

CORRUPTION AND CRIME COMMISSION AMENDMENT BILL 2012

Second Reading

Resumed from 9 August.

MR J.C. KOBELKE (Balcatta) [3.13 pm]: The Corruption and Crime Commission Amendment Bill 2012 has a number of elements, but the key one causing concern to me and the opposition is the ability of the Corruption and Crime Commission to actually become a second police force; that is, for it to be given the powers, through a process, to engage in investigating organised crime alongside WA Police. I believe that makes this not only a bad law but also a dangerous law. It may have been just one of those thought bubbles of the Premier or the former Attorney General to try to create the perception that this government is tough on crime. This legislation makes the Barnett government soft on organised crime. It undermines the real and important fight against organised crime. This thought bubble has suddenly grown and created a creature beyond reality. We have a government fooled by its own propaganda. Crime, particularly organised crime—which is the key element contained within this bill—is a very real and serious concern. It is deserving of government action; of real, thorough attention from the government; and an integrated package to ensure we have the apparatus and the resources to take the fight up to organised crime.

Does this response by the Barnett government offer a better array of law enforcement bodies to more successfully tackle organised crime? No, it does not. Does this package offer extra funding or dedication of funding to fight organised crime? No, it does not. This government is talking itself into a corner because it sees crime as an election issue. The public is very concerned about crime in our community, and often more about personal violence than organised crime. This government thinks that simply talking the issue up will make it look like it is doing something. But that is the play; that is the politics. Unfortunately, organised crime is a much more serious issue and deserves much better attention than this government is giving it. This government sees organised crime as just a political football. It is a superficial proposal which any closer inspection will show to be counterproductive. It will let organised crime players off more lightly than they are now if this legislation is to proceed—by bringing the CCC into fighting organised crime in the way proposed. We need to ensure that we have the apparatus and the resources to fight organised crime. This bill would be a step backwards. With respect, we do not always receive support on these issues from the media, but a key article appeared in the *The West Australian* of Thursday, 2 August this year with the heading “Marriage of police to CCC worthy of Dumbo.” Clearly, it is a dumb idea to anyone who looks at it closely. When a dumb idea is put forward in such an important area, we see a government that is going soft on organised crime.

In my speech I will talk a bit about the Corruption and Crime Commission, a bit about the police and, importantly, about the relationship between the two and how they should work together. The Corruption and Crime Commission was set up as an oversight body to detect and root out corruption and misconduct in the public sector. It particularly has responsibility for combatting corruption within WA Police. How well it does that is a question we could debate, but I do not think that is central to the issue before us. Clearly, we would hope it might do it better. But it has the role of an oversight agency to WA Police so that there is an independent agency to try to root out misconduct or corruption within WA Police. Most of us do not encounter corruption; however, corruption is always a threat to good governance. Corruption threatens our system of government; it threatens the very important things we have in a democratic society.

I will quote from the tenth report of the Joint Standing Committee on the Corruption and Crime Commission, dated September 2010. In referring to the Kennedy royal commission, it states —

Commissioner Kennedy said:

... police corruption is an inevitable and universal characteristic of a police service. It is never likely to be entirely eliminated.

Commissioner Kennedy found there to exist within the police service:

... the full range of corrupt or criminal conduct from stealing to assaults, perjury, drug dealing and the improper disclosure of confidential information.

Commissioner Kennedy did not purport to state that his report contained the totality of misconduct or criminality engaged in by police officers. He was at pains to point out that investigating police corruption is a challenging and time and resource consuming task and that it was not possible for the Royal Commission to have investigated every allegation of misconduct that was brought to the attention of the Royal Commission.

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Nevertheless, what Commissioner Kennedy was able to investigate and report on paints a most alarming picture of the state of corruption within the WA Police with many incidences of corrupt conduct within the WA Police over the period covered by the report, which was from 1 January 1985 to the most recent incidence occurring in 2003.

If we accept that, as I certainly do, then organised crime must be taken very, very seriously. Organised crime, without limitations placed on it, will look to corrupt our police and government officials to continue to pursue its terrible trade. There is a range of ways in which people who are involved in organised crime will look to incorporate police officers or government officials into their operations. They may seek to entrap them with minor matters of misconduct, perhaps offering to pay them a small amount to forgo a speeding fine or asking them to accept an overseas trip or some extra benefit that they should not. By not disclosing it to their officials, they are then somehow in a grey area in which they feel they are obligated to the corrupting persons. The whole issue of misconduct flows through into corruption and then into organised crime. We certainly have enough instances that have been painted by the royal commission and what we have seen in other parts of Australia to know that there is a real threat here.

The Corruption and Crime Commission has the very important role of investigating corruption and misconduct in the public sector. This bill gives it another responsibility, which puts it into conflict with that very important central role. Accountability and transparency are very important if we are to have high standards in government. We have a range of agencies, the Auditor General and others to look into that. When it comes to looking into issues of misconduct and corruption, the police and the CCC cannot give us the transparency we have in other agencies. They cannot disclose information relating to an investigation that may lead to criminal charges in a court case halfway through the process. There are real limitations on transparency in this area. That is why it is so important that the CCC be independent of the agencies that it has to investigate. It does not mean that they cannot work together, but there needs to be very clear demarcation between the role of the police and the role of the Corruption and Crime Commission. The amendments in this bill merge them together for the purposes of certain operations. That destroys that independent oversight. It then means that we will have officers investigating a crime alongside the Corruption and Crime Commission in a particular case that has been properly approved, knowing that the very next minute the Corruption and Crime Commission could be investigating them for something they did in the course of their work. We are going to destroy that trust. What happens if the Corruption and Crime Commission becomes corrupted? I will come back to that in a moment. It is very important for the accountability of our system that the oversight body—the Corruption and Crime Commission—be clearly separated from police, which is our primary agency for tackling crime, particularly organised crime. That independence and integrity of the CCC is extremely important.

I turn now to make some comments on WA Police, an organisation that I have great respect for. I believe that the officers of WA Police do an outstanding job. Why does the Barnett government show in this legislation a lack of confidence in WA Police's ability to combat organised crime in WA? That is what the government is saying. It is saying that the police cannot do it so it has to bring in the Corruption and Crime Commission to be a second police force. I was on the select committee that helped set up the first corruption body in this state. We went to New South Wales to talk to officers from the Independent Commission Against Corruption and we went to Queensland to talk to officers from what was then the Criminal Justice Commission. I certainly formed the opinion in Queensland that the CJC took over some police roles, particularly witness protection, clearly because the Queensland government did not have confidence in the police after the Fitzgerald inquiry. That is what the Barnett government is doing here. It is saying that it really does not have confidence in WA Police to fully take up the fight against organised crime. I reject that. Perhaps the government is saying that it believes the police are incompetent. Police officers have a very demanding job. There is a range of abilities within WA Police, and clearly things do not always go as they should. I would not classify our police as incompetent such that we have to have another body to take over a key part of their fight against organised crime. Is the Premier saying that our police are corrupt? That was the case in Queensland. Why is he bringing the Corruption and Crime Commission into the police's patch? Its key role is to fight organised crime. Unless the Premier has some evidence that corruption is so widespread within WA Police that he has to do this, I do not see why we should make this change, which I believe will water down the fight on organised crime.

Maybe the Premier thinks that our police are under-resourced, and there are arguments for that when we look at the total level of resourcing. As has already been indicated, no extra resourcing has been announced as a key part of this package. The issue might be that the police move their resources to reactive policing and do not give the organised crime-fighting police the resources they need. Maybe the internal balancing of those resources is of concern to the government and giving some extra resources or bringing in extra resources that the CCC has might be part of this resourcing issue. I do not see that explained well in the second reading speech. We will see if the Premier has anything to say about that area. I would respond by saying that if there is an area of inadequate

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resourcing to the part of the police force that is tackling organised crime, we can clearly quarantine resources within the police budget to ensure that they do not get shifted out to reactive policing such as during CHOGM or something else; we should let them continue with their very difficult and demanding job of trying to catch the people in organised crime, to bring them to book and to have them locked away.

It may be that the legislative powers that the police need to fight organised crime are inadequate. There are some issues there, as seen in court cases in which the police have sought to use the exceptional powers or the coercive powers of the CCC to get information out of people whom the police believe are involved in organised crime. A number of minor amendments would be needed to try to clear up any little logjams in the system. This legislation goes well beyond that. This legislation is going to set up a new police force called the Corruption and Crime Commission, with the power to carry out its own investigations. We do not need that. If we need some legislative changes, they should be fairly minor and relate to giving the CCC more effective use of the coercive powers that it already has.

This legislation waters down the apparatus we have for fighting organised crime. It may even possibly destroy the oversight role of the CCC. That will not improve the fight against organised crime. If police do not know that there is a very powerful and effective oversight body in the CCC, that may mean that the incidence of corruption, which is always there, will fester and grow and we will have a major problem in our police. It does not help to ensure our police are doing the job when we confuse the oversight role with a role of investigating and prosecuting people for corruption and being involved in organised crime. If the CCC becomes an agency in the fight against organised crime, we can no longer regard it as an effective oversight body. That means that if the government really believes in having an oversight body to keep an eye on corruption within the police, it will have to set up a new body because the CCC will have been dragged into being a second police force to work with the police on operational matters. If the government still believes it should have an oversight body—as I do—then it has to set up a new body, because this legislation will undermine the ability for the Corruption and Crime Commission to do that effectively. It cannot, in my view, do both.

An element that really concerns me that goes to this is in the Premier's second reading speech to this bill, and I quote just one small section, which reads —

... the CCC has a well-developed capacity to conduct covert, long-term investigations, employing a broad range of law enforcement capabilities;

I find it most concerning if the Premier is suggesting that we will now have the CCC running long-term covert operations into organised crime.

[Member's time extended.]

Mr J.C. KOBELKE: Covert operations mean paying informants, controlled operations and assumed identities. We have police officers doing that already. It is a very difficult and a very dangerous task. It is risky for the individual's personal health and welfare, particularly psychological. They have to eat, drink and entertain in the company of criminals, all the time knowing that if they make just one slip they could be dead. The Premier is suggesting that we are going to have operatives out of the CCC doing that very risky work in which sometimes officers cross the boundary in what is legal and illegal, because when one is an underground covert operative and these criminals say, "We have drugs; take some drugs," if the operative does not take the drug or finds an excuse to get out of the situation, they could be killed. There will be CCC officers doing this very important work. The CCC might say, "You went a bit too far. You broke the law in doing your job as an undercover operative." While we have the police doing that and the CCC is independent of such an operative, we have someone independent to look at it and make a judgement. However, the Premier says that operatives from the CCC will be out in these difficult and dangerous operations in which they could be pushed just beyond what is acceptable. These people are working undercover under incredible pressure and facing huge risks, and then they could be investigated by their own body because they breached a law or did something outside of the constraints in which they were supposed to operate. It makes it very difficult to have a concerted fight against organised crime when the government starts down this road.

I would like to say a bit more about the CCC. It currently has the ability to work with the police. The police also have to work with the Australian Federal Police, the Australian Crime Commission and the Australian Taxation Office. The police work with a multiple range of government agencies when they investigate organised crime. These agencies need to work together and to build trust. The Premier is now going to throw the CCC into the middle of that as an oversight body. My view is that would undermine the effective fight against organised crime.

All organisations set up by government have their strengths and weaknesses, not only structurally in their legislative statutes et cetera, but also in the officers who work in them—some are good, some not so good, some average and some poor. We structure organisations so they will know what their focus is so they will actually be

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accountable to deliver on what the government is asking them to do. This legislation gives the CCC two different and competing roles. That is a huge step backwards. The CCC is a government agency, and people have already commented on the fact that it is open to be corrupted. We have the case of Mark Standen, an officer in the very important crime fighting organisations of the AFP, the New South Wales Police Force and the New South Wales Crime Commission who was involved in major drug dealings. In Western Australia, one of the commissioners of the Corruption and Crime Commission was charged with offences. That has occurred in Western Australia already! I do not go to the merit or otherwise of the case. I simply say that it is evidence that the CCC is a government agency and it will function like any government agency with the potential to trip up and to get it wrong.

The CCC can get it wrong. We have seen that in so many ways. The Parliamentary Inspector of the Corruption and Crime Commission has issued five reports in which his opinion differs with the decision made in reports of the CCC. The parliamentary inspector is a way of trying to deal with the issue that the CCC sometimes may get it wrong and not be fair in the reports that it makes. The government is now going to throw in that extra complication that the CCC will be a second police force as well. It is dumb! It does not make sense.

