

Mr John Quigley; Mr Christian Porter; Ms Margaret Quirk; Mr Bill Johnston; Chairman; Mr Tony Krsticevic

Division 28: Corruption and Crime Commission, \$32 747 000 —

Mr A.P. O’Gorman, Chairman.

Mr C.C. Porter, Attorney General.

Mr M. Herron, Acting Commissioner.

Mr M.J.W. Silverstone, Executive Director.

Ms P. Mabbs, Director, Corporate Services.

Mr D. Creedon, Chief of Staff, Office of the Attorney General.

[Witnesses introduced.]

The CHAIRMAN: The member for Mindarie has a question.

Mr J.R. QUIGLEY: Attorney General, in the first line item of division 28 the operating budget is estimated at \$31 million. I notice from the newspaper, perhaps with the ascension of former operations director, Mr Anticich, to the crime command of WA Police, that there is greater utilisation of the capacity for the CCC in extraordinary special powers investigations. It is only from what I read in the media, because a lot of hearings might be secret hearings. I take it that the CCC would not know in advance the operations for which the police want to use those extraordinary powers at the start of the year—that would happen on an ad hoc basis. Are there contingency provisions within this budget to cover hearings before the CCC—probably held in camera; I do not know? In other words, is there a provision for unforeseen hearings at which the police might come to the CCC to request the extraordinary powers to be enlivened? I cannot see a contingency provision here.

[11.50 am]

Mr C.C. PORTER: The short answer to the member’s question is no. The estimated actual budget for 2011–12 is, in effect, \$31 million. The point the member makes, and I understand also, is that there will be a greater use of these powers in cooperation with the police. The point the member makes is that that might happen at short notice because of the nature of such matters. That greater use of powers has to be absorbed inside the existing budget. It is open for any department or agency to make an application for supplementary funding if some extraordinary circumstances exist. We have not had any such application from the Corruption and Crime Commission. The answer to the member’s question is that that type of use of CCC resources is absorbed inside the existing budget.

Mr J.R. QUIGLEY: I am sure the Attorney General would agree that that sort of resource that the CCC has in a conjunct operation with WA Police is crucial to the fight against organised crime.

Mr C.C. PORTER: I would say it is a very helpful addition to the suite of tools that can be used to combat organised crime, of course.

Mr J.R. QUIGLEY: Given that it has to be absorbed within the existing budget of the CCC, I note from the report of the Joint Standing Committee on the Corruption and Crime Commission, which dealt with the aspect of funding estimates submitted by the CCC to the committee in December 2009, that should the CCC itself receive an organised crime power, an additional \$42 million over five years would be required to operate a mature organised crime reference. Is that still the view of the CCC, as given in evidence to the joint standing committee?

Mr C.C. PORTER: That is the evidence that the CCC gave to the joint standing committee. I am not aware of any other public submission that it has made that would supplant the view it had at that time.

Mr J.R. QUIGLEY: Bearing in mind the answer that the Attorney General gave in an earlier division to a question about the legislative agenda of the government and organised crime powers of the CCC, would the Attorney General agree that there is neither provision in this budget for \$5.6 million, as estimated by the CCC for the first year, nor any funding for the out years should the Attorney General pass that legislation, as he indicated he would, in the thirty-eighth Parliament? There is just no provision in the budget.

Mr C.C. PORTER: I make two points on that matter. The first is that it is not departments and agencies that determine their own budgets; it is the cabinet, through the Economic and Expenditure Reform Committee process. I mean no disrespect to law enforcement agencies but, even in my short time as both Attorney General and later as Treasurer, I note that if there is a group of agencies whose initial bids and request for funding are substantial, it is often law enforcement agencies. I put it bluntly to the member that if cabinet and the EERC accepted that the police needed every dollar that they asked for, there would be very little of the budget left for anyone else. Therefore, any request from law enforcement agencies for additional funding will be vigorously analysed. The member for Mindarie has noted that a view was put in 2009 by the CCC that it might need in the vicinity of \$8 million a year over five years, totalling about \$42 million. We would look at submissions of that

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nature once the legislation is finalised and, indeed, once the CCC has had occasion to thoroughly analyse the proposed legislation. That estimate was made without the CCC having the advantage of seeing the proposed legislation. No doubt, when the CCC has the ability to analyse the proposed legislation, which is well advanced, it will make a claim for additional funding, and that claim will be rigorously scrutinised. I cannot think of any recent claim for funding from a law enforcement agency that was accepted *prima facie* without question and the amount asked for handed over. This is, therefore, a matter for the EERC process.

