



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

ANNUAL REPORT 2005-2006

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in the 37th Parliament**

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Joint Standing Committee on the Corruption and Crime Commission

Annual Report 2005-2006

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Report No. 12

Presented by:

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

Laid on the Tables of the Legislative Assembly and the Legislative Council
on 21 September 2006

COMMITTEE MEMBERS

Chairman

Mr John Hyde, MLA
Member for Perth

Deputy Chairman

Hon Ray Halligan, MLC
Member for North Metropolitan

Members

Ms Judy Hughes, MLA
Member for Kingsley

Hon Margaret Rowe, MLC
Member for Agricultural

COMMITTEE STAFF

Principal Research Officer

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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

The Joint Standing Committee on the Corruption and Crime Commission's focus continues to be on monitoring the effectiveness and the efficiency of the Corruption and Crime Commission.

It remains my opinion that the delineation of roles between the CCC, the Parliamentary Inspector and the Committee reflects the correct balance of proper oversight and non-interference. Of course, in hindsight, we could argue that closer co-operation on the activities of the three important arms of anti-corruption in WA would be more efficient and save time "wasted" by the Committee, Inspector and CCC querying each other's activities. Yet, in terms of best practice in relation to corruption prevention, effective firewalls between bodies is healthy, and fosters the independence needed to objectively evaluate each other's performance.

Our frank and transparent acknowledgment of inconsistencies and problems with the *Corruption and Crime Commission Act, 2003* has led to a general shared view as to how to improve the legislation. That said, this legislation has provided for arguably the most effective corruption-fighting body in Australasia.

I remain convinced that the dedication and commitment of Commissioner Hammond and Parliamentary Inspector McCusker have enabled the Committee to be more thorough and effective in its oversight role. The Committee has been able to access more information than other Commissioners may have allowed a parliamentary committee seeking to fulfill an oversight role. This in turn has enhanced the ability of the CCC to become a most open and transparent anti-corruption body.

Publicity surrounding appropriate public hearings by the CCC has arguably had a significant deterrent effect on those who may be tempted to embrace corruption. It has also empowered more public service and statutory bodies to implement their own internal anti-corruption practices.

I express fulsome thanks to my fellow Committee members: Deputy Chairman, Hon. Ray Halligan MLC, Judy Hughes MLA and Hon. Margaret Rowe MLC. Much of our arduous work is done confidentially, without the benefit of sharing the more technical aspects with non-committee colleagues. Our ability to debrief on quite major incidents is curtailed by the need to wait until an investigation with a finding has meandered its way through our courts and exhausted natural justice.

The Committee continues to be grateful for the enormous efforts of our Executive Officer, Ms Andrea McCallum.

MR JOHN HYDE, MLA
CHAIRMAN

CHAPTER 1 COMMITTEE ACTIVITIES

1.1 Introduction

During the reporting period the Committee:

- tabled 10 reports in the Legislative Assembly and the Legislative Council;
- held 21 deliberative meetings;
- held 6 public hearings;
- held 6 closed hearings;
- held 14 briefings;
- participated in three conferences; and
- undertook investigative travel to Sydney, Singapore and England in conjunction with conference travel.

Table 1.1

Summary of activities of the Joint Standing Committee on the Corruption and Crime Commission from 1 July 2005 to 30 June 2006

Description	Activity
Deliberative meetings	21
Public hearings	6
Closed hearings	6
Briefings	14
Reports tabled	10

1.2 Hearings

Pursuant to Legislative Assembly Standing Order 264, the Committee has the power to send for persons, papers and records. During the reporting period, the Committee conducted 6 public hearings and 6 closed hearings, taking evidence from a total of 12 witnesses to assist with its investigations.

Table 1.3**Public hearings of the Joint Standing Committee on the Corruption and Crime Commission from 1 July 2005 to 30 June 2006**

Date	Name of Witness	Position	Organisation
25 August 2005	Malcolm McCusker QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
26 August 2005	Malcolm McCusker QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
19 October 2005	Malcolm McCusker QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
19 October 2005	Hon. Kevin Hammond Michael Silverstone Nicholas Anticich Irene Froyland Alan Abraham Michael Cashman Trevor Wynn	Commissioner Executive Director Director, Operations Director, Corruption Prevention Manager, Finance and Administration Director, Legal Services Transition Coordinator, Electronic Collection Unit	Corruption and Crime Commission of Western Australia
3 May 2006	Hon. Kevin Hammond Michael Silverstone Nicholas Anticich Irene Froyland Vanessa Grant Michael Cashman	Commissioner Executive Director Director, Operations Director, Corruption Prevention Director, Business Services Director, Legal Services	Corruption and Crime Commission of Western Australia

