

40TH PARLIAMENT



Joint Standing Committee on the  
Corruption and Crime Commission

Report 13

ANNUAL REPORT 2018–19

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Presented by  
Ms M.M. Quirk, MLA and Hon J.E. Chown, MLC  
November 2019

## *Committee Members*

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Chair	Ms M.M. Quirk, MLA Member for Girrawheen
Deputy Chair	Hon J.E. Chown, MLC Member for Agricultural Region
Members	Mr M. Hughes, MLA Member for Kalamunda
	Hon A.M. Xamon, MLC Member for North Metropolitan Region

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**Joint Standing Committee on the Corruption  
and Crime Commission**

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**Annual Report 2018-19**

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Report No. 13

Presented by

**Ms M.M. Quirk, MLA and Hon Jim Chown, MLC**

Laid on the Table of the Legislative Assembly and Legislative Council on  
28 November 2019



## Chair's Foreword

The 2018-19 reporting period was a busy one for the Joint Standing Committee on the Corruption and Crime Commission. The Committee continued its oversight of the work of the Corruption and Crime Commission and the Parliamentary Inspector, while also progressing its inquiry into corruption risk in public procurement. It also began to scope a new inquiry into the oversight of investigations into excessive use of force by police officers.

Important work completed by the Committee during the reporting period includes a role in the appointment of Acting Parliamentary Inspectors, the Hon. John Chaney SC and Matthew Howard SC. The Committee also played a role in the appointment of the acting Corruption and Crime Commissioner, Mr Scott Ellis.

A highlight for me during the reporting period was attending the 18th International Anti-Corruption Conference (IACC) in October 2018. I attended with two other Committee members and one staff member and gave a presentation. This biennial conference is a leading global forum on governance and anti-corruption. By attending this conference, the Committee was informed about up-to-date approaches to corruption prevention. It was also able to gather important evidence in relation to its ongoing inquiry into corruption risk in public sector procurement without embarking on additional travel.

During 2018-19 the Committee progressed its inquiry into corruption risk in public procurement, as a part of its function to report to the Parliament on the means by which corruption prevention practices may be enhanced within the public sector. Initiated in late 2017, this extensive investigative inquiry continued throughout the entire 2018-19 reporting period. The Committee twice extended its reporting date, due to the breadth and complexity of the matters canvassed as a part of its inquiries. The Committee expects to table a report in relation to the inquiry in early 2020.

I thank members for their hard work during 2018-19 and look forward to continuing the important work of the Committee throughout 2019-20.



MS M.M. QUIRK, MLA  
CHAIR



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# Chapter 1

## Committee Activities

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### Introduction

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

- conducted one inquiry
- tabled four reports
- held 25 deliberative meetings
- took evidence from/was briefed by 87 persons.<sup>1</sup>

**Table 1.1: Summary of the activities of the Committee, 1 July 2018 – 30 June 2019**

Description	Activity
Briefings	10
Deliberative meetings	25
Formal evidence hearings	17
Witnesses appearing	54
Reports tabled	4
Report findings tabled	12
Report recommendations tabled	3

### Public Hearings

Pursuant to Assembly Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2018 – 30 June 2019, the Committee conducted 17 public hearings, taking evidence from 54 witnesses to assist with its investigations (Table 1.2).

**Table 1.2: Public Hearings of the Committee, 1 July 2018 – 30 June 2019**

Date	Witness	Position	Organisation
12 September 2018	Mr Tony Hassall	Corrective Services Commissioner	Department of Justice
	Mr Shayne Maines	Deputy Commissioner, Adult and Youth Justice Services	

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<sup>1</sup> This includes formal hearings and informal briefings. Where the same person has appeared more than once before the Committee, each appearance is counted separately for the purpose of calculating this number.

Date	Witness	Position	Organisation
17 September 2018	Ms Nina Lyhne	Acting Director General	Department of Transport
	Mr Craig Shepherd	Director Procurement and Fleet Management	
	Mr Steve Beyer	Acting Managing Director	
	Ms Natasha Thomas	Budget Management Director	
17 September 2018	Ms Nina Lyhne	Acting Director General	Main Roads Western Australia
	Mr Peter Woronzow	Acting Managing Director	
	Mr Phillip D'Souza	Acting Executive Director Finance and Commercial Services	
17 September 2018	Ms Nina Lyhne	Acting Director General	Public Transport Authority
	Mark Burgess	Managing Director	
	Kevin Kirk	Executive Director Finance and Contracts	
10 October 2018	Hon. John McKechnie, QC	Commissioner	Corruption and Crime Commission
	Mr Ray Warnes	Chief Executive	
	Ms Kirsten Nelson	Acting Director Assessment and Strategy Development	