Mr J.R. QUIGLEY: I have a further question. I take that on board, but in answer to a previous question the Attorney General said that investigation of ad hoc references by WAPOL to the CCC would have to be absorbed into the CCC's budget. There is, therefore, no slack or contingency in the CCC's budget for a draw-down for this type of reference.

Mr C.C. PORTER: Does the member mean a standing reference by virtue of legislative change?

Mr J.R. QUIGLEY: Correct. It is not a matter of the CCC wanting too much; it is a matter of the budget having no provision in the years to come for such a standing reference. The CCC is not asking for too much; there is not a dollar in the budget for it.

Mr C.C. PORTER: Indeed, but that is not to say that there will not be. The member is suggesting that a decision on the budget for that matter should be included in the present budget. That would be well and truly putting the cart before the horse. We have to finalise the legislation, which will be soon, and it will have to be analysed by the CCC. The CCC will then make submissions to government through the EERC process about any additional resourcing it may or may not say it needs for the additional powers. The member should bear in mind that the legislation, as we have openly suggested, will also require a change to the complexion of the CCC's existing work, which must be factored into whether there is any slack in the budget, as the member puts it. I take the member's point that it may well be that the legislation, which everyone including the CCC will see shortly, will prompt the CCC to make application to government for further recurrent expenditure, but that will be assessed on its merits and in the context of what the legislation giveth and what it taketh away!

Ms M.M. QUIRK: Still on the Corruption and Crime Commission, I refer to the last dot point on page 350, which relates to—wait for it—the Commonwealth Heads of Government Meeting. The prediction there is of some contentions surrounding the CCC's role in CHOGM. Leaving that aside, that last paragraph asserts —

The Commission anticipates an increase in allegations against police in the period of the Commonwealth Heads of Government Meeting.

What is the basis for that comment and to what level does the CCC anticipate an increase in allegations?

Mr C.C. PORTER: I am not sure whether any calculation has been done empirically of the increase expected by the CCC. I imagine the CCC has based that assessment on the fact that special powers at a particular time can potentially attract events such as public protests from people trying to make a point under the auspices of CHOGM; that this can result in a pretty intense period of interface between both the police and the general public; and that such increased activity between the police and the general public will logically result in an increase in the number of complaints. I think that is a fair summary. There has been, therefore, no empirical analysis done of it; it is commonsense.

Ms M.M. QUIRK: That deals with police, but how does the Attorney General envisage the working role of the CCC with the other powers to be conferred under the legislation? I will give a reasonably hypothetical example. Let us say someone is running a blog that is very aggressively republican. For example, it might include some comments that could, on their face, appear to be treasonable. Would that be a matter in which the CCC would be involved and would question that person? At what level of perceived criminality will the CCC have a role in this legislation?

[12.00 noon]

Mr C.C. PORTER: That is a very broad hypothetical. I am not certain whether the answer to that lies in the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011 or the Corruption and Crime Commission Act 2003 as it stands. It would depend on who wrote the blog and the extent to which it could or otherwise involve misconduct. It is a very difficult question to answer in the hypothetical, but it is not inconceivable that that sort of situation at its extremes could be the subject of investigation by the CCC with or without the CHOGM bill.

[Ms A.R. Mitchell took the chair.]

Ms M.M. QUIRK: Presumably the CCC feels that it can evaluate the whole CHOGM process. Where does the Attorney General perceive the CCC can be most helpful or productive in its oversight of CHOGM activity?

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Mr C.C. PORTER: These are operational matters. I am happy for one of the gentlemen present to answer that question from their perspective.

Mr M. Herron: As I understand the bill in its current form, application may be made to the CCC for access to its staff, its facility or its general organisation, particularly with things such as telephone intercepts. The greater role may be with applications made to the CCC for private examinations. As I understand the current wording of the bill, those private examinations will operate very similarly to how we exercise private examinations under the extraordinary powers jurisdiction in our involvement with the police. That will probably be our greatest involvement.

Ms M.M. QUIRK: What is it that makes the CCC powers useful above and beyond normal robust police investigation?

