

Extract from Hansard

[COUNCIL — Wednesday, 15 September 2021]

p3915c-3922a

Hon Dr Steve Thomas; Hon Klara Andric; Hon Nick Goiran; Hon Martin Pritchard; Hon Pierre Yang; Hon Stephen Dawson

*Joint Standing Committee on the Corruption and Crime Commission —
First report — Annual report 2020–21*

Resumed from 9 September.

Motion

Hon Dr STEVE THOMAS: I move —

That the report be noted.

I am delighted to move this motion, as I find myself in the circumstance of being the Deputy Chair of the Joint Standing Committee on the Corruption and Crime Commission, which is a very interesting role that we will discuss not at all when discussing the current report.

This is simply a report of the activities of the committee, mostly the previous committee, and the reports that it tabled over a number of years. There are only three reports being tabled. One of those, *If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*, is the sole target of the second report of the Joint Standing Committee on the Corruption and Crime Commission, so I propose to put that report aside for the time being. When we get to that report, we can focus on those issues in more substance and detail. But in relation to the *Annual report 2020–21*, I want to mention one of the other reports tabled, which is titled *Meaningful reform overdue: The Corruption, Crime and Misconduct Act 2003*. That was the seventeenth report, which was tabled in the Legislative Assembly on 19 November 2020 and the Legislative Council on 26 November 2020. Honourable members, this was a report from late last year and reflects the serious concerns of a number of people and organisations, including the Corruption and Crime Commission itself, that the legislation that underpins the CCC is not up to date and perhaps not necessarily fit for purpose. Concerns have been raised that the focus of the CCC would potentially benefit from a review of the legislation and the act that underpins it. It is interesting that in various forms, including in a recent publicly available hearing that the new CCC undertook with the Corruption and Crime Commissioner, this was one of the principal issues that was raised and discussed—that is, that the legislation needs to be looked at and some upgrades may be required.

We need to have a general conversation about what the specific role of the CCC is and what it should target. It is, of course, an organisation without an unlimited budget. I might note, since I have the representative minister of the Treasurer here, that in the budget papers the CCC did not receive a significant increase in its revenues. On behalf of the commissioner and the members of the CCC, perhaps the government might consider a little more largesse for the CCC to be able to do the job that it is currently required to do under the legislation that currently underpins it; however, if the government or the Parliament or anybody else wants the CCC to extend or expand its duties, which happens from time to time, it is absolutely the case that some more support and a review of the act is going to be required. The Corruption and Crime Commissioner made this quite clear in the public hearings that were conducted a week or so ago. If my memory serves me correctly, the view of the commissioner was that, in effect, we might as well throw the entire act out and start again rather than simply amend it, because so much has changed since 2003. The focus of the commission is not what it used to be. Things have been added, like unexplained wealth and organised crime roles. Those things have been added in, and my view is that I and the committee—I speak carefully on behalf of the committee—agree that review and upgrade is required; it is perhaps getting to the point of being urgently required.

There is an understanding, which was written into the first report of the joint standing committee, that in June 2021, the government advised the Legislative Council that the Department of Justice is currently undertaking a major review of the act. Although at the time of adopting this report the committee is not aware of the details of the review, it is encouraged by this announcement. It is good, but if the Department of Justice is working on a significant review of the act, it would be useful for the purposes of the committee if we could be updated on that process. This issue is not related to one side of politics or the other, but I have been around long enough to know that some reviews of acts run into decades. Although the government might be reviewing the act at the moment, it is probably reviewing a number of acts, and a statement that simply says that it is under review is a bit like saying “The cheque’s in the mail.” In my view, it would be useful for the functions of not only the Joint Standing Committee on the Corruption and Crime Commission but also the CCC itself if the government could update the Parliament and the committee—it would probably be appropriate to do that through the committee—on the progress of that review. I would have thought that updating the current legislation just to take into account the various roles that are expected of the CCC would require a significant upgrade. Any alteration of that would be a more significant upgrade.

