

*Joint Standing Committee on the Corruption and Crime Commission — Sixth Report —
“Parliamentary Inspector’s report on the issuing of notices by the
Corruption and Crime Commission under s 42 of the Corruption, Crime and Misconduct Act”*

Resumed from 30 November 2017.

Motion

Hon JIM CHOWN: I move —

That the report be noted.

This report is about section 42 notices. For members who are not aware of what that is, a notice issued under section 42(2) of the Corruption, Crime and Misconduct Act allows the commission to direct authorities, especially WA Police, on investigations that both parties may be undertaking. In effect, when a section 42 notice is issued by the Corruption and Crime Commission, it requests, in a legal format, that the other investigating party needs to step back and let the CCC get on with its job, so that there is no dilution or cross-referencing, or issues that come up later on in the investigation. This report was triggered by a complaint to the parliamentary inspector by the Commissioner of Police when an investigation was underway. The fact was that one of the Corruption and Crime Commission operatives issued a section 42 notice, and then verbally tried to extend it, which is not allowed under the parameters of the notice.

The parliamentary inspector’s report on this matter made a number of findings; he did not make any recommendations. The basic parameters are that section 42 notices are rarely issued nowadays. The Corruption and Crime Commission and the Commissioner of Police have a very good working relationship. That was previous to the appointment of the new Commissioner of Police, but I assume that is still the case; I have not heard anything to the contrary. Section 42 notices should not be reverted to unless absolutely necessary, but rather both commissioners should talk it through and come to a professional understanding on what is required, giving some preference to the CCC, because that is its role. Be that as it may, the findings are interesting. The most urgent is finding 7, which states —

Amendments to section 42 of the *Corruption, Crime and Misconduct Act 2003* would be more appropriately considered as part of a broader review of the Act as a whole.

That is something I would also support, and Hon Alison Xamon has spoken on that already in regard to a full review of the Corruption, Crime and Misconduct Act. I assume that the Attorney General would at some stage in the near future take on this request and get on with the job of reviewing the act as we move forward with the Corruption and Crime Commission and its important role, in ensuring that crime and corruption are stamped on or found out in all areas of society, including the public service and the police.

Question put and passed.