29 May 2006	Max Barker Noel Sharp, Senior	District Manager Researcher	Fire and Emergency Services Authority
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1.3 Briefings

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

Table 1.4

Briefings provided to the Joint Standing Committee on the Corruption and Crime Commission from 1 July 2005 to 30 June 2006

Date	Name	Position	Organisation
6 October 2005	Hon. Jerrold Cripps QC Clive Small	Commissioner Executive Director, Strategic Operations Division	Independent Commission Against Corruption, Sydney
6 October 2005	Ian Faulks	Committee Manager	NSW Parliamentary Committee on the Independent Commission Against Corruption
6 October 2005	Graham Kelly	Inspector	Office of the Inspector of the Independent Commission Against Corruption
8 October 2005	Hon. James Wood QC	Inspector	Office of the Inspector of the Police Integrity Commission
16 November 2005	Hon. Kevin Hammond Mike Silverstone Nicholas Anticich	Commissioner Executive Director Director, Operations	Corruption and Crime Commission of Western Australia
17 March 2006	Hon. Graeme Scott	Acting Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission

21 March 2006	Malcolm McCusker QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
7 April 2006	Soh Kee Hean Anthony Hsu Ng Sheng Lim Soo Chin Muhammed Ali Lim Ching Hau Desmond	Director Assistant Director International & Public Affairs Assistant Director (Admin & support) Special Investigations Senior Special Investigator	Corrupt Practices Investigation Bureau, Singapore
7 April 2006	Surjit Singh Ng Wan Ying Yap Fuk On	Superintendent of Police Inspector of Police Deputy Chairman	Singapore Police Force
7 April 2006	Poh Lye Hin	Executive Director	National Crime Prevention Council, Singapore
12 April 2006	Reshard Auladin W Peter Tickner Ken Gort Sue Akers David Riddle	Deputy Chair Director, Internal Audit Assistant Director, Internal Audit (forensic) Deputy Director, Directorate of Professional Standards Deputy Chief Executive & Solicitor	Metropolitan Police Authority, London
13 April 2006	Robert Behrens	Secretary	Committee on Standards in Public Life, London
13 April 2006	John Wadham	Deputy Chair	Independent Police Complaints Commission, London

13 April 2006	Laurence Cockcroft Chandrashekhar Krishnan	Chairman Executive Director	Transparency International, London
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1.4 Conferences

During the reporting period, the Committee participated in three conferences:

(a) Australasian Study of Parliament Group Annual Conference

Three of the Committee's members attended the ASPG's annual conference in Sydney from 6-8 October 2005. The conference theme of "Parliament and Accountability in the 21st Century: The Role of Parliamentary Oversight Committees" had particular relevance to the Joint Standing Committee on the Corruption and Crime Commission. The Chairman presented a paper at the conference entitled *Parliamentary Oversight from the Committee's Perspective*.

Whilst in Sydney, the Committee also met with the Commissioner of the Independent Commission Against Corruption, the Inspector of the Independent Commission Against Corruption, and the Inspector of the Police Integrity Commission as detailed in Table 1.3 above.

(b) National Conference of Parliamentary Oversight Committees of Anti-Corruption/Crime Bodies

The Committee's Chairman and Deputy Chairman attended the second national conference of parliamentary oversight committees of anti-corruption/crime bodies in Sydney from 22-23 February 2006.

The conference theme was "Catching up on Corruption" and involved representatives from the state and federal parliamentary oversight committees and their respective anti-corruption agencies and the two parliamentary inspectors for New South Wales.

Each parliamentary oversight committee presented a paper as to its recent activities and current work schedule. The annual conference is an important opportunity for those Australian jurisdictions with independent anti-corruption agencies and corresponding parliamentary oversight committees to discuss emerging trends, exchange ideas, learn from others' experiences, and benchmark approaches to fighting corruption.

(c) World Ethics Forum

The Committee's Chairman and Deputy Chairman attended the inaugural World Ethics Forum held at Keble College, Oxford University, England, from 9-12 April 2006. With the theme of

“Leadership, Ethics and Integrity in Public Life”, the conference was convened jointly by the International Institute for Public Ethics, the Global Integrity Alliance and the World Bank.

Opened by the former President of Ireland, Mary Robinson, the conference attracted 250 participants from 68 countries. It was a rich and diverse environment in which to engage with people from many other countries, all committed to eradicating corruption within the public sector, and working to ensure leadership based on integrity and ethics as opposed to power and patronage.

The conference was structured with plenary sessions and a number of concurrent workshops, facilitating a dynamic exchange of ideas and perspectives. A number of the participants were current or former political and/or religious leaders in their countries, such as the former President and Chief Judge of Bolivia, the former Prime Minister of Papua New Guinea, and numerous Members of Parliament from a range of African countries.

