

CORRUPTION AND CRIME COMMISSION — PROSECUTIONS REVIEW

Statement

HON NICK GOIRAN (South Metropolitan) [5.11 pm]: The Corruption and Crime Commission in Western Australia is a body that has extraordinary powers. When it was established it was given extraordinary powers by the two chambers of Parliament for the purpose of overseeing the police in Western Australia, in particular. It has a role to oversee all the public sector but particularly police misconduct. It is no trivial matter to talk about the extraordinary powers available to the Corruption and Crime Commission.

The contemptuous attitude of a series of McGowan government ministers during parliamentary question time seems to know no bounds. *Hansard* of 17 March 2016 records —

Accurate and timely information to Parliament and its transparent dissemination is essential. Secrecy, obfuscation, avoidance and inaccuracy, whether deliberate or not, and dishonesty, are in fact the enemies of our parliamentary democracy.

Those are the words of Hon Sue Ellery on 17 March 2016. On 5 September 2019, I asked the Leader of the House, who at the time was representing the Attorney General—the same Attorney General we have today—about a report that arose from the work of the Joint Standing Committee on the Corruption and Crime Commission. I asked —

I refer to the report of the Joint Standing Committee on the Corruption and Crime Commission, tabled on 17 November 2016 —

That is several months after the words I referred to uttered by the Leader of the House —

which recommended that the Attorney General undertake a review into the efficiency and effectiveness of the commencement and conduct of prosecutions arising from Corruption and Crime Commission investigations and to table a report on that review within 12 months of the tabling of the Corruption and Crime Commission’s annual report for 2016–17.

In other words, the report was due in around September 2018. I asked that question in September 2019. The response from the Leader of the House, Hon Sue Ellery, on behalf of the Attorney General, was —

Due to the prorogation of the thirty-ninth Parliament in January 2017, the previous Joint Standing Committee on the Corruption and Crime Commission did not have the opportunity to receive a response to this recommendation.

That was a similar kind of vibe to the one that we got from the Minister for Regional Development earlier today —

Accordingly, an identical recommendation was included in the second report of the Joint Standing Committee on the Corruption and Crime Commission, tabled on 14 September 2017. Subsequent to the tabling of that report, the Attorney General, with the agreement of the joint standing committee, committed to tabling the review within 12 months of the tabling of the CCC’s annual report for 2017–18. The CCC’s annual report for 2017–18 was tabled on 20 September 2018. The review commenced in December 2018.

Even with the delay by the Attorney General, Hon John Quigley, under this new timetable that he created, the report was due to be tabled by 20 September 2019. Here we are in May 2021. I have just asked the Attorney General today, and his hardworking, and I suspect soon to be long-suffering, parliamentary secretary has quite accurately reported to Parliament today that the review was only completed in May 2020. That was a year ago. Where is the report? Has it been tabled? It is nowhere to be seen. In fact, the contemptuous attitude of the Attorney General is to simply say, “Not applicable”. Those were the words; that is his signature on 27 May 2021: “Not applicable”. His commitment to the Parliament is “Not applicable”. This was due in 2019, and here we are in 2021, and we see the Attorney General’s arrogant attitude to the Parliament.

Where is the Leader of the House, who said in 2016, “Accurate and timely information to Parliament and its transparent dissemination is essential”? In 2016, the Leader of the House was very quick to be critical of anyone in government and their responses to questions, and referred, in fact, to “enemies of our parliamentary democracy”. The government now has a plethora of members. All I can ask for at this time is that surely one of them can knock on the Attorney General’s door and say, “For goodness sake. You said you were going to do something in September 2019. You gave a commitment to the Parliament. You made the Leader of the House utter those words in this place.” In effect, it has now become her commitment. Provide the document. Provide the report. It is already a disgrace that it was finished only in May 2020, almost two years later.

That aside, we now know that the report exists. There can be no suggestion that the report has been not completed and does not exist. I know that the McGowan government has an obsession with secrecy. It hates transparency. That is despite the fact that the now Premier in the lead-up to the 2017 election promised gold-standard transparency, yet again today, here we are, exhibit A, we ask for something, and we are told, “Not applicable”. The gold-standard

transparency that the Premier promised has been absolutely not applicable. It has been missing for four years. We are now moving into our fifth year. We are yet to see anything that barely resembles the idea of gold-standard transparency.

I hope, President, that when we return on Tuesday of next week, one of these ministers will get up during brief ministerial statements and provide an explanation for this. I would expect that the Attorney General will ensure that an apology is given to this chamber. A document that he committed to table in 2019 was not only not tabled in 2019 but not even finished in 2019. It was finished in May 2020. It was still not tabled last year. Do us all a favour and do not tell us that the excuse is COVID-19. This report was due well before anyone knew anything about COVID-19. There is no reason why this document could not be tabled. Rather than the Attorney General's contemptuous attitude today when the question was asked, it would have been very easy for him to instruct his hardworking and soon to be long-suffering parliamentary secretary to table that today in response to the question.

No, the arrogant attitude of the Attorney General is, "No way. Not on your life. Not on your nelly. I'm not going to provide any information. Even if Premier Mark McGowan, my friend the member for Rockingham, tells me I need to adhere to a gold standard of transparency, I, the Attorney General of Western Australia, will do the exact opposite. I certainly am not going to listen to any principle that has been outlined by Hon Sue Ellery on 17 March 2016." That seems to be the attitude of the current Attorney General of Western Australia. It is not good enough. I call on those ministers opposite and those senior members opposite who have been here long enough to know it is unacceptable. They would be the first to lose their mind if they were in opposition and this was happening. They would lose it if it were late for a week. We are talking about a period that is approaching two years, and the Attorney General has been unable to do this.

This is no trivial matter. This is about the Corruption and Crime Commission. There was a fiasco under the tenure of the now former commissioner, Mr McKechnie, and the Supreme Court found that actually the CCC did not have the power to charge and prosecute. That is what led to this report by the joint standing committee. A new structure has been put in place. A review of this matter was to be undertaken but now we do not know what the answer is with respect to the review because the government continues to hide the report. I hope that next week one of the ministers or indeed the parliamentary secretary will table the report so that we can all be better informed on whether there has been success as part of the new regime. The Corruption and Crime Commission can no longer prosecute charges in any jurisdiction in Western Australia other than contempt proceedings, so somebody else has to do it. My recollection is that the State Solicitor's Office is doing it for the commission. Is that working? Have further problems emerged?

I note that earlier this week, two honourable members of this place were appointed to the Joint Standing Committee on the Corruption and Crime Commission. I hope they take up this matter, because there is absolutely no point in us ensuring that these reports by parliamentary committees get tabled if the arrogant government takes no notice of them. The Joint Standing Committee on the Corruption and Crime Commission would be well placed to follow up this recommendation and the response, albeit belated—almost two years late, I might add—from the government.