Like all agencies, the CCC is vulnerable to being overly competitive with other agencies to protect its patch and to grow its reputation. The potential will be there to show that the CCC got the kill or the evidence and it was able to mount the prosecution and not the police and, of course, the police want to say that they did it better than the CCC. The government is putting them into the same patch as government agencies, and we know all too well that competition between agencies happens easily. This legislation, again, will set up a problem with that competition between agencies. That competition comes down to budgets as well. In the 2010–11 budget, the CCC had an annual budget of \$30 million. In responding to this legislation, the CCC stated that if it were to take up this extra role given to it under this bill, it would need another \$24 million over five years to fill that expanded role in tackling organised crime. The CCC needs all this extra money, which the government has not as yet said it will give it. The tenth report of the Joint Standing Committee on the Corruption and Crime Commission assumes that the CCC will use its existing substantial resources of \$30 million a year to add to the police effort in tackling organised crime. However, the CCC says it needs this extra \$24 million if it is to move into this space and take up the powers which this legislation would give them. I say again as an example: government agencies are dynamic organisations and they do not always get it right and they will compete against each other, which leads to waste and inefficiency. We do not make sure we are getting the best value for the money spent if we spread it between two organisations. It is a little like health, in which the commonwealth and state governments have different views and blame each other. The move is to try to get away from that current structure. We are doing that in health because it has been evident for many years that that competition has not delivered the best outcomes and the most efficient use of resources. This legislation will set up a process that will exacerbate that competition between the CCC and WA Police. Unfortunately, dysfunction too often is the result of overlapping responsibilities. The establishment of trust between the officers of the two agencies, which is always a problem, will simply be exacerbated by the changes encompassed in this legislation.

I have tried to make the case to show that the relationship we already have between the oversight body of the CCC and WA Police is fraught. We do not have to go any further than last week with the CCC investigating the Western Australian Commissioner of Police. The point is not what they found or did not find, but it is clear that when one agency is overseeing the other that leads to dysfunction and tension. What the government wants to do in this legislation is not only to leave that oversight role with the CCC but also to bring in the extra complexities of the CCC being a second police force in the fight against organised crime. We need to clearly define the separate roles for the police and the CCC if they are to work cooperatively and successfully together, with the CCC remaining the corruption and misconduct overseer of the police and having its special powers to be used by police in a cooperative method, but not to have the CCC involved in operational crime investigation of organised crime. It is a dumb idea that will put back the fight against organised crime. If the Premier proceeds with this, he will wear the tag that he and his government is soft on organised crime.

The Premier has a track record of this. He did it with the future fund. It was an absolutely dumb idea—that the government borrows on the credit card and puts it in a bank book and somehow we are going to be better off. A higher interest will be paid on the credit card than is received on the deposit. The former Treasurer acknowledged in the estimates hearings that, on average, the government would pay more on the debt from borrowing than it would get on what it invested. Back in 2009–10 the net loss to the state in one year on the full future fund would have been \$35 million. In 2010–11 it would have been a \$25 million loss between the borrowings and what was invested. It is a dumb idea, and these changes to the CCC act are a really dumb idea.

People can say that I do not have much experience in this area. I was Minister for Police for a short time. I took up with the commissioner at one stage that I wanted to see what was happening with organised crime, because I

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had not been briefed by the police by their own volition. I thought it was a very important issue. When the commissioner briefed me, it was about the start of Operation Jupiter, which is still running now.

I would like to conclude by referring to some material in the report of the Joint Standing Committee on the Corruption and Crime Commission. In its investigation into matters relating to this legislation, the committee went to Queensland and took evidence from Felix Grayson, who was a former assistant commissioner of the Crime and Misconduct Commission in Queensland. He was also a very senior police officer working with the Crime and Misconduct Commission. He had 10 years' experience investigating organised crime as part of the oversight body in Queensland and also in conducting joint operations with the Queensland Police Service. It is exactly in this space that this legislation is seeking to move WA Police and the Corruption and Crime Commission here in Western Australia. I would like to quote Mr Grayson from the report. He said —

I do not believe the investigation of organised crime sits comfortably with an anticorruption body, particularly when you are relying on the organisation you are overseeing—and at times investigating—for operational support and intelligence. One moment you are seeking assistance and the next you are investigating its members.

Mr Grayson concluded by referring to time and resources. He said —

... alternatively, they have caused investigations to be terminated prematurely, thereby attaining results that could have been far better.

Mr Grayson also approved the following statement —

I would advise WA Parliament not to permit the CCC to conduct joint operations with the police, but to enhance the police access to extraordinary powers by the CCC. Such an emphasis would facilitate the greatest incidence of the CCC and the police working together rather than in competition with each other.

If [WA Police] are able to access extraordinary powers more easily and have the resources to conduct investigations, that is the way to go.

Mr Grayson has been at the forefront of fighting organised crime, and he knows what he is talking about. But his evidence fits in with the evidence from many other sources; that the oversight body should not be mixed up with a secondary police force to investigate organised crime. Premier, do not go soft on organised crime. The Premier is good with all the fancy words. He wants to talk up the fight on crime, but when it comes to the facts and the actual details of this proposition, it makes the Premier soft on crime. Do not go there. Organised crime is too important to play politics with.

MS M.M. QUIRK (Girrawheen) [3.43 pm]: I am very anxious to speak on the Corruption and Crime Commission Amendment Bill 2012. Those members who have been here for some time know that organised crime and how we combat it is an enduring interest to me. The impact of organised crime on our community cannot be overstated. This bill is based on a number of premises that, in the view of the opposition, are highly contestable. The first of those premises is that WA Police cannot itself effectively investigate organised crime. The second is that the Corruption and Crime Commission can more effectively do so. The third is that the conferral of broader powers to investigate organised crime will not compromise or prejudice the CCC oversight of WA Police misconduct. The fourth is that enacting more laws is equivalent to resourcing those required to enforce them.

In relation to the first of these premises—namely, that WA Police cannot effectively investigate organised crime—we must accept that we cannot be complacent about organised crime. Organised crime is a very dynamic group of enterprises. They change their modus operandi to avoid detection. We know from the Australian Crime Commission's illicit drug reports that the highest purity of heroin, which I think is about 48 per cent, is sold in this state. We also know that in Western Australia dealers sell amphetamine-type stimulants at the highest price anywhere in Australia. I think this is a reflection of the economic climate, which is attractive to organised crime. More and more organised crime enterprises are coming to the state because they know that they can get good prices for their drugs.

I want to refer to a couple of pieces of evidence contained in the report of the Joint Standing Committee on the Corruption and Crime Commission, "How the Corruption and Crime Commission Can Best Work Together with the Western Australian Police Force to Combat Organised Crime", or more shortly put, report 10. In that report, for which I commend the committee—it is an excellent report—Detective Superintendent Carver, who was then the head of the WA Police organised crime area, gave some evidence in this context. He stated —

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Western Australia's strong economic position provides an attractive market for organised crime groups. Their primary targets are Western Australians with a high level of disposable income who are likely to engage in experimentation and drug use ...

The high illicit drug price in WA is indicative of a market in which demand and affordability exceed supply. WA is a prime market place for the OCGs [organised crime gangs] to maximise their profits.

That is very much the case. We need to take seriously the growth in organised crime in Western Australia. In my view, this legislation is not how to do it.

We are aware from what police release to the media that a number of new syndicates are moving into Western Australia from not only the eastern states but also overseas. Some are related to outlaw motorcycle gangs, but others are not. Law enforcement is constantly playing catch-up because organised crime, by its very nature, is very opportunistic and adapts how it operates to evade detection. Prior to coming to this place, I spent almost 10 years in the National Crime Authority as regional counsel. Prior to that, in other roles I have had contact with organised crime, criminals and organisations. I am aware of some of the methods used to investigate organised crime. For the purpose of today's debate, I reflected on what was needed to effectively address organised crime. I think good intelligence is needed. Adequate resources are also absolutely necessary. This very much underpins where the government has gone wrong with this legislation.

I again refer to the joint standing committee report, which I think is very instructive. The Commissioner of Police, Karl O'Callaghan, gave evidence to the committee on the additional funding WA Police would like over the next five years—some \$50 million—to meet the growing threat of organised crime. I want to read this out at length, because I think it shows that there are no simplistic solutions. The personnel hired to do this kind of work are specialists and need to be hand-picked. It is just not sufficient to say, "We've got some bums on seats at the CCC. We won't have them doing this work anymore; we'll have them doing some other work." It just simply does not work that way. The police commissioner said funding would be sought for the acquisition of technical surveillance equipment, including cutting-edge covert tracking equipment and computer systems, and said —

This funding will also facilitate the upgrading of existing Technical Unit equipment and the Telephone Intercept platform along with the appropriate training and licensing costs.

That would be at a cost of \$27 million. The report notes that the police commissioner also identified specialist positions, including two level 6 computer network engineers; 3 level 6 forensic accountants for unexplained wealth investigations; four level 5 financial accountants; two level 8 solicitors seconded from the Director of Public Prosecutions; three level 3 paralegals; two level 5 covert online operatives; 16 level 3 monitoring personnel for telephone intercept and listening devices—conducting serious telephone intercepts obviously requires that level of investment in personnel; and five level 5 criminal intelligence analysts. I have certainly had personal experience of working with analysts and they are incredibly valuable. The commissioner also identified a need for transcription services, obviously for the intercepted product and surveillance device product, and translation services using secure and trusted translators. This is a really important area. Quite often organised crime gangs are ethnically based. They do not necessarily speak in English. In fact, it is part of their modus operandi to speak in another language to evade speedy detection by police. The police find it very difficult to get timely translation services. That is a simple thing. I am not sure why we need to go through this very complex and complicated legislation when improved outcomes is really about augmenting resources. The commissioner also said that technicians for the building, installation and use of technical equipment were required, as were experts in mobile phone data extraction and disclosure officers, who are obviously concerned with disclosure when matters go to court and the handling of that information in an appropriate way. These are the sorts of resources that WA Police needs to combat organised crime.

I also reflected on what is required and it seems to me to be experienced and competent investigators. As I said earlier, someone involved in the education function of the CCC cannot necessarily be told that they will henceforth be an investigator. Investigators need to have a lot of experience and to understand the many pitfalls in this area. A multidisciplinary approach is also necessary. I have articulated, for example, the use of analysts, lawyers and forensic accountants, who are all part of these complex investigations. There needs to be patience. In some cases these things take many years. That includes, for example, using surveillance staff for many months on end, which of course incurs overtime. It is a very expensive business. There is some luck involved occasionally. Occasionally, the police will want to use the special powers, but it is not the be-all and end-all. There are many investigations in which investigators will not want to show their hand or will want to use special powers only in a limited fashion, and certainly not with the key targets of the investigation. It is a level of naivety on the part of the government to think that the absence of the special powers is going to prove a problem for police. By and large, the special powers are useful but they are not the solution.

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Looking at the resources issue it is just not clear to me, and I do not think the government has satisfactorily explained, why, in introducing the bill, the same or even better outcomes cannot be achieved by WA Police if resources were deployed at levels equivalent to the existing resources of the CCC. As was noted on page 133 of the CCC committee report, according to Detective Superintendent Carver —

Serious organised crime fighting is a very expensive business to get into.

This was reiterated on page 146 of the report, where Detective Superintendent Carver was quoted as saying —

Serious organised crime fighting is a very expensive business to get into ... I am also very cognisant of the fact that money is finite within WAPOL and that it needs to be distributed across the whole organisation. May I also be so bold as to say that if some funding were to be made available, it be quarantined or tied specifically to the fight against serious organised crime. If this is done, the results will only continue to get better.

WA Police has achieved results despite the limitations on its resources. It has had some impressive results lately. This is despite problems with the way in which the pay structure within WA Police works, which has meant that a lot of detectives with good experience and good corporate knowledge have moved across to uniform. There has been a bit of a brain drain in terms of experienced detectives, who instead of continuing in that capacity have gone back to uniform and into more senior positions. They have also been working with their hands tied behind their backs, because the Criminal Investigation (Covert Powers) Bill 2011 has been only latterly introduced into Parliament. In fact, that bill was passed in this place with one minor amendment by the opposition, but, as I understand it, the government has proposed 156 amendments in the other place, so the government is effectively holding up that legislation. As I said, despite all these impediments WA Police has done quite well in a number of high-profile cases lately. I refer to a case mentioned by Gary Adshead in *The West Australian* of 26 February 2010. He stated in the article —

A joint operation between NSW and WA gang crime police has smashed a drug importation syndicate organised by the notorious Comanchero bikie gang.

More than a dozen Perth and Sydney properties were raided overnight, and 5kg of methylamphetamine seized as a result. One of the properties was a Northbridge gym that was raided last night.

Four men, including one Perth man police say is the WA president of the Comancheros, were arrested in the raids and are due to appear in court today or next week.

The police operation had begun last year under the codename Operation Baystone.

... the operation also yielded 2.7kg of amphetamine in December and resulted in a range of other charges, including possession of unlicensed guns and ammunition.

“We will allege there is a clear link between this drug shipment and the Comancheros,” Det-Supt Migro said.

“There is no question that outlaw motorcycle gangs represent organised crime networks. They are not social clubs, they are organised crime.”

