

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

Sixth Report — “Annual Report 2013–14” — Tabling

MS M.M. QUIRK (Girrawheen) [10.06 am]: I present for tabling the sixth report of the Community Development and Justice Standing Committee entitled “Annual Report 2013–14”.

[See paper 2045.]

Ms M.M. QUIRK: It is my pleasure to table the second annual report of the Community Development and Justice Standing Committee in the thirty-ninth Parliament. The committee has had a very productive year, having completed two short inquiries, commenced a third inquiry, and conducted three agency reviews. I want to take this opportunity to discuss the contents and responses to each report that the committee tabled this year. Before I do, I would like to thank my fellow committee members for their valuable contribution to our deliberations: the deputy chair, the member for Morley, Mr Ian Britza, MLA; the member for Collie–Preston, Mr Mick Murray, MLA; the member for Armadale, Dr Tony Buti, MLA; and the member for Balcatta, Mr Chris Hatton, MLA. The committee has recently had a change of personnel, but that will be a matter to report in next year’s annual report. I also thank the committee’s previous principal research officers, Mr John King and Ms Dawn Dickinson, and the current principal research officer, Dr Sarah Palmer, and research officer Ms Niamh Corbett for their support throughout the year.

The committee’s first inquiry was into custodial arrangements in police lockups. It was well underway at the start of this reporting period and was concluded on 28 November 2013. The inquiry highlighted some serious shortcomings in arrangements, particularly in regional lockups. Although there have been improvements in detainee care since the Royal Commission into Aboriginal Deaths in Custody released its recommendations 23 years ago, the committee’s inquiry found that the physical conditions —

The ACTING SPEAKER (Mr I.M. Britza): Excuse me, member. Members, the conversations are getting a little too loud.

Ms M.M. QUIRK: The committee’s inquiry found that the physical conditions in some lockups are still far from adequate. Appropriate staffing continues to be an issue, and staff cultural competency training was considered lamentable. The committee found that there was no comprehensive system of oversight in relation to police lockups and recommended that oversight be assigned to the Inspector of Custodial Services. I certainly know that the inspection regime within the Department of Corrective Services is very effective.

The government’s response in May 2014 gave no firm commitment to this recommendation; it only noted it. It is my fervent hope that ultimately the government accede to that recommendation, to ensure major systemic improvement. As I said, the inspector’s office has done much to improve overall standards in the corrections system. There are other recommendations that were rejected outright. The first of these was to discontinue single-officer custodial care duties. This was a recommendation that the Western Australian Police Union supported because it understood that its members potentially could be exposed to unfounded allegations of abuse in those circumstances. Moreover, recent instances have demonstrated a strong imperative for adequate levels of supervision by personnel at lockups. A similar objective was the provision of additional funding for the Aboriginal Legal Service and enshrining a legislative guarantee for the provision of timely advice. It is trite to observe that the greater the contact with the criminal justice system without the benefit of legal advice, the higher the levels of imprisonment and this, of course, disproportionately impacts on Aboriginal Western Australians.

The committee’s next inquiry took a snapshot of the current status of disability accommodation and family support in Western Australia, which will act as a reference point when the state eventually moves to the National Disability Insurance Scheme. There is no doubt that the current funding provided to the Disability Services Commission is insufficient to meet the accommodation and family support needs of people with disability. As a result the application process for support is highly competitive, with families required to complete long and emotionally demanding application forms multiple times before receiving the funding they require. Some withdraw from the process in frustration, contributing to the undetermined number of people collected under the label “hidden need”.

The inquiry found that a lack of accurate data on the level of unmet need makes it difficult to plan future services. The government accepted eight out of the 18 recommendations of the committee. What is clear is that any significant delay in the rollout of NDIS will mean that the incredible pressure and strain that families experience is prolonged. We heard time and time again that the existing system compounded those family pressures. In this regard, the rejection of recommendations to consider the creation of some form of waiting list and the implementation of a maximum waiting time in the current system was regrettable.

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The committee also resubmitted to government a report tabled in the previous Parliament entitled “The Toll of Trauma on Western Australian Emergency Staff and Volunteers”, which was not responded to before the 2013 election. The issue of post-traumatic stress disorder in first responders is significantly under-reported, not readily recognised and presents a real challenge for emergency agencies. Although we waited considerable time for the government’s response, I am gratified that the Department of Fire and Emergency Services has used that report as a catalyst to launch its improved peer support program and to ensure supervisors are empowered to better address the psychological scars that may eventuate from sustained exposure to trauma. In the wake of the Margaret River fires, the Department of Parks and Wildlife also seriously addressed this issue and is acutely mindful of staff wellbeing. The WA police service has a larger workforce and has a long way to go. I make the observation that WA Police has a duty of care to its members and it is not apparent from the minister’s response to the report that the agency is fulfilling its full responsibilities.

