

**Extract from Hansard**

[COUNCIL — Wednesday, 27 October 2021]

p4843c-4851a

Hon Nick Goiran; Hon Martin Pritchard; Hon Dr Steve Thomas; Chair; Hon Dr Sally Talbot; Hon Dan Caddy;  
Hon Klara Andric; Hon Kyle McGinn

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

Resumed from 15 September on the following motion moved by Hon Dr Steve Thomas —

That the report be noted.

**Hon NICK GOIRAN:** When we last considered this matter, on 15 September this year, we were interrupted pursuant to the newly amended standing orders. When we last resumed in the chamber we were then obliged to consider a different report by the Joint Standing Committee on the Corruption and Crime Commission. This intervening period has been most convenient for reasons that will become obvious. I draw to members' attention that the report before us lists a number of reports that were tabled by the Joint Standing Committee on the Corruption and Crime Commission. The report I particularly want to draw to members' attention is the second of the three reports that are listed at page 2, titled *Annual report 2019–2020*. It was the sixteenth report of the committee and was tabled in both houses on 12 November last year. When members have an opportunity to look at that report, they will see at pages 9 and 10 the following comments by the committee under the heading "Ongoing matters before the Committee as at 30 June 2020" —

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.

...

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.

I should add that this particular matter has been of interest to me since then because when the report that is referred to was tabled in November 2016, I was the chair of the oversight committee. However, this report, the sixteenth report, tabled in November last year, goes on to say at page 9 —

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 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 then transpired after the tabling of this sixteenth report, and those comments made by the committee in November 2020 that this matter continues to be of some importance, was a question I asked in this chamber in May. On 27 May 2021, I asked the hardworking parliamentary secretary representing the Attorney General the following question —

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.

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(2) Not applicable.

In May this year, I asked the Attorney General's Office, through the parliamentary secretary, when the review report had been completed and he said that it had been completed in May 2020. A year later it had been completed for more than a year but had not been provided to Parliament. This was a point of some consternation by me in this chamber when we last met and considered this matter. I asked how long it would take for the government to provide this review, which had been long outstanding and not provided to the Parliament. Remember, I asked the question a full year later and there was a stunning revelation that the Attorney General had been sitting on it for a year. I acknowledge in true fashion the hardworking Parliamentary Secretary to the Attorney General.

**Hon Stephen Dawson:** Actually, who was sitting in the chamber who took the issue away last time on 15 December to raise it with the parliamentary secretary, who was away from the chamber that day on urgent parliamentary business, to get the honourable member a response? It was a team effort on this side.

**Hon NICK GOIRAN:** There you go, Mr Chair! This is outstanding stuff from the Deputy Leader, the hardworking Minister for Mental Health. I very much appreciate his timely interjection and for drawing it to my attention. I thank him and the hardworking parliamentary secretary for the response provided to me on 5 October by the parliamentary secretary, drawing to my attention that the long-overdue review had been tabled in this place, tabled paper 411, on 3 August 2021. I thank those two honourable members for the work they did in facilitating this matter.

The point is that it took the Attorney General more than a year to table a report. This is an important report that had been called upon, not in the fortieth Parliament but in the thirty-ninth Parliament, when the matter was raised, but it has taken until the forty-first Parliament for the Attorney General to finally bring the matter to a conclusion and table the report after he had sat on the report for more than a year. He had had it since May 2020 but tabled it in August 2021.

**Hon MARTIN PRITCHARD:** This is a fairly brief report, but there seems to be some desire by the chamber for all members to comment on it, so I suppose it is appropriate for me to put my comments on this report on the record. In looking at the first report of the current Joint Standing Committee on the Corruption and Crime Commission, titled *Annual report 2020–21*, I make the following comments. I note that during this reporting period, there were two committees as such. The previous committee in the fortieth Parliament was chaired by Hon Margaret Quirk, MLA; deputy chaired by Hon Jim Chown, MLC; and further members, Matthew Hughes, MLA, member for Kalamunda; and Hon Alison Xamon. I am not sure whether she kept her honorific; I do not think she did. I wish to thank them for their work during the fortieth Parliament. The current committee is chaired by Matthew Hughes, MLA—he continued on the committee—and his deputy chair is Hon Dr Steve Thomas. The other members are Shane Love, MLA; and Hon Klara Andric, MLC.

