



***JOINT STANDING COMMITTEE ON
THE CORRUPTION AND CRIME
COMMISSION***

ANNUAL REPORT 2006-2007

Report No. 30

in the 37th Parliament

2007

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Joint Standing Committee on the Corruption and Crime Commission

Annual Report 2006-2007

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THE CORRUPTION AND CRIME
COMMISSION***

ANNUAL REPORT 2006-2007

Report No. 30

Presented by:

Hon Ken Travers, MLC and Hon John Day, MLA

Laid on the Table of the Legislative Council and Legislative Assembly
on 20 September 2007

COMMITTEE MEMBERS

Chairman

Hon Ken Travers, MLC
Member for North Metropolitan
(from 28 June 2007)

Mr John Hyde, MLA
Member for Perth
(until 28 June 2007)

Deputy Chairman

Hon John Day, MLA
Member for Darling Range
(from 28 June 2007)

Members

Hon Ray Halligan, MLC
Member for North Metropolitan

Ms Judy Hughes, MLA
Member for Kingsley

Hon Margaret Rowe, MLC
Member for Agricultural
(until 22 June 2007)

COMMITTEE STAFF

Principal Research Officer

Ms Katherine Galvin, BSW
(Acting from 8 January 2007)

Ms Andrea McCallum, BA, B Juris,
LLB, LLM
(until December 2006)

Research Officer

Mr Roy Tester, BSW

COMMITTEE ADDRESS

Joint Standing Committee on the Corruption and Crime Commission
Legislative Assembly
Parliament House
Harvest Terrace
PERTH WA 6000

Tel: (08) 9222 7494
Fax: (08) 9222 7804
Email: jscccc@parliament.wa.gov.au
Website: www.parliament.wa.gov.au

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COMMITTEE'S FUNCTIONS AND POWERS

On 31 May 2005 the Legislative Council concurred with a resolution of the Legislative Assembly to establish the Joint Standing Committee on the Corruption and Crime Commission.

The Joint Standing Committee's functions and powers are defined in the Legislative Assembly's Standing Orders 289-293 and other Assembly Standing Orders relating to standing and select committees, as far as they can be applied. Certain standing orders of the Legislative Council also apply.

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 and Crime Commission Act 2003*.

The Committee consists of four members, two from the Legislative Assembly and two from the Legislative Council.

CHAIRMAN'S FOREWORD

I was appointed Chairman of the Joint Standing Committee on the Corruption and Crime Commission on 2 July 2007 as a consequence of Mr John Hyde, MLA's, resignation from the Committee due to his appointment as Parliamentary Secretary to the Attorney General, Minister for Health and Electoral Affairs. On that same date, the Hon. John Day, MLA who replaced the Hon. Margaret Rowe, MLC on her resignation from the Legislative Council, assumed the position of Deputy Chairman from the Hon. Ray Halligan, MLC. The work of the Committee during this period is therefore attributable to the efforts of Mr John Hyde, MLA, Hon. Ray Halligan, MLC, Ms Judy Hughes, MLA, the Hon. Margaret Rowe, MLC and the staff of the Committee Secretariat.

The majority of the work for the financial year centred on assessment of the effectiveness of the *Corruption and Crime Commission Act 2003*, consideration of matters for review by the Attorney General under Section 226 of that Act and ongoing monitoring of the performance of the Corruption and Crime Commission and Parliamentary Inspector of the Corruption and Crime Commission.

More specifically, the Committee has examined whether the Corruption and Crime Commission should be empowered with a witness protection function and whether a public interest monitor is required for improved accountability on application for surveillance device, telecommunication interception and covert search warrants. In May and June 2007 respectively, the Committee tabled its final report on its *Inquiry into Legislative Amendments to the Corruption and Crime Commission 2003 - A Public Interest Monitor and Inquiry into the Future Operation of Witness Protection Programmes in Western Australia*. Both tabled reports focused considerably on improvements to, or recommendations for the establishment of, appropriate accountability mechanisms, for what are considered areas of covert operation.

