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## COMMITTEE REPORTS — CONSIDERATION

### *Committee*

The Chair of Committees (Hon Adele Farina) in the chair.

*Standing Committee on Environment and Public Affairs — Forty-second Report —  
“Implications for Western Australia of Hydraulic Fracturing for Unconventional Gas”*

Resumed from 17 February 2016.

**The CHAIR:** Last week we deferred this matter pending receipt of the minister’s response. It is my understanding that it has not been received. If members do not want to debate it today, I need someone to move that the matter be postponed again.

### *Motion*

**Hon PETER COLLIER:** I move —

That consideration of the forty-second report of the Standing Committee on Environment and Public Affairs be postponed to the next sitting of the Council.

### **Question put and passed.**

*Standing Committee on Environment and Public Affairs —Forty-third Report —  
“Overview of Petitions: 1 July 2014 to 30 June 2015”*

Resumed from 17 February on the following motion by Hon Stephen Dawson —

That the report be noted.

**Hon SIMON O’BRIEN:** I will briefly conclude my remarks by thanking Hon Stephen Dawson for moving that the report be noted. Together with other members of the committee, the petitions report is always well received by members in this house as it has been for many years. It is a manifest sign of a very useful device that Parliament has uniquely at its disposal in the commonwealth; that is, a committee that deals with, actively considers and inquiries into the petitions tabled in this particular house of Parliament. Of course, time has just about lapsed, but I am sure members will look forward to resuming consideration of this report when we next have an opportunity.

### **Question put and passed.**

*Joint Standing Committee on the Corruption and Crime Commission — Twenty-fifth Report —  
“Parliamentary Inspector’s Report on Allegations of Misconduct Made Against Officers in the  
Corruption and Crime Commission’s Electronic Collection Unit”*

Resumed from 26 November 2015.

### *Motion*

**Hon NICK GOIRAN:** I move —

That the report be noted.

The twenty-fifth report of the Joint Standing Committee on the Corruption and Crime Commission was tabled on 26 November last year. This report appends a report by the parliamentary inspector into matters that he inquired into dealing with certain officers of the Corruption and Crime Commission’s electronic collection unit. In the limited time that I have, I want to draw members’ attention to the three findings and five recommendations outlined in the report. Before I do so, just by way of a brief background, the matters that were inquired into by the parliamentary inspector were allegations brought to his attention by Acting Commissioner Chris Shanahan, Senior Counsel, on 29 July 2014. The most serious of the allegations the parliamentary inspector investigated was into an officer of the Corruption and Crime Commission who possessed and was using in the workplace a substance that is prohibited by the Misuse of Drugs Act. It was said that the officer was consuming a product known as Jack3d that is associated with bodybuilding. It is also alleged that other commission staff had known about this practice for some time but did not report it to their supervisors. The parliamentary inspector inquired into that and other associated matters. Of course, since then and the inquiry beginning the Corruption and Crime Commission had a substantive commissioner appointed, being John McKechnie, Queen’s Counsel. As members will see when they read the report—if they have not already—what developed over time was a difference of opinion between Commissioner McKechnie and Parliamentary Inspector Michael Murray over the interpretation of certain powers contained in the Corruption, Crime and Misconduct Act 2003.

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With those introductory remarks, I draw members' attention to the findings and recommendations. As I say, there are three findings and five recommendations. The first finding is that the Corruption and Crime Commission has an in-principle agreement with interstate agencies to develop a memorandum of understanding in accordance with the recommendation of the joint standing committee's eighteenth report. As I said, this is the twenty-fifth report. Members may recall that the committee previously recommended that the Corruption and Crime Commission look into developing a memorandum of understanding with interstate agencies for the purpose of seeing whether an interstate agency might be in a position to investigate matters in situations in which it might be perceived that the Corruption and Crime Commission has a conflict. A classic example is one such as this in which it is investigating its own officers.

It was encouraging to the committee to hear, in a closed hearing in August of last year, from Commissioner McKechnie that at a meeting of anti-corruption commissioners in Sydney in May of last year, they discussed such a proposal and agreed in principle to develop a memorandum of understanding. That is a matter the committee is encouraged about. It flows from one of its previous recommendations. The committee will monitor the progress of that. Hence, recommendation 1 reads —

The Corruption and Crime Commission provide an update by 30 June 2016 to the Joint Standing Committee and the Parliamentary Inspector as to the progress it has made in developing a Memorandum of Understanding with interstate agencies in accordance with the recommendation of the Joint Standing Committee's Report No 18.

