



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

**INQUIRY INTO THE FUTURE OPERATION
OF WITNESS PROTECTION
PROGRAMMES IN WESTERN
AUSTRALIA**

**Report No. 9
in the 37th Parliament**

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Joint Standing Committee on the Corruption and Crime Commission

Inquiry into the Future Operation of Witness Protection Programmes in Western Australia

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AUSTRALIA**

Report No. 9

Presented by:

Mr John Hyde, MLA and Hon. Ray Halligan, MLC

Laid on the Table of the Legislative Assembly and the Legislative Council
on 15 June 2006

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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

In order for justice to be realised, it has become necessary for crime and corruption fighters to be able to offer protection to witnesses whose cooperation could be curtailed or evaporate if it becomes known that they are cooperating.

In Queensland, the witness protection programme is undertaken by that State's Crime and Misconduct Commission. In WA and Victoria, the police service undertakes the programme.

Now that the Queensland Coroner has handed down his decisive verdict in the Petrelis case, the Committee has no role in or intention to re-examine the Coroner's findings. However, given the legislative requirement for the Attorney General to consider the issue of whether WA's Corruption and Crime Commission should be undertaking a witness protection function, the Committee sees a role for it to examine the existing witness protection processes in WA and their effectiveness.

The Committee is particularly mindful of the responsibility for effective protection once the witness has been moved interstate or overseas. The Committee will also review and audit previous inquiries and reviews into witness protection in WA, such as the Len Roberts-Smith review instigated by the Minister for Police in 1997 entitled *Review of the Western Australian Police Witness Protection Program*.

Victoria's new Office of Police Integrity published a report entitled *Review of the Victoria Police Witness Protection Program* in July 2005. In 1993, the Martin's report *Review of Witness Security Program* in relation to Victoria Police's 'Witsec' programme, made some cogent recommendations, but none have been acted upon. Another review of Witsec was conducted by the Victoria Police Corporate Management Review Division in 2004. The concept of a National Custodial Placement Committee was discussed at a meeting of Corrections Ministers in 2004.

On 29 October 1998, the South African Truth and Reconciliation Commission handed its report to President Nelson Mandela after 30 months of investigation, including a review of witness protection programmes; the State of Illinois undertook a major inquiry into Crime Gang Witness Protection in 2003; the New York police's programme was evaluated in 1994, and Strathclyde police in Scotland in 2000.

WA's regime of crime and corruption bodies is unique and very different in operation to five or ten years ago. It follows that witness protection programmes in WA should also reflect changes in the dynamics of crime and corruption fighting.



Mr John Hyde, MLA
CHAIRMAN

ABBREVIATIONS AND ACRONYMS

Act	<i>Corruption and Crime Commission Act, 2003</i>
CCC	Corruption and Crime Commission of Western Australia
Committee	Joint Standing Committee on the Corruption and Crime Commission
Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission of Western Australia

CHAPTER 1 INTRODUCTION

1.1 Background

The Joint Standing Committee on the Corruption and Crime Commission resolved on 29 May 2006 to conduct an inquiry into the future operation of witness protection programmes in Western Australia.

The Committee is currently also conducting an inquiry into possible amendments to the *Corruption and Crime Commission Act, 2003*. An interim report for that inquiry will be tabled in Parliament before 30 June 2006.

The Committee resolved to conduct a separate inquiry in relation to witness protection. Section 226 of the Act provides that the Minister is to carry out a review of the operation and effectiveness of the Act as soon as practicable after the expiration of three years after its commencement. The provision goes on to list a number of specific matters the Minister is required to consider, including whether the Act should be amended to include the Corruption and Crime Commission performing a witness protection function.

The Committee understands that the Attorney General will conduct the statutory review in early 2007. However, it is also one of the Committee's functions to monitor and report to Parliament on the exercise of the functions of the CCC and the Parliamentary Inspector, which includes monitoring the governing legislation.

The issue of witness protection is becoming increasingly important and complex as demonstrated in the Petrelis case. The Committee will consider whether the current arrangements for witness protection are satisfactory, and ways to improve liaison between states.

1.2 Inquiry Terms of Reference

That the Committee inquire into the future operation of witness protection programmes in Western Australia, with particular reference to whether the *Corruption and Crime Commission Act, 2003* should be amended to include the Corruption and Crime Commission performing a witness protection function, and other associated matters.