Next, the committee conducted what became a contentious agency review of the WA Police handling of the investigation into traffic incidents involving a member of Parliament.

Several members interjected.

The ACTING SPEAKER: Thank you, members. I want to hear about the report in silence.

Ms M.M. QUIRK: The committee stands by its decision to conduct the review, given that there were ongoing questions about police’s handling of the incident circulating in the public domain. The committee does not resile from its decision to conduct the inquiry and it is worth noting that the terms of reference were agreed to by all members of the committee, both government and opposition.

Much of the unprecedented criticism of this report contained in the government response tabled in the 2014–15 financial year verged on contempt and contains an assertion fundamental to the inquiry that was objectively false. The committee has brought this to the attention of the Commissioner of Police by way of letter. That letter is annexed to the annual report at appendix 2. The committee is yet to receive a response. The letter was dated 22 August and states —

Dear Commissioner

I refer to your briefing note to the Minister for Police ... dated 12 July 2014 ...

The Committee has noted your comments to the Minister, as tabled in Parliament, and resolved for the sake of cordiality not to provide a detailed response to the full range of your reactions and impressions.

There is, nevertheless, one fundamental proposition repeated on two occasions in that note which is incorrect and goes to the very heart of judgements which might be made about how the Committee conducted itself. That proposition is that the Committee did not directly question the investigating officers.

The first assertion in relation to this is as follows:

“The investigating officers were not called by the committee to give evidence on this matter and the head of the investigation was not asked if he approached the investigation under such an assumption” ...

Elsewhere an adverse observation was made in the context of failing to call the person who conducted the interview with Ms Turnseck:

“The Committee has simply invented both of these conclusions. It has no evidence before it of how police conducted the interview or how the officer felt when conducting the interview. The Committee did not seek to call the interviewing officer ...

On the face of it, both of these comments lead to the impression that the Committee neglected to call the investigating officers to give evidence. We both know, however, that this is not the case and that the officers were not called out of deference to a request from you.

You will recall that you contacted me by telephone prior to the hearing and asked what evidence the Committee required—both oral and from the brief. Shortly thereafter a meeting was arranged between you, Committee research staff and me to clarify what evidence and which witnesses should be called. That meeting occurred on 14th May 2014 at Parliament House. Other members of the Committee joined us near the conclusion of the meeting and were advised in your presence of what had been discussed.

This was following a written request for you to attend the hearing, emailed to your office on 13th May 2014, which also outlined the other officers the Committee wanted to call—including “... The two officers who first attended the house described by the witness on February 23, and their supervisor;” ...

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At the meeting on 14th May 2014 you expressed concerns that the frontline officers who conducted the initial inquiries were young, inexperienced and not accustomed to the scrutiny and public spotlight which a hearing of this kind would attract. You gave us assurances that both you and the officers' supervisor could provide the Committee with all the necessary information which we would require.

Given those assurances we followed your advice and did not request that the more junior officers attend, accepting that the officers you recommended were best placed to answer the Committee's questions.

It is anomalous, then, to make the assertion that by not calling the very witnesses you asked us not to call demonstrates the Committee's lack of rigour and understanding of basic principles of criminal law.

I go on a bit more in the letter after that. As I said, this was one of the key criticisms of the commissioner on the committee's report. Members will see from that letter that, in fact, the committee negotiated for those officers not to be called.

The subjective and insolent epithets both in the government response and also in media comment are extraordinary. Words like "manipulating", "mischievous", "invented", "politically motivated", "predetermined position", "misguided", "irresponsible" and "unhinged" are hardly consistent with an impartial forensic analysis of the report. It is possible to have robust disagreement without descending to disrespectful invective. Words like "conspiracy" —

Several members interjected.

The ACTING SPEAKER: Members! Excuse me, I want to hear about the report in silence. I will call whoever interrupts next time.

Ms M.M. QUIRK: Words such as "conspiracy" and "collusion" or variations thereof are used nowhere in the report. It is therefore perplexing that the inference that the committee asserted its conspiracy or political interference is drawn in the response to the report. Why is there a need to draw inferences when there are express and unequivocal findings? In his comments, the commissioner noted —

There is a theme running through this Report which continually suggests interference by Government in the process of the Police investigation. This is a mischievous allegation without any apparent foundation which impugns the reputation of those involved. The Committee protects itself by using 'might have' or 'may have' to shelter behind a conclusion for which there is absolutely no evidence.

