

CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2023

Committee

Resumed from 29 February. The Deputy Chair of Committees (Hon Stephen Pratt) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Clause 5: Section 9 amended —

Progress was reported after the clause had been partly considered.

Hon TJORN SIBMA: The parliamentary secretary might recall the exchanges that we had on clauses 1 to 5, in particular about some remarks made in the other place by the Attorney General on 29 August last year that have a material relation to what I conclude to be one of the principal motivations here and some of the political gamesmanship in the management of the appointments process for an organisation as important as the Corruption and Crime Commission. The parliamentary secretary was not in a position then to answer questions about the Attorney's remarks for a number of reasonable reasons, but has any light been shed on the information that the Attorney relied upon when he claimed that a previous member of this house, Hon Jim Chown, was acting corruptly to stymie the reappointment of Hon John McKechnie, KC, to the position of Commissioner of the Corruption and Crime Commission?

Hon MATTHEW SWINBOURN: Not from my point of view. I note that the member has in the system a question without notice of which some notice has been given, and we are dealing with that question. We will see what happens in question time, I guess.

Hon TJORN SIBMA: I bumped into the Attorney General when I was getting a coffee and he commended me on keeping him honest, so I will see what comes through the system today. I do not propose to pursue this line of questioning any further on clause 5.

Hon NICK GOIRAN: As Hon Tjorn Sibma has indicated, there were a number of matters that the parliamentary secretary was unable to deal with on the last occasion. Have there been any inquiries since the chamber was last in session about any of the matters for which information was not available at the table at the time?

Hon Matthew Swinbourn: Can you be more specific about the matters you are asking about? Are they the matters that Hon Tjorn Sibma just referred to?

Hon NICK GOIRAN: I think the parliamentary secretary has dealt with that at least, but these are any other matters that he said he did not have information on at the table. To give a practical example, I think we had started a conversation about whether there had been any consultation with the Chief Justice or the Chief Judge about the nominating committee and the like. A range of matters was unable to be dealt with on the last occasion. Best endeavours were given. Have there been any further inquiries on those matters?

Hon MATTHEW SWINBOURN: If I recall correctly, the position I gave in the last debate was that there was no discussion or consultation with the Chief Justice about changing the nominating committee process, and it was not contemplated in the development of this bill that we would adopt the recommendations in the report of the previous Joint Standing Committee on the Corruption and Crime Commission that the member referred to. I cannot remember off the top of my head whether it was the thirty-eighth or the forty-first report, but whichever report it was, that was not the task that we set ourselves in relation to what we are trying to do here. There is no further information that I can provide to the member about that.

If I recall correctly, one of the things he asked about was the practice of the Premier forwarding the three names as convention and whether that convention would continue. Again, I am not in a position to further that matter. Nothing that we are doing with the bill would have affected the practices that Premiers have engaged in in the past. As the member knows, the appointment of either a commissioner or, in the future, a deputy commissioner would be an occasional event. It is not something that would happen a lot. I do not think that asking the Premier of the day today what practices he might engage in in the future on a decision that is not currently before him would be very helpful. He would not be bound by anything I say in this place about that.

Hon NICK GOIRAN: If I recall correctly from the last occasion, one of the matters that the parliamentary secretary was unable to have information readily to hand on was whether the Premier of the day has been—past tense—providing the three names to the committee. Are we any further advanced in getting fresh information on that?

Hon MATTHEW SWINBOURN: I do not have any further information on that, and I am not proposing to obtain further information on that. I am the Parliamentary Secretary to the Attorney General. The Attorney General is not involved in that process when it happens. It is a matter for the Premier of the day, whichever Premier that is. In the past, obviously we had a different Premier from the one we had during the most recent appointment of the Corruption and Crime Commissioner, and so it is a different office, if I can describe it that way, to the one that existed then. Obviously, in relation to previous appointments to the CCC, again that was under a former Premier who was

of a different political persuasion from me, and so in relation to the practices that happened under that particular Premier, we do not necessarily have any access to that information, in any event, in a readily available form.

