr Cunningham. In fact, the reason I did not make that telephone call personally was that I thought it would have been improper to do so, so I had some of my staff do it.

Mr J.R. Quigley: Having got to this point in your disclosures about some previous knowledge of Mr Cunningham, which are minor —

Mr C.C. PORTER: Would the member like me to address the substantive issue?

Mr J.R. Quigley: Then it is not inappropriate for you now to lend your weight as the Attorney General to direct the CCC, as a matter of policy. And given that there has only been one investigation, the community would have an expectation.

Mr C.C. PORTER: I can make comments as a matter of policy, but again I must be cautious in that respect because Mr Cunningham was a former colleague of mine. I will make those comments with respect to policy now, if the member would like to hear them, because there is an answer to the question he poses. Looking over this in a broad sweep in terms of policy, the first report that is relevant is the CCC's own report on the management of misconduct by Western Australia Police. That report was dated 2 September 2011. I recall reading that report at the time, and I refreshed my memory of it over the course of the last several days. If I can fairly summarise that report, although there were some instances of criticism in that report, the CCC essentially gave the Western Australian police service a reasonably clean bill of health on its internal investigations of police matters. I am not saying that the JSCCC's report on the management of misconduct by Western Australia Police was absent of criticism, but it did say things such as this in the executive summary, which reads —

This analysis revealed that more than 96% of misconduct allegations are adequately dealt with by WAPOL. Good misconduct management practices were identified by the Police Complaints Administration Centre...in the Kimberley, Pilbara, Great Southern, Central Metropolitan, West Metropolitan, Wheatbelt, Eastern Metropolitan and South East Metropolitan Districts; and by the Specialist Crime Unit.

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

The information I have before me, as a matter of policy as Attorney General, is that generally speaking, although not completely perfect, the police investigation of internal complaints, including those of excessive force, is reasonable. Probably we could go as far as to say at a fairly high standard.

Mr J.R. Quigley: But you would have to say that this case fell within their high-risk category.

Mr C.C. PORTER: I will get to that point now. Now we have the joint standing committee's report, which contains information about Mr Cunningham, as incident 2; that is, the parliamentary inspector's report concerning procedures adopted by the Corruption and Crime Commission when dealing with complaints about the excessive use of force by police. In effect, that report finds the joint standing committee highly critical of the CCC. To summarise, the criticism is that the number of investigations of police internal investigations and the complaints that launched those investigations is absolutely insufficient; that is, there are too few. With that assessment, I agree wholeheartedly. I think that on reading this joint standing committee document, no reasonable reader could be left with any other assessment than that.

Dr A.D. Buti: Why did you not make that response when this was tabled? It was obvious to anyone —

Mr C.C. PORTER: Member for "Armalade" —

Several members interjected.

Dr A.D. Buti: That is probably what you think of me at the moment!

Mr C.C. PORTER: With a sour taste in my mouth. No; member for Armadale, I went on the Paul Murray show, after being invited, and spoke to him for quite some time. I think I said words exactly to the effect of the words that I have just said, which is that the performance of the CCC in terms of its role in investigating excessive force complaints with respect to the police and the police internal investigations thereof was not good enough. In fact, in that interview with Paul Murray, I was highly critical of the Corruption and Crime Commission.

I found the CCC's responses to the joint standing committee, frankly, weak. They fell into two types of response. The first was, as the member for Mindarie acknowledged, that a view had emerged in the CCC that the greater majority, the overwhelming majority, of the excessive force complaints did not meet the conditions set out in section 34 of the Corruption and Crime Commission Act 2003, which would, if one likes, enliven the discretion of the CCC. I disagree with the CCC's assessment—certainly to the extent that somehow only one or two matters out of a great many being investigated cannot be explained by the terms of section 34. Section 34 states, as given in summary by the member for Mindarie —

- (1) Without limiting the matters to which the Commission may have regard, when the Commission decides whether or not to make a decision under section 33(1)(a) or (b) —

Which is the investigation of matters of this type —

the Commission is to have regard to whether, in the opinion of the Commission, serious misconduct —

- (a) has or may have occurred;
 - (b) is or may be occurring;
 - (c) is or may be about to occur; or
 - (d) is likely to occur.
- (2) When the Commission is deciding whether or not to refer an allegation to an independent agency or appropriate authority, the matters to which the Commission is to have regard include the following —
 - (a) the seniority of any public officer to whom the allegation relates;
 - (b) whether, in the opinion of the Commission, serious misconduct has occurred —

Et cetera.