I want to comment on the fact that from 2013 to 2020, the Parliamentary Inspector of the Corruption and Crime Commission was Hon Michael Murray, AM, QC, and I want to pass on my condolences to his family. Apparently, he did an extraordinary job during his tenure and I wish to add my congratulations and welcome Matthew Zilko, SC, to his new position of parliamentary inspector and hope he continues the work so honourably done by Hon Michael Murray.

I move now to page 1 of the report and the committee functions under the Legislative Assembly standing orders —

It is the function of the Joint Standing 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; and
- (c) carry out any other functions conferred on the Committee under the Corruption, Crime and Misconduct Act 2003.

I note the activities of the committee during the reporting period. It held 11 deliberative meetings, one formal inquiry and nine formal evidence hearings and heard 26 witnesses. Three reports, 52 report findings, and 13 report recommendations were tabled.

The committee conducted public hearings and during the reporting period it held six public hearings and took evidence from 21 witnesses at these six hearings. Four hearings related to the previous committee's formal inquiry into the Joint Standing Committee on the Corruption and Crime Commission oversight of police misconduct investigations, particularly allegations of excessive use of force and two hearings relating to the annual reports of agencies undertaken as part of the committee's oversight role, a hearing with the Corruption and Crime Commission on 7 October 2020 and the Public Sector Commission on 9 November 2020.

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During the reporting period the committee tabled three reports, the first entitled *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*. That was the fifteenth report tabled in both houses on 24 September 2020. The second report the committee tabled was the sixteenth report, the *Annual report 2019–20*, tabled in both houses on 12 November 2020. The third report was the seventeenth report, entitled *Meaningful reforms overdue: The Corruption, Crime and Misconduct Act 2003*, tabled in the Legislative Assembly on 19 November 2020 and the Legislative Council on 26 November 2020.

There may be more to this report that people wish to examine. I think it is a very good, very brief report. It probably does not need too much more examination but I am sure many members will stand up and examine it in more detail, and I encourage them to do so. As far as I am concerned, that is the report.

**Hon Dr STEVE THOMAS:** I am a little bemused at the excitement in the chamber today on the first report of the Joint Standing Committee on the Corruption and Crime Commission. I am pleased to see that everybody is very heavily involved in the work of this committee because it is a very important committee. I am not sure that I truly understand the excitement but let us proceed anyway.

I want to point out a couple of key issues around the first report, the *Annual report 2020–21* of the Corruption and Crime Commission. Obviously, there are a number of key issues. As the previous speaker said, it is a very brief report. A number of things occurred around the Joint Standing Committee on the Corruption and Crime Commission that happened in that year that are not prescriptively reported in the report. Members will be aware that there were a couple of very controversial issues, one was the reappointment of the Commissioner of the CCC, which was done through legislation, the Corruption and Crime and Misconduct Amendment Bill 2021, which I noted was introduced into the Legislative Assembly on 16 June 2021, in the reporting period. It was third read on 16 June 2021, in a single day, and introduced the next day on 17 June into the Legislative Council. We did wait the normal week before the bill was debated. The Committee of the Whole process was completed on 24 June 2021, the bill was third read on 25 June, and royal assent was given on 25 June 2021. It was an incredibly efficient system to get this piece of legislation through.

The other thing that obviously occurred during this period was the heavy interaction between the Corruption and Crime Commission and the Standing Committee on Procedure and Privileges, particularly on the question of access to things that might be considered privileged. This also occurred during the period of this report. As the tabling statement said, the report summarises activities from 1 July 2020 to 30 June 2021. Much of the controversial activity around access to this material occurred during that period. The committee held a hearing with the Corruption and Crime Commissioner. It is not in the annual report, but the transcript is available on the website. It is a public document. I will not comment significantly on the public document, but I do intend to read in some of the transcript, particularly in relation to the access of the CCC to what might be privileged material. This is now a public document; members can access it on the website of the Joint Standing Committee on the Corruption and Crime Commission. It was a hearing with the commissioner and a number of the commissioner's staff. As a member of that committee, I asked —

Was there a process effectively of working out a MOU between the previous Legislative Council President and staff and the Procedure and Privileges Committee and the CCC?

The commissioner handed over to a staff member, who said —

There were some discussions—not substantive discussions. Historically, there was a recommendation made by the previous joint standing committee that there be an MOU.