It would perhaps be pertinent if the government or the Parliament or the Legislative Council gave a role to the joint standing committee to oversee the process of that review once we get the first drafting process in place from the Department of Justice. I think there is probably a role for the committee, bearing in mind that it is a joint standing

committee. Both houses are represented on the committee; there are two alliance and two Labor Party members, and the chair is a member of the Labor Party. I think that the committee is working remarkably well, I have enormous respect for all its members, and I think that the committee is capable of making a significant contribution and overseeing that legislation.

It would perhaps be useful at some point for the government in the first instance to inform the committee about the progress of the review, and that could happen in a number of ways. It could simply be communication from the Attorney General through the Department of Justice to the committee. It does not necessarily have to be made public. I am pleased to say that, certainly in the current Parliament, I have not seen any comment from the current Joint Standing Committee on the Corruption and Crime Commission that has been made public and I certainly intend as the deputy chair to ensure that continues to be the case. The committee members are to be commended for taking that role very seriously. It should be the case that the government updates the committee at the very least, or possibly the house, on the progress of the review of the Corruption, Crime and Misconduct Act. I therefore urge the government, in one way or another, to let the committee know. As I say, I think there is a useful role for the committee to overview what the act might look like to best serve the community of Western Australia. It is no small task. I think it would be a major undertaking if the committee took on that role. Most anti-corruption commissions or entities are very different. In most cases, their underpinning of legislation is very varied. Expected outcomes are quite different and it is no simple task. Comparing what happens in this state with what happens in other jurisdictions is quite complex, so it would be a complex investigation. Having said that, getting the anti-corruption legislation in Western Australia right is a particularly important exercise, so I think it would be good if we had a mapped-out process for how this would now proceed—whether the CCC act is simply to be redone and presented. If that were the case, I think it would be a lost opportunity, potentially, to make improvement. At the very least, I think the committee needs to know the process that the government has in mind for the review of the underpinning legislation. I would hate to see that there was not a reasonable conversation around that.

Having said that, I think I will give other members an opportunity to speak before I continue. This is very important legislation that underpins the operations of the CCC. It behoves us to be quite serious about how we manage it. I think that is probably the single most important thing that we can discuss in this report, the first annual report of the CCC.

Hon KLARA ANDRIC: As the new member appointed to the Joint Standing Committee on the Corruption and Crime Commission, I welcome this opportunity to speak to the committee's *Annual report 2020–21*. As members may be aware, the committee's role is to monitor and report on the exercise of the functions of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission, to commence own-motion inquiries relating to means by which corruption prevention practices may be enhanced within the public sector and to carry out functions under the Corruption, Crime and Misconduct Act 2003.

As the annual report notes, between 1 July 2020 and 30 June 2021, the committee held 11 deliberative meetings and nine formal evidence hearings with 26 witnesses. The previous committee undertook one formal inquiry and tabled three reports during the reporting period, as Hon Dr Steve Thomas mentioned earlier. The three reports include —

If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force, the Annual Report 2019–20 and the third report Meaningful reform overdue: The Corruption, Crime and Misconduct Act 2003.

As mentioned by the honourable member, the report noted that over the course of the fortieth Parliament, the committee observed a range of areas in which the Corruption, Crime and Misconduct Act is either deficient, obsolete or unclear. I, too, look forward to the comprehensive review and much-needed reform of the act. The second report recommendation that the Attorney General ensure that the CCMA is redrafted as a matter of priority is something I agree with and look forward to hearing back on as well.

The Joint Standing Committee on the Corruption and Crime Commission is different from most parliamentary committees in that it was established by legislation in 2003. As such, tasks and issues that one committee addresses may carry over to the new Parliament. I want to acknowledge and welcome the new Parliamentary Inspector of the Corruption and Crime Commission, Mr Matthew Zilko, SC. It is worth noting that his appointment in November 2020 was the first new appointment to this office since 2013. I also welcome the reappointment of the Corruption and Crime Commissioner, Hon John McKechnie, QC. Both agencies play a vital role in ensuring the integrity of the public sector for the benefit of all Western Australians.

I am privileged to work with my fellow committee members, committee chair, Matthew Hughes, MLA, member for Kalamunda; committee deputy chair, Hon Dr Steve Thomas, member for the South West Region; and Shane Love, MLA, member for Moore. I thank them for their support and contributions. I also want to take this opportunity to thank the committee staff in the forty-first Parliament: principal research officer, Ms Suzanne Veletta, and research officer, Ms Jovita Hogan. I want to thank them for their support and hard work in making sure that the committee runs as well as it does. I agree with Hon Dr Steve Thomas that we work very well together and look forward to that continuing.