Although the Committee has also reported on general amendments to the *Corruption and Crime Commission Act 2003*, the end of the financial year marked the commencement of a review of the organised crime provisions of the Act and related matters. This inquiry, together with quarterly reviews of the Corruption and Crime Commission and Parliamentary Inspector of the Corruption and Crime Commission, are ongoing. The issue of a witness protection function for the Corruption and Crime Commission, a Public Interest Monitor for the State and an investigative crime function for the Commission are matters for consideration under the Attorney General's Review of the legislation.

The Committee acknowledges the assistance provided by the Corruption and Crime Commission, the Parliamentary Inspector of the Corruption and Crime Commission, the Western Australia Police and equivalent interstate agencies, in the conduct of its inquiries. Many of these agencies have provided detailed written submissions and evidence at hearings with the Committee on the issues under consideration.

On a final point, I would like to thank the Legislative Assembly for the appointment of an additional staff member to assist in the Committee's inquiries over the last 18 months. Matters

under consideration by the Joint Standing Committee on the Corruption and Crime Commission are often complex and legalistic in nature and require due attention to ensure the adequacy of the performance of the Corruption and Crime Commission, the Parliamentary Inspector of the Corruption and Crime Commission and the Act itself. The Committee has been extremely busy, as evidenced by reports on targeted inquiries and quarterly hearings with the Commission and Parliamentary Inspector. I would personally like to thank the aforementioned Members of the Committee and Ms Andrea McCallum, Principal Research Officer, Ms Katherine Galvin, Acting Principal Research Officer and Mr Roy Tester, Research Officer, who have worked tirelessly in the performance of the Committee's role. I look forward to the meeting the challenges inherent in chairing the Joint Standing Committee on the Corruption and Crime Commission.

HON KEN TRAVERS, MLC
CHAIRMAN

CHAPTER 1 COMMITTEE ACTIVITIES

1.1 Introduction

During the course of this reporting period (Table 1.1), the Committee:

- Conducted 3 inquiries;
- Held 29 deliberative meetings;
- Has taken evidence from/or was briefed by 71 persons;
- Undertook investigative travel to 2 locations; and
- Attended nil conferences.

Table 1.1

Summary of activities of the Joint Standing Committee on the Corruption and Crime Commission, 1 July 2006 - 30 June 2007

Description	Activity
Briefings	10
Deliberative meetings	29
Formal evidence hearings	12
Witnesses appearing	45
Reports tabled	20
Report findings tabled	14
Report recommendations tabled	86

1.2 Public Hearings

Pursuant to Assembly Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2006 - 30 June 2007, the Committee conducted four public hearings, four closed hearings and two combined open/closed hearings, taking evidence from 45 witnesses to assist with its investigations (Table 1.2).

Table 1.2

Public Hearings of the Joint Standing Committee on the Corruption and Crime Commission, 1 July 2006 - 30 June 2007

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

CHAPTER 1

Date	Name	Position	Organisation
16/8/06	Mr Malcolm McCusker QC	Parliamentary Inspector	Office of the Parliamentary Inspector
30/8/06	Mr Kevin Hammond	(former) Commissioner	Corruption and Crime Commission
	Mr Michael Silverstone	Executive Director	Corruption and Crime Commission
	Mr Michael Cashman	Director Legal Services	Corruption and Crime Commission
	Mr Robert Sutton	Acting Director Operations	Corruption and Crime Commission
	Dr Irene Froyland	Director Corruption Prevention Education and Research	Corruption and Crime Commission
	Ms Vanessa Grant	Director Business Services	Corruption and Crime Commission
11/9/06	Mr Ian Johnson	Commissioner	Department of Corrective Services
	Mr Andrew Beck	Acting Deputy Commissioner Adult Custodial Division	Department of Corrective Services
	Mr Ian Giles	Acting Assistant Commissioner Professional Standards, Integrity and Compliance	Department of Corrective Services
13/09/06	Integrity Coordinating Group		
	Mr Kevin Hammond	(former) Commissioner	Corruption and Crime Commission
	Dr Irene Froyland	Director Corruption Prevention Education and Research	Corruption and Crime Commission
	Ms Deirdre O'Donnell	(former) Parliamentary Commissioner for Administrative Investigations	Ombudsman
	Ms Maxine Murray	(former) Commissioner for Public Sector Standards	Office of the Commissioner for Public Standards