The Chairman presented a paper at the conference. Issues addressed at the conference included national integrity systems, government ethics, legislative ethics, comparative corruption, standards for public life, public procurement, monitoring and evaluation, conflict of interest, and measuring corruption.

1.5 Investigative Travel

En route to England to attend the World Ethics Forum conference as detailed at 1.4(c) above, the Committee’s Chairman and Deputy Chairman held meetings in Singapore on 7 April 2006 with the Corrupt Practices Investigation Bureau, the National Crime Prevention Council, and the Singapore Police Force.

The meetings in Singapore were extremely useful and informative. A particular issue that stood out was the extent to which culture informs corruption and a state’s response to it. The low level of corruption among Singapore’s police and public officers is due in part to Singapore’s tough penalties for crime, but is also attributable to a culture of relative conformity and a preparedness to ‘dob in’ wrongdoers within the police force and other state agencies. Despite its strategic geographic location, organised crime is not currently a problem in Singapore.

After the World Ethics Forum conference at Oxford, the Chairman and Deputy Chairman conducted meetings in London on 12 and 13 April 2006 with the Metropolitan Police Authority, the Committee on Standards in Public Life, the Independent Police Complaints Commission, and Transparency International. Information obtained and best-practice approaches discussed at the meetings assisted the Committee in its current inquiry into amendments to the *Corruption and Crime Commission Act, 2003*.

Agency representatives with whom the Committee met acknowledged that Western Australia is more advanced than England in its anti-corruption stance. For example, England has several

unrelated statutes up to 100 years old dealing with corruption in the public sector. There is also a plethora of agencies investigating corruption allegations internally, leading to a fragmentation of responsibility. They were therefore interested to learn about the current and comprehensive legislation in WA and the establishment of a single corruption fighting and prevention body, independent of the Executive.

As stated in 1.4(a) above, whilst attending the Australasian Study of Parliament Group conference from 6-8 October 2005, the Committee used the opportunity of being in Sydney to meet for the first time with the Commissioner of the Independent Commission Against Corruption, the Inspector of the Independent Commission Against Corruption, and the Inspector of the Police Integrity Commission.

The specific individuals the Committee met with in Sydney, Singapore and London are listed above in Table 1.4.

1.6 Reports Tabled

The Committee tabled 10 reports throughout the reporting period. These were:

- Report No. 1 - *Annual Report 2004-2005*;
- Report No. 2 - *Correspondence from Mr Kevin Hammond, Commissioner of the Corruption and Crime Commission and Mr Malcolm McCusker QC, Parliamentary Inspector*;
- Report No. 3 - *Inquiry into Legislative Amendments to the Corruption and Crime Commission Act, 2003*;
- Report No. 4 - *Acting Parliamentary Inspector's Report in the Matter of an Allegation Concerning the Honourable John D'Orazio MLA*;
- Report No. 5 - *Examination of the 2004-2005 Annual Report of the Corruption and Crime Commission*;
- Report No. 6 - *Examination of the 2004-2005 Annual Report of the Parliamentary Inspector of the Corruption and Crime Commission*;
- Report No. 7 - *Report into Clarification Sought by the Joint Standing Committee on the Corruption and Crime Commission*;
- 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*; and

- Report No. 10 - *Interim Report on Amendments to the Corruption and Crime Commission Act, 2003.*

1.7 Work in Progress

The Committee has resolved to complete a range of current activities by December 2006. These include:

- Quarterly public hearings with the Corruption and Crime Commission in August and November 2006;
- Quarterly public hearings with the Parliamentary Inspector of the Corruption and Crime Commission in August and November 2006;
- Public hearing with the Corruption and Crime Commissioner, Auditor General, Ombudsman and Commissioner for Public Sector Standards in relation to the role and activities of the Integrity Coordinating Group in September 2006;
- Briefings and public hearings in relation to the inquiry into the future operation of witness protection programmes in WA; and
- Tabling a report on the inquiry into the future operation of witness protection programmes in WA in the Legislative Assembly and the Legislative Council by 30 November 2006.

CHAPTER 2 FINANCIAL STATEMENT

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

In accordance with Legislative Assembly Standing Order 276, the Committee's expenditure for the financial year 1 July 2005 to 30 June 2006 is detailed below (Table 2.1).

Table 2.1

Expenditure by the Joint Standing Committee on the Corruption and Crime Commission from 1 July 2005 to 30 June 2006

Expenditure Item	Cost
Conference Fees	\$3,400
Travel	\$54,400
Advertising	\$9,900
Miscellaneous	\$500
TOTAL	\$68,200

Notes:

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