Hon NICK GOIRAN: I make this point: it is the responsibility of the government to have somebody lead the carriage of the bill. It does not mean that the government gets to appoint a person—in this particular case, the Parliamentary Secretary to the Attorney General—who can take questions only in a narrow sense. It is the lead person on behalf of the government who answers all the questions about the legislation before us. From time to time that might mean that multiple agencies within government have a role to play. The parliamentary secretary has quite correctly pointed out that in this instance the Premier of the day has a role to play as distinct from the role that the Attorney General may play, but the Cook Labor government, and specifically the Premier, has a responsibility to deal with the legislation currently before us insofar as they provide names to the Joint Standing Committee on the Corruption and Crime Commission. It would be good to know whether it is intended that the proper and desirable practice is to continue.

I accept that we will not make any further progress on that today, but I once again encourage the government to ensure that whether it is the hardworking Parliamentary Secretary to the Attorney General or any other person they have all the necessary information before them. It is no good putting up a shield and saying that the person fulfils only one particular role with regard to one particular portfolio. This bill seeks to amend the Corruption, Crime and Misconduct Act 2003, and if there are portions of the bill that deal with different ministers, those respective ministers, in this case the Premier, need to make sure that they are available to provide advice to the lead member of the government.

Having said that, clause 5, which is currently before us, seeks to do a number of things, including at subclause (3) to —

Delete section 9(3), (3a), (3b), ...

And so forth. The parliamentary secretary will note, at least in accordance with the version of the act that I have before me, that section 9(3a) of the act reads —

Except in the case of the first appointment, the Premier is to recommend the appointment of a person —

- (a) whose name is on a list of 3 persons eligible for appointment that is submitted to the Premier by the nominating committee;

I will stop there. That is subsection (3a)(a) of the act, which the bill at page 4, line 12 seeks to delete.

On page 5 of the bill, clause 6 will insert proposed section 9A, which reads —

- (2) The Premier can recommend the appointment of a person under subsection (1) only if the following requirements are satisfied —

- (a) the person's name is on a list of 3 persons that is submitted to the Premier by the nominating committee ...

I note that the phrase “eligible for appointment” is no longer in the bill, and so we are deleting, at least if my hard copy version of the current act is sufficiently up to date, the phrase “eligible for appointment” and instead what will be inserted at clause 6 no longer has that phrase. What is the reason for that?

Hon MATTHEW SWINBOURN: I do not think there is anything nefarious about it. I think it is just a drafting thing because if I take the member to proposed section 9B, “Nominating committee to provide list of persons”, it states —

- (1) The nominating committee must, on the Premier's written request, submit to the Premier a list of 3 persons qualified and eligible under section 10 for appointment.

Effectively, the only list that will be in the possession of the Premier is the list that is compliant with proposed section 9B(1), which would then create those words that the member highlighted that are not carried over in the proposed amendment, which would mean that the list must be of three persons qualified and eligible under section 10 for appointment.

Hon NICK GOIRAN: If we look at current section 9(3a), we can see that it has two limbs, the first of which the parliamentary secretary just dealt with, which is the provision of the three eligible persons. It would appear that despite there maybe being some preference with regard to drafting, the substance of section 9(3a)(a), although possibly being deleted by the bill, will be retained in some fashion moving forward.

Hon Matthew Swinbourn: By way of interjection, yes, member.

Hon NICK GOIRAN: Section 9(3a)(b) is obviously the highly contentious provision that deals with the issue of the support of the majority of the standing committee and bipartisan support. That limb will be materially changed. I make that point by way of submission and the parliamentary secretary may choose to respond to that. By way of comparison, I am saying that of the two limbs in section 9(3a), one of the limbs will be retained in substance and the other will be materially changed. Again, the reference point here is in the bill on page 4, line 12, at which

a number of sections will be deleted. We have just dealt with section 9(3a). Will section 9(3)(b)—not to be confused with section 9(3a)(b)—and section 9(4), be maintained in substance notwithstanding the fact that line 12 on page 4 of the bill is seeking to delete them?