To summarise the relevant sections of the act, the CCC is limited in exercising its discretion to investigate a complaint against police or a complaint about an internal police investigation to when it is a relatively serious matter. I would have thought that, as a matter of policy, Mr Cunningham's complaint falls into that category. To me, that would be, if not self-evident, a highly arguable proposition. I would have thought that Mr Spratt's case would clearly fall into that category. There may be others inside those many, many ones not investigated by the

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

CCC that also fall into that category. I do not have information as to each and every one of them. It may well be that some form of audit needs to be considered with respect to all of those cases.

The second explanation the CCC gave as to why there has not been more of these types of investigations was with respect to its budget. I have the enviable or sometimes unpleasant experience of being both Treasurer and Attorney General and therefore see as Treasurer the resourcing of agencies otherwise under my Attorney General auspices. The notion that the CCC is inadequately resourced to investigate these matters is incorrect. Indeed, the shortfalls—the underspends—over the past several years at the CCC have been substantive. They have been at the level of about 14 or so per cent over the past three years—14.4 per cent in 2008–09; 11.2 per cent in 2009–10; and 14.9 per cent in 2010–11. I have been aware of that for some time.

Dr A.D. Buti: I agree with you, but aren't you concerned that they are using that as an excuse?

Mr C.C. PORTER: Of course I am concerned. I have just said that I am concerned about that. I have said publicly that I am concerned about that.

Dr A.D. Buti: Yes; you are doing that now, but have you been asleep at the wheel for the last two years? You had to wait until the parliamentary inspector's report!

Mr C.C. PORTER: The member for Armadale needs to understand that the CCC is an unusual organisation because of its very high level of independence. The first information of any substantive type that I have received with respect to this ongoing global, statistically verifiable problem of there being an under-investigation of use of excessive force complaints against police was—the member will have to accept this because it is true—the information in the joint standing committee's report. The member for Armadale may say that I should have known about that earlier, but the fact is that there is no mechanism, given the way the CCC is oversighted—which is not by me as Attorney General but by the member for Perth's committee and the parliamentary inspector—that I get any advance warning of this serious shortcoming until the report is tabled. Will the Premier, the police minister and I, particularly in the context of what will be imminent legislation to reform the CCC, have a very close look at this report? The answer is yes. However, on a number of occasions I have seen the CCC give an explanation that this or that has not occurred in circumstances in which reason might dictate that it should have occurred, and label funding as the problem. I do not accept that argument, and I have not accepted it for some time, which brings me to the final point that I will make with respect to some of the statements made by the member for Armadale.

Yes, in my letter to Mr Cunningham, I made some comment about the issue, because the sixth question Mr Cunningham put to me—one that I could answer—was whether I as Attorney General would make appropriate resources available to the CCC so that it could investigate Mr Cunningham's matter. The point is that at the time of this letter, the CCC was still making its decision on the merits of whether it would investigate the matter. I wrote to Mr Cunningham —

Sixth, you ask whether the WA Department of the Attorney General is “willing to provide the CCC with the requisite resources to engage in an original unilateral investigation of the matter?” There are two responses to your question. First, I understand that the Executive Director of the CCC has advised my office by telephone that the investigation concerning your complaint is still the subject of an ongoing investigation. Consequently, it appears at this point in time at least it is not correct to assert the matter is not being investigated because of any contended lack of resources.

Indeed, I had at the back of my head at the time of writing that quite good knowledge that the CCC was handsomely resourced, but I was waiting for that decision to be made, and for it to be made by the CCC unimpeded by my interference. Let me say, notwithstanding the member for Armadale's statements today, if I had that time over again, from start to finish, I would have done absolutely nothing differently.

The SPEAKER: Before I give the call to the Minister for Police, the Attorney General earlier indicated that documents would be tabled.

Mr C.C. PORTER: Indeed.

[See paper 3886.]

MR R.F. JOHNSON (Hillarys — Minister for Police) [3.57 pm]: My very good friend and colleague has left me three minutes out of half an hour in which to respond. I will try to be as succinct as possible.

The question I was asked earlier today by the member for Armadale was: when was I told about this incident? I did not know the date when he asked me that question. I did not have the paper in front of me. I have had them sent in since. I received a letter from Robert Cunningham on 9 December. Once again, as the Attorney General —

Ms M.M. Quirk: When did you respond?

