



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

ANNUAL REPORT 2008 - 2009

Report No. 5

in the 38th Parliament

2009

Published by the Legislative Council and Legislative Assembly, Parliament of Western Australia, Perth, September 2009.

Printed by the Government Printer, State Law Publisher, Western Australia.



Joint Standing Committee on the Corruption and Crime Commission

20090901 JSCCCC Annual Report 2008-09

ISBN: 978-1-921355-70-7

(Series: Western Australia. Parliament. Legislative Assembly. Committees.
Joint Standing Committee on the Corruption and Crime Commission. Report 0)

328.365

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THE CORRUPTION AND CRIME
COMMISSION***

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Report No. 5

Presented by:

Hon Nick Goiran, MLC and Mr John Hyde, MLA

Laid on the Table of the Legislative Assembly on 17 September 2009

and the Legislative Council on 22 September 2009

COMMITTEE MEMBERS

Chairman

Hon Nick Goiran, MLC
Member for South Metropolitan
(From 18.6.09)

John Hyde, MLA
Member for Perth
(From 22.5.09 until 18.6.09)

Hon Ray Halligan, MLC
Member for North Metropolitan
(Until 21.5.09)

Deputy Chairman

John Hyde, MLA
Member for Perth
(Until 21.5.09 and from 18.6.09)

Hon Nick Goiran, MLC
Member for South Metropolitan
(From 17.6.09 until 18.6.09)

Members

Frank Alban, MLA
Member for Swan Hills

Hon Matt Benson-Lidholm, MLC
Member for Agricultural
(From 17.6.09)

Hon Ken Travers, MLC
Member for North Metropolitan
(Until 21.5.09)

COMMITTEE STAFF

Principal Research Officer

Scott Nalder, B.Juris (Hons), LLB,
BCL (Oxon)

Research Officer

Michael Burton, BEc, BA (Hons)

COMMITTEE ADDRESS

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COMMITTEE'S FUNCTIONS AND POWERS

On 25 November 2008 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 288-292 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 the previous reporting period the former Committee was actively involved in facilitating a resolution of the issues in dispute between Mr Malcolm McCusker, Parliamentary Inspector and the Commissioner of the Corruption and Crime Commission (CCC). The former Committee ceased to exist when the Legislative Assembly was prorogued and dissolved on Thursday, 7 August 2008.

On 26 September 2008 the CCC tabled its report entitled Report on the Investigation of Alleged Misconduct Concerning Mr Stephen Lee, Mayor of City of Cockburn ('CCC Lee Report').

The current Joint Standing Committee on the Corruption and Crime Commission of the 38th Parliament ('the Committee') was established on 25 November 2008. The Committee resolved on 4 December 2008 to continue the work of the former Committee and to hold a formal inquiry into the functions, powers and responsibilities of the CCC and the Parliamentary Inspector as they pertain to each other.

On 18 December 2008 the CCC made an urgent ex parte application to the Supreme Court of Western Australia seeking an injunction to restrain the Parliamentary Inspector from presenting or tabling his proposed report which was critical of the CCC Lee Report. The application for an injunction failed and the Parliamentary Inspector tabled his report on 24 December 2008. The Committee urgently convened and on 24 December 2008 tabled its first report of the 38th Parliament entitled *Parliamentary Inspector's Report Concerning Mr Stephen Lee*.

On 4 February 2009 the Committee hosted a day long workshop attended by:

- the Hon Len Roberts-Smith RFD QC, Commissioner
- Mr Christopher Steytler QC, Parliamentary Inspector
- Mr Malcolm McCusker AO QC, former Parliamentary Inspector
- Mr Ken Martin QC, Acting Parliamentary Inspector
- Ms Gail Archer SC, Acting Commissioner
- Mr Murray Alder, Principal Legal Officer of the Office of the Parliamentary Inspector.

Following the workshop the litigation between Mr McCusker and the CCC was discontinued on 6 February 2009.

In February 2009 the Committee travelled to Brisbane to gather evidence from the Queensland equivalents to the Commissioner and the Parliamentary Inspector, as well as other officials.

On 16 February 2009 the Committee held a public hearing with the Commissioner.

On 19 March 2009 the Committee tabled its second report entitled *Report on the Relationship between the Parliamentary Inspector and the Commissioner of the Corruption and Crime Commission*.

On 7 May 2009 the Committee tabled its third report entitled *Robert Bilos*.

On 18 June 2009 the Committee tabled its fourth report entitled *Corruption and Crime Commission's Response to the Select Committee into the Police Raid on the Sunday Times Report No 1*.