As mentioned, I look forward to playing my part in progressing the important work of the committee in this Parliament. Thank you.

Hon NICK GOIRAN: This first report by the Joint Standing Committee on the Corruption and Crime Commission is the annual report for the most recent financial year. It is the type of report that can easily be glossed over by members because it is a report that is not customary for committees running under the auspices of the Legislative Council. This tradition of annual reports being tabled finds its genesis in committees run under the auspices of the other place. This Joint Standing Committee on the Corruption and Crime Commission is one such committee. This report, brief as it is, makes mention of the fact that in the last 12 months—in the last financial year—this committee tabled three reports. The previous two speakers, quite appropriately, made some comments about at least two of those reports—the fifteenth report and the seventeenth report. At this time, I do not intend to comment about the fifteenth report because I note that the very next report to be considered by this house is the second report, a report that sets out the findings and recommendations from that fifteenth report, so we can deal with those matters when we get to that report.

At this time, I want to draw to members' attention that one line contained in this report, about halfway down page 2, draws to our attention that in the last financial year, the Joint Standing Committee on the Corruption and Crime Commission tabled the sixteenth report on 12 November last year. It was its *Annual Report 2019–20*. Again, this is the type of report that can be easily glossed over. When we take a moment to pick up the report and read it—it was the sixteenth report of that committee in the fortieth Parliament—we can see that one key difference between the annual report in the previous financial year and the one before us is the section that sets out ongoing matters before the committee. As at 30 June 2020, we were informed that there were a number of matters that were expressly before the committee and that the committee was recommending be continued to be pursued in the following financial year—in other words, the period from 1 July 2020 until 30 June 2021. That is exactly the period that is addressed in the first report. The very first of those ongoing matters before the committee are set out at page 9. It says —

This annual report is the final one for this Committee in the 40th Parliament. For the sake of posterity, the Committee outlines in this section several pertinent and ongoing issues which were currently before it as at 30 June 2020.

It then goes on in the report to discuss four different areas, and it is the first of those four areas that I want to draw to members' attention. Under the heading “Actions in relation to the Committee’s Report No. 2”, the committee says —

Report No. 33 of the Joint Standing Committee in the 39th Parliament was tabled on 17 November 2016. Titled *The ability of the Corruption and Crime Commission to charge and prosecute*, it contained 48 findings and two recommendations.

Due to the prorogation of the 39th Parliament and the dissolution of the Legislative Assembly on 30 January 2017, the previous Attorney General did not have the opportunity to respond to the recommendations of the 39th Joint Standing Committee.

Given the importance of the recommendations made by the 39th Joint Standing Committee, this Committee resolved to bring them to attention of the current government by tabling them in the 40th Parliament. The Committee did this by tabling its Report No. 2 on 14 September 2017.

Relevant here is Recommendation 2 of this report, the intent of which was to have the Attorney General undertake a review of, and table a report on, the efficiency and effectiveness of the commencement and conduct of prosecutions arising from CCC investigations.

The Committee was advised by the Attorney General in September 2019 that the Department of Justice was assisting him in carrying out the review, which involved consulting key officeholders. However, he also advised that it was taking some time to complete. As at end June 2020, this recommendation remained outstanding.

The Committee has received evidence that the current arrangements between the CCC, State Solicitor’s Office and the Department of Public Prosecutions —

I think that should say “Director of Public Prosecutions”; nevertheless, I am quoting from this document —

to charge and prosecute based on CCC investigations were not working as well as they could be. Thus, the Committee considers this issue to be of continuing importance.

What has happened here is that the current committee in the forty-first Parliament makes no mention of this particular issue in the annual report. I want to draw to members' attention that I have been pursuing this issue with the Attorney General for some time. As has just been outlined, it had its genesis in the thirty-ninth Parliament, let alone the fortieth Parliament, and now we are in the forty-first Parliament. The most recent occasion when I asked the parliamentary secretary representing the Attorney General about what was happening with this matter was on 27 May 2021. Question without notice 172, asked on 27 May this year, states —

I refer to the answer to question without notice 973, answered on 5 September 2019 in the fortieth Parliament, in which the Attorney General informed the house of his commitment to table a review into the efficiency and effectiveness of the commencement and conduct of prosecutions arising from Corruption and Crime Commission investigations by 20 September 2019.