Mr C.C. PORTER: The Acting Corruption and Crime Commissioner spoke about the special hearings power, which is referred to in the CHOGM bill. As I understand it, it is envisaged that the additional powers that the CCC has, which the WA Police does not, could be enlivened. The point I was trying to make in response to the member for Girrawheen's hypothetical is that, depending on who placed an extreme view on the internet and what the view was, that matter could be investigated by the CCC independent of the interface provided in the CHOGM bill. The primary additional power that the CCC brings to the table during the CHOGM period is the special hearings power.

Mr W.J. JOHNSTON: I refer to page 350 and the second dot point. 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?

Mr C.C. PORTER: I have to take that as a supplementary question; I do not have that information here.

Mr W.J. JOHNSTON: I am very happy to have that as a supplementary question.

The CHAIRMAN: Would the minister please clarify what information he will provide?

Mr C.C. PORTER: I will give everything that was the subject of the question. The member may need to repeat the question.

The CHAIRMAN: Would the member for Cannington please repeat his question?

Mr W.J. JOHNSTON: Certainly. I have it in writing; I have a handwritten note. I will read it out and then hand it up. I am happy for that to happen.

Mr C.C. PORTER: I caveat that by saying that I am very happy to fulsomely provide that information, but I will no doubt be advised of any operational considerations in respect of that information, and if there is any question that the information would jeopardise an operation or there is some other cogent legal reason that I am unable to give the information, that will need to be taken into consideration.

Mr W.J. JOHNSTON: It would be interesting to hear that. These questions ask for statistics and nothing else.

Mr C.C. PORTER: I understand that. I am giving forethought to some of the issues that sometimes arise. I have every intention of giving the member a fulsome response, but it may not be simple.

Mr W.J. JOHNSTON: I will repeat the questions. How many persons who have been mentioned in transcripts of public hearings 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 then 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?

[Supplementary Information No B21.]

Mr J.R. QUIGLEY: I refer to "Significant Issues Impacting the Agency". I must attach my question to a line item in the budget. My question relates to the vacancy at the top. Therefore, in attaching this issue to a line item in the budget, it might be best to attach it to "Amount Authorised by Other Statutes"; namely, the Corruption and Crime Commissioner's salary. Given the commissioner's salary, I am almost tempted—I will probably give Mr Silverstone an apoplexy if I say —

The CHAIRMAN: May I ask the member for Mindarie to quote the page number?

Mr J.R. QUIGLEY: Certainly. I refer to page 349 and the second line item in the budget. I do not want to give Mr Silverstone an apoplexy by suggesting that the member for Mindarie might be tempted by this amount and put up his hand!

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Ms M.M. QUIRK: Never a dull moment!

Mr J.R. QUIGLEY: I ask the Attorney General: how is the search going? Do we have it down to a short list? I ask the acting commissioner: who has to fund the search? Does the funding come out of the budget of the CCC? Might not the vacant chair at the top be having some impact upon the agency?

Mr C.C. PORTER: There are three parts to that question. How is the search funded? I must confess I am not entirely certain whether there has been any —

Mr J.R. QUIGLEY: Does the government or the CCC pay for the search?

Mr C.C. PORTER: I will receive some advice. From what I have been advised, there has been some relatively minor expenditure on advertising. This is not an executive consultant search process, which is sometimes more expensive because an external consultant is paid. That advertising budget has been borne by the CCC.

Is the vacancy having an impact and how is it going? It is not going as well as I would prefer. The structural situation in this process is that the government does not act at first instance. The Chief Justice is the head of a committee that must recommend names to the Premier. The Premier must choose a Corruption and Crime Commissioner from that list. After the first round of searching, the Chief Justice was not satisfied that he had a name or names worthy of presentation. Therefore, the first round of searching via the Chief Justice's committee was unsuccessful. The Chief Justice is now in the process of engaging in a second round of searching. I am hoping that the second round is more successful than the first. An issue sits inside that second round of searching. I will address that issue before coming to how the vacant commissioner position is impacting the agency. Complexities surround the remuneration of the commissioner. Those complexities relate not necessarily to the quantum of the remuneration, but to the interaction of the commissioner's position and the position of judicial officer. People who are sitting judicial officers may be reticent to take the position of commissioner because they foresee that the legislative and remunerative structure does not guarantee them their place back on the court. Constitutional issues could also arise from that problem. There are other issues about remuneration and the calculation of the pension system for a commissioner. If the commissioner went on to do judicial service, the question arises of whether the term as commissioner counts for that judicial service. These are problems that exist, which, on one argument, might make the position less attractive than it ought to sitting or potential members of the judiciary.

