

*Joint Standing Committee on the Corruption and Crime Commission — First Report —
“The efficiency and timeliness of the current appointment process for Commissioners
and Parliamentary Inspectors of the CCC”*

Resumed from 14 September.

Motion

Hon JIM CHOWN: I move —
That the report be noted.

Consideration Postponed

Hon NICK GOIRAN: I move —

That consideration of the first report of the Joint Standing Committee on the Corruption and Crime Commission be postponed to the next sitting of the Council.

I have moved that the report be deferred to the next sitting of the Council on the basis that I note that the report has been specifically tabled according to the Chair’s foreword; that is, in order to obtain a response from the government. A government response was not provided in the last Parliament due to the prorogation of Parliament and it seems appropriate to defer this until we have that response.

Question put and passed.

*Joint Standing Committee on the Corruption and Crime Commission — Second Report —
“The ability of the Corruption and Crime Commission to charge and prosecute”*

Resumed from 14 September.

Motion

Hon JIM CHOWN: I move —
That the report be noted.

Consideration Postponed

Hon NICK GOIRAN: I move —

That consideration of the second report of the Joint Standing Committee on the Corruption and Crime Commission be postponed to the next sitting of the Council.

I draw to members’ attention that there are a couple of recommendations that the committee suggests warrant a government response.

Question put and passed.

*Joint Standing Committee on the Corruption and Crime Commission — Third Report —
“Annual Report 2016–17”*

Resumed from 14 September.

Motion

Hon JIM CHOWN: I move —
That the report be noted.

Hon NICK GOIRAN: I would like to contribute to the consideration of this report. At the outset, I seek clarification from you, Mr Chair: under which rule of Parliament are we operating at the moment?

The CHAIRMAN: The current standing order provides for one 10-minute bite for each member. There is some discretion for a second period of five minutes, and hopefully that matter might be visited. I think the Leader of the House is indicating that she might have something to add that might be helpful; so Hon Nick Goiran can sit down without prejudice!

Hon SUE ELLERY: I think Hon Nick Goiran heard what I said, which was that if he wants to seek an extension because he does not have enough time, I am happy to move that way.

The CHAIRMAN: Thank you for clarifying that as a gesture of goodwill. Hopefully, we will be able to regularise these things. Having to in effect seek leave is not a very convenient way of doing this. Hon Nick Goiran can commence his first innings.

Hon NICK GOIRAN: Time begins now! Thank you, Mr Chair.

Extract from Hansard

[COUNCIL — Wednesday, 11 October 2017]

p4453c-4456a

Hon James Chown; Hon Nick Goiran; Chairman; Hon Sue Ellery

I note that I am referring to the “Annual Report 2016–17” of the Joint Standing Committee on the Corruption and Crime Commission, which was tabled on 14 September 2017. I draw to members’ attention that what is very interesting in this very brief report by the committee is that the Chair’s foreword states —

... this report deals almost entirely with the work of the Committee of the 39th Parliament.

This new Joint Standing Committee on the Corruption and Crime Commission tabled a report on 14 September this year, which, it states, deals almost entirely with the work of the committee of the thirty-ninth Parliament. How would the committee in the fortieth Parliament know what work the committee in the thirty-ninth Parliament did, to be able to put together an annual report?

As I turn the pages of the report, page 1 goes into great detail to highlight the activities of the committee of the thirty-ninth Parliament, which is of some interest to me since I was the chairman at that time, to report to the house that apparently in the thirty-ninth Parliament, the committee that I chaired in the last financial year tabled five reports and held nine deliberative meetings. It held five hearings, seven briefings and had 13 witnesses appear. How would it know that? I find this report curious, to say the least. I am not too sure what mechanism can be used to look at this in further detail. The problem for me is that I was the chair of the committee but I cannot tell members right now off the top of my head whether it is correct that the committee in the thirty-ninth Parliament tabled five reports. That would probably be reasonably easy to discern if I went to the Parliament website and checked to see how many reports were tabled in the thirty-ninth Parliament. However, that source will not tell me the number of deliberative meetings and hearings we held. Did we have briefings on seven occasions and did 13 witnesses appear before us? I feel somewhat uncomfortable with a committee of the fortieth Parliament seeking to report on the work of a committee of the thirty-ninth Parliament. It seems irregular.