- (1) On what date was the review report completed?
- (2) On what date was the report tabled?

The answer was —

- (1) It was completed in May 2020.
- (2) Not applicable.

In the thirty-ninth Parliament, work was done by the Joint Standing Committee on the Corruption and Crime Commission into the appropriateness of whether the Corruption and Crime Commission should be able to charge and prosecute individuals. Members who were here at that time will remember that there was a great amount of consternation around that and it ultimately manifested itself in the Supreme Court saying to the CCC, under the headship of the current commissioner, the recently reappointed Mr McKechnie, “No, you can’t do that; you don’t have the power to prosecute.” At that time in the thirty-ninth Parliament, I was chairing the Joint Standing Committee on the Corruption and Crime Commission and we looked into that matter, we took evidence and we tabled a report. One of the recommendations was that this new arrangement whereby the CCC no longer had the power to charge and prosecute and was effectively outsourcing that job to the State Solicitor’s Office to be reviewed. I followed this up in the fortieth Parliament with the new Attorney General, when I asked his representative in this place, the Leader of the House, on 5 September 2019, what was going on. The response to question without notice 973 from the Leader of the House 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. 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.

The CHAIR: The question is that the report be noted.

Hon MARTIN PRITCHARD: I want to thank the committee for this report. It is great to hear from members of the committee that the committee is working well in this Parliament. One of the matters that was raised by one of the committee members was expenditure. I just wondered whether I could ask a question that a committee member might be able to answer during this debate. With regard to the expenditure, I note that it is not a great amount of money, but I just want to ask whether that inhibits the operations of the committee at all.

Hon Dr STEVE THOMAS: If I can just directly address the member’s concerns, the committee operates entirely on a shoestring budget. The staff are provided out of the budget of the Legislative Assembly, so it is not the case that we try to operate on \$1 908 a financial year, including staff et cetera. Yes, the committee could use more funding, and if the member is happy to take that to the Premier and the Attorney General, we would appreciate it. It is absolutely the case that the commission could use additional funding to do the job that it needs to do properly. But in terms of the operations of the committee, the funding effectively comes from the budget of the Legislative Assembly, and, frankly, the more we can make it pay for, the better!

I think we manage adequately with the budget we have. That might come into question if a significant piece of work is required to be done. A complete review of the underpinning legislation of the CCC might require additional resources, additional researchers et cetera, and that would have to be negotiated mostly with the Speaker. If the member has any influence over the Speaker of the place that shall not be named, any support he could give us in that regard would be appreciated. The work of the committee to date simply reflects that small amount of stationery. It is not the bulk of the cost of the operations of the committee. I understand that that is just the way it has always been done.

Hon PIERRE YANG: Thank you, Mr Chair, for the opportunity to make a contribution to this item, the first report of the Joint Standing Committee on the Corruption and Crime Commission, *Annual report 2020–21*. From the outset, I thank committee members from the fortieth Parliament—Hon Jim Chown and Hon Alison Xamon from the Legislative Council and Mr Matthew Hughes and Ms Margaret Quirk, who was the chair of the joint standing committee, from the Legislative Assembly. I also wish to congratulate the honourable Leader of the Opposition, Hon Dr Steve Thomas, deputy chair, from the Legislative Council and, of course, my parliamentary colleague from the Labor Party Hon Klara Andric, who is a new member of this very important joint standing committee that is

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providing oversight of the Corruption and Crime Commission. I want to acknowledge the now chair of the joint standing committee, Mr Matthew Hughes, the member for Kalamunda; the Deputy Leader of the Opposition in the Assembly, Mr Shane Love; and, of course, the committee staff, who provide very important assistance. As members of this place all know, when we work on a committee, we rely heavily on the assistance provided by the committee staff and clerks.

