



Joint Standing Committee on the Corruption and Crime Commission
Annual Report 2015-16

Report No. 30
August 2016

Parliament of Western Australia

Committee Members

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Deputy Chairman	Mr Peter Watson, MLA Member for Albany
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**Joint Standing Committee
on the Corruption and Crime Commission**

Annual Report 2015-16

Report No. 30

Hon Nick Goiran, MLC and Mr Peter Watson, MLA

Laid on the Table of the Legislative Assembly and the Legislative Council
on 25 August 2016

Chairman's Foreword

The principal role of the Joint Standing Committee on the Corruption and Crime Commission, as provided for in Standing Order 289 of the Legislative Assembly, is to monitor and report to Parliament on the exercise of the functions of the Corruption and Crime Commission (CCC) and the Parliamentary Inspector of the Corruption and Crime Commission (PICCC). This annual report outlines the work of the Committee for the period 1 July 2015 – 30 June 2016 in the 39th Parliament.

The Committee has tabled seven reports in Parliament in the past year. Much of the Committee's work during this period has dealt with reporting on the outcome of allegations of misconduct made against CCC officers. The Committee's first report this year on this subject reported on allegations made against three officers of the Commission's Electronic Collections Unit. The second report was as a result of a number of serious allegations of misconduct made against officers of the Commission's then Operational Support Unit. As disappointing as these matters were, the Committee was advised by Commissioner McKechnie QC that procedures are now in place at the CCC that provide for better governance, and that "I am quite as confident as one can be that the problems that occurred will not occur again, or will be picked up earlier."¹

Following from this, the Committee was pleased to report on two protocols developed by the PICCC, Hon Michael Murray QC, and CCC Commissioner, Hon John McKechnie QC, and the Public Sector Commissioner, Mr Mal Wauchope. These two protocols assist the effective operation of the *Corruption, Crime and Misconduct Act 2003* by ensuring that the PICCC retains the responsibility for overseeing any allegation of misconduct made against Commission officers, other than the most trivial. It is expected that the PICCC will report on the effectiveness of these protocols in his 2015-16 Annual Report.

During this reporting period the Committee suspended its *Inquiry into the Corruption and Crime Commission being able to prosecute its own charges* which it had commenced in June 2014 and had intended to report on in December 2015. The subject matter of this inquiry has been a matter of interest to the Committee for some time. Some preliminary enquiries were made by the Committee in the 38th Parliament. The Inquiry was suspended as a result of an appeal to the Supreme Court which was examining the power of the CCC to commence and continue prosecutions. The Committee was concerned that, by continuing with its Inquiry, it would inevitably overlap with matters being considered by the Court of Appeal. When ceasing the Inquiry, the Committee reported to Parliament that it would re-examine the issue and

1 Hon John McKechnie QC, Commissioner, Corruption and Crime Commission, *Transcript of Evidence*, Closed Hearing, 11 May 2016.

consider whether to reinstate its inquiry with the existing, or modified, terms of reference once the Court of Appeal had handed down its judgment.

I would like to take this opportunity to thank all those who appeared before the Committee over the past year as witnesses. In particular I would like to thank the CCC Commissioner, the Hon John McKechnie QC, who has undertaken a substantial reshaping of the Commission since being appointed on 1 April 2015. I would also like to personally thank the Police Commissioner, Dr Karl O'Callaghan APM; and the PICCC, Hon Michael Murray QC, and their staff for assisting the Committee to effectively carry out its oversight role.

I would like to record my thanks to my fellow Committee Members whose support and professionalism I have very much appreciated over the past year: the Committee's Deputy Chairman, Mr Peter Watson MLA, Member for Albany; Mr Nathan Morton MLA, Member for Forrestfield; and Hon Adele Farina MLC, Member for the South West.

I am also grateful for the support of the Committee's Principal Research Officer, Dr David Worth, and Research Officer, Ms Jovita Hogan, who ably supported the Committee members in their work and who continue to provide professional and timely support to the Committee.

A handwritten signature in blue ink, consisting of a stylized 'N' and 'G' with a horizontal line extending to the right.

HON NICK GOIRAN, MLC
CHAIRMAN

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Chapter 1

Committee activities

The Committee's activities at a glance

During the course of the reporting period the Committee:

- met for deliberative meetings on 18 occasions;
- held three public hearings attended by 10 witnesses;
- held four closed hearings attended by five witnesses;
- met with three people who had applied for the position as Acting Commissioner of the Corruption and Crime Commission and as Acting Parliamentary Inspector;
- attended the GOPAC conference in Yogyakarta, Indonesia, and the APSACC conference in Brisbane; and
- tabled seven reports in both Houses of Parliament.