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

Mr R.F. JOHNSON: Yes, I did respond. Please be quiet. I do not have much time!

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen!

Mr R.F. JOHNSON: As in the case of the Attorney General, this letter was also received in confidence and without prejudice, and is therefore not one that I think prudent to table. I do not know whether the member has a copy. He does not. I am happy to show him a copy after this because he obviously has a great interest in the matter, but I do not think it appropriate that I table it.

Basically, in the letter, Mr Cunningham is asking for me, in my capacity as Minister for Police, to engage directly with relevant parties, including person number 2 or person B—whatever it was they were called in the report—and Mr Cunningham himself, with the objective of seeking a mutually satisfactory resolution. Like the Attorney General, I do not think it appropriate that I start becoming involved in investigations about who said this or that, and who is right and who is wrong.

I wrote back to Mr Cunningham on 31 January, and I am happy for the member to see that letter as well. I pointed out that I accepted his dissatisfaction with the outcome of the investigation into his original complaint—and, indeed, so on and so forth. However, I have about one minute left and I want to quickly let members know that the commissioner has in fact instructed that this particular matter go back to the CCC for it to investigate the matter again more fully.

Ms M.M. Quirk: When did that happen?

Mr R.F. JOHNSON: The letter was signed on his behalf by D.A. Staltari, assistant commissioner, on 12 September 2011.

MS M.M. QUIRK (Girrawheen) [3.59 pm]: If we needed any further evidence of how derelict in his duty Minister Johnson is, I think today's performance provided another example, particularly during question time. Some 10 days after the report was released, the minister still had not bothered to make any inquiries about the background, what police had done, or how the very real allegations that were raised in that report were being dealt with. At the risk of telling the minister how to suck eggs, perhaps I can suggest that he should already have asked the Commissioner of Police the following questions.

Does the commissioner think it is appropriate that an investigation occur at the district or station level where the alleged wrongdoers are stationed? Can the commissioner explain why costs of \$15 000 were awarded against police in the Fremantle Magistrates Court? Can the commissioner explain in public why a magistrate made adverse findings against two serving police officers? Can the commissioner show where it says in the Taser protocols that it is appropriate to taser a person already on the ground, and already in handcuffs? Can the commissioner tell us what has happened to the officers in question? Can the commissioner tell us whether they are still on duty as officers; and, if so, in what role? Have those officers ongoing contact with members of the public? How is it that allegedly doctored evidence has been presented in court? What internal checks and balances exist in Western Australia Police to prevent that occurring in the future? What review was undertaken as a result of the court outcome? Are there issues with police officers recruited from the United Kingdom that need addressing? Why is it that there is a significant jump in serious misconduct excessive force allegations?

There are several questions that the minister has not answered. Does the minister condone bullying, authoritarian behaviour and excessive use of force? Does the minister condone trumped-up charges being laid?

Mr R.F. Johnson: What a stupid question.

Ms M.M. QUIRK: Well, perhaps the minister could have answered it at some stage.

How many more complaints have to come over the minister's desk before he will do anything? Does the minister have confidence that the Corruption and Crime Commission provides adequate oversight of the conduct of police officers? Does the minister believe that the WA public needs confidence in our police and in our justice system? Does the minister agree that by keeping mute and failing to act decisively, he further undermines that confidence? Has the minister not said that people need to feel safe on our streets? Can the minister tell us what he does to collect his salary as police minister? Will the minister offer his personal apology to the victims involved in these excessive force applications who, in the parliamentary inspector's words, have been severely traumatised? The minister will not even apologise.

Finally, I want to offer an apology and withdraw a comment I made on a previous occasion in this place. I likened the Minister for Police to the character from *Hogan's Heroes*, Sergeant Schultz, who was well known for saying, "I see nothing; I say nothing; I know nothing." Well, I think that was an indictment on Sergeant Schultz, and I want to withdraw that because, unlike the Minister for Police, Sergeant Schultz was aware that he had

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

certain duties and obligations. Sergeant Schultz knew that there were consequences for dereliction of duty; the minister seems to neither know nor care.