	Mr Desmond Pearson	(former) Auditor General	Officer of the Auditor General
	Mr Colin Murphy	Incoming Acting Auditor General	Office of the Auditor General
27/9/06	Mr Robert Stacey	Deputy Inspector	Office of the Inspector of Custodial Services
25/10/06	Dr Karl O'Callaghan	Commissioner of Police	Western Australia Police
	Mr Christopher Dawson	Deputy Commissioner	Western Australia Police
	Mr Kim Porter	Superintendent	Western Australia Police
	Mr Rick Scupham	Detective Inspector	Western Australia Police
22/11/06	Mr Kevin Hammond	(former) Commissioner	Corruption and Crime Commission
	Mr Michael Silverstone	Executive Director	Corruption and Crime Commission
	Mr Nicholas Anticich	Director Operations.	Corruption and Crime Commission
	Mr Michael Cashman	Director Legal Services	Corruption and Crime Commission
	Mr Tony Warwick	Senior Investigator	Corruption and Crime Commission
	Dr Irene Froyland	Director Corruption Prevention Education and Research	Corruption and Crime Commission
	Ms Vanessa Grant	Director Business Services	Corruption and Crime Commission
12/12/06	Mr Malcolm McCusker QC	Parliamentary Inspector	Office of the Parliamentary Inspector of the Corruption and Crime Commission
21/3/07	Mr Kevin Hammond	(former) Commissioner	Corruption and Crime Commission
	Mr Mike Silverstone	Executive Director	Corruption and Crime Commission
	Mr Nicholas Anticich	Director Operations	Corruption and Crime Commission

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

CHAPTER 1

	Mr Michael Cashman	Director Legal Services	Corruption and Crime Commission
	Dr Irene Froyland	Director Corruption Prevention Education and Research	Corruption and Crime Commission
	Ms Vanessa Grant	Director Business Services	Corruption and Crime Commission
4/4/07	Mr Murray Lampard	Deputy Commissioner Operations	Western Australia Police
	Mr Lyall Peribonio	Inspector and Officer in Charge Witness Security Unit	Western Australia Police
	Inspector Scott Higgins	Inspector State Intelligence Unit	Western Australia Police
	Mr Kevin Daff	Senior Sergeant State Intelligence Unit	Western Australia Police
9/5/07	Mr Malcolm McCusker QC	Parliamentary Inspector of the Corruption and Crime Commission	Officer of the Parliamentary Inspector of the Corruption and Crime Commission
20/6/07	Integrity Coordinating Group		
	Mr Colin Murphy	Auditor General	Office of the Auditor General
	Hon Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission
	Dr Irene Froyland	Director Corruption Prevention Education and Research	Corruption and Crime Commission
	Mr Christopher Field	Parliamentary Commissioner for Administrative Investigations	Ombudsman
	Ms Fiona Roche	Executive Director Ethics and Human Resources	Office of the Commissioner for Public Sector Standards

1.3 Briefings

In addition to gathering evidence during the formal hearings, the Committee received a number of informal briefings. The briefings were used to gain information in relation to the Committee's inquiries as well as other matters (Table 1.3)

Table 1.3

Briefings provided to the Joint Standing Committee on the Corruption and Crime Commission, 1 July 2006 - 30 June 2007

Date	Name	Position	Organisation
23/8/06	Mr John McRoberts	Assistant Commissioner Traffic and Operations	Western Australia Police
	Mr Paddy Blee	Operations Manager Witness Security Unit	Western Australia Police
23/8/06	Mr Michael Silverstone	Executive Director	Corruption and Crime Commission
11/10/06	Mr Robert Needham	Commissioner	Crime and Misconduct Commission (Queensland)
	Mr Paul Doyle	Superintendent	Crime and Misconduct Commission
	Mr Peter Lee	Inspector	Crime and Misconduct Commission
	Mr Chris McCann	Acting Inspector	Crime and Misconduct Commission
11/10/06	Mr Howard Hobbs	Acting Chairperson	Parliamentary Crime and Misconduct Committee (Queensland)
	Mr Geoff Wilson	Former Chairperson	Parliamentary Crime and Misconduct Committee
	Mr Paul Houlihan	Committee Member	Parliamentary Crime and Misconduct Committee
	Ms Liz Cunningham	Committee Member	Parliamentary Crime and Misconduct Committee
	Mr Michael Choi	Committee Member	Parliamentary Crime and Misconduct Committee
	Mr Stephen Finnimore	Research Director	Parliamentary Crime and Misconduct Committee
	Ms Renee Easten	Principal Research Officer	Parliamentary Crime and Misconduct Committee
12/10/06	Ms Linda Lavarch	Assistant to the Attorney General	Office of Attorney General (Queensland)
12/10/06	Mr Alan McSporran	Parliamentary Commissioner	Parliamentary Commissioner for the Crime and Misconduct Commission (Queensland)