Hon MATTHEW SWINBOURN: I thank the member for his forbearance; we wanted to go through this to make sure that it is abundantly clear.

Clause 5(3) proposes to —

Delete section 9(3), (3a), (3b), (4), (4a) and (4B).

Most of those sections are reflected in the new drafting and are just amendments. I will go through where each comparable clause will be in the amended act and make some short comments about some of the other sections that will not. I note that we already discussed section 9(3a) in the first instance.

Section 9(3), the public seal requirement, if I can call it that, will be reflected in proposed section 9A(1).

I will cover section 9(3a) again. Subparagraph (a) will be retained, but subparagraph (b) will be modified, which goes to one of the broader issues that we are dealing with.

I really do not envy Hansard trying to unpack this, but neither of us is responsible for the numbering of bills. Section 9(3b), which I describe as the advertising requirement, will be reflected in proposed section 9B(3).

Existing section 9(4), which relates to consultation with the Leader of the Opposition in the absence of a standing committee, will be retained and will be part of proposed section 9A(2)(c).

Sections 9(4a) and (4B) are spent provisions, and I am sure that we will get to subsection (4B) at some stage. They are not reflected in the new drafting because they are redundant or spent—however the member wishes to characterise them.

Hon NICK GOIRAN: I refer to the deletion of section 9(4a), which states —

In the case of the first appointment, before the appointment is made the Premier is to consult with the Leader of the Opposition.

That is now a redundant provision, so it makes no difference whether it is retained or deleted. What is section 9(4B), which will be deleted?

Hon MATTHEW SWINBOURN: I am happy that I can help the member with these provisions. Section 9(4B) is the provision that was inserted by the Corruption, Crime and Misconduct Amendment Bill 2021 and provided for the appointment of John Roderick McKechnie as the Corruption and Crime Commissioner for five years, commencing on the day that the Corruption, Crime and Misconduct Amendment Act 2021 came into operation, which I am advised was 26 June 2021.

Hon NICK GOIRAN: Putting to one side whether we like that provision, it is a matter of law. My question is: given that Mr McKechnie is currently in place, why would we now delete the provision that verifies his current appointment?

Hon MATTHEW SWINBOURN: I will rephrase the member's point, and I think he will probably agree with me when I do: does the repeal of section 9(4B) invalidate the appointment of Commissioner McKechnie? The advice is that the repeal of subsection (4B) has no effect on the reappointment of Commissioner McKechnie, which is not affected by that provision. Section 37(1) of the Interpretation Act 1984 states "Where a written law repeals an enactment, the repeal does not ... affect the previous operation" of the provision repealed or anything duly done under that provision. That means that the repeal of section 9(4B) will have no impact on the appointment previously made under that subsection.

Does the member want me to repeat the section of the Interpretation Act? He was frowning.

Hon NICK GOIRAN: No. If it appeared that I was frowning, I was —

Hon Matthew Swinbourn: Or furrowed.

Hon NICK GOIRAN: Yes. It intrigues me that the government and Mr McKechnie are prepared to roll the dice on deleting it. I think that we would probably at least agree that there would certainly be no harm in retaining section 9(4B), but the house is about to agree to expressly delete it. Why would we open the window for an argument to be put forward by a litigant who might not be happy with the outcome of a Corruption and Crime Commission misconduct finding or anything of that sort? I find that a curiosity. Anyway, if people are abundantly confident and courageous enough to proceed with this deletion, it will, of course, happen.

Section 9(3a) states —

Except in the case of the first appointment, the Premier is to recommend the appointment of a person —

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- (a) whose name is on a list of 3 persons eligible for appointment that is submitted to the Premier by the nominating committee; and
 - (b) who, if there is a Standing Committee, has the support of the majority of the Standing Committee and bipartisan support.

Section 9(3a) of the act deals with the Premier's recommendation. Section 9(4), which will also be deleted, says —

Except in the case of the first appointment, before an appointment is made under subsection (3), the Premier must consult with —

- (a) the Standing Committee; or
- (b) if there is no Standing Committee, the Leader of the Opposition, and the leader of any other political party with at least 5 members in either House.