Again, WA Police was able to work effectively with other police forces, namely, New South Wales Police, to achieve a very impressive outcome. Similarly, the organised crime unit had a very successful investigation involving Fabian Quaid. Todd Cardy’s article in the *Sunday Times* of 16 December 2009 states —

A SUPREME Court jury has found Fabian Quaid and another man guilty of conspiring to import 44kg of powdered ecstasy.

...

The haul at the time was the largest for MDMA in WA’s history.

It was alleged by police that Quaid and his co-offender were part of an international syndicate coordinated by a man in Montenegro to import the drug and turn the powder into pills for sale. The article stated that the conspiracy was hatched in a meeting between Quaid and another man at a cafe in Subiaco and that the men had been under covert surveillance for some months. Again, that is an example of the kind of work that WA Police does and that it gets impressive results.

The second premise I talked about was that the CCC can more effectively fight organised crime. I am just not sure what the evidence for that is. I would have to say that with a budget of \$30 million, I am not sure that the state is getting good bang for its buck with the CCC, especially when one compares that with the situation for the whole of Australia, with the Australian Crime Commission having a budget of about \$109 million. The CCC also has an impressive 139 staff. As I said earlier, I do not think that the staff who are currently devoted to

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education and corruption prevention can readily be transferred to the organised crime function, which begs the question of whether there will be redundancies.

Further, the oversight of the Corruption and Crime Commission is underdone. I am very concerned that if this bill gets through and the organised crime function is taken over by the CCC, the level of oversight of the CCC will be insufficient. I note that no inspector is currently appointed. Even when that no doubt occurs in the fullness of time, more staff will be needed in the inspector's office to adequately undertake this oversight. Once organised crime is introduced into the equation, the potential for corruption escalates markedly, which means we will need a greater level of oversight. We have not received any assurances from the government about how this will occur.

[Member's time extended.]

Ms M.M. QUIRK: I have spoken at length on the capacity of the CCC in the past. In fact, I spoke about the predecessor to the CCC in my maiden speech. More recently, I have also spoken about one particular case that occurred about a year ago and about the litany of errors for which the CCC was responsible. It indicated its incredibly consistent incompetence. I cannot see how it has the relevant skills to take on more complex matters of organised crime. The people behind organised crime have the means and the resources to employ the sharpest of lawyers, who will energetically take every technical point and readily expose the weaknesses in the prosecution's case. I am not at all confident that the CCC is bulletproof in this context.

The third premise on which the government has introduced this bill is that the conferral of broader powers to investigate organised crime will not compromise or prejudice the Corruption and Crime Commission's oversight of WA Police misconduct. The current oversight of police by the CCC is risible. I think the CCC has investigated two, possibly three, of the 382 complaints referred to it. That is just disgraceful. That is not the community's expectation and, frankly, it is not my expectation. While I was shadow Minister for Police I was constantly surprised that cases that I thought had real merit were not being examined by the CCC.

A couple of members in the course of the second reading debate have very appropriately mentioned the issue of trust. A real issue in the investigation of organised crime is trust between agencies. I recall notorious stories about two different agencies in New South Wales in the 1980s going after the same target and surveilling one another and not realising they were surveilling other police officers. Part of the overhaul of law enforcement following the Stewart royal commission, the Wood royal commission and the creation of the National Crime Authority was to make sure agencies worked together collaboratively. The assurances from the Premier in his second reading speech that somehow the two roles of the CCC can be managed and some sort of Chinese wall will be put up, are frankly laughable. This joint function will sentence the proposal to a lack of success; it is simply unworkable. I also wonder whether, if the CCC continues to take a backwards step in its level of oversight of police, the Ombudsman will be given a greater workload; and, if so, whether that will be resourced accordingly.

In Saturday's *The West Australian* there was a cogent summary of some of the concerns about this bill of not only the opposition, but also the community generally. I will read a bit from that because I think it is very apposite to the kinds of concerns that my colleagues and I have expressed. The article reads —

Just a day after the report of a Corruption and Crime Commission investigation into Police Commissioner Karl O'Callaghan was made public, State Parliament started debating legislation which formalises closer links between the CCC and police to fight organised crime.

If Colin Barnett wanted to promote the impression of a cohesive relationship in the proposed alliance of WA's top crime-fighting agencies, the timing could not have been worse.

The article refers to the commissioner —

He says he has been treated unfairly and that the CCC inquiry was flawed. We haven't heard the last of this matter and there is potential for the issue to be played out in the lead-up to the State election next March.

This public expression of mistrust is far from the ideal start to a new era of co-operation between the two agencies.

The article continues —

When the CCC was set up in 2003 in the wake of the police royal commission, it was made clear that its oversight of police was vital to restoring confidence in the police service. It was never intended that it should juggle this oversight with close co-operation with police on investigations.

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I think that is the key point. The article refers to the 2010 report of the Joint Standing Committee on the Corruption and Crime Commission —

... changing the CCC's focus while keeping its role of investigating police misconduct could expose the CCC to corruption and undermine public confidence in both agencies.

Finally, the article concludes —

The real issue is that West Australians need to have full confidence in the integrity of the CCC and the police. It is difficult to guarantee this under any circumstances but the proposed legislation undermines that goal and makes the relationship between the agencies unnecessarily murky.

That article very cogently sums up the concerns of not only the opposition, but also the broader community.

The final premise on which this legislation comes unstuck is that this government believes that enacting laws is equivalent to resourcing those who are required to enforce them. If I can give an example, one of the areas within which we can make a real inroad into organised crime is unexplained wealth declarations. Following the profits of criminal activity will certainly hamper and deter people from committing organised crime. I asked some questions of the then Attorney General about this, I think, last year.

Western Australia was the first Australian jurisdiction to introduce unexplained wealth laws in 2000 under the Criminal Property Confiscation Act 2000. Under that act the DPP can apply to a court for an unexplained wealth declaration. The court must grant an order if it is more likely than not that the total value of a person's wealth is greater than the value of the person's lawfully acquired wealth. Under an unexplained wealth order, a person becomes liable to pay to the state the amount of their unexplained wealth. On my inquiries, a handful of these applications have been made in recent years—maybe one or two. That is a real problem. Serious organised crime officers have complained to me about the fact that the DPP is not taking on these unexplained wealth applications. We have the most powerful laws on unexplained wealth and the acquisition of criminally obtained profits anywhere in Australia, yet the DPP is not using them. Rather than bring in legislation that, as reported in *The West Australian*, makes things murkier, the government would be better served by looking at the existing laws, seeing whether they are properly resourced and asking questions about why the laws are not being used.

Finally, by way of conclusion, and as the member for Balcatta summed up quite well, this bill is window dressing. This is not about doing anything substantive about organised crime. As I said, a number of laws already exist that can be deployed if the resources are available and WA Police is given adequate support. This is about saying to the community, "We're doing something about crime." The community is not worried about organised crime per se; it is worried about car thefts and burglaries—what, unfortunately, are now called volume crime, which I think dismisses the seriousness of those offences. In my own electorate, for example, in Marangaroo, there has been a consistent trend upwards of crime of about 10 per cent for two or three quarters at least, if not years; in Madeley about five per cent; and in Landsdale, six per cent. In all these areas, people who want to go about their daily lives undisturbed by criminal behaviour are facing the challenges of being victims of crime.

Mr J.N. Hyde: Member, will you take an interjection?

Ms M.M. QUIRK: Yes, certainly.

Mr J.N. Hyde: The Corruption and Crime Commission has just put out a media release relating to a joint operation on organised crime that it has done with the WA Police. Four people face a total of six corruption charges over allegedly tampering with urine samples at the Department of Health's PathWest laboratory in Tom Price. They are due to appear in the Magistrates Court in Tom Price tomorrow. This is another example of how, with the existing legislation and with goodwill, the powers of the CCC can be used to assist the police in the leading role of the police in fighting organised crime.

Ms M.M. QUIRK: I concur entirely. The powers are there, the goodwill is there, and the resources need to be there. The last thing that investigators need is some legislation that is about two inches thick and to be expected to negotiate themselves through what is becoming an increasingly technical minefield. We know what the desired outcome is; we know what we need to do. This is just not the appropriate way to do it.

MR C.J. TALLENTIRE (Gosnells) [4.11 pm]: I rise to speak to the Corruption and Crime Commission Amendment Bill 2012 and express my concerns. I would like to focus on two areas. One is the resourcing that we put into fighting corruption and crime and the idea that the government appears to have, which is about some sort of restructure to solve that problem, rather than lifting the level of resourcing that we put towards fighting organised crime. That is one area I want to look at, and the other relates to clause 21 of the bill, which deals with the misconduct provisions for the Public Sector Commissioner. However, I will begin with the issue of a restructure rather than a proper resourcing of the Corruption and Crime Commission. This is a restructure idea that would lead to a merging of or muddying of the waters about the division between the WA Police and the

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Corruption and Crime Commission. I see all kinds of dangers with that bringing together of two very important agencies which currently enjoy high respect amongst many in the community but which nevertheless need greater resourcing.

I think it is fair to say that in Western Australia we have a form of organised crime that very quickly borders on the thuggish side of crime. There is a strong linkage between the operators of clandestine drug labs and people who perhaps oversee the activities of people producing methamphetamines and other illegal drugs in the community. There is a structure that goes on. It is an informal structure and it is run in a thuggish way, with strong-arm tactics from different people. However, the reality is that crime in the suburbs is much more about hooning, burglaries and drug houses; it is about those things. So people in the community are asking, "What is all this legislation about when it seems to be at a different level from the day-to-day concerns that we have with crime in our suburbs?" People are asking what the Barnett government has really done to make their suburbs safer. I do not see any evidence that suggests to me that people feel safer. We are, of course, talking about perceptions, and when we see crime statistics, people can always point to general downward trends, but the concern still remains that crime is as prevalent as ever in our suburbs. People have those concerns; they are ongoing.

We are here to debate changes to the way we tackle the issue of organised crime. On those rare occasions when organised crime insidiously occurs in our society, invariably it is through some form of control over police officers somewhere in the police force; sometimes they are higher ranking officers. We know that throughout history this has been the case and that the most effective organised crime organisations have managed to take some form of control over very senior people in different police forces. One has only to think of someone like J. Edgar Hoover, who founded the Federal Bureau of Investigation in, I think, 1935 and remained in office until his death in 1972, and the sort of corruption that could occur with someone who was so much a part of the system and was supposedly a warrior against crime but who nevertheless was vulnerable to the tactics used by those engaged in organised crime. There is this potential for crime fighters to be corrupted, and that is why we have to maintain this separation. The linking of the two in any way leads us into a very dangerous situation.

Like other members, I want to turn to the recommendations and the findings of the Joint Standing Committee on the Corruption and Crime Commission. I notice that the committee's tenth report into corruption and crime had some very worthy underpinnings, and I would like to highlight a few of those. The executive summary of the report states on page xxv —

Underpinning the Committee's findings are the following assumptions:

- Corruption in the public sector reduces the public's trust in the Government and Parliament, and if left unchecked is destructive to a democratic society.

I think that goes without saying —

- A corrupt free public sector is vital for business confidence and investment in Western Australia.

That goes without saying —

- Maintaining an effective bulwark against public sector corruption is vitally important in ensuring that Western Australia remains a truly democratic society.
- The CCC is the lead entity entrusted with the task of combating public sector corruption.
- Vital to the success of the CCC in combating public sector corruption is its integrity and independence.

There we have it. The joint standing committee found that that need for independence was absolutely crucial to the good and effective operations of the CCC. The report goes on —

- The CCC's integrity and independence will be compromised if it is allowed to engage in joint operations with the WA Police to combat organised crime.

The CCC's integrity and independence will be compromised if that merging of operations with WA Police to combat organised crime occurs. This government is ignoring precisely this point, and I find that extraordinary. We have expert, quality advice coming through from the Joint Standing Committee on the Corruption and Crime Commission, yet we have a government that wants to ignore its advice. A final point on the underpinnings of the committee's findings was as follows —

- In the current political climate of affording greater powers to the WA Police, the interests of the community are best served by having the CCC remain a strong and authentically independent watchdog of the WA Police.

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These comments by the Joint Standing Committee on the Corruption and Crime Commission really give us the guidance that we in this place need. Therefore, it distresses me that we are facing legislation that the government has put before us that goes against those very crucial underpinnings as defined by that joint standing committee. It has to be said that the Corruption and Crime Commission should be an independent oversight body. Anything that erodes that, any sort of government restructure that leads to the CCC being somehow forced into doing operational work with Western Australia Police, would undermine the good oversight of crime fighting in Western Australia.

