



PARLIAMENT OF WESTERN AUSTRALIA

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

Report No. 7

**The timeliness of misconduct investigations undertaken or overseen
by the CCC: Additional information**

Presented by

Hon Nick Goiran, MLC and Mr Paul Papalia CSC, MLA

Laid on the Table of the Legislative Assembly and the Legislative Council

on 5 December 2013

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Chairman's Foreword

This report provides recently provided information to correct data contained in the Joint Standing Committee on the Corruption and Crime Commission (JSCCCC) Report 4, *The timeliness of misconduct investigations undertaken or overseen by the CCC: An interim report*, which was tabled in Parliament on 15 August 2013.

A reference was given to the Acting Parliamentary Inspector of the Corruption and Crime Commission of Western Australia (PICCC), Mr Craig Colvin SC, by the JSCCCC on 28 November 2012. Mr Colvin was asked to inquire into the timeliness of misconduct investigations undertaken or overseen by the Corruption and Crime Commission (CCC).

The Committee's interim report on this reference was tabled in Parliament on 15 August 2013 and was based on a report it had received on 31 May 2013 from the Parliamentary Inspector, Hon Michael Murray QC, who had substantively handled the inquiry. The PICCC's report contained information provided by the CCC on 13 investigations that had been underway for at least 15 months.

On 5 October 2013 the Committee was notified by Parliamentary Inspector Murray that he had received a letter from CCC Commissioner, Mr Roger Macknay QC, which identified five further complaints to the CCC which might be matters that should have been included in his original report. Mr Macknay concluded his letter to the PICCC that he was satisfied:

...that this small number of errors do not suggest that there are systemic flaws in the Commission's data entry process. Nonetheless, ... regular checks will be conducted to ensure that if the problem occurs again it can be quickly identified and corrected.¹

Parliamentary Inspector Murray requested that Commissioner Macknay provide more information on these five matters. The PICCC's letter of 7 November 2013 to the JSCCCC provided the Commissioner's response to whether these matters should have been included in the original PICCC report. Importantly, four of these five matters did not fall within the PICCC's terms of reference of looking at matters that had not been resolved within 15 months. None of these four additional files were open for longer than 10 months. In a recent hearing, Commissioner Macknay told the JSCCCC that there is an instruction to his staff:

...that 80% of all matters referred to other agencies and appropriate authorities should be completed within nine months and 99% should be completed within 12 months in relation to the Commission's activities.²

The final matter involved an allegation that was notified to WA Police (WAPOL) on 16 August 2011. WAPOL's Internal Affairs Unit investigation did not sustain the allegation in a letter to the CCC on 12 September 2013. This meant that the investigation by WAPOL had taken more than two years and should have been included in the PICCC's initial inquiry on CCC timeliness, and hence in the JSCCCC's Report 4. This increased the number of inquiries that had taken longer than 15 months to finalise as at 14 November 2012 from 13 to 14.

The Committee resolved at its meeting on 20 November 2013 to make the Parliament aware of this additional information and to request the CCC provide an update on any matter outstanding in excess of 12 months as part of the Committee's ongoing monitoring of the Commission's ability to meet its new timeliness indicator. It should be noted that in the future the Commission will be reporting on its own performance in this respect via its annual reports tabled in Parliament.



HON NICK GOIRAN, MLC
CHAIRMAN

¹ Mr Roger Macknay QC, Commissioner, Corruption and Crime Commission, Letter to Hon Michael Murray QC, Parliamentary Inspector, 7 November 2013.

² Mr Roger Macknay QC, Commissioner, Corruption and Crime Commission, Transcript of Evidence, 23 October 2013, p3