



Joint Standing Committee on the Corruption and Crime Commission Annual Report 2016-17

**Report No. 3
September 2017**

Parliament of Western Australia

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

Annual Report 2016–17

Report No. 3

Ms M.M. Quirk, MLA and Hon J.E. Chown, MLC

Laid on the Table of the Legislative Assembly and the Legislative Council
on 14 September 2017

Chair's Foreword

The Joint Standing Committee of the Corruption and Crime Commission of the 40th Parliament was only established on 15 June 2017. Accordingly, this report deals almost entirely with the work of the Committee of the 39th Parliament.

At the stage Parliament was prorogued there were a number of reports that, although tabled, had not yet been the subject of a Government response and have needed to be revisited by the new Committee.

In this context it is worth noting that this Committee comprises of members who are unfamiliar with the detail of previous deliberations as they did not serve in this role in the last Parliament.

Clarification of the requirements for the composition of the Committee, the capacity to oversight investigations of minor misconduct by the Public Sector Commissioner and doubts expressed of the power of the CCC to investigate members of Parliament are all live issues confronting the new Committee.

These matters will be addressed in reports tabled in the coming months including identification of legislative or standing order changes required.



MS MARGARET QUIRK, MLA
CHAIR

Contents

1	Committee's activities	1
	Introduction	1
	Public hearings	2
	Briefings	2
	Investigative travel	4
2	Financial statement	5
	Committee expenditure	5
	Appendices	7
1	Committee's functions and powers	7

Chapter 1

Committee's activities

Introduction

The 2016–2017 reporting period encompasses two parliamentary sessions. The 39th Parliament was prorogued on 30 January 2017 and the Legislative Assembly was dissolved by the Governor on the same date. This dissolution terminated the Legislative Assembly and its committees, including joint committees. The Joint Standing Committee on the Corruption and Crime Commission (the Committee) of the 40th Parliament was established on 15 June 2017.

During the period between 1 July 2016 and 30 June 2017, the Committee:

- held 12 deliberative meetings;
- took evidence from 13 witnesses at five hearings;
- met with 17 people at eight briefings;
- undertook investigative travel to Sydney, Melbourne and Wellington, New Zealand as part of its inquiry into the Corruption and Crime Commission being able to prosecute its own charges; and
- tabled five reports in both Houses of Parliament.

A summary of the activities of the Committee during the course of this reporting period – 1 July 2016 to 30 June 2017 – is in Table 1.1.

Table 1.1: Summary of Committee activities, 1 July 2016 – 30 June 2017

Activity	Number
39th Parliament	
Reports tabled	5
Deliberative meetings	9
Hearings	5
Briefings	7
Witnesses appearing	13
40th Parliament	
Reports tabled	0
Deliberative meetings	3
Hearings	0
Briefings	1
Witnesses appearing	0

Public hearings

Pursuant to Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2016 to 30 June 2017, the Committee conducted 5 hearings and took evidence from 13 witnesses.

Table 1.2 – Witnesses who provided evidence at hearings of the Committee, 1 July 2016 – 30 June 2017

Date	Name	Position	Organisation
39th Parliament			
21 September 2016	Hon Michael Murray, QC	Parliamentary Inspector	Office of the Parliamentary Inspector of the Corruption and Crime Commission
	Dr Murray Alder	Assistant to the Parliamentary Inspector	
12 October 2016	Mr Malcolm Wauchope	Public Sector Commissioner	Public Sector Commission
	Ms Rebecca Harris	Acting Director, Strategic Engagement and Coordination	
	Ms Lisa Ward	Principal Legal Policy Officer	
19 October 2016	Hon. John McKechnie, QC	Commissioner	Corruption and Crime Commission
	Mr Ray Warnes	Chief Executive	
	Mr David Robinson	Director, Operations	
	Ms Wendy Endebrock-Brown	Director, Legal Services	
	Ms Emma Johnson	Director, Assessment and Strategy Development	
	Ms Emma Milne	Director, Corporate Services	
21 October 2016	Closed Hearing		
21 October 2016	Closed Hearing		
40th Parliament			
No hearings			

Briefings

The Committee received a number of briefings during the 39th Parliament. Details of briefings are contained in Table 1.3.

Table 1.3 – Witnesses who briefed the Committee, 1 July 2016 – 30 June 2017

Date	Name	Position	Organisation
39th Parliament			
4 October 2017 Sydney	Hon Megan Latham	Commissioner	Independent Commission Against Corruption (NSW)
	Mr Roy Waldon	Solicitor to the Commission and Executive Director, Legal Division	
4 October 2017 Sydney	Hon David Levine AO, RFD, QC	Inspector	Office of the Inspector of the Independent Commission Against Corruption
	Ms Susan Raice	Executive Officer	
4 October 2017 Sydney	Mr Lloyd Babb SC	Director of Public Prosecutions	
6 October 2017 Wellington, New Zealand	Sir David Carruthers KNZM	Chair	Independent Police Conduct Authority of New Zealand
	Dr Warren Young	General Manager	
6 October 2017 Wellington, New Zealand	Ms Kanwaljit Singh Bakshi MP	Chairperson	Law and Order Committee, New Zealand Parliament
7 October 2017 Melbourne	Mr Robin Brett QC	Inspector	Office of the Victorian Inspectorate
7 October 2017 Melbourne	Mr John Lynch PSM	General Counsel	Independent Broad-based Anti-Corruption Commission (Vic)
	Ms Joanna Austin	Principal Lawyer	
40th Parliament			
21 June 2017	Hon. John McKechnie, QC	Commissioner	Corruption and Crime Commission
	Mr Ray Warnes	Chief Executive	
	Mr David Robinson	Director, Operations	
	Ms Wendy Endebrock-Brown	Director, Legal Services	
	Ms Emma Johnson	Director, Assessment and Strategy Development	
	Ms Emma Milne	Director, Corporate Services	

Investigative travel

During the 39th Parliament, the Committee undertook investigative travel to Sydney, Wellington, New Zealand and Melbourne to gather evidence for its Report 33: *The ability of the Corruption and Crime Commission to charge and prosecute*.

Chapter 2

Financial statement

Committee expenditure

The Committee does not have its own formal budget and is funded out of the budget of the Legislative Assembly. Approval must be sought from the Speaker for major expenditure on a case-by-case basis.

The Committee is required in accordance with Standing Order 276 to detail expenditure for the financial year 1 July 2016 – 30 June 2017. The Legislative Assembly dissolved on 30 January 2017 prior to the state election; therefore two Committees operated during the 2016–2017 financial year. The figures tendered below cover the full reporting period and therefore include expenditure by the Committee of the 39th Parliament.

Table 2.1 – Expenditure items of the Committee, 1 July 2016 – 30 June 2017

Expenditure item	Total (\$)
Investigative travel	21,146
Legal fees	6,364
Printing	3,396
Advertising	1,997
Taxis/Hire car	807
Amenities	560
Couriers	541
TOTAL	34,811

Notes:

- *Figures rounded to nearest dollar.*
- *Excluded:*
 - *Salaries of Committee staff;*
 - *Costs of shared administrative expenses, including lease costs for Committee accommodation.*



MS MARGARET QUIRK, MLA
CHAIR

Appendix One

Committee's functions and powers

By concurrence between the Legislative Assembly and the Legislative Council, the Joint Standing Committee on the Corruption and Crime Commission was established on 15 June 2017.

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.