It is interesting that the annual report of the CCC was tabled today, and that on page 44 of that report it states —

**Memorandum of Understanding with Parliament**

In November 2016, the Standing Committee on Procedure and Privileges recommended, amongst other things, that a Memorandum of Understanding (MOU) be developed between the Houses of the Parliament of Western Australia and the Corruption and Crime Commission to deal with documents that might be subject to a claim for Parliamentary privilege. The Commission was to be provided with a draft ...

That is relevant to further evidence given to the committee. During the hearing with the commissioner, I asked —

Do you know how long ago that was?

The staff member was not sure, and said —

I would need to go back and double-check the dates now. It was a number of years ago.

As the annual report says, it was 2016. This evidence is important. The staff member also said —

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We did end up writing our own because it was important enough from the commission's perspective that we try to have one in place, but, unfortunately, we could not reach agreement over the draft that we presented for consideration.

I asked —

Was there a negotiation from the Parliament to amend that draft? Did that draft, for example, contain a component where the Parliament would review and decide on privilege or whether the commission would, or an alternative third party would?

I will go to the direct part of the quote of the staff member, where they said —

That draft did —

That was the previous draft —

and the draft that we are discussing in the working party at the moment provides a very easy process, we think—a very practical process—involving Parliament in the determination of privilege.

I then asked —

Did the draft that was put forward previously contain a process where the Parliament itself reviewed documents and determined privilege before the documents were handed on, or the laptop was handed on, to the CCC? If it did, was the commission prepared to negotiate that the Parliament itself at that point should determine privilege?

The staff member replied —

The short answer is yes.

I then asked —

So yes to both—yes and yes?

To which the staff member replied —

Yes to both. The commission has always taken the position that it is Parliament's privilege. The commission does not want anything subject to parliamentary privilege, so is more than happy to work with Parliament on that.

I found that a fairly astounding reflection, given the things that this house went through in the interim, so I will jump to slightly further along in this transcript. I asked —

From what I understand from your answer then, there was a willingness from the CCC's perspective to have the Parliament determine privilege effectively.

It was in fact the CCC commissioner who answered. He said —

I can answer that. There has always been; we have always—I was a constitutional lawyer in the state for years and always acknowledged Parliament's principal role in privilege. What went wrong, as the judge found, was that somebody else purported to determine privilege.

The transcript continues —

**Hon Dr STEVE THOMAS:** Exactly.

**Mr McKECHNIE:** That was a mistake. I think everybody acknowledges that was a mistake.

That is an astounding piece of evidence. I am amazed at that evidence. I absolutely appreciate the honesty of the Corruption and Crime Commissioner in that piece of evidence; he quite plainly said that the CCC was quite comfortable with Parliament determining privilege. It is in the transcript; I am using his words. I recommend that members read it. What happened was that somebody else placed themselves in the position in which they thought they should determine privilege. It was not the position of the CCC that privilege should be determined by anybody other than Parliament. I suggest that honourable members have a look at that transcript, because I think it is absolutely astounding. During the period covered by the report that we are discussing, 2020–21, there was an enormous battle over who would determine privilege in the case of Parliament and the documents that might stem from the Parliament. It was the position of the then President and the privileges committee —

**The CHAIR:** Order! Leader of the Opposition, I have been listening carefully to your contribution to the debate on the first report of the Joint Standing Committee on the Corruption and Crime Commission, and I will make two observations. The first is that this is a very brief report of the Joint Standing Committee on the CCC and, from my review of that document, I am struggling to identify the relevance between the matter you are canvassing and the

content of the report. I will accept some peripheral argument around what perhaps ought to have been included in the report, but it is not something that is substantively included in the report. I also draw to your attention orders of the day 19 through to 21, which I think are more specifically relevant to the matters that you are now canvassing. I ask you to draw your remarks back to the first report of the Joint Standing Committee on the Corruption and Crime Commission.

**Hon Dr STEVE THOMAS:** Thank you, chair; I appreciate your guidance. Obviously, it was my opinion that significant things happened during the period covered by the annual report of the Joint Standing Committee on the CCC that should have been included in the report. However, that being the case, in my view these things needed to be aired because I have no idea when the government will bring on those other orders of the day. I will not canvass those ideas anymore. I think it was simply highly important that members became aware that those procedures had occurred. Having that on the record will be important for future debates. I look forward to the time that we discuss those orders of the day. I am sure that the Deputy Leader of the House will be keen to bring those on as quickly as possible. I appreciate being given the time of the house today to get those things on the record.