	Mr Mitchell Kunde	Principal Legal Officer	Office of the Parliamentary Commissioner for the Crime and Misconduct Commission
6/3/07	Mr David Jones	Special Investigations Monitor	Office of the Special Investigations Monitor (Victoria)
	Mr Peter Rollinson	Special Investigations Officer	Office of the Special Investigations Monitor
	Ms Lisa Farrell	Executive Officer	Office of the Special Investigations Monitor
6/3/07	Ms Helen Versey	Privacy Commissioner	Office of the Victorian Privacy Commissioner
	Michelle Fisher	Manager Policy	Office of the Victorian Privacy Commissioner
7/3/07	Mr George Brouwer	Director	Office of Police Integrity (Victoria)
	Mr Graham Ashton	Assistant Director	Office of Police Integrity
7/3/07	Mr Geoff Always	Superintendent	Victoria Police
	Mr Tony Glenane	Operations Manager (WITSEC)	Victoria Police

1.4 Investigative Travel

The Committee undertook investigative travel to Brisbane and Melbourne in October 2006 and March 2007 respectively. This was for the purpose of informing the Committee's *Inquiry into Legislative Amendments to the Corruption and Crime Commission Act 2003* and *Inquiry into the Future Operation of Witness Protection Programmes in Western Australia*.

Under Section 226 of the *Corruption and Crime Commission Act 2003*, the responsible Minister, in this case the Attorney General, is required to review the Act as soon as practicable after three years from date of commencement of the legislation. In conducting that review, the Minister is required to give consideration to a range of matters, including whether the Corruption and Crime Commission (CCC) should be empowered with a witness protection function, an investigative crime function and further, whether a public interest monitor is required in this State to represent the public interest in applications for covert powers.

In line with its function in monitoring the performance of the CCC and the Parliamentary Inspector of the CCC, the Committee has considered and tabled reports regarding general amendments to the *Corruption and Crime Commission Act 2003*, the requirements of a witness protection function for the CCC and a public interest monitor for Western Australia. These matters are complex in nature and have required, where relevant, consideration of the effectiveness of existing legislative frameworks for operation in both this State and other relevant Australian jurisdictions. As a matter of reference, the Crime and Misconduct Commission in Queensland has a mandated witness protection and investigative crime function. Queensland is also the only Australian State with a Public Interest Monitor, although Victoria has a variation on this model.

Travel to both States was therefore invaluable in informing the Committee's inquiries and undoubtedly the Attorney General's review.

The people the Committee spoke to are listed above in Tables 1.2 and 1.3.

1.5 Conferences

No conferences were attended during this period.

1.6 Reports Tabled

There has been a notable increase in the workload of the Joint Standing Committee on the Corruption and Crime Commission over the last financial year. The principal drivers have included:

- the Committee's consideration of the efficiency and effectiveness of the *Corruption and Crime Commission Act 2003*, including matters for review by the Attorney General under Section 226 of the legislation; and
- an increase in activity by the CCC and in turn, the Parliamentary Inspector of the CCC.