As the member knows, we are going through a process of reforming the Corruption and Crime Commission Act. We had not contemplated, in the process of that reform, tinkering with the remunerative structure of the commissioner himself; I have now formed the view, after discussions with the Chief Justice about the lack of success of his first round of search, that we should do that. Of course, I cannot promise anything to the Chief Justice, or indeed any candidate who may be considering the commissioner's position, because that depends on cabinet, my party room and the Parliament, but I intend to indicate to the Chief Justice that we have every intention of fixing what some people perceive to be problems in that remunerative structure, which may remove the disincentive to people who would otherwise apply. That is a communication I will be having with the Chief Justice in more detail shortly. I hope that that will help in the second round of search. The second round of search by the Chief Justice is also casting a wider net than round 1, but nevertheless that process is not run by government.

[12.10 pm]

Mr J.R. QUIGLEY: Is the second round underway?

Mr C.C. PORTER: Yes. I have had discussions with the Chief Justice about the second round of his committee's search. This issue that I have alluded to arose in the context of those discussions, and there may be ways in which we can give some comfort to potential applicants that it can be resolved. I do not know whether that is fundamental to the difficulties we are having, but it may have some impact on the situation.

Member, how is it impacting the agency? I am sure the acting commissioner and the other acting commissioner would very much like a commissioner, and the government wants a commissioner appointed. I do not think the agency could realistically be considered to be operating at absolute peak form in the absence of a permanently appointed commissioner, but, again, the legislative process in place is that we require a name to come from the Chief Justice's committee. The Chief Justice has to be satisfied that that name is worth placing before the Premier so that a choice can be made.

Mr J.R. QUIGLEY: Do I understand from the answer given thus far that as to the prospective legislative amendments, there might be some problems in terms of the remuneration?

Mr C.C. PORTER: The legislative amendments that we contemplated went squarely to the issue about the organised crime powers of the commission. This other issue about the potential movement of a judicial officer to the role of commissioner—or someone from the independent bar, for instance, who might otherwise take on the

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commissioner's position but would then be concerned about the prospects of judicial appointment after that—has been identified, amongst other things, as being a potential impediment to the search process. I have now said to the Chief Justice, who heads up the committee for the search process, that we will now—we have done it very swiftly—look at whether we can fix those potential perceived problems in this reform process. It is highly likely that that will not be completed before we finish the search process, but we may be able to give some comfort to people who are considering putting their names forward that the problems that they perceive to exist might be cured by legislation.

Mr J.R. QUIGLEY: So the impediments might remain as real in any prospective commissioner's mind until legislation in respect to both remunerative and constitutional impediments is enacted, and in respect of what is to be the final shape and primary task of the CCC. Both of those issues must impact upon the mind of a prospective applicant, would the Attorney General not think?

Mr C.C. PORTER: In my discussions with the Chief Justice it has been raised that the latter issue of remuneration has loomed in the minds of some prospective applicants, rather than the former issue as to the legislative structure. I have not had a complete run-down of every single conversation that this committee has had with every single potential candidate, but since the legislation was enacted it has had certain legislative bases for the remuneration of the position of commissioner. It has now been brought to my attention that some people who might otherwise consider themselves candidates perceived some difficulties with that aspect of the existing legislation. I take a view that that could be changed, but as the member pointed out, the search process is now live; the legislative change is prospective. The best that we can do—I will be speaking to the Chief Justice about these issues—is give some undertaking that that will be part of the reform.

Mr J.R. QUIGLEY: The Labor opposition wants to see this matter resolved as soon as possible to give this organisation its best operating structure. Is it reasonable to expect that the legislative changes will pass through the Parliament, or be presented to the Parliament, this year?

Mr C.C. PORTER: That is certainly the aim of my office; absolutely.

Mr J.R. QUIGLEY: Will that be in respect of all aspects—that is, in respect of the shape of the CCC as well as the remuneration and constitutional issues—or just the latter?