I note that this whole business of annual reports by committees is a construct of the other place. This place dispensed with that many years ago, but because this is a joint standing committee and because the other place insists that committees table annual reports, my good friends Hon Jim Chown and Hon Alison Xamon had no choice but to table this report because they operate under the auspices of the standing orders of the Legislative Assembly. We have to consider this report because of the interesting construct of the Assembly and its standing orders.

I have trouble with the content of the report because, as someone who would like to take some responsibility for the work of the committee in the last Parliament, it is difficult for me to say without reference to my notes to what extent this might be true and correct. At first blush, it looks pretty good. It indicates that the committee held a number of hearings, some of which were closed. It is interesting in itself that the committee in the fortieth Parliament would report now that the committee in the thirty-ninth Parliament held closed hearings. How would it know that? I understand that the only people who would know that there was a closed hearing would be the members of the committee in the thirty-ninth Parliament and the secretariat of the committee. I presume there must be some capacity for the Clerks of the houses to be made aware of the work of their staff. I suppose they would probably know about it. I do not know what provisions are made for the Presiding Officers. Do they have general jurisdiction to know about all things to do with Parliament? Perhaps somebody else might know the answer to that. I am pretty confident that the committee in the fortieth Parliament should not be aware that on 21 October 2016 there were two closed hearings, apparently. Again, I cannot confirm or deny that because, at the very least, I cannot recall. I will move on from that, although I think that that is an interesting point to make. I note that you, Mr Chairman, in your capacity as Chairman and Deputy President serve on another auspicious committee that might be interested in these things. I will leave that matter at this point, especially as I am running out of the limited time that we have this afternoon.

I want to make one other observation; that is, that this committee in the fortieth Parliament has very helpfully stated in the chair’s foreword —

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.

I am interested in the three areas that the committee has clearly foreshadowed it will be looking into; however, the one that immediately attracts my attention is the one in which the chair of the committee states that the committee will be clarifying the requirements of the composition of the committee. What might that be? Under standing orders, the composition of the committee is that there be two members from this place and two members from the other place. That is the case: there are two members from this place and two from the other place who serve on the committee. What else could the committee be looking into? Might it be that it is looking into the provisions of the act itself, which indicates that, amongst other things, the committee has a responsibility to express its view on any recommendation by the Premier of the day on whether a person should be appointed as a commissioner of the

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CCC, an acting commissioner of the CCC, parliamentary inspector or acting parliamentary inspector? When the committee expresses that view, it needs to do so on a bipartisan basis and by a majority of the committee. The act defines bipartisan support to mean that the committee must include a member from the Assembly who is of the party of the Leader of the Opposition. I understand that the composition of the committee, as the committee has kindly outlined for us, includes the member for Girrawheen and the member for Kalamunda, and to my knowledge neither of them are from the party of the Leader of the Opposition. Might that be what the committee is looking into when it states that it is seeking to clarify the requirements of the composition of the committee? I guess we will find out in due course, when the committee responds. I look forward with great interest to hearing what the committee might say on that particular matter, in addition to the other interesting matters that it is looking into, including the oversight of investigations of minor misconduct by the Public Sector Commissioner and also issues to do with investigating members of Parliament.

I thank the committee for tabling this report, and given that time is running out, I think that it should be noted.

Question put and passed.

*Joint Standing Committee on Delegated Legislation — First Report —
“Observations arising from the Committee review of the City of Joondalup Local Government and
Public Property Amendment Local Law 2015”*

Resumed from 14 September.

Motion

Hon ROBIN CHAPPLE: I move —

That the report be noted.

Consideration Postponed

Resolved, on motion by Hon Robin Chapple, that consideration of the report be postponed to the next sitting of the Council.

Progress reported and leave granted to sit again, pursuant to standing orders.