Should we ever have a scenario in which officers of the CCC are investigated once again for whatever reason, there might be the capacity to use an interstate agency to undertake that investigation. That would indeed also mitigate the possibility of the same types of circumstances unfolding as we saw last year that attracted some controversy and criticism when the police investigated the Corruption and Crime Commission when, as we all know, it is one of the primary functions of the Corruption and Crime Commission to investigate allegations against the police. Therefore, it is hoped that this memorandum of understanding with interstate agencies will go some way towards addressing that problem. I have no doubt that the committee will report back to the house in the fullness of time about the implementation of that recommendation.

Finding 2 of the committee reads —

There has been limited public reporting of the outcome of investigations into, and prosecution of, Corruption and Crime Commission officers in its Electronic Collection Unit and the Operation Support Unit who have been alleged to have acted criminally.

The recommendation that flowed from that finding is recommendation 2, which reads —

The Corruption and Crime Commission provide to the Joint Standing Committee and the Parliamentary Inspector a summary of the outcomes of the disciplinary and criminal investigations since July 2013 into officers of the Commission's Electronic Collection Unit and the Operational Support Unit.

By way of explanation, the committee has a concern that the reporting to both the Parliament and the public about these allegations against officers of the Corruption and Crime Commission has come out in a piecemeal fashion. The committee believes it would be helpful for not only the committee and the Parliament, but also the general public to have a better understanding of who was investigated, and the outcome for those individuals. Was any disciplinary action taken against those individuals, or was it just the case that some professional development was required? Were charges laid against those individuals; and, if charges were laid, were they sustained or were they withdrawn? Was there any penalty for any of the individuals against whom these allegations had been made? That is the intent behind that recommendation, and I hope that in due course the committee will be in a position to update the house on that matter.

Finding 3, which is at page 13 of the report, reads as follows —

The Parliamentary Inspector of the Corruption and Crime Commission ... has investigated allegations of misconduct made against three Corruption and Crime Commission staff. His report on this matter clearly outlines the differences he has with the Commissioner on the interpretation of some sections of the *Corruption, Crime and Misconduct Act 2003* in regard to the powers of the PICCC.

Three recommendations flowed from that finding. If my memory serves me correctly, those three recommendations came from the recommendations provided by the Parliamentary Inspector of the Corruption and Crime Commission in his report. I will just check that. Yes, that is the case. For the benefit of those members who are interested, those recommendations are at page 50.

Recommendation 3 reads —

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The Corruption and Crime Commission not exercise its power to refer to the Police, or other law enforcement agency, a suspicion about a Commission officer having committed an offence without first consulting the Parliamentary Inspector.

For members who might inquire about why that would be important, it is hopefully self-evident that, given that the parliamentary inspector's primary responsibility is the oversight of the CCC, if some other agency or the police were to look into the behaviour of anyone in the commission, the parliamentary inspector ought to know about it.

Recommendation 4 reads —

The Corruption and Crime Commission continue to implement the recommendations made by Gregor and Binet on pages 86–88 of their report in respect of the systemic issues identified, and, after appropriate monitoring, inform the Joint Standing Committee and the Parliamentary Inspector of the effectiveness of the changes made to its procedures.

**The CHAIR:** The question is that the report be noted.

**Hon NICK GOIRAN:** I note that that has been amended slightly from the recommendation that was provided by the parliamentary inspector at page 50 of his report. That is understandable, because his recommendation simply suggests that the commission should report back to him, whereas the committee has recommended that the commission report back to the parliamentary inspector and the committee; otherwise, it is largely the same recommendation.

The final recommendation is recommendation 5, which reads —

The Crime and Corruption Commission —

It appears to me, Madam Chair, that there is a typographical error. I cannot believe the committee did not pick that up, especially given the meticulous characters on the committee! It is indeed the case that recommendation 5 has a slight error. It should, of course, read the Corruption and Crime Commission —

not contract to a service provider an allegation of misconduct made against a Commission officer in cases where the Parliamentary Inspector leaves the allegation with the Commission under section 196(4) of the *Corruption, Crime and Misconduct Act 2003*, without first consulting with the Parliamentary Inspector.

That recommendation is similar to the earlier recommendation. The philosophy behind it is simply that the parliamentary inspector should be informed about any investigations into officers of the CCC; and, if the CCC feels that it is appropriate to contract out to an external service provider for that purpose, at the very least it should consult with the parliamentary inspector.

With those words, I commend the report to members and of course would like to thank my fellow committee members and the committee secretariat for their assistance in the provision of this report.