**Hon Dr SALLY TALBOT:** I would like to make a few remarks about this. I do not think there is anything particularly noteworthy about members wishing to contribute to questions about the noting of reports. I was particularly interested in the section of the Standing Committee on Procedure and Privileges report on the standing orders that came out recently, and I will make reference to that in a moment in a different context, but the thing that I really appreciated was the acknowledgement in that report of the significance of this one hour a week that we consider the reports that are laying on the table of this chamber. I also note that Hon Nick Goiran commenced his remarks with the observation that this is, I think, only the third time we have considered committee reports under the new standing orders, and that this is the first time this report has been considered since we adopted the procedure and privileges committee report. Would I be right in saying that? Hon Nick Goiran is looking at me in a slightly quizzical fashion.

**Hon Nick Goiran:** I think we discussed this report last time on 15 September. That might have been the first time we had the opportunity to consider it here.

**Hon Dr SALLY TALBOT:** That is interesting. I acknowledge and respect Hon Nick Goiran's forensic understanding of the standing orders. There might be a lot of things we disagree about, but I respect his understanding of these things. The fact that he is also slightly unsure about that leads me to make this remark, which I hope the chair will consider is appropriately made in this circumstance. I know that many members were struggling slightly to work out what the remaining time was for the three reports that are listed here. This is where I want to make reference to the report of the Standing Committee on Procedure and Privileges. Chair, I know that you take a deeply professional interest in the way in which this chamber is run, and that one of your particular areas of interest is making sure that the processes are not unnecessarily opaque, recognising that we do have some need for formality and ceremony in this place. I notice that we did make changes to the standing orders for the consideration of committee reports. Those changes are found in paragraphs 4.10 to 4.16 of the sixty-fourth report of the PPC. I notice that we now have double the time for consideration of committee reports. They still drop down the notice paper when they have been considered for one hour, but at the end of the four-hour period, they can come back on for another four hours. I think I am right in that understanding. I just wonder, chair, whether as part of your role in maintaining the order and efficiency of this chamber, reports could be shown on the notice paper in a way that would make it more obvious to members where we are up to in that process. I hope, chair, that you will take that on board in the spirit in which I mean to convey it.

I have said that the review of the standing orders was significant in that it draws attention to something that I have always felt was underdone in this chamber. That is what happens to a report after the committee has done its work. Chair, I know that you have devoted a considerable amount of your time in this Parliament to making sure that our committees are as productive as they possibly can be, as I have done. That is why the procedure and privileges committee has decided that this extra time should be devoted to the consideration of committee reports. I thank Hon Martin Pritchard for taking us through some of the elements of this report. The report is relatively brief, with only a couple of pages. Nevertheless, as members of the committee, such as Hon Dr Steve Thomas, the deputy chair, have pointed out, a wealth of material is buried in those few pages and those few paragraphs. That is why I began by saying that I do not think we should be surprised that a number of people seek the call when we come to debate these things, because it is something that we all have a great deal of interest in, and it acknowledges the work that has been done by committees.

Noting that it has been some weeks since we last considered the first report of the oversight committee, I have refreshed my memory about some of the things that members in this place have said already about this report. I note that one of the things that Hon Nick Goiran is using to drive his argument about the specific issue that he has been prosecuting for some months, indeed years —

**Hon Nick Goiran:** Years.

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**Hon Dr SALLY TALBOT:** — about the operation of the Corruption and Crime Commission and the role that the oversight committee might play in making some amendments to those operational procedures, is the fact that the committee is run under the standing orders of the Legislative Assembly. The honourable member has some very strong views about the merits of the way in which joint standing committees, and, indeed, joint select committees, are divvied up between the Assembly and the Council. Recognising that we have a number of relatively new members in this place, I think this is something to which we all rightly turn our attention on occasions like this when we are considering a report from a joint standing committee with oversight functions.