It is important to look at the work that the Corruption and Crime Commission does. I want to echo the words of Hon Klara Andric in congratulating Hon Mr John McKechnie on his reappointment as the Corruption and Crime Commissioner. I will go back in history and draw members' attention to the important work that the CCC has done since it was established in 2004. The commission was established with the aim to improve the integrity of, and reduce the incidence of misconduct in, the Western Australian public sector and to assist the Western Australia Police Force to combat and reduce the incidence of organised crime. I am looking at the CCC website for this information. It is important that we acknowledge the important work that the commission does in ensuring integrity in the public service and in our political discourse. As we have seen in other democracies, trust is absolutely a fundamental pillar of our society. If we can uphold the public's trust in carrying out our duties, we will build support in our community, political establishments, judiciary and police force. Any incident that erodes that trust is very bad for our community. Therefore, I think the CCC has a very important role in our community and our democracy.

At the same time, the strong standing committee on the CCC also provides a very important function. I will read the committee's terms of reference to emphasise the importance of its functions, which are to —

- a) monitor and report to Parliament on the exercise of the functions of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission
- b) inquire into, and report to Parliament on the means by which corruption prevention practices may be enhanced within the public sector
- c) carry out any other functions conferred on the committee under the Corruption, Crime and Misconduct Act 2003.

As Hon Klara Andric mentioned in her contribution, the joint standing committee was established by legislation. The function of the committee is enshrined in its terms of reference. As I said, it provides the very important function of ensuring the integrity of our democratic system. It is our mechanism to fight against corruption and misconduct. It is really important for all of us to reflect on the work involved in the Corruption and Crime Commission and the Joint Standing Committee on the Corruption and Crime Commission. That work can be very difficult, as we have seen on many occasions, including during the last Parliament. I remember Hon Alison Xamon giving contributions on a number of reports that she was involved in. She was definitely a very passionate member of this place and a passionate advocate for her constituents. I take this opportunity to acknowledge her and her work in carrying out her duties as a member for East Metropolitan Region in 2009 and 2013 and also as a member for North Metropolitan Region between 2017 and 2021. Who knows, she may return to this place in 2025.

I acknowledge the good work that the Corruption and Crime Commission has done over the past 17 years. I also acknowledge the members of the fortieth Parliament who were involved in the joint standing committee on the CCC.

I want to acknowledge the number of hearings, deliberative meetings and tabled reports of the joint standing committee. I have a copy of the fifteenth report of the Joint Standing Committee on the Corruption and Crime Commission, which was tabled in the fortieth Parliament, titled *If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*. It is the substantive report of the second report of the current Joint Standing Committee on the Corruption and Crime Commission, which was tabled last week by the Leader of the Opposition, who is on urgent parliamentary business. Between 1 July 2020 and 30 June 2021, the standing committee had 11 deliberative meetings and nine formal evidence hearings with 26 witnesses and it tabled three reports. It is important that we acknowledge the work done by the joint standing committee. I add my best wishes to the Legislative Council members of the committee in carrying out their duties in the forty-first Parliament. It is important that we have a functioning agency that fights crime and misconduct but, at the same time, it is important that Parliament has a joint standing committee that provides oversight of the agency that helps us to ensure integrity.

Hon NICK GOIRAN: The chronology that is relevant at this time begins in the thirty-ninth Parliament. The key date is 17 November 2016. That is the day that the Joint Standing Committee on the Corruption and Crime Commission of the thirty-ninth Parliament recommended that this arrangement with prosecutions be reviewed. The Supreme Court said to Commissioner John McKechnie that he did not have the power to prosecute. He was told that he needed to cease and desist from acting outside the powers that were granted to him by the Parliament of Western Australia. That is effectively what the Supreme Court said to Commissioner McKechnie and why we undertook an inquiry in the thirty-ninth Parliament to ascertain whether this type of power to prosecute should be granted to the CCC. The

arrangement that was developed at the time was for the CCC to outsource the work to the State Solicitor's Office. In the thirty-ninth Parliament, we said that it needed to be reviewed by the Attorney General within 12 months of the annual report having been tabled.

