

CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2017

68. Hon MARTIN ALDRIDGE to the Leader of the House representing the Attorney General:

I refer to the Corruption, Crime and Misconduct Amendment Bill 2017 and the reinsertion of the word “exclusively” in section 3(2) of the Corruption, Crime and Misconduct Act.

- (1) Since the 2014 reforms to the Corruption, Crime and Misconduct Act 2003, on how many occasions has the Corruption and Crime Commission received an allegation against a public officer but been prevented from commencing an investigation due to the removal of the word “exclusively” from section 3(2)?
- (2) When exercising the commission’s powers to enter and search a premises, with or without a warrant, where it is likely to encounter material subject to parliamentary privilege, what are the commission’s procedures or guidelines with respect to notification of persons and with respect to the conduct of the search?
- (3) When a claim of parliamentary privilege is made in the course of a lawful search undertaken by the commission, what procedures or guidelines are relevant in determining such a claim so as to avoid a contempt of Parliament?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) Since the 2014 reforms to the Corruption, Crime and Misconduct Act 2003, the Corruption and Crime Commission has received allegations against public officers in one matter that it was prevented from dealing with in accordance with the act due to the removal of the word “exclusively” from section 3(2). In that matter, without assessing the allegations received, the commission formed the preliminary view that they may have related to proceedings in Parliament, being subject matter to which parliamentary privilege attaches, and referred the matter to the Speaker of the Legislative Assembly.
- (2) When exercising the commission’s powers to enter and search a premises, with or without a warrant, where it is likely to encounter material subject to parliamentary privilege, the commission’s practice is to notify and consult with parliamentary staff before and during the search, as possible and appropriate. The commission concurs with the statement of the Standing Committee on Procedure and Privileges in its forty-eighth report, “Corruption, Crime and Misconduct Amendment Bill 2017”, that a memorandum of understanding between the Corruption and Crime Commission and the Parliament may go some way to addressing the issue of early notification by the CCC of investigations that may involve a claim of parliamentary privilege.
- (3) When a claim of parliamentary privilege is made in the course of a lawful search undertaken by the commission, the commission’s practice is to consult parliamentary staff to enable claims to be made and appropriately determined.