Date	Witness	Position	Organisation
17 October 2018	Dr David Russell-Weisz	Director General	WA Health
	Mr Leon Mclvor	A/Assistant Director, General Strategy and Governance Division	
	Mr Robert Toms	Chief Executive Officer, Health Support Service	
	Mr Mark Thompson	Chief Procurement Officer, Health Support Service	
7 November 2018	Ms Sharyn O'Neill	Public Sector Commissioner	Public Sector Commission
	Mr Lindsay Warner	Executive Director, Workforce Performance and Renewal	
	Mr Eamon Ryan	Executive Director, Conduct and Compliance	
	Ms Tamara Findlay	Assistant Director, Sector Performance and Reporting	
26 November 2018	Ms Christine Tonkin	Procurement expert	N/A
13 February 2019	Hon Michael Murray, QC	Parliamentary Inspector	Office of the Parliamentary Inspector of the Corruption and Crime Commission
	Hon. John McKechnie, QC	Commissioner	Corruption and Crime Commission
	Mr Ray Warnes	Chief Executive	
	Ms Wendy Endebrock-Brown	Director, Legal Services	
	Mr David Robinson	Director, Operations	
	Ms Emma Milne	Director, Corporate Services	

Chapter 1

Date	Witness	Position	Organisation
	Ian Norcock	Director Assessment and Strategy Development	
20 March 2019	Ms Sharyn O'Neill	Public Sector Commissioner	Public Sector Commission
	Mr Lindsay Warner	Acting Executive Director, Policy and Data Analytics	
	Mr Eamon Ryan	Executive Director, Integrity and Risk	
	Ms Melissa Travers	Legal Officer	
3 April 2019	Mr Ross Emerson	Private citizen	N/A
5 April 2019	Mr Darren Foster	Director General	Department of Premier and Cabinet
	Mr Gary Meyers	Director of Corporate Services	
10 April 2019	Ms Caroline Spencer	Auditor General	Office of the Auditor General
	Mr Jason Beeley	Assistant Auditor General	
8 May 2019	Mr Richard Sellers	Commissioner Main Roads WA	Main Roads WA
	Mr Peter Woronzow	Acting Managing Director	
	Mr Phillip D'Souza	Acting Executive Director Finance and Commercial Services	
15 May 2019	Dr Russell-Weisz	Director General	WA Health
	Dr Robyn Lawrence	Chief Executive of North Metropolitan Health Service	
	Ms Liz Macleod	Chief Executive of East Metropolitan Health Service	

Date	Witness	Position	Organisation
	Mr Mark Thompson	Chief Procurement Officer, Health Support Services	
	Ms Angie Spaziani	Director System Wide Integrity Services, Department of Health	
	Dr Andrew Robertson	Assistant Director General Public and Aboriginal Health Division	
12 June 2019	Ms Jodi Cant	Director General	Department of Finance
	Ms Stephanie Black	Executive Director, Government Procurement	
	Mr Phillip Helberg	Deputy Director General, Building Management and Works	
	Mr Mark Bryden	Director, Strategic Issues	
	Mr Andrew Davy	Director, Strategic Advisory Services	

## Briefings

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

**Table 1.3: Briefings provided to the Committees, 1 July 2018 – 30 June 2019**

Date	Name	Position	Organisation
17 September 2018	Hon. John McKechnie, QC	Commissioner	Corruption and Crime Commission
	Mr Ray Warnes	Chief Executive	
	Ms Wendy Endebrock-Brown	Director, Legal Services	
	Mr David Robinson	Director, Operations	