In both of those provisions there is reference to the standing committee. The first of those provisions, which is section 9(3a)(b), speaks of the standing committee providing support—in fact, the majority of the standing committee providing support. In section 9(4), the reference is to consultation with the standing committee. There is no indication whether the consultation leads to support; there simply needs to be consultation. Under section 9(4)(b), when the consultation occurs with the Leader of the Opposition and the leader of any other political party with at least five members in either house, it is the same; that is to say, there must be consultation with one or more of those people. Again, there is no indication that there needs to be support. I note that at clause 6 of the bill, on page 5, we are retaining this provision that requires consultation with the Leader of the Opposition and the leader of any other political party with at least five members in either house of Parliament in the instance that there is no standing committee. In the provision we will enshrine at clause 6—that is, proposed section 9A(2)(c)—is the intention of the consultation process with the Leader of the Opposition and the leader of any other political party with at least five members to have their support for the appointment?

Hon MATTHEW SWINBOURN: As a former union official who has dealt with consultation clauses ad nauseam and tried to expand their meaning to approval, based on that experience alone it would be fair to say that consultation does not in and of itself mean a requirement to have approval. However, it will certainly be the aspiration of the consultation process to have a meeting of minds about what is appropriate, but it goes too far to say that that would be a requirement or that the purpose of the consultation would be to reach agreement in that way.

Hon NICK GOIRAN: If we were to consider a spectrum of these provisions, would it be fair to say that this consultation is more than merely the provision of information or the giving of notice but falls short of a requirement to result in support?

Hon MATTHEW SWINBOURN: I think the member talked about a spectrum in relation to this. Consultation does not simply mean notification—I think that is the particular point. Notification is a thing in itself, and that would simply be in the form of: “Dear Leader of the Opposition” or “Dear leader of a party with more than five members in Parliament, it is my intention to do this”—full stop—as opposed to: “I intend to do this and I invite you to share your views”, or something along those lines. It is a spectrum, but it is not to the extent we discussed previously because that would amount to a requirement to reach concurrence on the appointment.

Hon NICK GOIRAN: That is a fair summary. One of the provisions we will remove here is section 9(3a)(b), and that provision uses the word “support”. I note that Hon Tjorn Sibma has an amendment on the supplementary notice paper seeking to re-enshrine the provision that is to be deleted by this clause on page 4 at line 12 of the bill. That would be consistent with how the government has treated the rest of the provisions that are to be deleted. Their substance will simply be retained unless they are, to use the words of the parliamentary secretary, spent, or to use my words, redundant. They will be retained in substance and housed in a different way. Clearly, Hon Tjorn Sibma will seek to do the same thing in due course when we get to clause 6. The phrase has the support of the majority of the standing committee. I park the issue of bipartisanship because it has been a controversial point as well. Regrettably, it has been a controversial point because it need not have been, but it has become one.

That said, if we park that to one side and just look at the provision that says, “has the support of the majority of the Standing Committee”, which is to be deleted, and that the standing committee in Western Australia has always had four members, would the parliamentary secretary agree that the support of the majority of the standing committee would require at least three of the four members to support the appointment?

Hon MATTHEW SWINBOURN: Yes, if there were four members sitting in the meeting. This is only a technical point, but I understand that the minimum quorum requirement is three members, so if only three members turned up to that meeting, which would be quorate, support of two of those three members would be required. That is a technical point, but the member's main point is correct.

Hon NICK GOIRAN: Very good. The composition of the standing committee in our state has been four members, but the parliamentary secretary makes an excellent point that even though there are four members on the committee, there may be only three members in attendance at a meeting, which would still allow a quorum. In that situation, two members out of the three would be required to expressly support the appointment, irrespective of political party—we are simply speaking numerically here—or if all members were in attendance, three of the four would be expressly required to support the appointment. Moving forward, given we are about to delete that provision, will that remain the case?