In the fortieth Parliament, the committee, of which I was not a member, agreed. It felt so strongly about it that it re-tabled that particular recommendation on 14 September 2017. The due date would be September 2018. During the 2018 calendar year, the Attorney General, Hon John Quigley, realised that he had run out of time to comply with the requirements of the joint standing committee. He renegotiated a new deadline with that committee in the fortieth Parliament. The new deadline was to be 20 September 2019. In other words, the Attorney General, Hon John Quigley, bought himself an extra year. He said to the Joint Standing Committee on the Corruption and Crime Commission that he knew that the review was due to be completed in September 2017 but he asked for an extra year. Essentially, according to the answers provided by the government in the Parliament, the committee said yes. The time to provide the review was extended. He negotiated a new deal, and the review would be done by 20 September 2019.

On 12 November 2020, more than a year later, a report from the Joint Standing Committee on the Corruption and Crime Commission told us that the recommendation remained outstanding. The report before us starts on 1 July 2020. That is the reporting period. Up until the day before that, 30 June 2020, the committee told us that the recommendation remained outstanding. That language means that the Attorney General, Hon John Quigley, had not done his job. Remember, he was supposed to do his job by September 2018. He asked for an extension of one year and was granted it. We found out that he still had not complied by 30 June last year. This is no trivial matter. The committee told us that it received evidence that the current arrangements between the CCC, the State Solicitor's Office and the public prosecutor were not working as well as they could be. After all that time, the most recent information that we have is that it was not working well. When I asked the parliamentary secretary representing the Attorney General in May this year what was happening with this matter, the response from the arrogant Attorney General was that it was not applicable. I asked: on what date was the report tabled? The answer was "not applicable".

We have a requirement by a joint standing committee, comprising two members of Parliament from the other place and two from this place, that a piece of work be done by the Attorney General of the day by September 2018. The Attorney General said he could not comply with that time frame and he asked for another year. The committee agreed to that. The date was extended to September 2019. Here we are now—in 2021, mind you—with the Attorney General saying to the Legislative Council that this is not applicable. When will the review be done?

The last Joint Standing Committee on the Corruption and Crime Commission told us that the arrangements were not working as well as they could be. It went on to say —

Thus, the Committee considers this issue to be of continuing importance.

This is the point of these annual reports. A committee in the last Parliament alerted a committee in the new Parliament to watch out for this stuff and keep an eye on the tricky Attorney General. The committee was told that he will tell it that he needs an extra 12 months. He will not comply with the time frames that it gives him. It should keep an eye on him. That is the subtext of what the report says. Now we have the first report of the committee in front of us. Under "Reports tabled", it simply states —

Annual Report 2019-20, Report 16, tabled in both Houses on 12 November 2020

That is a statement of fact. What is happening with the matters that that committee said were ongoing and needed continual monitoring because they were of continuing importance? It would be good if somebody within government could provide a response on behalf of the Attorney General and let us know what is happening with this matter. Does the Attorney General in the McGowan government have any intention whatsoever to comply with the undertakings that were previously negotiated with the Joint Standing Committee on the Corruption and Crime Commission? Does the McGowan government and the Attorney General have that much disdain for the committee, the Parliament and Margaret Quirk, MLA, the chair of that committee in the last Parliament, and the recommendation that her committee made to the government to generously provide the Attorney General with an extension of time to September 2019, that they continue not to comply with that? That review is now almost three years overdue. The report was re-tabled on 14 September 2017. The new deadline was 20 September 2019. That was the extended date. If we assume for a moment that the extension was exactly 12 months—it will be approximately 12 months—that means that we are five days away from the review of the Attorney General of Western Australia being three years overdue.

What is the substance of the matter? At the heart of this matter is whether it is appropriate for the Corruption and Crime Commission to continue to use the State Solicitor's Office to facilitate its prosecutions. According to the previous committee, that arrangement is not working well. We are no further informed because the current committee has not updated us on that. More importantly, the real criticism sits with the Attorney General and the McGowan

government, which is almost three years overdue in providing information. Is it working well as far as the McGowan government is concerned? Maybe it does not have time for all these important undertakings that it has provided to the Parliament because it is too busy running around dealing with other priorities, like electoral reform and the like—things that it specifically said prior to the election were not on the agenda but all of a sudden have become a top priority. It should not worry about its commitments to the Parliament of Western Australia. It should not worry about its undertakings to the Joint Standing Committee on the Corruption and Crime Commission. They are mere inconveniences as far as the arrogant McGowan government is concerned.