Mr C.D. Hatton interjected.

The ACTING SPEAKER: Member for Balcatta, I call you for the first time.

Ms M.M. QUIRK: In the interests of brevity, I do not intend to canvass all the perceived shortcomings levelled at the committee but I do want to focus on a couple of central grievances. Criticism was levelled at the committee about releasing unredacted witness statements without first contacting the makers of those statements. The committee was mindful that these had been made in contemplation of having to give evidence in open court and, accordingly, there was no suggestion that any person wanted to maintain confidentiality, something they would not be able to sustain if the matter was contested and they were required to give evidence in an open court.

Mr J.H.D. Day interjected.

The ACTING SPEAKER: Member for Kalamunda, I call you for the first time.

Ms M.M. QUIRK: In terms of the assertion that this action may have set a dangerous precedent or prejudice the prosecution, it is not clear how this would eventuate.

I will not dignify with a substantive response the accusations that the committee had only a rudimentary understanding of police investigation, a lack of understanding of the nature of circumstantial evidence and a failure to appreciate that prior bad behaviour cannot be admitted in evidence. There is indignation relating to a comment within the report that evidence had been destroyed. That is a statement of fact. There is no allegation of an attempt to conceal evidence. This statement of fact related to closed-circuit television footage that was taped over in the interval between it having been identified as existing and the delay in police returning to collect the tape. There is also some inconsistency in the extent of police inquiries made at Dumas House. Whilst the oral evidence given by police to the committee suggested that these had been exhausted and disclosed nothing, the running sheet did not fully set out the nature of those inquiries. There was no material provided in the running sheet or elsewhere that suggested that the security guard at Dumas House had been contacted and interviewed, let alone the contents of that interview.

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The State Solicitor contends in his note that the committee erred in finding that a claim of legal professional privilege on its legal opinion was overruled by parliamentary privilege. Quite rightly, in support of its claim, the State Solicitor contends that there is no binding High Court authority, which finds that parliamentary privilege does prevail over legal professional privilege. There is, however, persuasive authority. In this context, it is worth noting that the committee sought independent advice from the Clerk. Moreover, the State Solicitor quite rightly claims that it is not his privilege to assert but that of the Commissioner of Police. The police commissioner told the committee on more than one occasion that he had no problem with the opinion being released but it was the State Solicitor who advised that claim of privilege should be pressed. The committee gave the State Solicitor the opportunity to appear and make submissions before the matter was finally determined but this offer was declined. It was also open to the committee to conclude that the media release by WA Police had effectively waived privilege in any event.

Lastly on this matter, on behalf of the committee, I absolutely reject suggestions about the lack of integrity and professionalism with which the committee conducted itself. The allegations made reflect adversely on the parliamentary research staff who acted with integrity and impartiality at all times.

Mr C.D. Hatton interjected.

The ACTING SPEAKER: Member for Balcatta, I call you for the second time. I want this report heard in silence. I have given a warning about that. Further interruptions and you will be called again.

Ms M.M. QUIRK: Finally, in April 2014 the committee commenced an inquiry into policy implications of an ageing community. We look forward to tabling our report in November. As the proportion of the population aged over 60 continues to expand, there will be complex policy challenges to address. This state needs to ensure that it is well-equipped to cater to the needs of seniors.

MR M.P. MURRAY (Collie–Preston) [10.25 am]: I also rise to make some comments about the annual report of the Community Development and Justice Standing Committee and the conduct of members. I would also like to thank my fellow committee members including our able chair, the member for Girrawheen, who just gave a very comprehensive and frank report on the workings of our committee. In saying that, I support everything that she has said. When we are in political circles, there is no room to run away, as some members have done. They packed their bags because they did not get the result that they wanted in the committee. Members should be able to have their say in committees without fear or favour and not be leant on by those higher up or bosses within their own party. It is quite obvious that that is what happened in this case. I certainly say with some sadness that not the person who was inquired about but the person who was involved in the inquiry left his mates hanging in the breeze. He left Parliament. At the same time we have two members of Parliament whom I am sure now reject leaving, under pressure, I believe, from either the Premier —

Point of Order

Mr J.M. FRANCIS: Mr Acting Speaker, I refer you to standing order 92, which refers to imputations of improper motives and personal reflections on the sovereign, which includes members of both houses of this Parliament. I would suggest the imputation that committee members may have resigned for any choice other than their own would fall short of that standing order. I would ask you to ask the member to withdraw that comment.