Those were my remarks regarding the restructure and I now turn to clause 21 of the Corruption and Crime Commission Amendment Bill and the issue of the Public Sector Commissioner's role. I am concerned that some changes will remove agencies' ability to resolve problems internally and that, instead, the legislation could lead to issues being put before the Public Sector Commissioner when an internal process may have been more appropriate. I am concerned that various internal political games could be played within agencies when there are differences of view within an agency. There could be conflicts between officers of a public service agency who would then use the capacity in this bill to refer matters to the Public Sector Commissioner. Proposed section 45E(1), "Any person may report minor misconduct", states —

A public officer or any other person may report to the Public Sector Commissioner any matter which that person suspects on reasonable grounds concerns or may concern minor misconduct that —

- (a) has or may have occurred; or
- (b) is or may be occurring; or
- (c) is or may be about to occur; or
- (d) is likely to occur.

That is all very general and means, really, that somebody could refer just about any sort of concern to the Public Sector Commissioner. Therefore, we can imagine a situation in the public service whereby an officer is working on an area of policy or is dealing with matters at an operational level—perhaps it is to do with some sort of regulatory capacity or licensing function of an agency—and if another officer does not like the way that work is being conducted, even though it may be a matter that might previously have been resolved internally, we could see it being referred to the Public Sector Commissioner. That is a real concern. Proposed section 45E(4) states —

A person who exercises the power conferred by subsection (1) does not commit an offence by reason of that exercise.

So there is a real concern that people motivated by a vexatious concern or anything else could refer a matter to the Public Sector Commissioner and they could feel protected by the provision in proposed section 45E(4) that a person who exercises the power conferred by subsection (1) does not commit an offence by reason of that exercise. Proposed section 45E(5) provides for some penalties. It states that a person who makes a report to the Public Sector Commissioner under this section knowing that the content of the report is false or misleading in a material respect, or who makes a report maliciously or recklessly, may face penalties in such cases. But I think that there is a vagueness, a gap, and confusion about what could be deemed to be malicious or reckless or what might be false or misleading. That could be quite different from someone who just does not like the way another officer is dealing with a case and therefore finds grounds to refer the matter to the Public Sector Commissioner. I have concerns about that. There are penalties should a person be found to have acted in a malicious or reckless way. That person is guilty of a crime, so there is certainly a risk, and the penalty is a fine of \$60 000 and imprisonment for three years. There are severe penalties; nevertheless, I think there is such a grey area between what could be referred to the Public Sector Commissioner and what would be deemed a crime that there is a weakness in clause 21 of the legislation.

I conclude my remarks by saying that I really do have concerns about the government's wish to use a restructure as an alternative to adequate resourcing, which really is the solution; it is really the way to fight organised crime in Western Australia. Restructuring in a way that brings together the police service and the Corruption and Crime Commission is very dangerous for the reasons that I, and other members, have outlined. If we want to broaden the state's capacity to investigate organised crime, there is only one way to do that—namely, provide better resourcing to the agencies involved. I am very concerned about this legislation and I do not believe that it will do anything to allay the concerns that people in my electorate have about how we go about tackling crime in our suburbs.

MR P.C. TINLEY (Willagee) [4.25 pm]: I also will add some commentary to the second reading debate on the Corruption and Crime Commission Amendment Bill 2012.

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We have heard in some technical detail from people with a great deal more experience in this area than I, not least of whom were the member for Girrawheen and the member for Balcatta who outlined some of their real concerns with both the technical and some of the philosophical aspects of the bill. In my contribution I cannot, in the first instance, go past talking about this philosophical train smash that we seem to have with what are seen to be the competing roles of the Corruption and Crime Commission as an organisation on one hand and Western Australia Police on the other hand. Both organisations are on the spectrum required to fight crime and to attend to the issues of crime. However, when first offered the proposition that we need a structural change or legislative remedy, one wondered: What is broken? What does not work? What about this situation does not achieve the ambitions of fighting crime? If we cannot come up with conclusive evidence that organised crime is out of control or is not being attended to, which I cannot—having reviewed the available literature, it does not appear that the state of Western Australia is about to have all its institutions completely corrupted through the activities of organised crime or, in fact, that society is about to collapse—we have to ask: Why is it that the CCC now needs an expanded and deeper role? Why would it need that? What has driven this government to decide that this agency needs to have something else to do? Is it that there is not enough corruption for the CCC to attend to? Is it that there is not enough other activity in relation to the public institutions that the CCC has oversight of? Or is it something to do with the relevance of the organisation and being able to attract people of a suitable calibre who would both perform the oversight function and undertake something they see as deep and meaningful in relation to crime fighting? I suspect that it is potentially the latter, simply because there is an absence of evidence on hand that says we need to have a super-agency predominantly for the purpose of fighting organised crime.

When I look for the evidence, I cannot find any. But more importantly, when I look at the nature of organised crime, I know that we need to give it better attention; it needs more resources, not less. When I say “more resources”, I am talking about not only equipment and people but also a depth of knowledge and understanding about how organised crime works and adapts. We have a cul-de-sac organisation, as I would call it, rather than something with a wide remit to engage with all parts of our community—domestically in Western Australia, interstate and, in some cases where it needs enough of a connection, with international bodies—to ensure that it is actually stronger on the detection side than the response side, which is what we need to truly get at what I think would be a cogent response to organised crime. Organised crime, by its nature, is very adaptive. Members only need to have a cursory understanding of history, like me, to know of the prohibition days when one regulatory change created a whole sub-industry for organised crime in the area of bootlegging in the US. We classed that forward. A book I got into called *The Economics of Organised Crime*, edited by Gianluca Fiorentini and Sam Peltzman and written in 1997, talks about the economics of crime and noted that the industry is responsive to regulatory market changes just as is any other. We only have to think in more recent times to the transition from heroin and cocaine in the 1970s and 1980s through to the synthetic drugs that we all have to deal with now.

The nature of organised crime is something that we need to unpack and understand. Those involved in organised crime do not want to conceal the product they are involved in or the activity they are undertaking. The Chicago bootleggers did not necessarily want to conceal the fact that alcohol was being consumed when there was a prohibition against it. People taking or selling drugs are not particularly concerned about concealing the criminal act of doing so. They want to conceal the level of organisation, the level of sophistication around the organising networks and the capacity to adapt to ensure that they prevail in a market that has a different sort of reactor to it. I will give a better example. Like many other members here, from time to time, usually through good luck and good intelligence, I have the knowledge that there are clandestine laboratories making synthetic drugs in my neighbourhood in the electorate of Willagee. This is an exploding cottage industry. I am not sure that we can put a quantitative handle on the scale of that problem. Because it works at a micro level, house by house, there could be hundreds, if not thousands, of homes producing synthetic drugs and all that comes with it. That is not the bit that needs to be attacked. The bit that they want concealed is the fact that we can go to our local outlaw bikie gang, if we want to use that term, or other organisation and get a starter kit to take home. They are virtually co-oping it out like the co-op in the wheatbelt sells yabbies for people to grow and then the co-op buys them back. They simply buy back what people bring back. It is a classic co-op situation. We need to understand that they want those networks concealed. I do not care if a clan lab blows up one week after the next; there are plenty more where they come from. The people who are in the distribution chain for those start-up kits and who collect the material and on-sell it are the people involved in organised crime in the suburbs. That takes a lot of work to uncover. Someone with a bit of technical collection ability does not simply set up a cul-de-sac organisation and then reach down and all of a sudden unpick it. They need thousands of people on the ground in detection mode. Once that detection mode is enabled, it fits in with an all-informed network, which is an important point here, and we will get adaptive responses to these things.

There is another area in which organised crime works, as has been reported to me by a few of my constituents who are fly in, fly out workers. When I ask them during the conversations I have with them about alcohol

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consumption and safety in the mines, we talk about how often they are tested for drugs and alcohol. They told me that in Karratha, on any given morning, they can collect a urine sample to use when they do a test at the mine site or the site they are working at. I understand that it happens at several places, including Newman and Tom Price. While fraud is one small aspect of that crime or illegality, someone can go to a place in a suburb of Karratha and purchase that sample. What is the organisation that sets that up and gives somebody that opportunity at the retail end, and why is it widespread throughout the Pilbara? It is because there is a market. It shows that there are organisations that are as adaptive as any other agile business in Western Australia that have the capacity to see a need and fill the need. They see the need for people with a drug or alcohol dependency who cannot contain themselves to circumvent the rules and the opportunities.

The point I am making is that it is not the act or the product; it is the network. The network and the organisational techniques of that network need to be attacked. The contention is whether the CCC, even in its perceived form as proposed by this legislation, will have the capacity to do that. If we accept the contention that the CCC will have increased capacity as a result of the additional millions that will be paid to it and the reduction of its other roles—which include education and investigation into corruption of those public institutions that give the public confidence that we are doing the right thing—we have to ask: in an operational context, how fit for purpose is it to work as an all-informed collection network? Western Australia Police has 5 500 members out and about every day and every night in every way. It already has an organised crime capacity. If the ambition is to fight organised crime, why would we invest in a cul-de-sac organisation that has as its principal remit the maintenance of public confidence in a public institution and its officers and then say, “There’s a few extra million dollars; can you solve this organised crime problem” when the organisation is already set up? Evidence given to the Joint Standing Committee on the Corruption and Crime Commission, as set out in the various reports it has produced, included some interesting commentary about what was required, which was a fairly modest investment into Western Australia Police to ensure that it had the real capacity to fight organised crime.

Another dimension as to why we would want to ensure that we have a cogent all-informed intelligence collection network for the purposes of fighting organised crime is that we now know that one of the modern phenomena since the 1990s is the nexus or the crossover between organised crime and terrorism. The state of Western Australia should never lose sight of the fact that as we move into the century of the Association of Southeast Asian Nations, we will be part of a potential target or a potential funnel for the use of organised crime and terrorism. It is undeniable. I read some of the old studies, including “The Crime-Terror Continuum: Tracing the Interplay between Transnational Organised Crime and Terrorism” by Tamara Makarenko. It is required reading in some intelligence circles. So that members get a grasp of what I am saying, I will read part of it. It states —

Increasingly since the end of the Cold War and the subsequent decline of state sponsorship for terrorism, organised criminal activities have become a major revenue source for terrorist groups worldwide. Building on the precedent set by narco-terrorism, as it emerged in Latin America in the 1980s, the use of crime has become an important factor in the evolution of terrorism. As such, the 1990s can be described as the decade in which the crime–terror nexus was consolidated: the rise of transnational organised crime and the changing nature of terrorism mean that two traditionally separate phenomena have begun to reveal many operational and organisational similarities. Indeed, criminal and terrorist groups appear to be learning from one another, and adapting to each other’s successes and failures, meaning that it is necessary to acknowledge, and to understand the crime–terror continuum to formulate effective state responses to these evolving, and periodically converging, threats.

The point I am making is that the rise of economic power among the nations of the Association of Southeast Asian Nations brings with it the rise of criminal activity in Australia, not only as a market for drugs and other such criminal activities, but also white collar crime, as a sophisticated financial market for the purpose of laundering money et cetera. We must never lose sight of the fact that we are part of an alliance across the country and around the world. That is why we have a foreign policy and invest so much of our time with our allies in producing some of most sophisticated and capable networks for detection. Increasingly, as we go into this century, we will be required to interact with these other agencies, and it is important that like culture meets like culture. For example, how will an agency that has responsibility for investigating organised crime, such as proposed in this legislation for the CCC, best interact with other agencies that have that responsibility as well? I contend that when we have such a large detection, collection and response capability, as we have already within our police force, we also have with it a very good, highly invested arrangement of liaison between all the state police forces, which will have to get closer and closer as we go into a more technical age. However, we will have a cul-de-sac agency, such as is proposed for the CCC, which is responsible for looking into organised crime. It will not be in isolation—I accept that its best intention would not necessarily be to act in isolation, but I suggest that the cultural impediment would be huge for the CCC to talk to the very police force over which it is required to have an oversight. I would have thought that improving the resources and capacity of WA Police, in which we

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have already invested and which is already enabled and has a level of sophistication, is far more cost effective and efficient. Again, it is not about equipment or who has the best technical collection capability, because right now in this state I contend that the CCC has that; in fact, it would be a transfer of capability and an improvement of the police service to be able to collect and act and analyse, because it is the analysis and acknowledgement of that information that is most important.

I see a better role for the CCC in acting as an assessor, as it is currently required and able to do—that is, to provide oversight. The CCC would be good in that independent role of assessing the capacity of WA Police to do the complete role of intelligence collection and fighting organised crime. This bill does not attend to that. This bill is about relevance. This bill is about trying to provide relevance for an organisation that this government does not want to focus on public officers; it wants it to focus on something for which I am not sure that a case exists.