Hon MATTHEW SWINBOURN: No, member. It is the stated object of this bill that we move from a process of approval to a process of vetoing. In that instance, for the committee to veto the name that has been put forward, three of the four members in attendance would need to exercise their veto. If three members are in attendance, two would have to exercise their veto, so a majority would have to exercise their veto to defeat the Premier's suggested person coming forward. It changes the dynamic from positive approval to active disapproval of the nominee.

Hon NICK GOIRAN: That is a very good way of explaining it. Given what we have discussed and the nature of the statute, it is evident, with the exception of the very controversial appointment of Mr McKechnie under a standalone provision—section 9(4)(b), which is also about to be deleted—and it follows that every single previous appointment has had majority support of the parliamentary committee. Numerically, that must have been the case; otherwise, it would have been impossible for those people to be appointed.

Moving forward, we will no longer have that confidence. It may be the case that a majority of the committee support the appointment. I suspect that we might never know because the deliberations of the committee are secret, unless one is the member for Kalamunda, who does not seem to think those things are secret, but let us park that to one side. Ordinarily, it would be the case that the deliberations of the committee would be kept secret and would not be revealed under parliamentary privilege, or perhaps arguably breach parliamentary privilege, so we would not know whether a person has failed to obtain what might be described as the support of a majority of the committee.

Let us say, for example, that four members are on the committee and all four are in attendance. Two members support the appointment and two do not. It follows that, at that stage, there is not majority support of the committee to appoint that person. I understand that in that scenario, once we pass clause 6, the appointment would still proceed. In other words, if clause 6 is passed without Hon Tjorn Sibma's amendment, it will be possible for an appointment to be made even though the appointee does not have majority support of the committee.

Hon MATTHEW SWINBOURN: I am not sure I can take the conversation too far because of the maths of this issue. If two of the four members of a committee exercised their veto, that would not amount to a sufficient majority and therefore the veto would not take effect. If we require majority support and only two members of the committee supported the person, effectively, that person would not have majority support. Three of the four members would need to actively say yes as opposed to actively saying no to achieve that outcome. We could go through all the iterations but this is a different beast. We acknowledge that it is different from the previous one. In some respects, the process will be simpler in the committee because we will not have that double limb of bipartisan and majority support, and it will probably reduce the number of opportunities for a nominee to be rejected, or not approved, by a particular committee.

Hon TJORN SIBMA: This exchange has served to illustrate that despite the endeavours of just about anyone, particularly the Attorney General in this instance—I will put to one side what I think are clearly the political motivations underlying this change to the appointment process—there is no such thing as a perfect or a flawless appointment process. A limited set of possible scenarios relating to the four constituted members of the Joint Standing Committee on the Corruption and Crime Commission could play out in a way that would effectively amount to a stalemate on the suitability of an appointment. Under the rules, the committee could constitute a quorum with three of the four members, two of whom may wish to exercise a veto. To a degree, that would seem to be permissible under these provisions. That is how I read it.

With the change of one member at a subsequent JSCCCC meeting, the committee could adopt precisely the opposite view. It would be relying on the majority of members at the meeting at any particular time. That indicates to me that the system will completely break down; in fact, in my view, that is a greater flaw. It is a scenario that could play out because we have seen some interesting scenarios play out in this jurisdiction over the past two or three years, and not purely related to the appointment of the commissioner of the CCC. If there is effectively a stalemate within the joint standing committee as to the suitability of an appointee, how will such an impasse be remedied?

Hon MATTHEW SWINBOURN: I do not think there can be a stalemate. Because the process of moving to a veto will require a majority of those people to exercise that veto, if four members are in attendance, three of the four will have to positively exercise their veto. If only three members are in attendance, two of the three will have to exercise their veto. That is a single decision that will be made at a point in time. I accept that some members are unable to attend committee meetings for reasons beyond their control. It would be an unusual circumstance for

that meeting to be delayed until all members are present. If people want to play silly buggers, for want of a better phrase, about whether they attend, participate and exercise their veto, this process is less likely to allow that to occur because it will be a more deliberative process than what has occurred previously. The current process requires majority and bipartisan support, so, in theory, there could be majority support but not bipartisan support if a member from a particular political party fails to attend and exercise their vote. Three members could turn up, with one absent, and therefore bipartisan support could not be achieved.

