

**ROYAL COMMISSION INTO WHETHER THERE HAS BEEN ANY CORRUPT OR CRIMINAL
CONDUCT BY WESTERN AUSTRALIAN POLICE OFFICERS**

Statement by Premier - Standing Orders Suspension

MR R.F. JOHNSON (Hillarys) [12.02 pm]: I move without notice -

That so much of the standing orders be suspended as is necessary to enable the responses under Standing Order No 150 to the ministerial statement made by the Premier yesterday to be made now.

Point of Order

Dr G.I. GALLOP: Will the Leader of the National Party also make a statement?

The SPEAKER: My understanding is that the suspension would allow Standing Order No 150 to operate, which allows for the Leader of the National Party to make a contribution.

Debate Resumed

MR J.C. KOBELKE (Nollamara - Leader of the House) [12.03 pm]: The Government will not object to the suspension of standing orders but the fact is that a ministerial statement normally requires that two hours notice be given. The Opposition was given more than two hours notice before the Premier delivered his statement. When Labor was in opposition, the practice was that the now Premier, as Leader of the Opposition, with only two hours notice was competent enough to get up and respond. However, this Leader of the Opposition is not competent enough to deal with issues of matter. Therefore, yesterday we took account of his inability to respond and we enabled the matter to be deferred to a time that could be arranged. However, no arrangement was made. We were told five minutes ago in the Chamber that the Opposition wants to pull this little stunt now and deal with the matter straightaway. We have had no time, as the Premier quite rightly sought advice on, to check that the National Party had been advised, which we would have had to do. This is just another little stunt by the Opposition because it is so divided and so driven with infighting that it cannot even organise itself. Without any notice to the Government that it was ready to respond, the Opposition has sought to suspend standing orders so that it can deal with the matter straightaway. Almost every day we have to take account of the incompetence of the Opposition. This is yet another example of its total incompetence. The Leader of the Opposition could not respond yesterday at the appropriate time. We acceded to his request and agreed to put it off to a time to be arranged. The Opposition did not have the decency to say it would like to do it at a given time and consult with us on how to fit it into the program.

Mr A.D. McRae: Opposition members read it in today's paper and thought it must be a good idea.

Mr J.C. KOBELKE: Yes. The Opposition is driven by what it sees in the media. Although this is not a matter of urgency, in order to accommodate the deficiencies of the Opposition, we will not object to the suspension of standing orders so that the Leader of the Opposition and a spokesperson from the National Party can respond to the ministerial statement on the royal commission made by the Premier yesterday.

MR R.F. JOHNSON (Hillarys) [12.06 pm]: I am using the right of reply but I will not use the full hour - I am sure members will be pleased with that. Out of courtesy, I have moved a procedural motion in this House so that the Leader of the Opposition can respond to the ministerial statement made by the Premier yesterday. After the abusive comments just made by the Leader of the House, it should be brought to the attention of House that we received the report at only 11 o'clock yesterday morning. The Leader of the Opposition, as did other important members of this Chamber and the other Chamber, then went to the opening of the new north wing of Parliament House and had lunch with the Governor. The Leader of the Opposition had the courtesy to stay and have lunch with the Governor when the Premier left after the entree. Therefore, there was hardly any time for the Leader of the Opposition to study a thousand-page document to -

Dr G.I. Gallop: I had to.

Mr R.F. JOHNSON: We know that the Premier had that report long before it was tabled in this Parliament. I have a pretty good idea when the Premier had insight into that document. He had a very long time to read it and we have had so little time. I gave notice yesterday to the Leader of the House and the Premier that we would like to respond to this statement today once the Leader of the Opposition had adequate time to read and digest the contents of the thousand-page report. We did not have the benefit of being on the government side of this House. We did not have days to read the report! We know that it went to Cabinet first and that the Premier would have seen it days ago. His staff would have been going through the report with a fine tooth comb to come up with his written response. We do not have that luxury on this side of the House; we have to do it manually. We got the report at 11 o'clock yesterday morning and there was no time for the Leader of the Opposition to read it properly. To have the right to respond to that ministerial statement today, and bearing in mind that we get only 15 minutes -

The SPEAKER: Members, the background chatter that is now taking place means that I am having difficulty hearing the member for Hillarys. I ask members to desist.