MR W.J. JOHNSTON (Cannington) [4.43 pm]: I rise to support the Labor Party position on the Corruption and Crime Commission Amendment Bill 2012. This side of the chamber is very lucky because we have so many fine legal minds that we can apply to legislation like this. I remind the chamber that we have the shadow Attorney General, the member for Mindarie, who spent years as a prominent solicitor dealing with criminal matters in this state. We have the member for Girrawheen, who in a former life was extensively involved in fighting crime through the Anti-Corruption Commission and at the Commonwealth Director of Public Prosecutions. We have the member for Armadale, a very distinguished legal mind, lecturer at law and a winner of the St John award which took him to Oxford to do his PhD. He is a recognised legal mind in this state. We also have a couple of other solicitors, including the member for Victoria Park and the Leader of the Opposition. We are very well equipped to analyse this legislation. That detailed and very extensive analysis is, of course, confirmed by another legal mind—that is, the Liberal Party's Hon Nick Goiran, MLC, the Chairman of the Joint Standing Committee on the Corruption and Crime Commission. It is worthwhile looking at his conclusions, and at the unanimous conclusions of the Joint Standing Committee on the Corruption and Crime Commission in its tenth report, which looked at this issue of combining the corruption functions of the police with the CCC. I will quote briefly from Hon Nick Goiran's foreword to that report in which he says —

There is an undeniable attraction in the proposition that the CCC should be doing more to combat organised crime. The challenge for this Committee has been to unpick this proposition and return to the conceptual origins of the CCC, while at the same time informing itself as to the level of organised crime in Western Australia, and to form an assessment as to whether the resources of the CCC could be more usefully engaged in the fight against organised crime.

He goes on —

Throughout the course of this Inquiry both the CCC Commissioner and the WA Police Commissioner have remained firm in their support for a model that would see the jurisdiction of the CCC extended to allow the CCC to directly investigate organised crime. Such a model would see this jurisdiction triggered via references from a mooted Reference Group, consisting of the CCC Commissioner and the WA Police Commissioner...

He goes on and analyses what occurred in the inquiry. Further down the page, he states —

In the final analysis, it is the Committee's firm view that there are significant shortcomings in the Reference Group Model. The Committee concludes, after the benefit of reviewing the available evidence, including analysis of ICAC in Hong Kong, that the CCC's crime fighting role (as distinct from its corruption fighting role) is best left to its present function under the CCC Act, which is to confer Exceptional Powers upon the WA Police to fight organised crime

It continues on after that, but the point I make is that it is not just a bunch of socialists saying these things. These are very considered people who have had a lifetime of involvement in fighting crime, like the member for Girrawheen; in dealing with criminal matters as a solicitor, like the member for Mindarie; or in exercising their mind in an academic fashion, like the member for Armadale. I understand that the Liberal Party has only four lawyers in the Parliament—the current member for Bateman, the member for Mount Lawley, Hon Nick Goiran plus the current Attorney General. We know that one of those Liberal Party lawyers, as part of a cross-party committee, including the member for Swan Hills, looked at this issue and came to the same conclusion that has arisen from the Labor Party's extensive consultation and consideration. The Premier can say that they are all wrong, and that the Labor Party is soft on crime or some other slogan.

Mr C.J. Barnett: You are!

Mr W.J. JOHNSTON: Here he goes with a wonderful little slogan! I was waiting for the slogan. It reminds me of the quote from Winston Churchill —

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A lie gets halfway around the world before the truth has a chance to get its pants on.

The truth in this matter is that this bill will do nothing to fight crime, and our opposition to this misdirected and badly thought out bill that has been concocted by the Premier is not the same as saying that we are soft on crime. In fact it is very easy to construct a case, as the member for Mindarie and others have already done, that to proceed with this legislation will be going soft on crime because it will allow the potential to poison the Corruption and Crime Commission. It will make it an object for organised crime; whereas it is not currently in that position. I noticed another quote from Winston Churchill when he said —

In wartime, truth is so precious that she should always be attended by a bodyguard of lies.

Perhaps the Premier has been learning from Winston Churchill!

I want to go on to another aspect of the bill, which in the second reading speech is referred to as the transfer of the oversight and minor misconduct of public officers from the CCC to the Public Sector Commission. It would be good to know the budgetary implications of that decision. What will be the additional budgetary needs of the Public Sector Commission to deal with that new scope? How is it intended that new powers will be exercised? It would be good to get a clear understanding in reply to this second reading debate of how the government expects the oversight of that activity to take place. The Labor Party is not opposing that arrangement, but I am not sure the Labor Party is convinced that it is the best decision. A future Labor Party will have to review what, if anything, is being done and make a decision about it. It would be very good if the Premier can provide in his reply to the second reading debate how that will be implemented; what will be the actual oversight of the Public Sector Commission and how in practice on the ground it will deal with its expanded brief, and what will be the budgetary implications for that.

I go now to the next point raised in the second reading speech—that is, the CCC’s misconduct prevention and education function being transferred to and exercised by the Public Sector Commissioner. Again, the Labor Party is not opposing this but I want to question how it is intended to work. I understand any misconduct by a police officer is not minor misconduct and, therefore, is not being transferred to the Public Sector Commissioner and I understand that the Public Sector Commissioner does not otherwise have jurisdiction over police officers. Does the government intend to transfer the education and misconduct prevention functions of the police to the PSC? If so, how will that —

Mr C.J. Barnett: Police are not public servants, so that can’t happen.

Mr W.J. JOHNSTON: Where does the misconduct prevention and education function sit in respect of police officers? Is it in the legislation?

Mr C.J. Barnett: I imagine that will stay with the CCC; the jurisdiction remains unchanged.

Mr W.J. JOHNSTON: Can the Premier direct me to the provision?

Mr C.J. Barnett: It remains unchanged.

Mr W.J. JOHNSTON: Which section of the act contains that?

Mr C.J. Barnett: We will deal with it in consideration in detail, but it remains unchanged.

Mr W.J. JOHNSTON: Perhaps, in his reply, the Premier can —

Mr C.J. Barnett: The Public Sector Commissioner can deal only with public servants. The police are not public servants; it’s as simple as that.

Mr W.J. JOHNSTON: As I say, this is the Premier’s bill; he is the one with the expert understanding of the legislation.

Mr C.J. Barnett: I just answered your question.

Mr W.J. JOHNSTON: There are 147 pages. Can the Premier direct me to the provision that makes it clear that the CCC will retain the prevention and education function in respect of police officers? I am not asking him to do that instantaneously, but it would be very helpful to the debate if he could do that in his reply and explain through the chamber to the people of Western Australia —

Mr C.J. Barnett: I just did.

Mr W.J. JOHNSTON: With respect —

Mr C.J. Barnett: You point to the provision that transfers that function to the Public Sector Commissioner. There is not one because it will not happen.

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Mr W.J. JOHNSTON: I am reading from the second reading speech. I will happily read the notes that have been provided to us in the explanatory memorandum. If it is there, the Premier can show it to me; that is all I am asking from him. I am not saying he is wrong.

Mr C.J. Barnett: That's good.

Mr W.J. JOHNSTON: I am just asking a very, very simple question. It is one of these extraordinary questions that we ask and we cannot believe there is any resistance to answering it.

Mr C.J. Barnett: I just did answer it.

Mr W.J. JOHNSTON: I am sorry; with respect, all I am asking for is the provision. Rather than trying to get into some sort of instantaneous response when he is clearly not sure what provision it is, why does he not just —

Ms M.M. Quirk: He has a note.

Mr W.J. JOHNSTON: He has been handed a note. Can the Premier read it into the *Hansard* so we can all have the benefit of exactly how it will work, because it is not clear from the information —

Mr C.J. Barnett: Proposed section 21AA provides the prevention and education function for the police with the CCC.

Mr W.J. JOHNSTON: Is it 21AA?

Mr C.J. Barnett: I suggest that is something for the committee stage.

Mr W.J. JOHNSTON: All right, so if the Premier is not sure about the arrangement, that is fine. I am not asking for an instantaneous response.

Mr C.J. Barnett: You got an instant response, so there you go; happy days, happy days!

Mr W.J. JOHNSTON: There is no clause 21AA in the bill; it does not have that clause. It has clauses 21 and 22. I am not quite sure what the Premier is referring to when there is no clause 21AA in the bill.

Mr C.J. Barnett: It is the CCC act.

Mr W.J. JOHNSTON: Right; it is the act.

Mr C.J. Barnett: Clearly, you are not one of those great legal minds among the opposition.

Mr W.J. JOHNSTON: Which page of the bill is the Premier referring me to?

Mr C.J. Barnett: Make your second reading speech.

Mr W.J. JOHNSTON: All right; if the Premier is not sure which page of the bill, I am happy for him to get that on the record in his reply to the second reading speech.

We need to make changes carefully in this area. The bill contains 147 pages. I am reminded of another quote from Winston Churchill. I know I have used this in the chamber about a previous report, but it reads —

This report, by its very length, defends itself against the risk of being read.

We get these very, very complex bills, as we have seen before with the Commonwealth Heads of Government Meeting (Special Powers) Bill that was introduced by the government, and on which the Labor Party was accused of filibustering.

Mr C.J. Barnett: You did.

Mr W.J. JOHNSTON: It was very interesting, when on every single issue we raised in the chamber we were told we were wrong, the government then amended the bill in the other chamber and brought it back to us. We then had to pass it in this chamber because the government had got the bill entirely wrong from the start and it did not even apply to the circumstances of CHOGM in Perth. That is how badly drafted the bill was, so we need to be very careful with legislation because the government has form. Look at the Criminal Investigation (Covert Powers) Bill. I understand this legislation needs that legislation to be passed so that that legislation can properly function. How many amendments are on the notice paper in the other chamber, 140 or 130? What is the number; does the Premier know how many?

Mr C.J. Barnett: Do your own research.

Mr W.J. JOHNSTON: All right; fair enough. There are about 147 amendments to that bill. That is another example of the way this government operates. It introduces a bill and insists it be passed and that there is nothing wrong with it and then the other chamber spends weeks and weeks dealing with it because it is so poorly written and then we have to bring it back here to deal with again. It happened with CHOGM, the stop and search

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legislation and now with the covert powers bill. There has been a litany of failed legislation from this government.

We need to also think about the operations of the CCC. I have in the past raised in this chamber issues about the CCC. In the 2011 estimates process I asked through the then Attorney General a question of the Corruption and Crime Commission as follows —

How many persons who have been mentioned in transcripts of public hearings have requested their names to be suppressed? How many of those requests have been granted and how many have been refused? How many of those who requested a suppression order but were refused have been phoned by an investigator and asked whether the aggrieved person would like the investigator to seek their name to be removed from the transcript?

I received the answer via supplementary information B21 of 2 June 2011. I make the point before I read it into the *Hansard* that it did not actually deal with the issues I raised but it is still an interesting answer. The answer states —

The Corruption and Crime Commission (CCC) provides the following responses to the questions asked by Mr Johnston relating to Suppression Orders issued by the CCC.

- (1) It is not uncommon for witnesses and other persons to request that their names be suppressed and, hence, not be published in the publicly available transcripts of public examinations conducted by the CCC. These requests arise before, during and after the conduct of public examinations and may be made by either witnesses appearing at examinations or individuals named in evidence before the Commission. Each request is considered on its merits. Additionally, the Commission often makes suppression orders on its own initiative.

That did not actually answer the question I asked, which was how many. The answer went on —

- (2) Since 1 January 2004, the CCC has issued 77 Suppression Orders.

[Member's time extended.]

Mr W.J. JOHNSTON: It would be good to know how many were requested, because then we would get a picture of the success rate of people requesting suppression orders, but we were not provided with that. The commission's answer continues —

- (3) The Commission has no record or knowledge of any CCC investigator contacting an aggrieved person to ask whether the aggrieved person would like the investigator to seek their name to be removed from the transcript. On one occasion, a person not having been called as a witness who had had their representations to have their name suppressed refused by the Commission has made further representations about that. In the course of assessing the merits of those representations the Commission directed a Commission investigator to make contact with them in order to obtain a succinct letter detailing the relevant grounds for the request.

I would like to make a point here. I would like to draw the chamber's attention to the *Hansard* of 20 October 2010 when the member for Carine made a personal explanation. I make the point that that personal explanation explains that the member for Carine had been engaged in no impropriety. It made clear that his name was mentioned by a witness when it was not fair or reasonable to do so. In fact, in the submission of the member for Carine, that was improper, wrong and defamatory. I have no reason at all to doubt the word of the member for Carine. I can only accept what he said in *Hansard*, which is why I draw members' attention to the bottom of the second page, where, having detailed the process he went through to try to have his name removed—in accordance with the law and without any wrongdoing at all—the member for Carine sought properly to have his name removed from the transcripts of the CCC. He explains how he corresponded on a number of occasions and the CCC corresponded back to him. He details two pieces of correspondence back to him. Both were finite; they did not invite further conversation. The member for Carine said —

Mr Speaker, to my surprise, on 2 February 2006 I received a phone call from one of the original CCC investigators. After speaking to that investigator, I was advised to send a concise email detailing my concerns. I did this on 2 February 2006. On 3 February 2006 I received the following response from the CCC investigator —

Good morning Tony

This is just to let you know that I have passed on the additional information you provided below to the Director Operations and the Commissioner for their consideration. I have also discussed your concerns personally with them.