HON NICK GOIRAN, MLC
CHAIRMAN

CHAPTER 1 COMMITTEE ACTIVITIES

1.1 Introduction

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

- tabled 4 reports in the Legislative Assembly and the Legislative Council;
- held 16 deliberative meetings;
- held 1 public hearing;
- held 4 closed hearings;
- held 5 briefings; and
- undertook investigative travel to Brisbane.

Table 1.1

Summary of activities of the Joint Standing Committee on the Corruption and Crime Commission, 25 November 2008 - 30 June 2009

Description	Activity
Deliberative meetings	16
Public hearings	1
Closed hearings	4
Briefings	5
Reports tabled	4

1.2 Public Hearings

Pursuant to Assembly Standing Order 264, the Committee has power to send for persons, papers and records. During the reporting period 25 November 2008 to 30 June 2009, the Committee conducted 1 public hearing, taking evidence from 1 witness to assist with its investigations (Table 1.2).

Table 1.2

Public Hearings of the Joint Standing Committee on the Corruption and Crime Commission, 25 November 2008 - 30 June 2009

Date	Name of Witness	Position	Organisation
16 February 2009	Hon. Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission of Western Australia

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, 25 November 2008 - 30 June 2009

Date	Name	Position	Organisation
25 February 2009	Paul Freeburn QC	Senior Member	Misconduct Tribunal of Queensland
26 February 2009	Alan MacSporran SC Mitchell Kunde	Parliamentary Commissioner Legal Officer	Office of the Parliamentary Crime and Misconduct Commissioner of Queensland
26 February 2009	Robert Needham Chris Keen	Chairperson Director of Intelligence	Crime and Misconduct Commission of Queensland
27 February 2009	Steve Finnimore Renee Easten	Research Director (former) Acting Research Director	Parliamentary Crime and Misconduct Committee of the Queensland Parliament
27 February 2009	Colin Forrest	Public Interest Monitor	Office of the Public Interest Monitor of Queensland

1.4 Investigative Travel

In February 2009 the Committee travelled to Queensland for a series of briefings pertaining to the Committee's inquiry into the relationship between the Parliamentary Inspector and the Commissioner of the Corruption and Crime Commission.

In Queensland, the Committee was briefed by the Chairperson and Parliamentary Commissioner of the Crime and Misconduct Commission, the Queensland Public Interest Monitor, the Secretariat of the Parliamentary Committee on the Crime and Misconduct Commission, and a representative of the Queensland Misconduct Tribunal. This series of briefings informed the Committee's second Report to the 38th Parliament of Western Australia, the *Report on the Relationship between the Parliamentary Inspector and the Commissioner of the Corruption and Crime Commission*.

The specific individuals the Committee met with in Brisbane are listed above in Table 1.3.

1.5 Reports Tabled

The Committee tabled 4 during the reporting period. These were:

- Report No. 1 - *Parliamentary Inspector's Report concerning Mr Stephen Lee;*
- Report No. 2 - *Report on the Relationship between the Parliamentary Inspector and the Commissioner of the Corruption and Crime Commission;*
- Report No. 3 - *Robert Bilos; and*
- Report No. 4 - *Corruption and Crime Commission's Response to the Select Committee Into The Police Raid On The Sunday Times Report No. 1.*

CHAPTER 2 FINANCIAL STATEMENT

The Joint Standing Committee on the Corruption and Crime Commission has a nominal administrative budget of \$15,000 which is funded out of the budget of the Legislative Assembly. Approval for major expenditure occurs on a case-by-case basis and is subject to the approval of the Speaker.

The Committee is required in accordance with Standing Order 276 to detail expenditure for the financial year 1 July 2008 – 30 June 2009. The Legislative Assembly dissolved on 7 August 2008, therefore, two Joint Standing Committees on the Corruption and Crime Commission operated during this financial year. Whilst the current Committee of the 38th Parliament tenders the financial figures below, the Legislative Assembly has provided those pertaining to the Joint Standing Committee on the Corruption and Crime Commission of the 37th Parliament.

Table 2.1

Expenditure Items of the Joint Standing Committee on the Corruption and Crime Commission of the 37th Parliament for the period 1 July 2008 – 7 August 2008 and of the 38th Parliament for the period 25 November 2008 – 30 June 2009:

Expenditure Item	37 th Parliament	38 th Parliament
Conference Fees	0	\$7,700
Travel	0	\$5,500
Protocol	\$300	\$900
Printing	0	\$300
Miscellaneous	0	\$300
TOTAL	\$300	\$14,700

Notes:

- The total figure for the financial year 1 July 2008 – 30 June 2009 is \$15,000.
- 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.



HON NICK GOIRAN, MLC