Mr C.C. PORTER: These are matters that have to ultimately be approved by cabinet, particularly the latter issue about remuneration, which has arisen prior to the approval-to-draft stage. I will be making a strong submission to cabinet that it be part of the reform process, and indeed I have commissioned drafting that goes to this issue, so it is my expectation that that will be part of the reform process.

The CHAIRMAN: I am going to move on to another member for questioning. The member for Girrawheen has the call.

Ms M.M. QUIRK: I refer to page 350 of budget paper No 2, in particular the Corruption and Crime Commission's role in investigating the conduct of police officers; I will ask a number of questions that the Attorney General will probably have to defer to his colleagues. What are the criteria for the CCC to take on an investigation of police matters? Is it solely at the CCC's discretion, or is there a specific arrangement with police? Also, what percentage of the CCC's work relates to investigations of corrupt police; is it increasing or decreasing; and, if it is increasing, by what amount? Finally, when can we expect the Spratt inquiry to be finalised?

Mr C.C. PORTER: There are several questions there. In a moment I will invite the acting commissioner to comment on them, but to start with I will give the member my understanding of it.

The CCC, of course, investigates police. The member has asked, in effect, whether those investigations are at its discretion; the best answer is, in general terms, yes. What needs to be considered is the form and origin of the complaints. People who have had some interface or interaction with the police have lodged written complaints to my office. Having complained to a number of bodies, they have not received satisfaction, and they then complain to the CCC. In fact, that is a citizen's complaint going direct to the CCC. I would imagine it is also the case that the CCC receives complaints direct from police. There will be a variety of origins. I think it is particularly true of complaints originating from citizens that whether or not the CCC ultimately investigates is a matter for the CCC's discretion. It, no doubt, has rules or bases upon which it exercises that discretion. I am unsure whether or not there are any formal rules or bases for exercising that discretion, particularly in respect of complaints that come from the police. I am not sure, so I will invite comment as whether or not it uses something like the Office of the Director of Public Prosecutions' guidelines document.

The member asked whether the volume of work related to the investigation of corrupt police is increasing; it is my understanding that the volume is increasing, but I will let our CCC representatives comment on that. As to when the Spratt matter will be finalised; I am not across the operational detail. I think the questions, acting

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commissioner, are: where do the complaints about police come from; who makes the decision whether or not they are dealt with; is that discretionary; and, if so, according to what rules; and, is the volume of complaints increasing or decreasing? There was also question about the Spratt issue.

[12.20 pm]

Mr M. Herron: Complaints about the police come from a variety of sources. Under our act, the Commissioner of Police is required to notify us of certain matters, and we look into those matters, obviously. Complaints about the police can come from the public, and they often do. There is a variety of sources that they come to us from, but a lot of complaints come to us from the police themselves under the requirement to notify us of matters that might give rise to misconduct, and we investigate those. The way in which we often deal with those sorts of complaints is that, depending on the seriousness and the nature of the allegation, we will require police to investigate the matter themselves, and then we will oversight their investigation. We can at any time make a decision whether we should get involved and take it out of the hands of the police. Our role is very much to oversee their internal investigations of the matters. Indeed, if we get a complaint from the public, we will often refer it to the police to deal with internally, and then we oversee that. We have a discretion in how we handle or investigate complaints about the police.

On the second issue of whether complaints are increasing, I think that is correct. The executive director has the figures, so he can provide them precisely if the member would like them.

Mr C.C. PORTER: We will provide them as supplementary information, if the member wishes.

Ms M.M. QUIRK: Yes, thank you.

Mr C.C. PORTER: We will provide figures on complaints against serving Western Australian police officers received by the Corruption and Crime Commission.

Ms M.M. QUIRK: Presumably, that will be for the past two years so that we can get some idea of the trend.

Mr C.C. PORTER: We will give the member the time line that we have available.

[*Supplementary Information No B22.*]

Mr M. Herron: I think that leaves the last question about the Spratt matter. The member is aware of course that the public hearings have been completed. There have been two lots of public hearings. I was the acting commissioner for the last lot of public hearings. We are going through some ongoing investigations. Various stages of report writing are in progress in the different parts of the Corruption and Crime Commission. We go through various stages. We will also involve counsel assisting to address various matters. We have certain time lines in place for that. It will, to some extent, depend upon my own commitments outside the commission, but I hope that we are in a position to have a report finalised by mid to late this year, perhaps in September or October.