Mr R.F. JOHNSON: I do not want to delay the time of this House as we need to deal with a lot of important legislation and other issues - a very important Bill before this House needs to be dealt with in consideration in detail. It is common courtesy for the Government to allow the Opposition the right of response on such a significant report; in this case, the report of the royal commission into the Western Australia Police Service. We are attempting to do this at the earliest opportunity available to us. It would be stupid for the Opposition to leave this issue for a week or so and then respond to it. This must be dealt with today. The earliest time it can be dealt with today is immediately after prayers. Government members know this. The Leader of the House knew that we would bring this matter on this morning. There would be no difference in dealing with it at this moment or in a quarter of an hour, but it would be better to get it out of the way now. It would be better to give the Leader of the Opposition an opportunity to make a contribution to this very important and significant issue. I am sure that the House will agree to suspend standing orders. I will be most surprised if it does not. However, with the Leader of the House, one never knows.

Question put and passed with an absolute majority.

Statement by Premier - Response

MR C.J. BARNETT (Cottesloe - Leader of the Opposition) [12.10 pm]: I rise to present the Opposition's response to the Premier's statement on the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers. By way of introduction, I will summarise the view taken by the Opposition. Prior to the formation of the police royal commission the Labor Party promoted a royal commission as being necessary to root out endemic corruption, to remove corrupt police officers, to clear the air on major historical cases and to provide strong directions for the future of the Police Service. That was the justification Labor put forward for establishing the royal commission. What has been the result? At a cost of \$28 million to taxpayers, the royal commission has failed to find endemic or systemic corruption, despite some individual cases of corrupt behaviour. It has resulted in just two prosecutions and the resignation of six officers, with the commission admitting that very few additional prosecutions are likely to result. It failed to reach any definitive conclusions on major historical cases and admitted that real reforms would need to be developed by the Police Service itself.

The Liberal Party does not support or condone corrupt behaviour in any way within our Police Service and it recognises that further reform is needed to detect and avoid any corruption within the Police Service through the continuation of programs such as the Delta reforms. However, reforms could have been identified through the use of simple commonsense and an examination of the experience of other jurisdictions such as New South Wales. The \$28 million spent on this police royal commission could have been better used to fund on-the-ground programs to fight crime and corruption itself. I will state the coalition record on police corruption. Under the coalition, the process of change within the Police Service began when the Delta program was put in place, which was based on the findings of the Wood royal commission in New South Wales. Ironically, they are the same findings on which this royal commission has based its recommendations. On page 101 of volume II of the report it states -

There is much to be learned from the NSW experience.

On the issue of time lines, Labor's policy, headed "The Fight Against Corruption", stated -

... Labor will:

- appoint a Royal Commission into allegations of police corruption as a matter of priority.

In fact, the Kennedy royal commission was not established until December 2001, nearly 12 months after Labor was elected. Hearings were delayed until July 2002 because the Government failed to put in place special powers in a timely manner.

On the terms of reference of the commission, the Premier and the Attorney General repeatedly claimed that the royal commission would investigate cases of interest from the past. However, on 11 December 2001 Dr Gallop announced that the commission would go back only until 1 January 1985. This excluded cases such as the Shirley Finn murder and, not surprisingly, a large percentage of the Mickelberg case.

On the issue of cost blow-outs, the Labor Government initially allocated \$15 million for this royal commission. The Liberal Opposition warned the Labor Government as early as May 2001 that the costs would blow out. On 8 May 2002 the Attorney General was forced to admit that the cost had blown out to nearly \$28 million. According to the 2003-04 budget papers, the total cost of the commission is expected to be \$27.9 million, before any recommendations have been implemented. The money spent on this royal commission could have paid for

eight new police stations, five new primary schools or the annual salaries of 558 police officers in Western Australia. That is the true cost of this police royal commission.

The commission found individual cases of what the Premier calls significant and sustained corruption. In fact, the \$28 million report made only 50 adverse findings covering a 20-year period of policing. At no point in the report is corruption in the Western Australia Police Service described as systemic, endemic or entrenched, despite the Premier's attempts to paint our service as being rife with corruption. In his statement yesterday the Premier stated -

The report is profoundly disturbing in that it found -

First, that there has been significant and sustained corruption and criminal conduct in the Western Australia Police Service since 1985;

I challenge the Premier to produce that quote from this royal commission report. His comments in this House and in his media statements do not reflect the findings of the royal commission in its 1 000-page report. The Premier has sexed up the findings of the royal commission and falsely represented to this community that systemic, endemic corruption was found. It was not. I challenge the Premier to find that quote from the royal commission report. It is not there. He has misled the public about the findings of the royal commission.

Dr G.I. Gallop: Rubbish.