I think the member made the point in his opening statement that whatever we design here, for my part, once we involve members of Parliament, there will always be an opportunity for the process to not work as people might want it to work because people will act in different ways. I am not suggesting that that has been the case in the past; however, it can occur once people are involved in that process.

I also want to put it in a much broader context. The Joint Standing Committee on the Corruption and Crime Commission is an oversight committee when it comes to the appointment of a Corruption and Crime Commissioner and, in future, the deputy commissioner and an acting commissioner. At that point, the process begins with an eligibility requirement. A nominating committee then vets applicants who come forward and does its own internal recruitment process, and then puts those names to the Premier of the day. The Premier of the day consults, I think, with the Leader of the Opposition in some circumstances and that name is then put forward to the Joint Standing Committee on the Corruption and Crime Commission to exercise its oversight function in relation to this particular thing. What we have said and continue to say is that we want a simpler process for the committee to follow. The opposition alliance does not agree with that—it is quite plain—but the reality is that we can quibble over whether there could be possible unintended outcomes from what we will do here. I do not want to say “quibble”, because that is not fair to the points that the member is trying to make, but we can go on. The reality is that this will be a different process from what currently exists. I still think there will be a push for understanding, consensus or comity, for want of a better word, amongst committee members and between the Premier to reach that. That obviously did not happen in the past. We cannot change the past, but this is the pathway that we are now choosing to go down. I cannot take it a lot further.

I am happy to answer more specific questions, but in terms of the policy, we have a very different view from the member.

Hon NICK GOIRAN: I will briefly explain why I will reluctantly support clause 5. The only reason I am doing that is because there is an amendment standing on the supplementary notice paper for clause 6. If there were not, I would be opposing clause 5 because it seeks to delete one of the best provisions on the statute book. By way of explanation, the parliamentary secretary rhetorically says that this provision, moving forward, will make things simpler. I have no doubt that, for the government of the day, it is true that it will be a simpler provision. The question that members of Parliament, as distinct from members of the executive, ought to be thinking about is not whether this will be simpler for the government, but whether it will be better. I would submit to members that the answer to that is most definitely not. The suggestion that because parliamentarians are going to be involved in the appointment process that somehow it might be derailed—I am using my words here; I am not suggesting that the parliamentary secretary said that—can be true.

I remember that when I was chairing the committee, I observed with some degree of concern what was unfolding in Queensland. It must be remembered that Western Australia was not novel in the appointment of a Corruption and Crime Commission. Such a body already existed in Queensland. There, the appointment process was constantly political. I might add that it also had an oversight committee and parliamentarians were involved and so on and so forth. To the best of my understanding, the reason that happened in Queensland was that the composition of the committee was not even. One of the best things that happened in Western Australia, by whoever devised it at the time, long before I was a member of Parliament, was to encourage that the composition of the standing committee in Western Australia be an even number, and it has been largely the case that that has meant two members from the Labor Party and two members from the Liberal Party. Of course, members from neither of those parties will, quite understandably, object to that. I can understand that. I just want to park that to one side for a moment and simply make the observation that to the extent that the structure of the committee process facilitated bipartisanship, it was because there was an even number that comprised two members from each of the major political parties; therefore, it was not possible for any political party to have a majority on the committee and then dominate it. Putting to one side the quite understandable grievance that members who are not part of those two major political parties might have about that, that structure then forced the likes of myself and the former member for Perth, Mr John Hyde, to work collaboratively together. Otherwise, the committee could achieve nothing. If everyone wanted to simply be partisan on that committee, it would always be two versus two, and consequently the committee could literally do nothing. It would sit there presumably for four years, tread water and be an utterly pointless exercise.