The Committee tabled 20 reports during the period 1 July 2006 - 30 June 2007, they were as follows:

- Report No. 8 - *Public Hearing with the Corruption and Crime Commission on 3 May 2006*;
- Report No. 9 - *Inquiry into the Future Operation of Witness Protection Programmes in Western Australia*;
- Report No. 10 - *Interim Report on Amendments to the Corruption and Crime Commission Act 2003*;
- Report No.11 - *Public Hearing Examining Outreach Programmes of the Corruption and Crime Commission*;
- Report No. 12 - *Annual Report 2005-2006*;
- Report No.13 - *Ombudsman's Redress Guidelines*;
- Report No. 14 - *Public Hearing with the Corruption and Crime Commission on 30 August 2006*;
- Report No.15 - *Public Hearing with the Parliamentary Inspector of the Corruption and Crime Commission on 16 August 2006*;

- Report No. 16 - *Joint Standing Committee on the Corruption and Crime Commission to Continue after Dissolution;*
- Report No. 17 - *Inquiry into Witness Protection Programmes in WA: Interim Report on ACC Reports into the Death of a Protection Witness;*
- Report No. 18 - *Hearing with the Corruption and Crime Commission on 22 November 2006;*
- Report No. 19 - *Hearing with the Parliamentary Inspector of the Corruption and Crime Commission on 12 December 2006;*
- Report No. 20 - *Public Hearing with the Integrity Coordinating Group on 13 September 2006;*
- Report 21 - *Report on Release of Records Pertaining to the Joint Standing Committee on the Corruption and Crime Commission and its Predecessor the Joint Standing Committee on the Anti-Corruption Commission;*
- Report No. 22 - *Public Hearing with the Corruption and Crime Commission on 21 March 2007;*
- Report No. 23 - *Examination of the 2005-2006 Annual Report of the Corruption and Crime Commission;*
- Report No. 24 - *Interim Report on Amendments to the Corruption and Crime Commission Act 2003 - A Public Interest Monitor;*
- Report No. 25 - *Report on Past Misconduct Inquiry - Western Australia Police;*
- Report No. 26 - *Inquiry into the Future Operation of Witness Protection Programmes in Western Australia;* and
- Report No. 27 - *Hearing with the Parliamentary Inspector of the Corruption and Crime Commission on 9 May 2007.*

1.7 Work in Progress

The Hon. Jim McGinty, MLA, Attorney General for Western Australia, has appointed Ms Gail Archer, Barrister, to conduct the Section 226 review of the *Corruption and Crime Commission Act 2003*. It is envisaged that this will be completed within the next six months. The Committee considers it critical that its consideration of the legislation and in particular, the issue of whether the CCC should be empowered with an investigative crime function, dovetails into that review. Hence this component of its inquiry is currently the Committee's focus. That said, the Committee

maintains its usual program of quarterly hearings with the CCC and the Parliamentary Inspector of the CCC, in line with its responsibility for overseeing the performance of those agencies.

The Committee resolved in May 2007 to conduct an *Inquiry into the Efficacy of Public Hearings*. The Committee recently extended the date for receipt of submissions to 30 October 2007.

It is the Committee's intention to attend the Australian Public Sector Anti-Corruption Conference in Sydney in October 2007. The Conference is a joint initiative of the lead anti-corruption Commissions in Australia, including the CCC, the Independent Commission against Corruption (New South Wales) and the Crime and Misconduct Commission (Queensland). The Conference is principally targeted at improving knowledge and understanding of corruption risks by public officers and external stakeholders and is particularly relevant to the Committee's role of inquiring into, and reporting to Parliament, on the means by which corruption prevention practices may be enhanced within the public sector.

CHAPTER 2 FINANCIAL STATEMENT

The Joint Standing Committee on the Corruption and Crime Commission does not have its own formal budget and is funded out of the budget of the Legislative Assembly. Approval for major expenditures is required on a case-by-case basis and is entirely at the discretion of the Speaker.

The Committee's expenditure for the financial year 1 July 2006 - 30 June 2007 (in accordance with Standing Order 276) is detailed below:

Table 2.1

Expenditure Items of the Joint Standing Committee on the Corruption and Crime Commission, 1 July 2006 - 30 June 2007

Expenditure Item	\$
Advertising	3,500.00 CR
Travel	32,800.00
Protocol	2,100.00
Miscellaneous	600.00
TOTAL	32,000.00

Notes:

- Figures rounded off to nearest \$100.
- Salaries of committee staff are not included.
- Costs of shared administrative expenses, including lease costs for committee accommodation, not included.