HON STEPHEN DAWSON: I rise to make a brief contribution on the Joint Standing Committee on the Corruption and Crime Commission's *Annual report 2020–21*. Given that I do not represent the Attorney General in this place and therefore it is not my portfolio, I have not paid much attention to annual reports from the Joint Standing Committee on the Corruption and Crime Commission previously. I find it curious, in a sense. From having previously been the Deputy Chair of the Standing Committee on Environment and Public Affairs, a couple of Parliaments ago, I am aware of that committee reporting to Parliament annually. From time to time, that committee was sent petitions from the Legislative Council for the committee to inquire into, and then after the inquiry was undertaken and the petition was closed, the committee reported to the Legislative Council once a year and outlined the various petitions that had come before it, the actions taken by the committee and whether petitions had been closed or what had happened to them. That was a thick document, because we would have 20 or 30, or indeed 40 or 50, petitions before us.

I find the report before us curious. I was trying to look briefly at the standing orders of the Legislative Assembly, because obviously this committee operates under the standing orders of the Legislative Assembly, to work out where it says that an annual report needs to be made and tabled in the house. I note, of course, that if a report is tabled in the Assembly, the practice is always that it is tabled in this place too. If the chair is in that house, the deputy chair is in this house and they both present a report to be tabled.

Page 1 states —

Consistent with the practice of the Legislative Assembly, this report includes statistics and publicly available information relating work of the committee in the 40th Parliament.

Under “Committee functions”, the report states —

Under Legislative Assembly Standing Order 289 it is the function of the committee to:

- a) monitor and report to Parliament on the exercise of the functions of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission
- b) inquire into, and report to Parliament on the means by which corruption prevention practices may be enhanced within the public sector
- c) carry out any other functions conferred on the committee under the Corruption, Crime and Misconduct Act 2003.

Perhaps the report before us falls under the first committee function listed.

It is not a very lengthy report and it refers to the hearings that were undertaken by the committee in that last annual report year. I note, of course, that the committee has changed from the fortieth Parliament to the forty-first Parliament, which we are in now. It identifies the three reports that it tabled in the fortieth Parliament and one, of course, is *If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*. Of course, at some later stage, we will have a debate on an updated report, the second report, in relation to that issue.

But I am perplexed at things in the report. For example, the committee does not have its own formal budget and is funded out of the budget of the Legislative Assembly, so it needs to apply to the Speaker for expenditure. It says that for major expenditure, the committee is required on a case-by-case basis to seek approval, and it is entirely at the discretion of the Speaker. The report lists a number of expenditure items on page 3 of the report where it refers to printing, which is \$1 549; couriers, \$283; and miscellaneous, \$76, totalling \$1 908. I find it extraordinary that for a committee to simply print the report on a matter that has most likely been referred to it by one of the houses, or on an issue that it has decided to tackle on its own motion, it has to go to the Speaker to seek approval to pay for couriers or indeed for printing. Perhaps I am misplaced and this is for only major expenditure; printing and couriers and miscellaneous may well not be major and, therefore, that money can be spent without the Speaker's approval. I do find it extraordinary that a committee of this Parliament—it is a committee of both houses—has to undertake such activity to carry out its work.

Unfortunately, the Leader of the Opposition is away from the chamber on urgent parliamentary business. I will read the draft *Hansard* when it comes out tomorrow, but I was not sure whether he said in an earlier contribution that the Corruption and Crime Commissioner had suggested that the commission was not properly resourced or did not get the appropriate funding to carry out the work that it needs to do. As a minister in this place, or the minister on duty this afternoon, I will first undertake to read *Hansard* when it is available, and then I will undertake to follow up the matter, if that was indeed what the Leader of the Opposition said. It is funny because I had thought earlier that he had said this agency was able to spend what it needed to spend to undertake the course of action that it needed to carry out the laws of the state. I will follow that up.