The creation of a four-person committee, evenly split politically, demanded that committee members work in a, shall I even say, apolitical fashion, or, to use the language of the statute here, a bipartisan fashion. That was a good thing. It only went wrong when, in the previous Parliament, the members of the then McGowan Labor government

decided to interfere with the appointment process with the composition of the standing committee. What we should do, in my view, is learn from that experience. There are going to be changes because of that experience, but the wrong changes are being made here. The experience was bad, so much so that the government had to wait until the current Parliament, in which it dominates both chambers of Parliament, to push through legislation, insisting that its appointment now, as a matter of law, be made. That would be surely an undesirable position for Mr McKechnie to be in. No-one would want to be appointed in those circumstances, I would have thought. Would it not be far better that the integrity commission in Western Australia, known as the Corruption and Crime Commission, be always known to have majority bipartisan support? I would have thought, as an aspiration, that would be far better. There has been only one episode when that has not worked out, and, again, members opposite will not like me saying it but I lay the blame for that in the decisions made on the composition of the committee. We cannot change that. The solution to that is not to throw the baby out with the bathwater and change the statute in the fashion that we are doing.

For the reasons that I am enunciating now, I am, if you like, almost reluctantly supporting clause 5 because it is a necessary mechanism to make the legislation before us work, but I am doing so expressing advance support for the provision that will be put forward by Hon Tjorn Sibma that would reinstate the very important principle of majority and bipartisan support for the committee.

Clause put and passed.

Clause 6: Sections 9A to 9C inserted —

Hon TJORN SIBMA: I am not intending to necessarily put further questions to the parliamentary secretary about the Attorney General's and the government's disregard for bipartisanship in the appointment of a commissioner and deputy commissioner to the Corruption and Crime Commission. I do not think that would add very much to the debate and nor would I convince the government, because it seems determined to jettison the most significant and important guardrail that we, the Parliament of Western Australia, have when it comes to the appointment of a suitably qualified person to be the commissioner, and now a deputy commissioner, of that institution. This is the line in the sand. This is when in Western Australia we mark a very important departure point from previous practice. I am not going to seek a commitment from the parliamentary secretary that future Labor governments or future Labor oppositions will live with the consequences of what the Attorney General is doing now in his victory lap around the Parliament before the 2025 state election. Instead, I will simply move the amendment standing in my name at 1/6. I move —

Page 5, lines 16 to 25 — To delete the lines and insert —

- (b) if there is a Standing Committee — the person has the support of the majority of the Standing Committee and bipartisan support;

Hon MATTHEW SWINBOURN: As is normal, I want to put on the record the government's position on this amendment. As already foreshadowed by Hon Tjorn Sibma, the government will not support the amendment. I think the reasons for that are quite plain, as the amendment would fundamentally flip what we are proposing to do. It is not a slightly different way of doing what we want to do. I do not think I need to put forward any great arguments. These issues were well ventilated in the clause 1 debate, my second reading reply and throughout the course of the debate on these matters. We will not and cannot support the member's amendment.

Division

Amendment put and a division taken, the Deputy Chair (Hon Dr Brian Walker) casting his vote with the ayes, with the following result —

Ayes (11)

Hon Martin Aldridge
Hon Peter Collier
Hon Donna Faragher

Hon Nick Goiran
Hon Steve Martin
Hon Sophia Moermond

Hon Tjorn Sibma
Hon Dr Steve Thomas
Hon Neil Thomson

Hon Dr Brian Walker
Hon Colin de Grussa (*Teller*)

Noes (19)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Kate Doust
Hon Sue Ellery

Hon Lorna Harper
Hon Jackie Jarvis
Hon Ayor Makur Chuot
Hon Kyle McGinn
Hon Shelley Payne

Hon Stephen Pratt
Hon Martin Pritchard
Hon Samantha Rowe
Hon Rosie Sahanna
Hon Matthew Swinbourn

Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Pair

Hon Louise Kingston

Hon Stephen Dawson

Amendment thus negatived.

Clause put and passed.

Clauses 7 to 36 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Matthew Swinbourn (Parliamentary Secretary)**, and passed.