Mr M. McGOWAN: The member did not refer to any specific members of this place. The fundamental basis of the point of order is flawed.

The ACTING SPEAKER (Mr I.M. Britza): It is a fine line, member, but I will allow you to keep speaking to the report.

Mr C.D. HATTON: The member is talking to and reflecting upon the annual report. In this particular part of the report, there should be no reflection upon a member of Parliament involved in that report.

Dr A.D. Buti interjected.

Mr C.D. HATTON: The member is reflecting on the member involved in the inquiry. The terms of reference were not about the member involved in the inquiry; they were about the police process. He has made a very derogatory comment against the member for Vasse. It was always going to be about the police and the member for Vasse, not about the member for Vasse's integrity. I think he should withdraw that comment about the member for Vasse.

The ACTING SPEAKER: There is no point of order. Continue your remarks.

Debate Resumed

Mr M.P. MURRAY: Again, we see what happens in this house when a member dares to stand up and dissent. The Premier made a snide comment when he walked past me just a moment ago, saying, "I thought you were

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better than that.” I thought the Premier was better than that and above that. It proves the point that I have been making about him bullying his own members and fingering those people to make a decision. He is as weak as water.

Several members interjected.

The ACTING SPEAKER: Member for Collie–Preston, you need to stay relevant; stay with the report please.

Mr M.P. MURRAY: Getting back to the issue, I now thank the staff, who have been implicated in a political matter. I can say that they showed the highest integrity in this whole construction. The work that they did was over and above that required, and I thank former staff members John King and Dawn Dickinson, as well as the current staff, Dr Sarah Palmer and our research officer Niamh Corbett, à la “Ronnie”, for their support and back-up for the chair and the committee’s work, which was very demanding, particularly after what happened when the report was tabled.

I now refer to the second report of the Community Development and Justice Standing Committee, “In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups”. I found it remarkable that when we were travelling around that at nearly every lockup we visited, there was the smell of new paint, the lawns had been mowed, the floors scrubbed and, at many places, the police plane was on the tarmac, having beaten us to the places we were going. That certainly was the case in the Kimberley. In one case, it was quite humorous to find that not one light was on in the cells when we went to have a look. That was probably the low point of that inquiry. In many places police officers work in appalling conditions—and I mean appalling! We saw some of the add-ons at some police stations that had been provided without much thought as to how officers worked in those areas. The Katanning Police Station was probably one of the worst examples; it was like a rabbit warren with cells at one end and the police at the other, making it very difficult for officers to keep an eye on what was happening in those cells. I am not criticising the police; I am referring to the conditions they work under. In some cases, police officers were trying to show the lockups in a better light. It was nice to see that in nearly all the places we visited that the lawns had been mowed. It is strange how that happens when an inquiry is underway. In saying that, I believe a lot more work needs to be done, not only in the way the lockups operate but also in the work that is done in the communities. The first option should not be to lock up people, especially in the Kimberley, where a lot more work needs to be done.

I move on and say that I cannot understand how some members can put up with the jet lag of long committee trips but cannot put up with the heat of committee debate. That really points out a weakness in some of our members of Parliament, who are quite willing to take trips around the world, but when it comes to doing the hard work —

Point of Order

Mr C.D. HATTON: Once again, this is a report on what has been happening in this committee since March 2013. It is meant to be a report upon the terms of reference and other issues, not upon members of the committee.

The DEPUTY SPEAKER: I thank the member for Balcatta. Member for Collie–Preston, can you confine your remarks to the annual report, please.

Debate Resumed

Mr M.P. MURRAY: I will take the advice of the member for Balcatta when talking about members of the committee who I believe have not fulfilled their duties, whereby they have taken trips around the world and then not come back and reported.

The DEPUTY SPEAKER: Order, member! I asked you to confine yourself to the content of the annual report.

Mr M.P. MURRAY: I am talking about the annual report because —

The DEPUTY SPEAKER: I am not convinced you are. Can you please do that.

Mr M.P. MURRAY: Madam Deputy Speaker, as usual, you have your view and I have mine. There is no doubt that we will continue this debate. However, because of your position, I will take some of your advice and say that I hope in the next annual report the people who took the trip around the world will report on that trip and put back into this Parliament something that they took out.