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I will be in contact when I have a response for you.

On 17 February 2006 I received the following response from the Corruption and Crime Commission investigator —

Hello Tony

In relation to the matter involving your name on the internet I can advise that it has now been removed. Notification has also been sent to Google to ensure that they refresh their cache to reflect that the changes have been made.

If you have any further queries please to not hesitate to contact me.

Kind Regards

The member then concludes.

The point I make is that the information provided to me via supplementary information is not the same as the information provided by the member for Carine. I do not doubt the member for Carine. I have a problem with the answer provided by the Corruption and Crime Commission. I think that its answer to me was wrong. I think it needs to explain why it provided that incorrect information. I also think it is incumbent on the CCC to say whether the investigator involved was Mr Donald Barrett. It may not have been Mr Donald Barrett. If it was not, no adverse implication can be shown about Mr Barrett or any other person. But if it was Mr Barrett, there needs to be a proper explanation from the Corruption and Crime Commission because, of course, Mr Barrett was a Liberal candidate for the seat of Cockburn at the 2008 election. If he was involved in talking to the member for Carine, who was not a member Parliament at that time—it was years before he was a member of Parliament—then there needs to be an explanation about what occurred. As I say, this is not a reflection on the member for Carine. I am not in any way suggesting he has done anything improper or illegitimate or anything like that. As far as I can tell, he has been entirely truthful in this matter, but I think the CCC owes an explanation to the Parliament of Western Australia and, through it, to the people and to me, given that it was an answer to me, about these issues. Why is there a significant difference between the information provided, in my view truthfully, by the member for Carine and the information provided by the CCC? The CCC acknowledged that there was only ever one occasion that a phone call was made from an investigator to an aggrieved person. We know that the member for Carine received a phone call. It is not an unreasonable assumption to make that it is the same occasion. If it is the same occasion, I do not understand why the CCC provided a different explanation about what occurred from the one provided by the member for Carine, which I believe to be truthful. My belief is the member for Carine has been truthful. That means that the information provided by the CCC was wrong. If the information provided by the CCC was wrong, it needs to correct the record. It also needs to explain whether there was any involvement by Mr Barrett. We cannot have these sorts of serious questions about its preparedness to be honest with the Parliament of Western Australia hanging around; it needs to be cleared up.

In making our decision about whether the CCC is the proper body to receive all these extensive new powers and obligations, some information from the CCC needs to be cleared up. The member for Carine, so far as I am concerned, has been truthful in this matter. That is why I say that it is the CCC that needs to explain the difference. It is the CCC that needs to explain who was involved in this matter.

We cannot continue to have a situation in which, so far as we are aware, only one investigator ever made a phone call in relation to a suppression order, and we do not know who that was. That needs to be resolved. It can quite easily be resolved. I do not know who it was. I just think that we need to eliminate potential conflicts out of this process. If we are going to give these extraordinary and extensive powers to the CCC, we need to be confident that it is capable of carrying them forward. We need to be confident that it has the integrity to be honest with the Parliament, because if it is not being honest with the Parliament, how can we expect the CCC to be honest anywhere else? This has to be the principal body in Western Australia that government institutions owe their truthfulness to. If they are not prepared to do that, that is a serious problem.

Mr C.J. Barnett: You haven't learnt a thing, have you? In the time of the previous government, the major conflicts were within the Labor Party and the Labor government. That is where the conflicts were.

Mr W.J. JOHNSTON: That is a very interesting thing, Premier. The CCC crawled all over the Labor Party, and the conclusion was that there was no corruption involved with the Labor Party. That was the conclusion of the CCC. Not a single charge resulted in respect of the CCC investigation of the Labor Party—none. Not a single charge related to operations of the Labor Party.

Ms M.M. Quirk interjected.

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Mr W.J. JOHNSTON: The CCC crawled through the records of the Labor Party and through my activities as the principal officer of the Labor Party, and not a single charge arose from that. It looked at our fundraising activities and found not a single piece of impropriety. That is what happened. The Liberal Party has never been investigated.

The ACTING SPEAKER (Ms A.R. Mitchell): Member, can I just suggest that you come back to the topic of the bill rather than following on from the interjection that you received?

Mr W.J. JOHNSTON: Fair enough. I am very happy to do that; I always follow the directions of the Acting Speaker. I appreciate you keeping me on the straight and narrow, because it is such an important duty for all of us in this chamber.

Mr J.M. Francis interjected.

Mr W.J. JOHNSTON: Sorry? I did not hear that, member.

It is very important that people understand that we are being asked to do something that is not in the interests of Western Australians. We know that it is not in the interests of Western Australians because we had a joint standing committee look at this matter. It spent a long time extensively reviewing whether this proposal to extend the brief of the CCC is in the interests of this state. The unanimous conclusion of the committee—nobody dissented from it; it was a unanimous conclusion—was that this legislation is not appropriate, that it is not the way forward for this state and that it is not the best way to fight crime. Rather than members who vote with the Labor Party against this wrong-headed amendment being soft on crime, it is actually the other way around: if members vote in favour of this wrong-headed amendment, they are being soft on crime because they will be putting the CCC in a position of being a target for corruption and organised crime. I do not think that is in the interests of this state. It blurs the lines between investigation and oversight.

I know the Premier was opposed to Justice Kennedy's royal commission into the WA police force, but back in the late 1990s and in 2000 serious question marks were hanging around the police force in this state. It took a royal commission to clear it up—to draw a line under the past and to give the police service a clean bill of health. There were many drug deaths and so on occurring at the time. That royal commission, which the Premier opposed—I am happy that he opposed it; I am not stating anything more than the facts—gave us a clean bill. We knew then that all those former allegations had been dealt with. The CCC was then implemented to be the oversight body to ensure that those sorts of allegations that besmirched good police officers were always going to be put to the side. Now we are confusing the future by putting together these two things that do not go together. We are not acting in the interests of the state if we vote in favour of these wrong-headed amendments. We should not do that. I commend the Labor Party's position on this bill.

MR A.J. WADDELL (Forrestfield) [5.13 pm]: I also oppose the Corruption and Crime Commission Amendment Bill 2012. I am no expert on crime and corruption, unlike many of the members we have heard from today. I have not been on a standing committee and I have never been investigated by the CCC, unlike many people in this chamber today. I stand here as someone who represents an eastern suburbs electorate. I do ponder the value of this debate. I ponder what the people who live in Apricot Street in Forrestfield think about us spending all this time and energy on this debate when it really does not do anything to address the problems that they face in their everyday lives.

I suppose the first question that I came up with when considering this debate was: who watches the watchers? It is a great phrase. Who is responsible for ensuring that those who are responsible for keeping us safe are in fact keeping us safe, and how far up the chain does that go? It seems to me that this is one of those bills with which we are attempting to add another layer onto the overall system. If we move the corruption function away from police to the CCC, the question will be: who is going to be monitoring the CCC to ensure that it does not become infected by the very thing it is tasked with dealing with? Of course, that is what the CCC can currently investigate; that is, it investigates whether the police are following the straight and narrow. Will we be back in this place in five or 10 years' time to set up another authority to oversee the CCC? Ten years later will somebody be trying to transfer the functions of the CCC to the new authority because organised crime has worked its way up that chain, and will we then be setting up another body on top of that to oversee that body? We can see that it could go on and on to a ridiculous point. I suppose the question is: when will we reach that ridiculous point? I would argue that we are at that ridiculous point right now.

The police are tasked with the role of protecting the citizenry of Western Australia. That is their job. Their job is to uphold the law in this state. Organised crime is a problem that the police have been tasked to deal with; it is as simple as that. It is their job to deal with this issue. They do not get to throw their hands in the air and say that it is too hard. They do not get to say that they do not have the ability to deal with this problem and to hand it on to somebody else. That is their job. If they are not adequately resourced, it is our job to ensure that they are

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adequately resourced. This bill will have the opposite effect. This bill will create yet another draw on the public purse. That means that our finite resources will be stretched a little further. That is not just a debating point. We are talking about serious duplication in this instance.

Mr F.A. Alban: Labor's CCC act of 2003 was very poorly drafted and substantially failed. Many of you have argued that. Now Labor does not want to amend it. Can you explain that?

Mr A.J. WADDELL: It is not my role to defend —

Mr F.A. Alban: Things are not working right.

Mr J.R. Quigley: You are not listening.

Mr A.J. WADDELL: That is not what I am saying.

Mr F.A. Alban: Now all of Labor is saying, "We don't want to amend it."

Mr J.R. Quigley: No. We agree with your committee.

Mr F.A. Alban: If it was going so well, why is the CCC still there? Just answer that question.

Mr J.R. Quigley: We agree with your committee.

Mr A.J. WADDELL: We agree with the committee. Again, I do not stand here as an expert. I am taking this back to the way the electorate sees it. I am talking about the duplication that will occur as a result of this bill. It is duplication on a grand scale because we are talking about crime on the grandest scale. We are talking about surveillance operations on a grand scale. That is a massive investment in vehicles. It is a massive investment in people out in the field carrying out these investigations. It is a massive investment in information technology infrastructure. I recall asking some questions during the estimates committee hearings about the investment the CCC currently makes in its IT and communications operations. I was respectfully told that it was not something they wished to divulge to Parliament because it may compromise their investigations. I found that extraordinary. Again, it brings us back to the questions: Who watches the watchers? If they are not accountable to us as the ultimate body in the state, to whom are they accountable? How do we know that they are spending that resource in the way we would like them to spend it? We are talking about massive levels of duplication because there will not be sharing. Members need to be completely clear about that. If we create two alternative police authorities, which is essentially what we are doing here, they will not be sharing resources; they will be in competition. They will be in a competition for funding from us. They will be in a competition to see who gets the bust. They will be in competition; they will not be sharing.

I ask members to reflect on what we see on our television screens. Every six months or so the cameras are taken out to some gigantic drug bust that is apparently going to smash organised crime in Australia because it is going to smash the drug rings. We get the same story about every six months—some massive import of something like \$500 million worth of drugs has been discovered and this is going to fix the problem. Invariably, every single time we see that headline, it is a joint operation between local police, customs, the Australian Federal Police and whatever other agency. It is always a joint operation that we see. What does that tell us? It tells us that separation does not solve the problem. We need to bring things closer together. We need everyone to be working in concert. These joint operations are apparently successful, so what are we arguing for here? In the future we will see a joint operation between WA Police, the Corruption and Crime Commission, the Australian Federal Police, customs, the Australian Quarantine and Inspection Service and whoever else is now responsible for that bust. The government has added yet another layer, and every layer costs us money. No doubt somebody is ordering stationery and somebody is doing something else that is costing us money. Those resources could be better deployed to sorting out the problem that we want to sort out here, which is, of course, organised crime.

That takes me to what is probably one of the biggest bellyaches in Australia—buck-passing. We absolutely hate it. We hate the fact that the state Parliament blames the federal Parliament and the federal Parliament blames the state Parliament. How many times a month in my electorate do I say to someone, "Gee, I wish I could solve that, but it is a local government problem"? It is layer upon layer. People detest it. They hate this multi-headed hydra of a system that allows somebody else to point the finger and say, "I would love to help you, but that's not our problem. That's the problem of those people over there." People eventually just give up. They throw their hands in the air and say, "I cannot penetrate this complicated system you've constructed." Today the government is trying to add another layer and another level of complication. When somebody in Mahonia Way in Forrestfield notes that somebody is dealing drugs in front of someone's house, who do they call? Do they call the local police? Hang on—is it organised crime? It may be organised. Do they call the CCC? Do they call Crime Stoppers? Where do they go? Who do they call? It becomes another level of complication.

Ms M.M. Quirk: Who do they trust?

Mr A.J. WADDELL: That is an excellent question. How do we trust that the people we call will do this job and not simply point the finger at the other side and say that it is their problem? They might say, “That is not organised crime; that’s just petty local crime. That’s the police’s matter.” The police might say, “I am afraid this has links up the chain. That must be organised crime. That’s the CCC’s role.” When will the buck-passing stop? When will the police simply lay down their arms and say that they cannot deal with something because they are not resourced to deal with organised crime? That will be the argument. The government has resourced this other organisation and given it the tools. The government has given the CCC the money to fight organised crime. The police will say that they do not have the resources and, therefore, will lay down their arms and say that it is not their problem. Does that mean that the CCC needs to be everywhere? Do we need CCC police stations alongside our ordinary police stations? That is a ridiculous scenario, but that is precisely what we are moving towards.

