

*Joint Standing Committee on the Corruption and Crime Commission — Second 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 — Motion*

Resumed from 23 February on the following motion moved by Hon Dr Steve Thomas —

That the report be noted.

Hon NICK GOIRAN: I know this will disappoint Hon Pierre Yang immensely, because he is super keen to talk about this second report. I note for the benefit of the honourable member that we will have some 60 minutes to consider the report before us, albeit that a great proportion of that consideration will need to be done next week.

The report before us was last considered by the chamber on 23 February this year. At that time, I was taking members through the 13 recommendations that had been made by this committee. Members should keep in mind that the recommendations currently before us in the second report arise from the fifteenth report of the predecessor committee in the previous Parliament, which tabled a very extensive report. All of that is to say that, of the 13 recommendations made by the committee, the government has indicated that it supports 10, but that two of them are not supported and one has been noted.

On a previous occasion, 16 February 2022, I took members through one of the recommendations that the government is not supporting. I want to take this opportunity if I can, in the remaining time, to look at another one of the recommendations, recommendation 2. That recommendation, which is not supported by the government according to the response that it tabled, is —

The Corruption and Crime Commission should refocus its efforts and current resources on police oversight primarily, in line with what is arguably a key mandate. It is not enough for police oversight to be treated as one of several strategic themes.

It is apparent that that was the unanimous recommendation of the committee, which was chaired by the then member for Girrawheen, Margaret Quirk, MLA. The current chair of the Joint Standing Committee on the Corruption and Crime Commission was, somewhat infamously, a member of that committee in the fortieth Parliament. Members of the government indicated at the time that there should be a refocusing of the efforts of the CCC, yet the McGowan Labor government has said no; it has said that that is not supported. The explanation provided by the government in its response was that the commission's serious misconduct function under the Corruption, Crime and Misconduct Act does not articulate this intent and it is therefore not a key mandate. It said that, accordingly, the focus of the commission was on the entire public sector, not just WA Police. That is quite an incredible response because it indicates once again that there are members of the WA Labor government who have not read these documents and are obviously unfamiliar with the Kennedy royal commission, which gave rise to the very existence of this corruption fighter in Western Australia. The Kennedy royal commission was about police corruption, and the Joint Standing Committee on the Corruption and Crime Commission has, in successive Parliaments, called on the CCC to make sure it has a primary focus on police oversight, yet the government has said no. No-one has suggested that that should be the only oversight by the CCC; it should actually have oversight of the whole public sector, but especially WA Police.

Hon PIERRE YANG: I was very much looking forward to the opportunity to continue my remarks on the report that was noted by this chamber moments earlier. The second report of the Joint Standing Committee on the Corruption and Crime Commission of the forty-first Parliament is a short report that encapsulates the findings and recommendations of the fifteenth report of the Joint Standing Committee on the Corruption and Crime Commission of the fortieth Parliament. I spent some time referring to that report, but I just want to quote the chair's foreword to the second report of the Joint Standing Committee on the Corruption and Crime Commission of the forty-first Parliament. Mr Matthew Hughes stated —

Report 15 of the Joint Standing Committee on the Corruption and Crime Commission in the 40th Parliament (the previous committee), *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*, was tabled in the Legislative Assembly and Legislative Council on 24 September 2020.

...

Due to the prorogation of the Parliament, and the dissolution of the Legislative Assembly on 7 December 2020, the government did not have the opportunity to respond to the recommendations in Report 15.

The Joint Standing Committee on the Corruption and Crime Commission of the present Parliament resolved to table a report containing the findings and recommendation of Report 15 and seek a government response to the recommendations of the previous committee.

I look forward to the opportunity, in the four and a half minutes I have left, to continue to make my remarks on that on Wednesday next week. Today I want to continue where I left off in the previous report, when I was discussing page 35 of the fifteenth report. I touched on the important principles of transparency and accountability, and I thank Hon Tjorn Sibma for his question on the relevance of those contributions. I want to re-emphasise that accountability and transparency are two fundamental principles that underpin our liberal democracy. Accountability, according to the Australian Institute of Company Directors, exists in a relationship between two parties where one has expectations of the other and the other is obliged to provide information about how they have met those expectations, or face the consequences of failing to do so. When it comes to transparency, organisations are transparent when they enable others to see and understand how they operate, in an honest way. To achieve transparency, an organisation must provide information about its activities and governance to stakeholders that is accurate, complete and made available in a timely way. Transparency enables accountability.

I referred to the federal government's undertaking to the people of Australia that it would establish a federal anti-corruption institution, but the federal Morrison Liberal–National government reneged on that promise to the people of Australia. I think the people of Australia will hold that government to account on 21 May. As a matter of fact, early voting started on Monday this week and I am sure a lot of Australians have already cast their vote. What the people want is a government that is transparent and accountable. As I was saying, these are very important principles that will foster faith and trust in the system.

I am coming to the point where I discussed, in relation to the last report, the abuse of power by members of the WA Police Force through the use of excessive force, which undermines the integrity of the WA Police Force and public trust in this institution. This is particularly true if the incident is captured on video and it appears, to all intents and purposes, that the force used is not justified. As documented in the fifteenth report, to its credit the WA Police Force acknowledged —

... regardless of the mechanisms in place to support stringent internal investigations, it does occasionally get investigations wrong. It recognises the benefits provided by independent oversight of allegations of misconduct and identifies that '... where community expectations are not met, the CCC oversight provides opportunities for police to meet that expectation.'

Consideration of report adjourned, pursuant to standing orders.

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