Point of Order

Mr C.D. HATTON: Again, the member is attacking the integrity of members in this place.

The DEPUTY SPEAKER: The member for Collie–Preston has taken direction.

Extract from *Hansard*

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Debate Resumed

The DEPUTY SPEAKER: Have you concluded your remarks or will you continue, member for Collie–Preston?

Mr M.P. MURRAY: I will continue; I have another four minutes to go.

The DEPUTY SPEAKER: Please continue and address the annual report.

Mr M.P. MURRAY: I am saying to members across all committees that if they resign from a committee, they should still complete a report at the end of the financial year to show what they have learned and can put forward to this Parliament. In this case, I do not see that happening. I am disappointed immensely over the waste of Parliament's money and that Parliament's interests go out the door when members resign because they do not like a report. I beg everyone in this chamber to stand up in committees without fear of or favour to their lords or leaders, such as the Premier, and to get on and do what they are asked to do in a committee, which is the whole idea of the committee system. Once a political bias is shown in a committee and the finger is put on the member, we will lose an important aspect of the committee system, which is to produce a report that will help Parliament make decisions into the future.

DR A.D. BUTI (Armadale) [10.36 am]: I also rise to speak on the tabling of the sixth report of the Community Development and Justice Standing Committee, "Annual Report 2013–14". As previously stated by the chair of that committee, a number of inquiries have been conducted and reports made. I start by referring to the committee's second report, "In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups". This was an interesting inquiry to be involved with. It has to be said that when we look at custodial issues, police lockups are forgotten while we concentrate on the prison system, which is under the direction of the Minister for Corrective Services, whereas police lockups come under the jurisdiction of the Minister for Police. I have to say that the police force itself does not see police lockups as a major priority, and some important issues need to be addressed. The committee's report contained a number of recommendations, which is the usual practice, and the government responded to that report and agreed with many of those recommendations. Due to the lack of time, I will highlight only some of the recommendations that the government did not agree to support.

One recommendation was that the Minister for Police initiate amendments to the Criminal Investigation Act 2006 to ensure that detainees in lockups receive timely access to legal services, in particular the immediate notification of access to the Aboriginal Legal Service by Aboriginal detainees, and to make evidence inadmissible in proceedings in court where a detainee's right to legal access has been deliberately suspended. The government has seen fit not to support that recommendation, which is incredibly disappointing. I think that most people would agree that it is imperative that people receive legal assistance as soon as possible and that evidence gathered when a lawyer is not present should be inadmissible. I thought that was the normal practice. However, in response to that recommendation, the government stated that if it agreed to that recommendation, the Aboriginal Legal Service of Western Australia would have to be resourced to a greater degree. It would, and that is the point, because people are not represented when they should be. We should not leave admissibility of evidence to the court's discretion; there should be a threshold test for evidence that is obtained when access is not provided to legal representation. It is always up to the client to decide that they do not want to be represented, but if access is not offered, then evidence should be ruled inadmissible.

The next recommendation dealt with the Aboriginal Legal Service of Western Australia. As a former solicitor with the Aboriginal Legal Service of Western Australia, I can attest to the very important work that it does. In not supporting this recommendation for increased financial support for the ALS, the government rightly states —

Funding for the Aboriginal Legal Service in WA is a responsibility of the Commonwealth Government.

That has always been the case, but the state government has always contributed to some extent. Unfortunately, the federal government's support of the Aboriginal Legal Service has been on the wane for some time now and it is important that the WA government tries to take up the slack in funding. It is imperative that Aboriginal people, as with all people, are legally represented. The government in its response mentioned that many Aboriginal people are represented by the Legal Aid Commission, and that is true, but I can also tell members that many Indigenous people want to be represented by the Aboriginal Legal Service. One of the characteristics of the Aboriginal Legal Service is that it was set up to represent Indigenous people. One gains an understanding of cultural issues from working at the Aboriginal Legal Service that one would not get from Legal Aid, although I must admit that there are many, many fine solicitors at the Legal Aid Commission of Western Australia. However, Indigenous people should not be denied the opportunity to be represented by the Aboriginal Legal Service due to lack of funding.

As I said, the government supported most of the recommendations, but one of the other recommendations that the government does not support is —

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That Western Australia Police discontinue single officer custodial care duties, ensuring a minimum of two officers are rostered for custodial care duties at any time.

The government did not support that. I would have thought that to have someone else with them would be very advantageous for the police officer, and it would also ensure that greater care is provided. Also, it is a security measure in case allegations are made about one police officer. It is disappointing that the government did not see fit that that recommendation should be supported. When I say “the government”, obviously, the police force was also instrumental in the response made.