Mr C.J. BARNETT: The Premier should produce the quote. When I sit down, he should get up and produce the quote, because it does not come from the report. What the Premier stated in this House yesterday is not stated in the 1 000 pages of this report of the royal commission. The Premier is sacrificing the internal morale of, and public confidence in, our Police Service in his attempt to justify the \$28 million spent on this royal commission. The report has not backed up his claims. Indeed, police commissioner Barry Matthews said that 99 per cent of police officers did not even get a mention in the report. They are doing their job as fine, serving police men and women. The Premier does not acknowledge that. The Premier is letting the people of Western Australia believe that our Police Service is mediocre and the worst in the nation in terms of corruption. In fact, if anything, that statement refers to crime rates and low levels of support by civilian staff within the Police Service, which are issues attributable to a Government and for which it is accountable.

Mr J.C. Kobelke: Who is twisting the truth now? Are you twisting the truth or did you read the report?

Mr C.J. BARNETT: We listened to the Premier in silence. The member should show us the same courtesy.

Dr G.I. Gallop: You didn't, actually.

The SPEAKER: Order, members!

Mr C.J. BARNETT: I am responding to a ministerial statement. I refer to major cases. On the Stephen Wardle case, the commission found no evidence of criminal or corrupt conduct. Insufficient evidence of corrupt conduct was found to charge officers of the armed robbery squad. On the footy sex star case, no improper conduct was found. On the Argyle diamond case the commission found that poor management had led to suspicions, but no corrupt conduct was found. It reached no conclusion on the Mickelberg case. So much for the major cases and the findings of this royal commission! What it did find was poor management and deficiencies in monitoring systems. That is obviously unacceptable. However, that was being dealt with through recent reforms. Future action could have been identified without spending \$28 million on a royal commission. This is evidenced by the fact that the commission investigated only two matters from the past five years. Commissioner Barry Matthews said on ABC radio this morning that the corruption strategies of the past years under him and his predecessor, Bob Falconer, had seen substantial change in the culture of the Police Service.

The key areas of reform provide very few real tangible suggestions for ensuring a corruption-free culture in the Western Australia Police Service. The Liberal Party supports the direction of the key areas of reform, but these recommendations, especially considering the lack of detail, could easily have been developed without the need for a \$28 million royal commission. Most of the recommendations are simply commonsense, and others have very little relation to corruption whatsoever; for example, lifting the recruitment restrictions on applicants with a vision difficulty who require glasses. Future directions are also largely based on the recommendations of the New South Wales Wood royal commission. Wood's recommendations can be accessed freely on the Internet. The Labor Government hardly needed to spend \$28 million to simply read and endorse those recommendations. Labor's current policies also fly in the face of some of the recommendations of this royal commission. For example, the report calls for the use of more civilian staff to undertake administrative and non-core duties, to allow sworn officers to undertake front-line policing duties. Since coming to Government the Labor Party has instigated a \$1.6 million redundancy program for civilian staff. The Government is not even acting in the spirit of the royal commission. In addition, the commission admitted in its report that it has not provided a comprehensive plan for the future. The report states that the precise reforms required will need to be determined

by the Western Australia Police Service. The commission has not even come up with a plan; it is saying that the Police Service, the Commissioner of Police and his senior executive must do that.

Surely, the level of prosecutions is one of the key objective means of assessing the worth of a police royal commission. Despite the Premier's pledge to weed out the rotten apples in the Police Service, there have been just two prosecutions of police officers, representing 0.04 per cent of the police officers in this State. In addition, the police royal commission stated in its report that, despite the evidence presented, it is unlikely that there will be many successful prosecutions. The Minister for Police - who is not present in the Chamber - has been unable to produce a figure on the cost of implementing the recommendations of the royal commission. It would be a shame if there were insufficient funds to implement some of the anti-corruption programs on the ground. It is clear that the Premier knows that this report is not what he claims it to be. According to his ministerial statement, he has indicated that his Government will not implement many of the legislative amendments over the next 12 months. What has it all been about?

In conclusion, the Premier has claimed that there has been significant and sustained corrupt and criminal conduct in the Western Australia Police Service since 1985. They are the words of the Premier of Western Australia talking about the 99 per cent of decent, hardworking police officers. That is what their Premier has to say about them. I repeat: significant and sustained corrupt and criminal conduct in the Western Australia Police Service since 1985. I ask the Premier to show me where those words are in the royal commission report. They are not there. The Premier has sexed this up for his media statement. He has not fairly represented the findings of the royal commission. He has let down all serving police officers in this State by tarnishing their reputations. He could not even give a truthful account of the findings of the royal commission. The Premier's spin is all over the way he has tried to present this document. His claims are not backed up. There is no mention of significant and sustained corruption in the Western Australia Police Service. There is no mention of endemic, systemic or entrenched corruption in the Western Australia Police Service. The royal commission did not find what the Premier claimed it would, so now he is trying to sex up and spin the royal commission report in an attempt to justify the \$28 million, or \$174 000 a day, cost to the Western Australian taxpayer. The \$28 million spent on this did not find systemic, endemic corruption. The Premier has not properly represented the findings of the Kennedy royal commission.

