

**Division 5: Anti-Corruption Commission, \$10 379 000 -**

Mr A.J. Dean, Chairman.

Dr G.I. Gallop, Premier.

Mr G.D. Charlwood, Chief Executive Officer.

Mr M. Banaszczyk, Director, Business Services.

Mr C.J. BARNETT: I refer to funding for the forward years. I am conscious of the proposal to establish the Corruption and Crime Commission. The forward estimates show maintenance of current funding. What additional FTEs are required and what additional funding is required from the ACC to create the CCC?

Dr G.I. GALLOP: When the Attorney General announced the legislation for the proposed Corruption and Crime Commission he indicated the increased funding that would be allocated to that body. That has been located in the budget, but I do not have the figure at my fingertips. I will provide that detail as supplementary information. It is not in this item; it is in another part of the budget. I will provide for the Leader of the Opposition the expected budget allocation for the new Corruption and Crime Commission and the expected number of FTEs it will employ.

*[Supplementary Information No A30.]*

Mr C.J. BARNETT: The ACC has 85 FTEs. I would appreciate some advice on the number of FTEs for the CCC.

Dr G.I. GALLOP: It is the same question so the answer will be provided with supplementary information No A30.

Ms M.M. QUIRK: I refer to the fifth dot point on page 117, which refers to a significant recruitment of new investigative staff. Given the present state of the ACC and its possible future, why is that considered necessary? Were the staff appointed to help with technical matters associated with the royal commission? Were they on temporary contracts or do they have some level of permanency?

Mr CHARLWOOD: The recruitment campaign commenced in July last year to replace staff we lost through attrition in the preceding months. That campaign continued. At that time, the ACC was not aware what recommendations would be made in the interim report of the police royal commission or how they would be treated by government. The information came available only early this year. The positions had been offered to those staff. They were subject to the timing of the recruitment. If it were post the implementation of the Premier's Circular No 17, 2002, they were engaged under the modes of employment policy. Prior to that, the commission made a determination on 28 November 2002 in line with circular No 17, 2002, and converted a number of staff from fixed-term contracts to indefinite tenure.

Ms M.M. QUIRK: What number of staff does that apply to?

Mr CHARLWOOD: Approximately 17 were recruited in that recruitment campaign. Not all were investigative staff.

Ms M.M. QUIRK: You also referred to staff attrition in the context of the new recruitment campaign. Did that include staff who were, for example, retired on stress leave?

Mr CHARLWOOD: I cannot recall any staff retiring as a result of stress leave.

Mr B.K. MASTERS: I refer to output performance measures on page 117. The first four lines relate to the quantity of outputs. How does one evaluate the effectiveness of a body such as the ACC? What types of allegations were the 110 allegations assessed in the current year? They were obviously not against police but against a wide range of individuals, both public service and private. How many resulted in action being taken? How many of the allegations were confirmed?

Dr G.I. GALLOP: Much of that material is in the annual report.

Mr CHARLWOOD: Not wishing to shortcut the process, we recently provided a quarterly report to the Joint Standing Committee on the Anti-Corruption Commission. Those figures were subsequently published by the joint standing committee as appendices to that report. I can go back over the figures.

Mr B.K. MASTERS: I would appreciate a general description of output quantity.

Mr CHARLWOOD: The conduct involved in the 110 matters assessed went across the spectrum of the ACC's jurisdiction, ranging from corrupt conduct and criminal conduct to serious, improper conduct. I do not have a breakdown of the 110.

Mr B.K. MASTERS: Were public and private sector people involved?

Mr Colin Barnett; Dr Geoff Gallop; Ms Margaret Quirk; Mr Bernie Masters; Mr John D'Orazio; Chairman

---

Mr CHARLWOOD: Private sector people do not come within the commission's jurisdiction unless they are people involved with public officers in that conduct. Jurisdiction of the commission is restricted to public officers, including police, and extends to others if they were involved in conduct with a public officer.

Mr B.K. MASTERS: If a John Kizon type of character were thought to be involved with a police officer, is that the only way he would become subject to inquiry?

Mr CHARLWOOD: By the ACC, yes.

Mr J.B. D'ORAZIO: I refer to the fourth dot point under major achievements for 2002-03 on page 117. It refers to a high number of operational matters being concluded, without compromising quality, as a result of effective investigative management procedures. How many of them resulted in prosecutions?

Mr CHARLWOOD: I will refer to the material we provided to the joint standing committee. Of the total number of matters dealt with by the commission that resulted in prosecution, 41 matters resulted in criminal charges being laid.

Mr J.B. D'ORAZIO: Are they awaiting prosecution?

The CHAIRMAN: Standing orders require that members direct their questions to the minister.

Mr J.B. D'ORAZIO: I did.

Dr G.I. GALLOP: On this question, I refer to Mr Charlwood.

[Mr A.D. McRae took the Chair.]

Ms M.M. QUIRK: I refer to the last dot point on page 117, which states that the ACC assisted the WA Police Service in investigating a number of serious crime and corruption drug offences by providing telecommunications interception and other investigative services. Could a breakdown be provided for the past year of how much the telephone interception was used by the royal commission, how much was used to assist the WA Police Service, and what percentage was used on ACC stand-alone investigations?