Recommendation 15 states —

That Western Australia Police considers abolishing the maximum tenure period of four years in locations where continuity of staff would assist in building trust with the Aboriginal community.

The government rejected that recommendation, which is surprising. We are not saying that they have to stay for four years; we are just saying they should remove the practice that they have to move on after four years. There are other recommendations about coronial reports that I do not really have time to deal with.

The next report of the committee was “Client driven? Or driven to despair? Inquiry into Accommodation and Intensive Family Support Funding for People with Disabilities”. I think all members of the committee were moved by the evidence that we heard in the inquiry, and I do not have time to respond to the government’s response. The Minister for Disability Services is doing many, many good things in the area of community services, but no doubt funding needs to increase. However, we are moving to a new system under the National Disability Insurance Scheme.

I take this opportunity to thank the people involved in the committee. I would firstly like to thank the fantastic support group of research officers: previous senior research officers Dr John King and Dawn Dickinson; the current principal research officer, Dr Sarah Palmer, and research officer, Niamh Corbett, who have all done a fantastic job; the chair of the committee, the member for Girrawheen; the member for Collie–Preston; and the previous members, whose presence I missed, the member for Balcatta and the member for Morley. I believe those members did not necessarily resign of their free will; that would be disgraceful if that was the case. I refer to the report that led to their resignation, which was the “Review of the police investigation into traffic incidents involving a Member of Parliament”. Unfortunately, I do not have time to go through this carefully, but the government’s response included a response from the Commissioner of Police and the State Solicitor’s Office. The Minister for Police stated that we were arguing that the police should be guided by public opinion. We did not make that accusation at all. We said that the public held the view that the former member for Vasse more than likely should have been charged. We did not say that the police should be guided by public opinion or public comment at the time. The Minister for Police also stated —

The Government also notes the unusual and dangerous precedent set by the Committee in deciding to release documentation provided to the Committee without reference to any third parties affected by this matter.

She also stated that the committee —

... has now created a precedent whereby any member of the community who makes a statement in the course of a normal police investigation could ultimately end up in a situation where that statement is released to the wider public through the actions of a parliamentary committee.

The fact is that we are not a court of inquiry. The Commissioner of Police and the State Solicitor’s Office made the mistake of equating the committee with a court. We were not a court. If this matter had gone to court, the names would have been released. The member for Girrawheen dealt with the issue about legal privilege, so I will not talk about that.

The minister also dealt with the issue that we did not interview the investigating officers. It has to be said that the Commissioner of Police has tried to discredit the committee by saying it is a minority report. So what? At the same time the Commissioner of Police equates us to a court. In a court, there are many divided decisions. The famous *Mabo v Queensland (No 1)* decision was a 4–3 decision. That did not detract from the fact that it was an important decision. So what if there was a minority report? That does not discredit the report.

Leave Sought to Make Comment

Mr J.H.D. DAY: I seek leave to make remarks on the report.

Leave denied.

Several members interjected.

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The DEPUTY SPEAKER: Member for Armadale, I call you for the first time. We will move on.

Point of Order

Mr J.M. FRANCIS: I have a point of order.

Dr A.D. Buti interjected.

The DEPUTY SPEAKER: Member for Armadale, I call you a second time. A point of order is being —

Dr A.D. Buti interjected.

The DEPUTY SPEAKER: Member for Armadale, you are very close. I am listening to a point of order and I cannot hear it.

Mr J.M. FRANCIS: Deputy Speaker, further to that direction of you calling the member for Armadale to order, I refer to the interjection he made and I refer to standing order 92, which refers to imputations of improper motives. I ask you to direct him to withdraw that comment.

The DEPUTY SPEAKER: Unfortunately, with all the comment that was going on I did not hear what the member for Armadale said. Can you please withdraw your comment if it was an imputation?

Dr A.D. BUTI: I have no intention of withdrawing anything because I do not know what he is on about. If he is going to be consistent, he should be consistent with his leader and the remarks he made.

The DEPUTY SPEAKER: Thank you. It is not an opportunity to debate the point.

Mrs M.H. ROBERTS: Quite clearly the Premier made some unparliamentary remarks and it may well be that the member for Armadale also made some. Like you, I did not hear them. That was part of what was said across the chamber. The member for Jandakot is just wasting Parliament's time.

The DEPUTY SPEAKER: Thank you, members. This matter is concluded.