Mr J.R. QUIGLEY: The fifth dot point on page 350 refers to misconduct prevention education programs. Many of these programs are oversubscribed. Can the Attorney General tell us whether the oversubscription of these programs is a funding issue? I do not know what is involved there. Which programs are oversubscribed? I do not know.

Mr C.C. PORTER: It is an oversubscription issue, I would imagine. I am very happy for the acting commissioner to speak to that. As I understand it, the CCC travels far and wide and speaks to public servants, particularly on topical issues. One of the recent ones that I had some feedback on was on procurement and what does and does not constitute appropriate and proper conduct on procurement. I suspect that, as these education programs have become more widely known and used, the demand for them has increased. I am very happy for the acting commissioner to comment on that.

Mr M. Herron: In a nutshell, that is the correct answer. There is more enthusiasm to attend our presentations and workshops. I think it is a sign of how effective our prevention education programs are. More people are becoming aware of them and more people are encouraged to attend them, and that is why they are oversubscribed. The word is getting out, and more and more public sector organisations are taking up our invitations to attend our presentations.

Mr A. KRSTICEVIC: The first line item in the table on page 350 of volume 1 of budget paper No 2 refers to corruption prevention and education programs, reviews and consultancy services. I note that there has been an increase in expenditure on those programs over a number of years and into the out years. Are they the only programs that are being run? Is the budget increase related to the demand for those programs or are there other factors?

Mr C.C. PORTER: I will ask Acting Commissioner Herron to speak to that. I think the line item that the member is talking about is an internal provision in the CCC's budget for what it spends on the education

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component from the total budget of roughly \$31 million. The government does not tie the funding to the CCC. The CCC makes determinations on internal priorities, which will wax and wane depending on the business that it encounters in a given year. I refer the question about the other educative programs to the acting commissioner.

Mr M. Herron: I might let the executive director answer that question specifically. To some extent, the funding that the member has asked about is governed by the number of full-time equivalent staff we have to present those programs, and we are constrained to some extent by the availability of staff presenting those programs. That is, in a sense, a funding issue. Perhaps the executive director can address the question about the number of programs.

Mr M.J.W. Silverstone: The number of programs we present ties into the overall corruption prevention program we have. The presentation of seminars and forums fits into a range of other work done by the corruption prevention staff. There are about 28 full-time equivalent corruption prevention staff, so their work program fills that. The commission's overall work program is governed by the size of its full-time equivalent staff, which is 154. We made a decision about how many staff sit within the corruption prevention program, and the number of staff available dictates the volume of work they are able to perform.

Mr C.C. PORTER: I put to the member that one of the issues is that, from time to time, the CCC or other agencies will uncover one or another form of misconduct, and the educative focus will then shift to what they perceive to exist as a problem inside the public sector. As mentioned, procurement was and remains an issue. No doubt some thought was given at the CCC about the issue of gifts inside the public sector. But the educative campaign will ebb and flow to meet the needs and concerns that arise in a year or beyond.

Ms M.M. QUIRK: The note at the bottom of the table on page 351 basically indicates that the commission's function is focusing more on reviewing more serious and complex allegations than on reviewing all allegations. I presume that that is a workload issue, and that can be confirmed. The question I really want to ask is about the process that the CCC undertakes when it charges someone for a criminal offence. At the time the charges are laid, does the CCC go to the Director of Public Prosecutions to seek an initial opinion?

In terms of disclosure requirements, does the Corruption and Crime Commission have any time frame for preparing all the information necessary to enable compliance with its disclosure obligations? At what stage does the Director of Public Prosecutions become involved? Once the DPP is involved, does the CCC have any ongoing involvement in the prosecution?

[12.30 pm]