Why does this government have a lack of confidence in Western Australia Police? It is saying loudly and clearly, “We do not have confidence in the Commissioner of Police. We do not have confidence in the local police to deal with organised crime in Western Australia.” What event has led that to happen? I do not understand. The Premier has recently reappointed Dr Karl O’Callaghan as the Commissioner of Police. Surely that indicates he has confidence in the police commissioner. Why then do we not have confidence in the police’s ability to carry out its job? I find it quite extraordinary and remarkable. What will people in my electorate think of this? What do they think we are doing? How are we protecting them? I do not think we are. We are squandering their money. We are wasting the time of the people’s house in debating this. We need to provide the resources to the existing law enforcement authorities to get on with the job and move on. We need to simply get out of their way. Adding an additional layer will not in any way achieve a better outcome.

If I were involved in organised crime—the level of my thinking on this is probably based on some fictional books I have read and watching virtually every episode of *The Sopranos* that has been broadcast—I would take great glee in this. I would take great glee in knowing that the body we say needs to investigate the police has no body looking over its shoulder. People will be able to just get in and infiltrate that organisation—problem solved. I would take glee in the fact that the body we are setting up to investigate organised crime is invisible. I would take glee in the fact that it does not report to anybody. I would take glee in the fact that nobody knows how it spends its money. It is exactly the kind of organisation that would be very easy for somebody to infiltrate. It would be very easy to manipulate, because it does not have the transparency of our police force. The current transparency of the police is a great thing. Yes, it comes under criticism at times, but that is because it is transparent. Again, what will the people of Forrestfield have to say about that? I think it is not just a simplistic point of view or that we do not understand. I think a disease exists in this place: we get too caught up in our own importance. We fail to see the forest for the trees, and this is another example of that.

We often think that we can solve problems by creating laws. We often create problems by creating laws. I would even go so far to say that an element of the organised crime in our community is the result of laws that we have created and the environment that we have provided for them to flourish in. They will always be more adaptive and more able to respond quickly than any system we can put up. The more we complicate the system, the more constraints we put on it, the more complex layers we add to it and the more difficulties we make for intercommunication, the easier it is for an adaptive organisation to take advantage of the system. It is a simple Darwinian evolution. They will out-evolve any complex system that we build. We need to free up the system and free up the police so they can do what they need to do. We need to provide the police with the resources to deal with crime. We do not need slogans. We do not need to simply approach this from the point of view of, “There’s a problem, so we will set up another committee, another organisation and hope it goes away.” It does not go away. Again, I come back to this very simplistic approach. Is that the best solution or would opening local police stations 24/7 be a better solution? I think the latter would be a better solution and I will tell members why.

I was recently dealing with a complaint in my area. Someone alleged that drug dealing was occurring from a particular house. It was not the first time I had heard this allegation, so I went to the local police and I told them that this allegation had been made and asked them whether they were aware of it. They said that they were well aware of it. I asked them what was happening, but they said that they did not have any evidence or proof that the drug dealing was occurring. I asked them why and they said that no-one had made a complaint. I told them that people were making complaints to me and asked why those people were not making complaints to the police. I went back to the people who made complaints to me and asked them who they spoke to. They said that they were calling up Crime Stoppers to report that they thought drug dealing was happening from this house. I have subsequently learned that Crime Stoppers is not an official part of the police force; it is a private organisation that is housed at police stations. Crime Stoppers does great work but it works off its own resources and it is a very small operation. Crime Stoppers is feeding its information into the system of the centralised police force, but it seems that it is not quite making it to the local constabulary in a way that they can use to take that next step, which is to find out definitively whether drugs are being dealt out of that house. Where there is smoke, there is a certain amount of fire, I would assume, because I am getting this report on a regular basis that drugs

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are being dealt from this house. No matter whom we write to and no matter whom we make complaints to, apparently nothing can be done about it. I do not know for certain whether people in this house are dealing drugs; and, if they are dealing drugs, I do not know whether it is stuff that they grow in their own backyard; I do not know whether it is stuff that they source from a local meth lab, and it is like a little cottage industry; and I do not know whether it is stuff that is coming in from some international cartel. I do not know and I do not think there is any way that my local police can know that, unless they have the powers to carry out the investigation that they need to do. Apparently, they either lack those powers today or lack the appropriate resources to do what they need to do. In some ways there is a gap. Something is lacking or something is constraining them in some way. It is not the fact that the Corruption and Crime Commission cannot investigate organised crime. That is not going to fix that problem at all. If anything, the problem will be exacerbated by this bill. This bill will cost this state millions upon millions of dollars in setting up an alternative police force. That is millions of dollars that will be sucked out of the rest of the system. I do not know whether the government is thinking that it will cut it out of schools or hospitals, or whether it will somehow make it materialise magically out of the police budget, but it has to come from somewhere, and at this stage I fear that it will all be locked into the law enforcement column. That means that the local police will have to meet it somehow, and there will be fewer police resources on the streets of Forrestfield as a result of this bill, which is nothing more than a slogan or an attempt to keep the focus on “We are tough on crime”, when in reality the government is not. It is opening the door widely and we will rue the day that this bill is passed.

Therefore, I beg and plead with members to do something that is about getting rid of crime, and that would be to defeat this bill.

Dr J.M. Woollard: Are you opposing the whole bill or just part of it?

Mr A.J. WADDELL: Our lead speaker made it very clear what we are opposing. We are opposing the movement of the investigation of organised crime to the CCC. That is what I am referring to. That is what I believe would lead to this duplication. We certainly agree with other minor elements, and there is no problem with that, but I was focusing on that particular one, member. With that, I would not commend this bill to the house.

MR J.J.M. BOWLER (Kalgoorlie) [5.32 pm]: I rise with some trepidation, because it is well known that I was involved in Corruption and Crime Commission investigations and public hearings. I was found guilty of passing on a committee report of this Parliament and action was taken against me. When I was a minister, I was also investigated by the CCC on five matters. In the end, nothing came out of them. I dispute one minor finding; I never bothered to publicly correct the CCC. Basically, this is a preamble to say that I hope that those matters do not preclude me today from making a statement as a parliamentarian and as a representative of the people of Kalgoorlie and that, like anyone else, I can freely rise in this place and speak my mind.

I oppose the Corruption and Crime Commission Amendment Bill 2012 because I believe the best system for the people of Western Australia is to have one police force. I oppose this legislation and to a certain degree I also oppose what the opposition is saying. I believe we need one police force that has all the powers of investigation. That would leave the CCC with only one job to do, and that is to investigate the police. As many speakers before me have said, we cannot say that any graft and corruption will be solely the preserve of police and that CCC investigators will not be subjected to the same problems. Already in Western Australia we have the Australian Federal Police. If we have the state police force and a secondary state police force—in other words, the CCC—they may be investigating the same matter with the same Mr Bigs and the same drug scene. If a CCC investigator is working alongside a local police officer and they come across a massive drug scene and the drug overlord says, “Guys, there’s \$5 million each there—cash. Turn around and walk away”, who is to say that both the CCC officer and the police officer will not accept that? If it does happen—sadly, it has happened in the past in jurisdictions throughout the world—who will investigate that police officer and that CCC officer who have jointly been involved in corruption at the same time? Who will investigate them—the CCC; the police? How can they be properly investigated when they are both involved in the same corruption? If we look at the history of law enforcement in America, one of the biggest problems is that America has a plethora of police agencies—local, county, state and federal—and one of the reasons that the Federal Bureau of Investigation has grown so strongly in the last half-century at least has been to try to get a unification and a simplicity of investigation that until then had always been hampered by police forces trying to outdo each other and to compete with each other on the same cases. We do not want that in Western Australia.

I am not surprised that the CCC is trying to keep its own organisation intact. What director general or head of a department would ever say, “Look, I really need to reduce the size of my organisation. In the seven or eight years since we have been set up, history has shown that we do not operate effectively. I should pass on most of my officers, a lot of my powers and a lot of our resources to the police so that they can do a good job, and we

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will then be left with a very much diminished workforce just to investigate the police and their corruption. So we will be at arms-length from any investigations”? The CCC cannot be involved in any investigations in which officers may be involved in corruption, graft and crime. However, once the police and the CCC are on joint operations, who is to say that the CCC will not be involved just as much as the police; or, even worse, I suppose we could say in some quarters that the CCC officers will be the ones involved in the graft and corruption, and the police will be blithely unaware that those CCC officers are taking money?

So, Mr Premier, I oppose this legislation. I know it will not happen this time, but I want to go further than the current opposition does. I am a great believer in commonsense and that the best system for our state will come to the fore; that is, we will have one police force—the Western Australian police force—that has all the powers that this Parliament believes it needs to investigate all matters of crime, and a very much diminished CCC would be left to investigate the police. Of course, minor matters of misconduct in the public service would be for the Public Sector Commissioner, and some other minor details of transferring powers could be done. That is not a major job. I believe that one day this Parliament will do what I am proposing.

MR M.P. WHITELEY (Bassendean) [5.38 pm]: I am not going to say anything that has not been said before, but I think it needs to be said and emphasised as often as we can in the consideration of the Corruption and Crime Commission Amendment Bill 2012. The fundamental flaw in this legislation is obvious; that is, we cannot have the authority that is charged with overseeing the role of the police in ensuring that there is no police corruption working closely on a day-by-day basis with the police. It is just obvious. The Premier is an intelligent man—he understands that—which leads us to the obvious question: why is this idea being pushed? I really cannot understand it. The flaw in this legislation is so obvious. The police are charged with an incredibly difficult job, and I want to commend the police in my electorate. The police at Kiara Police Station with whom I work closely do an incredibly good job. In my former electorate of Roleystone, the police with whom I worked closely at Armadale and Mundijong did an incredibly good job. They are people of great integrity. Ninety-nine per cent of the police force are people of great integrity. But with any organisation that is as large as the Western Australian police force, there will be some bad apples within it. If we say that those bad apples make up one per cent of WA Police, which has 5 500 police officers, then 55 corrupt police officers can do a lot of damage. We need an independent authority that can stand at arm’s length from the police and oversight their functions. That is clearly a very important role of the CCC, as highlighted by the member for Kalgoorlie.

I am left with a question that was asked in an article that has been quoted numerous times by other members of this house. It appeared in *The West Australian* on Thursday, 2 August 2012. It addressed the issue that I just raised and asks that fundamental question that I am now asking of the Premier —

Why is Colin Barnett so desperate to give the CCC a role that could threaten the task it was created to undertake?

I do not know. Is there something that the Premier knows that he does not want disclosed from a truly independent and fully functional CCC? This leads to all sorts of conspiracy theories. It must be so obvious to someone as intelligent as the Premier that in making the CCC work on a day-by-day basis with the police, he is destroying the capacity of the CCC to oversight the police. The fundamental question that is asked by *The West Australian* remains unanswered; that is —

Why is Colin Barnett so desperate to give the CCC a role that could threaten the task it was created to undertake?

The same article quotes my good friend, the former Attorney General and Minister for Health, Hon Jim McGinty. I should call a point of order against myself for the use of irony there. When instigating the CCC legislation, he said —

This Bill will restore the public confidence in the Western Australia Police Service that their corrupt colleagues have eroded ... Their conduct will no longer be ignored or tolerated in Western Australia. It will be rigorously investigated and prosecuted.

There we have the person responsible for the original CCC legislation identifying one of the core functions of the CCC to be that watchdog, that guardian of the police service. Other members of the government do not have the same capacity to understand the issues that the Premier has. For some of them it may not be quite so obvious that this legislation is a real threat to the independence of the CCC and its ability to closely monitor the role of the police. I will not go through examples that we have heard in the past, as some people have now moved on to other roles. It certainly should be obvious to the Premier, as it is obvious to every member of the opposition, as it is obvious to Gary Adshead in his article entitled “Marriage of police to CCC worthy of Dumbo” and as it should be obvious to every intelligent person who has followed this debate. I am very disappointed in this legislation. I am also very disappointed in the way the Premier has handled this legislation.

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I want to say something about the way we conduct debates in Western Australia. The comments that the Premier made about the suitability of the member for Mindarie to be the Attorney General in this house because he had been investigated twice by the CCC are comments unbecoming of a Premier. If we elevate investigation into someone's activities to the equivalent status of guilt, we are undermining that fundamental presumption of innocence. Any of us could have been investigated by any number of organisations without our knowledge. Who is to say that any of us here have not been investigated because someone has made an allegation against us? Elevating to the status of guilt an investigation that has been found to be unsubstantiated is commentary that is unbecoming of the Premier, and it is also incredibly inconsistent with his decision to reappoint the Commissioner of Police. The police commissioner had been investigated by the CCC twice. The CCC did not find anything to proceed with there, in the same way that it did not find anything to proceed with with the member for Mindarie. Yet the Premier argues that it is inappropriate for the member for Mindarie to be an Attorney General, unless it is appropriate to be a Liberal Attorney General. There may be a different standard. Perhaps there is something revealing in what the Premier has said; it may be appropriate to be a Liberal Attorney General but not appropriate to be a Labor Attorney General. How can the Premier, on the one hand, argue that it is inappropriate for the member for Mindarie to be the state's Attorney General and, on the other hand, reappoint the police commissioner under exactly the same set of circumstances? Neither of them deserve to have a stain on their careers. Indeed, the member for Mindarie was investigated for issues around the brilliant work he did in the Andrew Mallard case. That deserves the applause and congratulations of all members of the Western Australian community. He exposed significant corruption within the police force.