Public hearings

Pursuant to Legislative Assembly Standing Order 264, the Committee has the power to send for persons, papers and records. During the period 1 July 2015 – 30 June 2016 the Committee conducted three public hearings. It took evidence from 10 witnesses to assist with its investigations.

Table 1: Public hearings of the Committee: 1 July 2015 – 30 June 2016

Date	Name	Role	Organisation
14 October 2015	Hon Michael Murray, QC Dr Murray Alder	Parliamentary Inspector Assistant to the Parliamentary Inspector	Office of the Parliamentary Inspector of the Corruption and Crime Commission
21 October 2015	Hon John McKechnie, QC Mr Raymond Warnes Mr Maurice Hanrahan Mr David Robinson Ms Wendy Endebrock-	Commissioner Chief Executive Chief Financial Officer Acting Director, Operations Director, Legal Services	Corruption and Crime Commission

Chapter 1

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25 November 2015	Dr Karl O'Callaghan, APM Mr Nicholas Anticich Mr Larry Parker	Commissioner Assistant Commissioner Inspector, Custodial Services Division	WA Police

Closed hearings

Pursuant to Legislative Assembly Standing Order 271(3), the Committee may resolve to take evidence in closed session. During the period 1 July 2015 – 30 June 2016 the Committee conducted four closed hearings. It took evidence from five witnesses to assist with its investigations.

Table 2: *Closed hearings of the Committee: 1 July 2015 – 30 June 2016*

Date	Name	Role	Organisation
19 August 2015	Hon John McKechnie, QC	Commissioner	Corruption and Crime Commission
14 October 2015	Hon Michael Murray, QC Dr Murray Alder	Parliamentary Inspector Assistant to the Parliamentary Inspector	Office of the Parliamentary Inspector of the Corruption and Crime Commission
17 February 2016	Hon Michael Murray, QC	Parliamentary Inspector	Office of the Parliamentary Inspector of the Corruption and Crime Commission
11 May 2016	Hon John McKechnie, QC	Commissioner	Corruption and Crime Commission

Meeting with recommended Acting Commissioners and Acting Parliamentary Inspectors

Under the *Corruption, Crime and Misconduct Act 2003*, the Joint Standing Committee is required to provide the support of the majority of the Committee and bipartisan support to candidates for the position of Commissioners and Acting Commissioners of the CCC, and Parliamentary and Acting Parliamentary Inspectors. During the reporting period it met with Mr Matthew Howard SC who was appointed an Acting Parliamentary

Inspector on 1 January 2016; and Mr Scott Ellis who was appointed an Acting Commissioner at the CCC on 1 July 2016.

Investigative travel

In October 2015 a member of the Committee's Secretariat travelled to Yogyakarta, Indonesia, to attend the sixth biennial conference of the Global Organization of Parliamentarians Against Corruption (GOPAC). In November 2015 the Committee attended the 2015 biennial meeting of Australian Public Sector Anti-Corruption Conference (APSACC) in Brisbane.

Reports tabled

The Committee tabled seven reports in Parliament during the reporting period. These were:

Report 22 – Improving the working relationship between the Corruption and Crime Commission and Western Australia Police: Supplementary Report
(Tabled 13 August 2015)

Report 23 – Suspension of the Committee's Inquiry into the CCC being able to prosecute its own charges
(Tabled 13 August 2015)

Report 24 – Annual Report 2014-15
(Tabled 17 September 2015)

Report 25 – Parliamentary Inspector's Report on Allegations of Misconduct Made Against Officers in the Corruption and Crime Commission's Electronic Collection Unit
(Tabled 26 November 2015)

Report 26 – Public Hearing with the Police Commissioner on the CCC's Report on an Incident at the East Perth Watch House
(Tabled 25 February 2016)

Report 27 – The Parliamentary Inspector's Protocols with the Corruption and Crime Commissioner and the Public Sector Commissioner
(Tabled 17 March 2016)

Report 28 – The Outcome of Allegations of Misconduct Made Against Officers of the Corruption and Crime Commission
(Tabled 30 June 2016)

Chapter 2

Financial statement

The Joint Standing Committee does not have its own formal 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 entirely at the discretion of the Speaker.

The Committee's expenditure for the financial year 1 July 2015 – 30 June 2016 (in accordance with Standing Order 276) is detailed in Table 4 below.

Table 4: Committee expenditure: 1 July 2015 – 30 June 2016

Item	Amount
Postage and couriers	\$ 1,055
Printing	\$ 1,716
Investigative travel	\$37,021
Staff and Member amenities	\$ 1,306
Total	\$41,098

Notes:

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

Appendix One

Committee's functions and powers

On 21 May 2013 the Legislative Assembly received and read a message from the Legislative Council concurring 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, Crime and Misconduct Act 2003*.

The Committee consists of four members, two from the Legislative Assembly and two from the Legislative Council.