Date	Name	Position	Organisation
22-26 October 2018 (meetings held at the 18 <sup>th</sup> IACC conference, Copenhagen, Denmark)	Ms Elodie Beth	Program Advisor Governance and Peacebuilding Team in Bangkok	UNDP
	Mr Arne Strand	Director	U4 Anti-Corruption Resource Centre
	Mr Aled Williams	Senior Advisor	
	Mr David Jackson	Senior Advisor	
	Ms Sofie Schutte	Senior Advisor	
	Ms Kendra Dupuy	Senior Advisor	
	Mr Fredrik Eriksson	Senior Advisor	
	Ms Monica Kirya	Senior Advisor	
	Ms Jessica Schultz	Senior Advisor	
	Ms Carol Guthrie	Head of OECD Washington Center	Organisation for Economic Cooperation and Development (OECD)
	Ms Silvia Terrón	Public Affairs Manager, Civil Society and Parliamentary Liaison, Public Affairs and Communications Directorate	
	Ms Candice Welsch	Chief, Implementation Support Section Corruption and Economic Crime Branch	United Nations Office on Drugs and Crime (UNODC)
	Ms May Miller-Dawkins	Consultant	Open Contracting
Ms Serena Lily-White	Chief Executive Officer (TI Australia)	Transparency International	
25 October 2019	Mr Peter Skaarup	Committee Chair	Legal Affairs Committee Danish Parliament
	Mr Peter Kofod	Committee member	
	Ms Ketty Gammelgaard	Committee Secretary	
	Mr Martin Ryding Rosenkilde	Advisor in Legal Affairs	
	Ms Amalie Andreasen	Committee Assistant	
25 October 2019	Mr Klaus Frandsen	Vice-Chairman	Public Accounts Committee Danish Parliament
	Mr Frank Aaen	Committee member	
	Ms Gitte Korff	Head of Secretariat	
	Mr Morten Brædstrup- Holm	Deputy Head of Secretariat	

Date	Name	Position	Organisation
28 March 2019	Hon John McKechnie, QC	Commissioner	Corruption and Crime Commission
	Mr Ray Warnes	Chief Executive	
	Ms Wendy Endebrock-Brown	Director, Legal Services	
	Mr David Robinson	Director, Operations	
	Warren Cattell	Deputy Director Operational Support	
	Jon Tuttle	Deputy Director Investigations	

## Investigative Travel

**Table 1.4: Summary of Committee travel, 1 July 2018 – 30 June 2019**

Date	Description	Attendees	Cost
October 2018	18 <sup>th</sup> International Anti-Corruption Conference, Copenhagen	3 committee members 1 staff member	\$42,379.89

## Conferences

### International Anti-Corruption Conference in Copenhagen, Denmark

In October 2018 three Committee members and one staff member travelled to Copenhagen, Denmark, to attend the 18th International Anti-Corruption Conference (IACC). This biennial conference is a leading global forum on governance and anti-corruption. It brings together leaders from the public and private sectors, civil society, international organisations, academics and the media to discuss the challenges posed by corruption.

By attending this conference, the Committee was informed about up-to-date approaches to corruption prevention. It was also able to gather important evidence in relation to its ongoing inquiry into corruption risk in public sector procurement without embarking on additional travel.

Committee members capitalised on the attendance of a number of international anti-corruption experts. Private briefings were held concurrently and following the conference, largely pertaining to the Committee's abovementioned inquiry. These included Transparency International, Finland-based U4 Corruption Prevention Resource Centre, the OECD, and practitioners in a range of related fields.

Holding these meetings at the conference venue (and largely during the conference program) enabled this to be done at minimal extra cost to the tax payer. The Committee found this to be a fruitful approach to investigative travel. Holding meetings at the

conference also meant that meetings were convened ad hoc, allowing the Committee access to experts who would be otherwise unavailable.

The Chair of the Committee, by invitation, made a presentation in one of the conference sessions. Her presentation detailed the issues surrounding the calls for the creation of a National Integrity Commission in Australia.

Committee members also met with the Legal Affairs Committee and the Public Accounts Committee of the Danish Parliament and held discussions on matters of mutual concern; one of these being the issue of outlaw 'bikie' gangs. The Danish Public Accounts Committee briefed the Committee on corruption trends in Denmark, highlighting some recent high profile cases.

## **Reports Tabled**

The Committee tabled four reports during the period 1 July 2018 – 30 June 2019.

Report 8 – *The more things change... Matters arising from the Corruption and Crime Commission's Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke* (20 September 2018).

Report 9 – *Annual Report 2017-18* (29 November 2018).

Report 10 – *With extraordinary power... The Corruption and Crime Commission's execution of a search warrant on the Shire of Halls Creek* (21 March 2019).

Report 11 – *Parliamentary Inspector's report on 'a saga of persistence'* (27 June 2019).

## **Other Activities**

### **Oversight function**

The Committee has continued to perform its oversight function, closely monitoring the activities of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission and, to the extent relevant to its portfolio, the activities of the Western Australia Police Force and the Public Sector Commission.

During the 2017-18 reporting period, the Committee followed up on a number of recommendations made by the Committee of the 39th Parliament. One recommendation that is still outstanding is to make clear that the remit of the Committee includes overseeing the activities of the Public Sector Commission in relation to its minor misconduct and prevention and education function provided by the *Corruption, Crime and Misconduct Act 2003*. The Committee will continue to monitor progress of this recommendation.