I note that another very similar committee is the Joint Standing Committee on the Commissioner for Children and Young People, of which I was the chair in the last Parliament. We need to look very carefully at the way in which responsibility is divvied up between the two houses of this Parliament. That is because, as Hon Nick Goiran has pointed out on a couple of occasions in this place, in a different context, the fact that a committee is run by the Legislative Assembly leads to a very different process for report writing. I will be bold and suggest this might be another area upon which Hon Nick Goiran and I agree. If we had a preference for those two processes, it would probably be for the system that is run by the Legislative Council. Unfortunately, often when questions come up about which chamber will service a committee, and therefore what standing orders will apply to that committee, it is often done on the basis of resources. That perhaps is not the right basis on which to take those decisions.

I raise this in the context of considering the first report, which as honourable members have said is the *Annual report 2020–21* of the Joint Standing Committee on the Corruption and Crime Commission. I note that one of the issues that is referred to briefly in this report is the fact that the Department of Justice is currently conducting a review of the act under which the CCC operates. The person whom I gather we are now always going to refer to as the hardworking parliamentary secretary representing the Attorney General —

**Hon Nick Goiran:** He is!

**Hon Dr SALLY TALBOT:** He is definitely. I would probably want to add a couple of other things, like the highly efficient and extremely productive parliamentary secretary.

**Hon Stephen Dawson:** And he is not here!

**Hon Dr SALLY TALBOT:** He is not here; he is away from the chamber on urgent parliamentary business. His hard work takes him out of this chamber occasionally. I thank the equally hardworking, efficient and productive Minister for Mental Health for noting that and for playing his role in the debate on this particular report by holding the fort while the parliamentary secretary is away.

I notice that when Hon Matt Swinbourn, to use his proper title, second-read the bill that this chamber considered recently that saw the reappointment of Hon John McKechnie as head of the CCC, he referred to the fact that it is noted in the first report that a review of the act is currently being carried out by the Department of Justice. In fact, he called it a “major” review. In case members are interested, that was on 17 June 2021.

**Hon DAN CADDY:** I rise today to comment briefly on this report, which I hold up for the benefit of members in the chamber. It is the *Annual report 2020–21* of the Joint Standing Committee on the Commissioner for Children and Young People, as presented in this place by Hon Neil Thomson and tabled on 16 September. Before I start talking to the report, I would also acknowledge, as was acknowledged in this report —

**The CHAIR:** Order, member! Just before you commence, we are dealing with order of the day 1, which is the first report of the Joint Standing Committee on the Corruption and Crime Commission, *Annual report 2020–21*, not the report of the Joint Sanding Committee on the Commissioner for Children and Young People, as tabled by Hon Neil Thomson.

**Hon DAN CADDY:** Okay.

**The CHAIR:** That will be order of the day 2, once we have dealt with the CCC report.

**Hon NICK GOIRAN:** We have a situation here with this report before us in which it makes reference to the *Annual report 2019–20*, which is the sixteenth report. As I was saying earlier, when members have a look at that, it indicates that there is this matter that the Joint Standing Committee on the Corruption and Crime Commission said was of ongoing importance and interest. We have now found out, because of the work of the Minister for Mental Health and the hardworking Parliamentary Secretary to the Attorney General, that this report, which was of major interest to the committee, as identified, has now been provided to the chamber. The question is: Why has it taken so long? Why does it require so much follow-up for these matters to finally come to a conclusion? The report was prepared, we know, in May 2020. This is why consideration of committee reports on these Wednesdays is so important, because it gives us the opportunity, whether someone is a member who supports the government or otherwise, to follow up these things. Otherwise, the work of these committees would come to nothing. If the Joint Standing Committee on the Corruption and Crime Commission tells us repeatedly, over many reports—including the sixteenth report, which it makes reference to on page 2 of the report before us—and continuously makes reference to a matter that is outstanding, then it is appropriate for us to ask the government why it is taking so long.

**Extract from Hansard**

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It is the case that this review was recommended as far back as 17 November 2016. The review was due to be completed in September 2018. It was the Attorney General who then sought a new deadline, which was 20 September 2019, a year later. When was the review completed? It was completed in May 2020. Putting aside the fact that the review was actually due to be completed in September 2018—let us give the Attorney General that benefit of the doubt, as he said that he had negotiated a deal with the Joint Standing Committee on the Corruption and Crime Commission and extended it by a year—the Attorney General was supposed to provide the report by 20 September 2019. But it did not happen. When was it prepared? In May 2020. When was it tabled in this place? It was tabled on 3 August 2021. It was almost two years overdue, without any explanation given whatsoever.