[8.00 pm]

Mr CHARLWOOD: The telephone interception powers under the commonwealth Telecommunications Interception Act can be used only by the ACC in relation to investigations it is conducting. It is able to conduct those investigations jointly with bodies such as the royal commission and the WA Police Service. The Anti-Corruption Commission does not conduct telecommunications interceptions for other agencies. All the intercepts we conduct are conducted for our own inquiries.

Ms M.M. QUIRK: I apologise; I phrased the question inelegantly. I should have said at the request of. The ACC may have been jointly involved, but it was principally at the instigation of the WA Police Service.

Mr CHARLWOOD: That is not the case at all. There is no provision in the Telecommunications (Interception) Western Australia Act for other agencies to request us to conduct telecommunications -

Ms M.M. QUIRK: I am talking about interceptions undertaken as part of the joint task force, Mr Charlwood.

Mr CHARLWOOD: I am not trying to be difficult; I am just trying to be precise. I will provide that information as additional or supplementary information.

Ms M.M. QUIRK: On that matter, you were in the back of the Chamber when some questions were asked during the previous division relating to assistance to the royal commission. What assistance did that entail?

Mr CHARLWOOD: In terms of?

Ms M.M. QUIRK: The provision of assistance by the ACC to the royal commission.

Mr CHARLWOOD: Mr Hastings answered the question accurately. A range of investigative assistance was provided by the ACC to the royal commission, including telecommunications interception as part of joint operations. We provided physical and other surveillance services and we provided investigative services through the use of investigators in joint operations.

Ms M.M. QUIRK: What percentage of the ACC's time over the past year was occupied with royal commission matters?

Mr CHARLWOOD: That is a very difficult question to answer off the top of my head. Again, I will provide the member with supplementary information.

The CHAIRMAN (Mr A.D. McRae): This is partly the reason I said that the Premier must have the questions directed to him because the Premier must specify -

Mr Colin Barnett; Dr Geoff Gallop; Ms Margaret Quirk; Mr Bernie Masters; Mr John D'Orazio; Chairman

---

Dr G.I. GALLOP: I will ask the Anti-Corruption Commission to provide supplementary information in relation to the proportion of its time that has been taken up with royal commission activities.

*[Supplementary Information No A31.]*

Mr B.K. MASTERS: I refer to the first line under current assets on page 120. Why in past years and in the coming year, does the commission hold such large cash assets? A big sting could be arranged for those prices. Is there an operational reason for that?

Mr CHARLWOOD: The savings reflected in the budget papers were accrued over a number of years as a result of savings from a range of operational efficiencies and savings on staff salaries. These have been progressively applied to supplement the appropriations, particularly in the area of telecommunications interception, and to provide for the infrastructure and operation of that extremely valuable investigative tool.

Mr B.K. MASTERS: I am not sure whether the question I asked has been answered. Why does the Anti-Corruption Commission have \$4.996 million in cash assets this year, and why will it have \$3.518 million in the coming year? Were you answering that question?

Mr CHARLWOOD: I was initially explaining how the savings had been accrued. That was the answer I gave.

Mr B.K. MASTERS: Is it money saved from unspent salaries and things of that nature?

Mr CHARLWOOD: Yes. With regard to the reduction of those savings this year and where that money is being applied, I refer the member to the second line from the bottom on page 119. The figure of \$1.412 million is that portion of accumulated cash reserves that is proposed to be utilised over the 2003-04 financial year.

Ms M.M. QUIRK: Since the royal commission's interim report was handed down, has an assessment been done into the current status of staff at the ACC, including what the ACC's financial liabilities might be; for example, with regard to paying out staff and the pool of leave and so forth?

Dr G.I. GALLOP: A committee has been created to manage the transition. Mr Hastings indicated that the royal commission is represented on that committee and Mr Charlwood is also on that committee. We intend to manage the transition from the ACC to the Corruption and Crime Commission in the most efficient manner and also in a manner that meets proper human resource principles.

Ms M.M. QUIRK: Further to that, that does not necessarily imply that the staff from the ACC will automatically transfer to the CCC.

Dr G.I. GALLOP: We have made it clear that that matter will be determined in cooperation with the new commissioner to be set up under the new legislation.

Ms M.M. QUIRK: Have the existing staff been formally advised of their present position?

Dr G.I. GALLOP: Those types of matters are being dealt with by the committee set up to handle the transition.

Ms M.M. QUIRK: I refer to the major initiatives for 2003-04 on page 118. Those initiatives include focusing on analysing existing intelligence, ensuring the smooth transition to the new CCC, the continued expansion of intelligence gathering and continuing support of the ACC's assistance to the royal commission. Would it be true to say that the ACC has not taken on any new investigations for some time? Is it consolidating and assessing what evidence has already been gathered?

Dr G.I. GALLOP: That conclusion cannot be reached. The ACC is a constituted body and must do its job.

Ms M.M. QUIRK: In that case, is the focus on the expansion of intelligence gathering analysis for the purpose of handing over the ACC to the CCC, or for what purpose is that intelligence being gathered?

Dr G.I. GALLOP: The ACC still exists. It still has a job to do. The Parliament and the public expect it to continue to do that job.

**The appropriation was recommended.**