I go back to the annual report. It identifies, as I said, three reports that were tabled in the last Parliament. The first one I spoke about was *If not the CCC ... then where?* The annual report was tabled in November of that year, so I note that this year it has been tabled earlier than the previous one. The third one, *Meaningful reform overdue: The Corruption, Crime and Misconduct Act 2003*, was tabled in the Assembly on 19 November and in the Legislative Council on 26 November. I note that page 2 of the annual report does suggest that the committee will table a follow-up report in relation to *If not the CCC ... then where?* requesting a government response to the recommendations in this report. I note that because of prorogation of the previous Parliament, a response had not been provided by the date that ordinarily it would have been provided by had Parliament not been prorogued. I am certainly happy to undertake, on behalf of the committee, to raise the matter and bring it to the attention of the Attorney General. His parliamentary secretary is in this place so he will, of course, know that the second report has been tabled, but I will certainly bring it to his attention and ensure he is aware that a follow-up or a response is needed by government. This report in front of me has piqued my interest, and I will certainly do some further work to find out whether there are other reasons why a report like this needs to be tabled in this place annually, and whether there is anything else of interest in the report and indeed the dealings and the work of the Joint Standing Committee on the Corruption and Crime Commission.

I raised some points in response to Hon Dr Steve Thomas's contribution. Obviously, he was away from the chamber on urgent parliamentary business. I said that I would read *Hansard* tomorrow, but had the member suggested that the commissioner in a hearing—I presume a public hearing—said that the commission did not have enough resources to undertake its work?

Hon Dr Steve Thomas: No; I suggested they could always use more to do additional work.

Hon STEPHEN DAWSON: Okay. I was not sure whether the member suggested in his contribution that this agency could actually keep doing work because it was able to spend beyond the parameters of a normal agency.

Hon Dr Steve Thomas: No. I noted that in the budget there was, I think, a \$300 000 addition to the operating of the whole thing. But like every agency that deals with compliance, there's always more that you could do.

Hon STEPHEN DAWSON: That is what I was trying to clarify.

Hon Dr Steve Thomas: I would not lose too much sleep over it.

Hon STEPHEN DAWSON: No, but in your absence I also said that I will make sure that the Attorney General is aware of the reports that are before us.

Hon MARTIN PRITCHARD: There are only a couple of minutes left, so for members of the committee I will just take the opportunity to thank the Leader of the Opposition for his response—I do appreciate that—and to pass on my thoughts and congratulations to the committee. It seems to be working very well.

Hon NICK GOIRAN: I am pleased that the Deputy Leader of the House is going to take up this matter with the Attorney General. I thank him for that. What has happened with the Attorney General is completely unacceptable. It has taken nearly three years for something to be done about this. If it takes the power of the Deputy Leader of the House in this place to see some form of response from the Attorney General —

Hon Stephen Dawson: If only I had power, honourable member.

Hon NICK GOIRAN: We will see what happens. I know that when the deputy leader says that he is going to take on some matter, he will do it. Past history tells us that to be the case. I look forward to the response we get from the Attorney General, in particular, why we have had the massive, extraordinary delay. Not everything can simply be landed at the feet of the COVID-19 pandemic. If it was good enough in 2018 to renegotiate an extension with the Joint Standing Committee on the Corruption and Crime Commission for a new deadline in 2019, the question that needs to be asked is: why was further renegotiation not undertaken? I look forward to hearing about that in due course.

Just quickly, in the remaining time that we have, I want to acknowledge that during the reporting period in question, there was the untimely passing of the previous Parliamentary Inspector of the Corruption and Crime Commission. We had an incredibly talented individual and experienced former judicial officer in Hon Michael Murray. He served

Extract from *Hansard*

[COUNCIL — Wednesday, 15 September 2021]

p3915c-3922a

Hon Dr Steve Thomas; Hon Klara Andric; Hon Nick Goiran; Hon Martin Pritchard; Hon Pierre Yang; Hon Stephen Dawson

with distinction in the role as Parliamentary Inspector of the Corruption and Crime Commission. He was not afraid to take on the Corruption and Crime Commissioner, if needed, exactly as is required under the statute, and I want to acknowledge that.

Consideration of report adjourned, pursuant to standing orders.

Progress reported and leave granted to sit again, on motion by Hon Stephen Dawson.