The Minister for Mental Health and the hardworking Parliamentary Secretary to the Attorney General have drawn to our attention that this matter was tabled on 3 August this year. The reason for that is supposedly provided on page 4 in this report. For the benefit of Hansard, this is the probably now infamous report titled *Review into prosecutions arising from the Corruption and Crime Commission investigations report*, which has taken so long to be completed and tabled but which was prepared in May 2020 and only tabled in here in August 2021. It says at page 4 —

Owing to a period of heightened operational activity involving the CCC and SSO in the second half of 2019 which impacted the ability of key officeholders to finalise consultations for this Report, the Attorney General wrote to the Chair of the JSCCCC on 19 September 2019 seeking an extension to the reporting timeframe.

There seems to be a lot of extensions being sought. But the reason for that, as provided by the government, is because of heightened operational activity involving the CCC and the State Solicitor's Office in the second half of 2019. What is this "heightened operational activity" that took so many resources of the CCC and the State Solicitor's Office that they were unable to comply with their obligations to the Parliament of Western Australia? That has never been explained. Nevertheless, I certainly get the sense that members of government would like us to move on from this point. That being so, I draw to their attention the recommendation made in respect of this longstanding saga, as Hon Dr Sally Talbot quite rightly pointed out in her contribution moments ago, which is a matter that I have been pursuing for a number of years.

Page 19 of the report has the recommendation. It says —

The Review recommends that in consultation with the ODPP, the SSO and CCC to develop an MOU within six months of the tabling of this Report —

That is this report here that we have been chasing all this time —

which contains agreed:

- procedures for the referral of matters by the CCC to the SSO;
- standards for briefs of evidence;
- timeframes; and
- arrangements for the ongoing liaison and monitoring of the process.

The thing that troubles me here is that in September of this year when we were considering this report I asked the government why this matter was taking so long. Thankfully, as I said, two honourable members opposite then pursued this particular matter. But what was not known plainly to them at that time, as I was not aware—I acknowledge that the parliamentary secretary was away on urgent parliamentary business, as he is now—is that the report had actually been tabled in this place in August of this year. According to this recommendation, there is work to be done within six months of the tabling of the report. That means that that time frame has not yet expired. We are now some two months on from the infamous late tabling of this report. But the government has had more than a year—in fact, it has had nearly a year and a half; next month will mark a year and a half for the government—to have done something about this. Is it not the case that the Attorney General and his office have purposely hidden this report from Parliament and not tabled it, having sat on it for more than a year, to buy extra time? How much time is required to prepare this memorandum of understanding between the CCC and the State Solicitor's Office in consultation with the Office of the Director of Public Prosecutions?

This is why we have consideration of committee reports. What I like about the forty-first Parliament, and this is probably in stark contrast to what happened in the last Parliament, for those members who were not here—I do not know if it is some kind of rostered system—the idea of having the deputy leader here and the Minister for Mental Health who is then able to pursue these matters that we raise is an excellent enhancement of our procedures. Otherwise, these reports that these parliamentary committees table, whether they are joint standing committees or otherwise, mean nothing. All that happens is that these reports end up getting shelved and no-one pays any attention to them. The committees and the staff make a number of recommendations and the recommendations are not followed through because nobody follows it up. This is an extraordinary example of when something was started in the thirty-ninth Parliament and here we are in the forty-first Parliament just receiving the material, let alone for there to be actual action as a result of it.

This is no trivial matter, because at the heart of all this is whether the very powerful Corruption and Crime Commission should have the ability to charge and prosecute a matter that ended up being in the Supreme Court. The Supreme Court ended up having to make a decision on this matter, and that is why the Joint Standing Committee on the Corruption and Crime Commission drew it to the attention of the Parliament in the thirty-ninth Parliament and said that this matter needs to be reviewed. It manifested itself in a set of circumstances in which the review took an extraordinary period of time—because of what? It was because of so-called heightened operational activity. That might, if we are very, very charitable, explain why the report took so long. But it does not explain why it has taken such an inordinate amount of time for the government to table the report. Why would it take the government more than a year to table the report? We now find out, when we finally get to have a look at it—this has been the first opportunity that the chamber has ever had to discuss this matter—that there is work to be done within a six-month period. But in a very, very tricky way, the government has made sure that the time frame only begins to run from when the report is tabled which, conveniently for the government, was August. In fact, according to the information provided to me by the hardworking parliamentary secretary to Hon John Quigley, Hon Matthew Swinbourn, who told me on 5 October, that was 3 August this year.