The Committee participated in the appointment process for two acting Parliamentary Inspectors of the Corruption and Crime Commission. The Committee was pleased to endorse the appointments of the Hon. John Chaney SC and Matthew Howard SC.

The Committee also had a role in the appointment of the acting Corruption and Crime Commissioner, Mr Scott Ellis.



The Committee held a range of hearings as a part of its oversight role. Annual report hearings were held in early 2019 with the Corruption and Crime Commission, the Parliamentary Inspector and the Public Sector Commission.

In addition, a hearing was held in September 2018 with representatives from Corrective Services in the Department of Justice in relation to a number of reports tabled by the Corruption and Crime Commission about misconduct in WA prisons.

### **Legislative review**

Another aspect of the Committee's oversight function has been an ongoing assessment of the effectiveness and appropriateness of the legislative framework within which the Corruption and Crime Commission and the Parliamentary Inspector operate.

During the reporting period the Committee began to advocate for a comprehensive review of the *Corruption, Crime and Misconduct Act 2003* (the Act). This advocacy was a result of numerous concerns raised in regards to the legislation, particularly by the Corruption and Crime Commission and the Parliamentary Inspector, who at times have differing interpretations of key provisions with the Act.

In order to assist the Attorney General in carrying out a review, the Committee began to collate information from a range of sources about the function of the Act. This work is ongoing in the 2019-20 reporting period.

### **Scoping of potential inquiry—investigations into allegations of excessive use of force by police officers**

During the reporting period the Committee began to scope a new inquiry into the Corruption and Crime Commission's oversight of police misconduct investigations, particularly allegations of excessive use of force.

Since it was formed in the 40th Parliament, the Committee has been concerned about the way in which incidents involving excessive use of force by police officers in Western Australia are investigated both internally by WA Police and externally by the Corruption and Crime Commission as the oversight body. These concerns have been echoed by the Parliamentary Inspector of the Corruption and Crime Commission.

In addition, several recent reports by the Corruption and Crime Commission have highlighted cases where police internal investigations into allegations of excessive use of force have been flawed; for example, the *Report into a Taser Incident on 31 March 2017 at Fremantle* tabled in the Parliament on 21 March 2018, and the *Review of an arrest incident by Western Australian Police at Hamilton Hill* tabled on 1 November 2018.

Inquiry terms of reference have since been adopted and the Committee expects to report to the Parliament by 25 June 2020. The inquiry will also be reported on in the Committee's 2019-20 annual report.

### **Inquiry into corruption in public procurement**

Given the significance of the possible costs that may arise if public procurement processes are corrupted, on 22 November 2017 the Committee resolved to conduct an inquiry into public sector procurement of goods and services and its vulnerability to corrupt practice. This inquiry continued in the current reporting period.

As this inquiry proceeded, it became clear to Committee members that the public procurement framework currently in place in Western Australia is complex and fragmented, which has made the Committee's inquiry more time consuming than initially expected.

In addition to this, a reform program into the state's public procurement framework was commenced which began to look at many of the issues that were being investigated by the Committee.

There were other developments also. In August 2018 the Corruption and Crime Commission tabled a report into significant corruption uncovered in maintenance contracts in the North Metropolitan Health Service. This report has been particularly relevant to the Committee's inquiry. Several government reviews on various aspects of the matter were initiated, which would have a direct impact on the findings and recommendations made by the Committee in relation to corruption in public procurement. Further high-profile matters relevant to the Committee's inquiry have since come to light, which will be detailed in next year's annual report.

In order to adequately collect evidence and report on the above developments, the Committee resolved to extend its tabling deadline from April 2019. The Committee now intends to report in March 2020.

## Chapter 2

### Financial Statement

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The Committee 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 2018 – 30 June 2019 (in accordance with Standing Order 276) is detailed below:

**Table 2.1: Expenditure items of the Committee, 1 July 2018 – 30 June 2019**

Expenditure Item	Amount (\$)
Couriers	\$1,000.00
Food	\$912.00
Postage	\$371.00
Printing	\$512.00
Travel – IACC Copenhagen	\$42,585.00
<b>TOTAL</b>	<b>\$45,380.00</b>

Notes:

- Salaries of committee staff are not included.
- Costs of shared administrative expenses, including lease costs for committee accommodation, not included.



MS M.M. QUIRK, MLA  
CHAIR



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