Dr G.I. Gallop: Where does my statement say "systemic and endemic"? I said "significant and sustained".

Mr C.J. BARNETT: The Premier should read his statement. He has discredited our Police Service. If there is one thing on this issue that distinguishes me from the Premier it is that I recognise that there are some corrupt police officers - that is common to any police service - but I do not stand up in public as a parliamentary leader in this State and suggest that there is widespread systemic, endemic corruption. I will stand up in support of the 4 000 to 5 000 serving police officers and the integrity of the Western Australia Police Service. I and my colleagues on this side of the House will back them in their duties and in fighting crime. I will not undermine the integrity and the standards of the 99.5 per cent - or whatever it is - hardworking, truthful, honest serving police officers in this State. The Premier has contrived to create a mischief in this society. He has let down the Police Service and the fight against crime. He has let down the office of Premier.

The SPEAKER: I call the Leader of the Opposition to order for the first time.

MR R.A. AINSWORTH (Roe) [12.26 pm]: The National Party would never walk away from an inquiry into claims of corruption against police because any claims of that nature that can lead to the public losing confidence in the police need to be dealt with appropriately. However, this royal commission has led to some very unfortunate outcomes, one of which is the emphasis placed on the very small number of people reported in the royal commission findings as being corrupt, as opposed to the 99 per cent or more of good, honest, hardworking police officers whom members in this House come across every day working in our communities. The emphasis that the Premier has chosen to place on this distorts that fact and the findings of the royal commission. One hundred and twenty-one officers were named in the royal commission report. Many of the cases mentioned occurred prior to 1995. Only two prosecutions have been brought, and some of the major cases that were very much headline news over a long period have finally come before the royal commission and have been dismissed as unproven. In other words, the officers involved have been cleared.

The former Minister for Police, National Party member Hon Bob Wiese, cleared out some of the officers who were known to be corrupt. He got rid of some of the 121 officers named in the royal commission. He by no means cleared them all out, but he certainly started the process. He also put into place something recommended by the royal commission; that is, the employment of civilians in the service to free up trained police to do work on the beat. This Government, when elected, started to wind back that process, and now we see the Government jumping on the bandwagon, saying it will go the other way because that is what the royal commission recommends. The Government cannot have it both ways. The process was already started by the previous Government. The present Government has cut it back and has now been forced to turn 180 degrees and go the

way the royal commission is recommending. The Police Service itself claims it does not have enough sergeants and inspectors, and we know there are not enough police on the beat, particularly in country areas. There are 56 vacancies waiting to be filled, and that action could have been taken well before the royal commission report came out.

Implementing the royal commission recommendations will cost a lot of money. It has already cost \$28 million to obtain these findings, and now more money must be spent to implement them. We are still waiting for the Government to spend money on the implementation of the recommendation made on the independence of the Office of the Auditor General. How long must we wait to see the recommendations of the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers implemented? If we have to keep waiting, the \$28 million will have been totally wasted.

In the absence of serious outcomes, the royal commission itself has achieved nothing. We need to get some perspective in all of this. Yes, some well-documented cases were made implicating some police - particularly senior police, regrettably - in corrupt activities, some of which have been well known within the system and by the general public over recent years. It is most important that those types of corrupt officers be removed from the system and that the confidence of the community be regained. It is also important to not lose sight of the fact that a big percentage of the highly trained and satisfactory Police Force are committed, honest, decent, hardworking officers who are undertaking a very difficult role - a role I would not like. I am also sure most of us in this Chamber would not like to be in their shoes doing those jobs and coming up against the issues they face at various times. They are doing the job properly. We need to support those officers at the same time as we assure the community that we are dealing with the few bad apples in the bunch. I fear that the response by the Government to this royal commission report has not kept that balance. If we do not get that balance right, how can we recruit good young officers to the Police Force? How can we encourage the officers who are there now to maintain their morale and keep doing a proper job for the community, and not look for employment where there is less stress and less of the vilification that these sorts of reports place upon them.