**Hon KLARA ANDRIC:** I welcome the opportunity to make a very brief contribution to this debate on the first report of Joint Standing Committee on the Corruption and Crime Commission, *Annual report 2020–21*. As previously mentioned in this house, in late May this year, I was appointed as a new member of the Joint Standing Committee on the Corruption and Crime Commission, but I welcome the opportunity to speak on this report once again. As members of this chamber are 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 related to the 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. I have also mentioned previously in this chamber that the Joint Standing Committee on the Corruption and Crime Commission is different to most parliamentary committees in that it was established by legislation in 2003 and tasks and issues that one committee addresses may carry over into the new Parliament.

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, the first of which was the fifteenth report, *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*. This report was tabled in both houses on 24 September 2020. The sixteenth report, *Annual report 2019–2020* was also tabled in both houses on 12 November 2020, and the seventeenth report *Meaningful reform overdue: The Corruption, Crime and Misconduct Act 2003* was tabled in the Legislative Assembly on 19 November 2020 and the Legislative Council on 26 November.

I might take this opportunity to once again thank the new Parliamentary Inspector of the Corruption and Crime Commission, Mr Matthew Zilko—I have had the opportunity to meet him twice now—and the Corruption and Crime Commissioner, Hon John McKechnie, QC, who has been reappointed. All members know that both these agencies play a really important role in ensuring the integrity of the public sector for the benefit of all Western Australians. Very importantly I would like to take this opportunity to thank the committee's secretariat, Suzanne Veletta and Jovita Hogan for their support. I am quite honoured to work with my fellow committee members: the chair, Matthew Hughes, MLA, member for Kalamunda; the deputy chair, Hon Dr Steve Thomas, member for South West Region; and Shane Love, MLA, member for Moore. I thank them for their support and I look forward to playing my part in continuing the important work of the committee in the forty-first Parliament.

**Hon KYLE MCGINN:** I thank everyone who has made a contribution on this report so far, in particular Hon Klara Andric. It is quite an achievement for a member in their first term to be on the Joint Standing Committee on the Corruption and Crime Commission, so well done on getting that role. I am sure that she will perform very adequately on a committee that, as she will learn over the term of Parliament, comes up from time to time in this place and is spoken about quite regularly. I would also like to mention the outgoing members of the CCC committee from the previous Parliament, Hon Alison Xamon and Hon Jim Chown. I know that Hon Alison Xamon had a strong work ethic and was very energised. She was particularly passionate about her work with the committee and ensured many times that these reports were debated in this chamber.

Whilst this first report is a short one, I found it quite intriguing to read about the committee's hearings. My experience stretches across only one term of Parliament. I was a member of the Standing Committee on Public Administration that reported on WorkSafe and held so many hearings that I could not keep count of them. The report notes that the Joint Standing Committee on the Corruption and Crime Commission has the power to send for persons, papers and records, which obviously it should do, and that it held four hearings that related to the previous committee's formal inquiry into the Corruption and Crime Commission's oversight of police misconduct, investigations and particularly allegations of excessive use of force. I recall Hon Alison Xamon talking at length on particular matters around excessive use of force by police. I recall her talking about an incident involving a taser for a very long time in this



**Extract from Hansard**

[COUNCIL — Wednesday, 27 October 2021]

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Hon Nick Goiran; Hon Martin Pritchard; Hon Dr Steve Thomas; Chair; Hon Dr Sally Talbot; Hon Dan Caddy;  
Hon Klara Andric; Hon Kyle McGinn

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place, and rightly so. She had views to express and she put them across this chamber. I look forward throughout this Parliament to hearing about the direction this committee takes and what it will seek to achieve.

The committee also held two hearings related to the annual reports of agencies that were undertaken as part of the committee's oversight role. I can relate to that from being a member of the public administration committee, which also holds annual report hearings that provide further insight into what is happening within those agencies. The Joint Standing Committee on the Corruption and Crime Commission held two hearings related to the annual report of agencies. The first was held with the Corruption and Crime Commission on 7 October 2020 and the second was with the Public Sector Commission on 9 November 2020. I am no lawyer, nor do I have any experience within the CCC—I am just an ex-seafarer with not many qualifications—but I daresay that meeting with the CCC is one of the key things that this committee does to ensure that the CCC is acting appropriately. The Public Sector Commission also plays a key role in WA.