As I said, I think the police—certainly the police that I have dealt with in my time as a member of Parliament—are extraordinary human beings with an extraordinarily difficult job, but in any large organisation there will always be the potential for corruption. That is why we need fearless advocates in this place, such as the member for Mindarie, and that is why we need a truly independent CCC. Not only is there that inconsistency between the comments that the Premier made about the member for Mindarie's suitability to be the Attorney General, but also there is inconsistency with the reappointment of the police commissioner, if held to that same standard. There is also obvious inconsistency in the Premier's overture to the member for Mindarie to be the Attorney General.

Ms R. Saffioti: He's gone over already.

Mr M.P. WHITELEY: He has gone over to the other side of the chamber.

Mr D.A. Templeman: He's actually choosing his seat.

Mr M.P. WHITELEY: He has taken the member for Bateman's old seat. He is checking out the seat as we speak. There is such a talent imbalance in this Parliament that we should have a draft system.

The ACTING SPEAKER (Ms A.R. Mitchell): Member for Bassendean, I think you are straying off the subject.

Mr M.P. WHITELEY: It was a constructive suggestion nonetheless.

I think the comments that the Premier made around this, given that he is the leader of the state, to elevate an allegation to the status of guilt, is just appalling behaviour and conduct that is unbecoming of the Premier as a leader and unbecoming of the Premier as a man.

This whole law and order debate has been dominated by a bumper sticker approach. The Premier is trying to counter our criticisms of the proposed legislation with the approach that Labor is soft on organised crime. Last week I remember hearing a brilliant speech by the member for Armadale, who is making a fantastic contribution to this Parliament. I thought that was probably one of his best. He has set the bar very high in his time here but that was one of his best contributions. We heard the disturbing details of an incident involving one of his former colleagues, a law professor from the University of Western Australia, who had been tasered down in Fremantle. I had read about that previously. We saw the way the Premier responded, basically saying, "All I've heard you do is bag the CCC and bag the police; you are soft on organised crime." It was really disappointing. The Premier is a man of significant intellect. We saw that demonstrated when he was about to leave the Parliament as a backbencher, somewhat similar to my status at the moment. He was at his best because he said what he truly meant. It does not elevate him and his office, and it does not elevate debate in this Parliament after a great contribution made by the member for Armadale, who pointed out the inherent need for the police to be separate from the CCC, to be at arm's length, particularly in a small state such as Western Australia and particularly in a small place such as Perth where everybody knows everybody. It is doubly important that we have firewalls between the police and the CCC. It certainly did not elevate the status of the debate, or the status of the Premier, to actually respond to the member for Armadale's great speech with a bumper-sticker slogan that we are soft on organised crime. Those sorts of slogans insult the intelligence of the public. As somebody who is leaving,

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certainly state politics—probably leaving politics, I would say, in all reality, unless I want to run for the east ward of the Fremantle council or something—there is a lesson I want to impart to my fellow parliamentarians who are going on. The public are not as stupid as so many members seem to treat them. The public are not seduced by simple bumper-sticker politics. People get complex ideas if they are persuaded by powerful argument put in plain English. We do electors no service when we try to reduce complex debates, like this debate, to simple slogans such as “Labor is soft on organised crime”. If I had my way I would ban all political polling. I would love to introduce that legislation. Polls induce simplified, dumbed-down responses from people because they ignore the complexities of issues. People are forced to tick a box, but the box does not necessarily fit what they think. Politicians respond to that polling in a dumbed-down way. People get a dumbed-down response by politicians to a dumbed-down response from the public.

The ACTING SPEAKER (Ms A.R. Mitchell): Member for Bassendean, can you come back to this bill we are debating?

Mr M.P. WHITELY: I will.

It is important that we understand the capacity of the public to know that they know a watchdog will only be relevant and effective when it is truly independent from those it is watching over. It does not have to get any more complex than that. By the time this debate is finished, Western Australians will understand that about this legislation. The CCC, with its key role of overseeing the police, cannot do that unless it operates at arm’s length; that is, there is complete independence. Western Australians will understand that the CCC cannot work closely with police and then oversight them. That is the fundamental flaw in that legislation. It is the fundamental flaw that Gary Adshead understood when he wrote the article I referred to earlier. In part, he said —

How can the independence of either agency stand up to scrutiny when one is investigating the other at the highest level while expected to work hand in glove at a lower level?

It cannot happen. It does not understand the culture of organisations. On one hand, the police commissioner cannot work very closely with the CCC and those in charge of the CCC when the police commissioner could himself be under investigation. That permeates the whole way down the chain. It is not rocket science to understand that.

It is also interesting to see what the police commissioner thinks about the capacity of the CCC to work with WA Police. This was the Commissioner of Police’s response when he gave evidence to the Joint Standing Committee on the Corruption and Crime Commission in 2010, as stated in the article —

“To be answerable to the CCC with respect to one area of its operation and to then be required to work jointly with the CCC with respect to organised crime may create a difficult relationship between the agencies...”

I think he is understating the case there, but members will see his point. It is the point that I have made and every other opposition member has made. I am sure it is a point that most government members understand. It is certainly a point that the member for Swan Hills understood when he was on the committee, or at least he ticked off to when he was on the committee. He must be having real difficulty now. If he is not, we all have reason to be very concerned. We only have to look at the example of the police commissioner. I am doing this from memory, so if someone can jump in and help me, please do so: I believe the investigation into the police commissioner went on for eight to 10 months. How was the police commissioner and WA Police supposed to work closely with the CCC while the commissioner, or senior officers or even middle and lower level officers, were under investigation? It does not grasp organisational culture and how they will work together.

[Member’s time extended.]

Mr M.P. WHITELY: Other eminently qualified people have spoken on the issue. I refer again to the same excellent article. Former parliamentary inspector of the CCC and retired Supreme Court judge Christopher Steytler was asked for his opinion on the close working relationship between the CCC and police. He is quoted as saying —

“It just seems to me that one should never lose sight of competing priorities” ...

“If you have police working hand in hand with the oversight body, you jeopardise the worth or the validity of that oversight. And that is what we are talking about here.”

A very eminent person, a former parliamentary inspector and retired Supreme Court judge, Christopher Steytler, is saying what is obvious to all, and will soon become obvious to the people of Western Australia.

A really good point, which I have not heard as often as it could have been made, was made by the member for Forrestfield. He said that if he was an organised criminal—talking hypothetically at this stage of course!—he

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would prefer to be oversighted by the CCC than he would by police. If the ultimate body charged with overseeing the police is corrupted, one has got it made because, obviously, that is corruption at the highest level. If police have been corrupted and then one has to rely on the capacity to corrupt those overseeing the police above them, it is a more difficult task. The ability to jump above police and corrupt the watchdog at the top is even more of an issue.

I will now comment on the findings of the Joint Standing Committee on the Corruption and Crime Commission. I have worked closely with the chairperson of that committee, Hon Nick Goiran. I have great respect for Hon Nick Goiran. I think he is a real asset to this Parliament. He and I have very different world views on a range of issues. He is an arch conservative on many issues that I am progressive on, but I do respect the man's intellect and integrity. I have heard whispers from the Liberal party room that he is not scared to stand up in his party room and serve it up to anybody, regardless of their status. That is not always a wise career move, I might add; not that I am one to give career counselling! Do as I say, not as I do! If you can only learn from my mistakes, you will be incredibly wise.

Ms R. Saffioti: You could be a career coach!

Mr M.P. WHITELEY: A coach, yes. Watch what I'm doing and then just don't do it! I admire that sort of behaviour. I admire Hon Nick Goiran's preparedness to stand and say what needs to be said. I have seen him do it in committee. I have seen him do it on the committee that I am on with him, the Joint Standing Committee on the Commissioner for Children and Young People. He has a great intellect and he actually is prepared to take an alternative viewpoint. He is not just influenced by what the majority think. I put great store in the CCC committee's findings.

Findings 3, 4 and 7 talk about the same theme—that of the resource implications of the proposal to give the CCC a greater function in overseeing organised crime. Finding 3 identifies that there would need to be significant extra resourcing of the CCC to perform that role. Finding 4 highlights the fact that police are not currently adequately resourced. Finding 7 indicates the obvious: should the CCC be given an enhanced organised crime function, it will compete with WA Police for funding.

Sitting suspended from 6.00 to 7.00 pm

Mr M.P. WHITELEY: Before the dinner break I had begun to talk about the Joint Standing Committee on the Corruption and Crime Commission's findings about the proposal that the CCC take a role in investigating organised crime in Western Australia. I spoke very briefly about findings 3, 4 and 7, which are related and talk about the resourcing implications of giving the CCC that organised crime role. To paraphrase it, finding 3 basically states that the CCC would require significant extra funding of \$42.131 million over the next five years, and beyond that it would require at least \$9.4 million per annum to seriously maintain any organised crime function. Finding 4 basically states that the WA Police are under-resourced in combating organised crime compared to their state and commonwealth counterparts. Finding 7 states —

Should the CCC be given an enhanced organised crime function, it will compete with the WA Police for funding to discharge the same function.

The logical conclusion of all that is that we should beef up the police budget, give it the resources it needs so that it is on a comparable footing with other state jurisdictions and its commonwealth counterparts, and leave the CCC with the role of overseeing police operations of ensuring that the police are doing a proper job—of policing the police, if we like. It is not because we do not have faith in the integrity or ability of the police force; in fact, far from it. I am impressed by all the police officers I have encountered in my time. I am sure that 99 per cent of them have great honour and integrity. But there are always rotten apples in a barrel. There are always people who do the wrong thing for the wrong reasons. We need an institution that stands above them and oversees them. Frankly, giving the CCC the expanded function of combating organised crime will diminish its capacity to do that with the police for the reasons I have outlined. The sensible action to take in light of findings 3, 4 and 7 is to give the money to the police. Let them do the job and have their job oversighted. The next finding of note was finding 8, which states —

The problem of the CCC recruiting skilled personnel from the WA Police will become more exacerbated if the CCC is given the jurisdiction to conduct organised crime investigations.

Western Australia is a small place with a population of roughly 2.3 million and Perth's population is about 1.8 million. We will be drawing from a small pool. If the CCC is given an enhanced organised crime function, it will necessarily pull expertise out of the police force. Some of that police culture will come across. There will be divided loyalties. Under some circumstances people will be asked to assess the behaviour and ethics of their colleagues and friends. The eastern states has a bigger pool and bigger cities where people can draw from other states more readily. We cannot do that in Western Australia; it is a small community. Taking the skill out of the

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police force will create problems not only with a brain drain from the police force but also of divided loyalties. People will come across to the CCC with existing loyalties to the police force. The very nature of policing means that people have collective loyalty. They have to go into very difficult situations where they have to rely on their brother and sister policemen. They have a strong sense of loyalty to each other, and that is as it should be. Those bonds of friendship will not be broken just because a long-serving police officer is moved to the CCC, so it will be a real issue.

Finding 10 was probably the key finding and, to paraphrase, it states in the first of three parts that the public confidence in the CCC is founded on the CCC's integrity and authentic independence. The independence of the CCC, the fact that it stands aside from the police force, gives the public confidence. The second part of finding 10 states that the CCC will be exposed to greater risk of corruption should it engage in organised crime investigations. In other words, temptation will be put in front of CCC officers. Again, I am not questioning the integrity of people working for the CCC. I have not had any dealings with them, but I am sure the vast majority of people have great integrity. But there will be rotten apples there as well, and one will be tempted. If we get one rotten CCC officer who is on the take with organised crime, bang goes the reputation of the CCC and we will be looking to set up some other process. Other legislation will be introduced because the confidence in that high-level oversight body will evaporate. We are exposing the very existence of the CCC to risk in making it deal so closely with organised crime. Temptation will happen as it always does; someone will inevitably succumb. There will go the reputation of the CCC, so not giving the CCC this organised crime function will protect the CCC itself.

Another significant finding was finding 12 where it refers to the culture of the CCC operating with the police. It states in part —

In conferring a crime fighting role on the CCC it is inevitable that the CCC will feel that it has a stake in the operational success of an organised crime investigation.

That capacity to stand above the police and examine the fairness of processes will be lost. That is part of the CCC's role. There must be a tremendous temptation for a police officer to circumvent processes when they are sure someone is guilty but they do not have the proof. We have heard countless examples of that. What is to stop the CCC, which has the task of ensuring the integrity of the investigation, from getting sucked into that process? There are real concerns with this legislation. The findings come back to that fundamental flaw with the legislation; that is, a body that is supposed to oversight the operation of the police cannot work alongside the police on a day-by-day basis.

Debate adjourned, on motion by **Dr K.D. Hames (Leader of the House)**.