MR E.S. RIPPER (Belmont — Leader of the Opposition) [4.03 pm]: Let us reflect on what we have heard here and what has happened. We have a citizen who has been treated appallingly, a person who has tried to have the matter resolved through all of the appropriate channels, but has had no satisfactory resolution. Every player in the system is saying, “Not me; the rules don’t require me to act any differently. I couldn’t do anything.” The final result is that there has been no effective resolution for the citizen who is the subject of this serious misconduct. In the end, someone has to take responsibility. In the end, the government has to take responsibility. If it is not permitted to act by this clause or that clause, it has to rise above that, take responsibility, see it from the citizen’s viewpoint, and find a way to resolve the issue.

The Attorney General says, “I don’t have any power”. Well, under section 195(2)(b) of the Corruption and Crime Commission Act, he can request the Parliamentary Inspector of the Corruption and Crime Commission to perform his function of auditing the operations of the commission. He has a lot of powers with regard to the commission, and the Attorney General has the power to request him to act.

The shadow Minister for Police has again dealt with some of the roles of the Minister for Police, and I think the Minister for Police misunderstands his role. He is not the president of the police union; he is the Minister for Police. Of course, if he thinks that police have been unjustly treated or misrepresented, he has a role in defending their actions and explaining their actions, but he has an equally important role of holding the police accountable. When the commissioner comes to meet him, the minister has to ask him the difficult questions. The shadow Minister for Police gave the minister a very good list of questions to ask.

The house should be thinking about what has happened over the last year or two. We have had a lot of debates about the misuse of police force. It is an issue that has been prominent in public debate. Late last year, we debated in this place the tasing of Mr Spratt. There was the incident at Spring in the Valley, which has been the subject of significant media attention. One would have thought that the government might have recognised that there was an issue of misuse of police force that it ought to be on top of. What have we found from this debate? The Attorney General, who is responsible for the CCC, and the Minister for Police apparently did not know, until a parliamentary committee had reported, that of 381 allegations of misuse of police force, only one had been investigated by the CCC. Given the public debate and the focus on this issue, where has the government been? Why have these two ministers been asleep at the wheel? Why did they not know what it took a parliamentary committee to reveal—that none of these cases, except the one raised in Parliament, had been investigated by the CCC?

A prime responsibility of the government is to ensure confidence in our justice system, and I do not see the Minister for Police or the Attorney General doing that. The CCC has unprecedented powers, a huge budget and 150 staff. It was established in the wake of the police royal commission precisely to avoid this sort of public debate and to ensure that there were formal mechanisms other than parliamentary debate and media scrutiny to resolve these issues. It is not doing its job, and those ministers have to take responsibility for that.

Question put and a division taken with the following result —

Ayes (25)

Ms L.L. Baker	Mr J.C. Kobelke	Ms M.M. Quirk	Mr P.B. Watson
Dr A.D. Buti	Mr F.M. Logan	Mr E.S. Ripper	Mr M.P. Whitely
Ms A.S. Carles	Mr M. McGowan	Mrs M.H. Roberts	Mr B.S. Wyatt
Mr R.H. Cook	Mrs C.A. Martin	Ms R. Saffioti	Mr D.A. Templeman (<i>Teller</i>)
Ms J.M. Freeman	Mr M.P. Murray	Mr T.G. Stephens	
Mr J.N. Hyde	Mr A.P. O’Gorman	Mr C.J. Tallentire	
Mr W.J. Johnston	Mr J.R. Quigley	Mr A.J. Waddell	

Extract from *Hansard*
[ASSEMBLY — Tuesday, 20 September 2011]
p7259g-7272a

Speaker; Mr John Quigley; Dr Tony Buti; Mr Christian Porter; Mr Rob Johnson; Ms Margaret Quirk; Mr Eric Ripper

Noes (29)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr J.J.M. Bowler
Mr I.M. Britza
Mr T.R. Buswell
Mr G.M. Castrilli

Mr V.A. Catania
Mr M.J. Cowper
Mr J.H.D. Day
Mr J.M. Francis
Mr B.J. Grylls
Dr K.D. Hames
Mr A.P. Jacob
Dr G.G. Jacobs

Mr R.F. Johnson
Mr A. Krsticevic
Mr J.E. McGrath
Mr W.R. Marmion
Mr P.T. Miles
Ms A.R. Mitchell
Dr M.D. Nahan
Mr C.C. Porter

Mr D.T. Redman
Mr M.W. Sutherland
Mr T.K. Waldron
Dr J.M. Woollard
Mr A.J. Simpson (*Teller*)

Pairs

Mr P.C. Tinley
Mr P. Papalia

Mrs L.M. Harvey
Dr E. Constable

Question thus negated.