Mr C.C. PORTER: I will deal with the second part of the question first. Obviously, the CCC can be the prosecuting body in some matters; others are prosecuted by the DPP. Logically, DPP advice, however defined, will always exist in one form or another in a matter prosecuted by the DPP. The experience I had as a prosecutor was that even in those matters that the CCC chose to prosecute, it would often choose to seek advice from the DPP in respect of those matters, although not always. Sometimes, in matters that were subsequently given to the DPP, the CCC sought advice before requesting the DPP to prosecute, to see whether there was a *prima facie* case, or any other matter. The Acting Corruption and Crime Commissioner might want to comment in a moment on the decision as to who prosecutes. Whether it is a prosecution by the CCC, or by the DPP originating from a CCC investigation, it is my understanding that the disclosure obligations of the Criminal Investigation Act are standard and apply to all those circumstances without exception. In respect of the first part of the member's question, which was about an explanation for the significant movements the end note refers to, I took it to mean that there is a massive volume of complaints going to the CCC. I find many complaints coming to my office in respect of this or that matter, and we acknowledge that this may or may not be a potential complaint or allegation of misconduct. That needs to go to the CCC. I can say, even from that small sliver of complaints that make their way into my office first, that they are of a wide variation of levels of seriousness and substance. I imagine that there is an ongoing need for the CCC to sort the wheat from the chaff in respect of the volume of complaints. I will ask the acting commissioner to comment on the sorting of complaints and where they go, and also the decision about whether the DPP or the CCC will proceed to physically prosecute a given matter.

Mr M. Herron: In relation to the question of who prosecutes, as the Attorney General has said, often we will seek advice from the DPP and be guided by its advice about the prospects of any charges. Generally speaking, though, our policy is that we will lay the charges and conduct the prosecution if it is done summarily. If it is in the Magistrates Court, we will conduct the prosecution; if it is sent up to the District Court, we will then hand it to the DPP. For example, there were a number of charges brought by the CCC arising out of the public examinations that were held in relation to the Curtin University Language Centre. I think I am right in saying that everyone who was charged has now entered guilty pleas in the Magistrates Court, and they have all been remitted to the District Court and the DPP will appear on behalf of the commission in relation to those matters. I think that addresses the question asked in relation to who prosecutes and what our relationship is with the DPP.

Mr John Quigley; Mr Christian Porter; Ms Margaret Quirk; Mr Bill Johnston; Chairman; Mr Tony Krsticevic

In relation to the number of complaints we receive and how we deal with them, I might ask the executive director if he wants to expand upon the answer. I have been with the CCC for only a relatively short time, but my advice is that we have started to deal with complaints in a different way. Initially, we might deal with them on more of an individual basis, but over time we have sought to educate the various public sector organisations as to how they deal with them, and teach them to deal with them internally. We do not necessarily require the agencies to report back to us for each individual matter, but to report back to us to assist with how they are dealing with it. They might report back to us in a month with all the matters at hand, rather than reporting back to us on each particular matter. Again, we get involved in more of an oversighting role, rather than us actually dealing individually with every complaint.

The CHAIRMAN: Before we move on, I bring to the attention of members that we are still on division 28. We are due to finish at one o'clock and there may be other members of the committee who wish to ask questions on the other divisions. I seek an indication from members.

Mr J.R. QUIGLEY: I have one more question on this division.

The CHAIRMAN: Does the executive director wish to respond to the member for Girrawheen or move on? Does the member for Girrawheen need further information from the executive director?

Ms M.M. QUIRK: No, that is fine.

Mr J.R. QUIGLEY: I hope I do not seem to be too crass with this particular question! I refer to page 353 of the *Budget Statements* and the section "Asset Investment Program". Under the heading "Works in Progress", there is a line item "Fit-Out and Refurbishment of 186 St. George's Terrace". There is an \$8 million spend on refurbishment, so soon after the CCC was inaugurated. I note that there is nearly \$8 million to be spent in 2013–14. What are the proposals for such an extensive refit? I would not be so crass as to suggest that it is perhaps to keep up with the proposed washrooms at the new Supreme Court as they come on!

Mr C.C. PORTER: I understand that the \$7.9 million the member refers to that appears for 2013–14 —

Mr J.R. QUIGLEY: I have —

Mr C.C. PORTER: If the member goes to page 353, he will see the line item for the fit-out and refurbishment. He is quite correct; it is an estimated total cost of \$8.2 million.

Mr J.R. QUIGLEY: Most of the spend is in 2013–14.

Mr C.C. PORTER: Indeed. The \$7.9 million is a contingency figure; that is the year in which the lease on the present building expires, so an amount has been placed within the CCC budget in contemplation of the possibility that it may have to leave and refit new premises. I very much hope that that is not required, because there is a great deal of equipment and fit-out at the present premises. In any event, that is a contingency fund.

Mr J.R. QUIGLEY: In case it has to relocate?

Mr C.C. PORTER: Correct.

The appropriation was recommended.