It is good to see that transcripts of the public hearings are available on the committee's website. I like how we have a website link in the hardcopy of the report without the actual website address written next to it; I have been clicking it for ages and it just does not seem to be working! Members in this chamber would now be aware that it does not work and that they should make sure that they look up the actual website. On the website members can find a list of the public hearings and what the committee inquired into at those hearings. I think it is really good for transparency as well to find out what the committee is looking into. The three reports that were tabled in both houses have been touched on by other speakers already. They are *If not the CCC ... then where?*, *Annual report 2019–2020* and, obviously, *Meaningful reform overdue: The Corruption, Crime and Misconduct Conduct Act 2003*. That is obviously some pretty heavy work that the previous committee was involved in. It took a lot of time and effort. These reports cannot be put together without committee staff. Hon Klara Andric made mention of that. It was very honourable thing to do at this early stage for a new member to acknowledge that staff are key players in what our committees do, whether it be the Joint Standing Committee on the Corruption and Crime Commission, Standing Committee on Public Administration or Joint Standing Committee on Delegated Legislation. It is particularly relevant to the Joint Standing Committee on Delegated Legislation, in which we get all the local laws in from local governments. It is a mountain of work that staff put together to ensure that reports like this are possible and that the CCC committee functions so it can get the most achieved. Without having staff doing that job as diligently as they do, these committees would be bound to fall apart. I acknowledge on the record CCC committee staff and ensure that they get their dues for the work they put in.

I found the financial statement for the CCC committee quite intriguing. It was a bit new to me to understand that the committee does not have its own formal budget. It being a joint committee, it is funded out of the budget of the Legislative Assembly. In the previous Parliament there were questions about committees being joint between the other place and this chamber. There is quite an interesting crossover in respect of the standing orders. Hon Nick Goiran made quite a few points in the last Parliament about how these committees operate, particularly when they are joint committees between the other place and the upper house. I do not really know whether to say "other place", but I have not mentioned it very often since being in this place! The committee is funded out of the budget of the Legislative Assembly. Approval for major expenditure is required on a case-by-case basis, and is entirely at the discretion of the Speaker. The Speaker can make a decision, but for a committee formed in the Legislative Council the President would make that decision on expenditure. That committee's expenditure during the reporting period is set out in a table. I have to say that it is quite modest expenditure for a committee that does such wideranging work and delves deeply into certain issues. I would have expected it to be higher than \$1 908 in total. When I was perusing the report, someone mentioned the sum of \$1 549 for printing. There must have been some monster reports, because I think printing gets to be about 2¢ or 3¢ a page. There must have been some massive days of getting that printer running hot, running out of cartridges and everything else. The committee got some couriers out for \$283. There are occasions when couriers are needed to ensure they deliver things directly to people and that there is trust that they are the only ones handling those things. There was also miscellaneous expenditure at \$76. That is interesting. I wonder what "miscellaneous" is—whether it is pencils, pens and erasers. I am not 100 per cent sure, but we will see.

Again, I want to thank the committee and I look forward to the work the CCC committee will do in the future. Like I said, well done to Hon Klara Andric for getting on to that committee in her first term. I look forward to seeing future reports on the CCC committee.

**The CHAIR:** Members, the question is —

**Hon KYLE McGINN:** I have not sat down yet!

**The CHAIR:** Okay.

**Hon KYLE McGINN:** Can I finish?

**The CHAIR:** No, time has expired!

Several members interjected.

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**The CHAIR:** Members, before I report progress, during debate Hon Dr Sally Talbot asked some questions about the operations of consideration of committee reports. I want to remind members that under the new standing orders, particularly standing order 23(1)(b), each item of business in consideration of committee reports is allocated 240 minutes. Standing order 110(2A) requires that once an item has reached one hour of consideration, it cycles through the list and the next order is taken. Members should also be aware that there are provisions in standing order 110(2C) for an item of business in consideration of committee reports to be further considered on motion of a member.

**Consideration of report adjourned, pursuant to standing orders.**

**Progress reported and leave granted to sit again, pursuant to standing orders.**