**The CHAIR:** And no doubt there will be a further report to correct that typo!

**Question put and passed.**

*Joint Standing Committee on the Commissioner for Children and Young People — Sixth Report —  
“Listen to This — A Review of Listen to Us: a report by the Commissioner for Children and Young People”*

Resumed from 26 November 2015.

*Motion*

**Hon SUE ELLERY:** I move —

That the report be noted.

**Question put and passed.**

*Standing Committee on Estimates and Financial Operations — Fifty-sixth Report—  
“2014–15 Annual Report Hearings Revised Timetable”*

Resumed from 1 December 2015.

*Motion*

**Hon KEN TRAVERS:** I move —

That the report be noted.

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This is just an information report to the committee about the annual report hearings for the 2014–15 annual reports.

**Question put and passed.**

*Standing Committee on Estimates and Financial Operations — Fifty-seventh Report—  
“Budget Estimates Hearings 2013–14”*

Resumed from 3 December 2015.

*Motion*

**Hon KEN TRAVERS:** I move —

That the report be noted.

This is pretty much a housekeeping report regarding the Standing Committee on Estimates and Financial Operations' budget estimates hearings for 2013–14. I draw members' attention to paragraph 3.1 of the report. The committee is always interested to have feedback from members about the estimates hearings. I think it is fair to say that the committee sees its role very much as a facilitator of the process by which members of this chamber are able to examine the finances and expenditure of the executive. I think that is a useful process. A number of the reports that we will be going through this afternoon are housekeeping reports, and I will make some final comments when I speak on the last of those reports.

**Question put and passed.**

*Standing Committee on Estimates and Financial Operations — Fifty-eighth Report —  
“Agency Annual Report Hearings 2012–13”*

Resumed from 3 December 2015.

*Motion*

**Hon KEN TRAVERS:** I move —

That the report be noted.

**Question put and passed.**

*Standing Committee on Estimates and Financial Operations — Fifty-ninth Report —  
“Budget Estimates Hearings 2014–15”*

Resumed from 3 December 2015.

*Motion*

**Hon KEN TRAVERS:** I move —

That the report be noted.

This is one of the final reports in a series. I think it is fair to say that the Standing Committee on Estimates and Financial Operations certainly is keen to make sure that we table timely reports in the future as we conclude the sessions. As members know, we have two sessions a year. We have the annual budget estimates hearings, which follow the tabling of the budget papers in this place. We are certainly working on the plan for this year and appreciate the correspondence we got the other day from the Leader of the House about setting the dates, and we will report that to the house in the near future. We also have the annual report hearings. I think it is fair to say that the committee is keen to conclude each of those sessions and provide reports to the house on the outcomes. We certainly welcome feedback from members on whether they want more substantial responses about the issues that are raised during the hearings and about how the hearings are undertaken.

The thing that often prevents us from tabling a report in a timely manner is the ongoing chasing of information from ministers' offices. The ministers in this place respond in different ways; some are not so cooperative in the way they respond to the committee, while others are very cooperative in the way they respond. Occasionally, we have a delay in getting information even from the ministers who respond in a timely manner as a general rule. There is one piece of information that I am chasing up at the moment from one of the better ministers, and I think he knows who I am talking about. We are still waiting for a piece of correspondence from the Leader of the House about an earlier hearing. We have talked about it before and the committee is chasing it up with his office. I accept that the Leader of the House is the stand-out, gold-star performer in the way in which he deals with the committee.

Several members interjected.

**The CHAIR:** Order, members!

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**Hon KEN TRAVERS:** As I said, the committee always welcomes the feedback of members. I might leave it for others to make comments about the ministers they think do not perform. There are a few exceptions with the ministers in the other place.

There is obviously an issue for the committee at the moment in trying to obtain a number of documents, such as the 10-year strategic asset plans of agencies. We understand the directions that have come from above on those matters, but I ask the ministers in this place to think about it and talk about it in cabinet. If they seriously accept the processes of Parliament, the role of Parliament and the role of the house of review, what does denying information about proper long-term planning on asset management in this state to a committee that is responsible for oversight on behalf of the Parliament say about their view of the Parliament's right to have oversight? Budget estimates hearings improve the financial management of the state. The ability for future governments to just spend money to fix problems has clearly gone; it is a thing of the past. We will have to be very tight with the money we spend for a number of generations, so it will be even more crucial for people, whether they are in opposition or government, to plan for the essential infrastructure and maintenance spend over the next 10 years. In fact, I would argue that that planning should probably go out for 20 years in terms of horizon issues. To use an issue that is not the responsibility of any of the ministers in this house, there is a need to replace the A-series railcars. That needs to be factored into the long-term expenditure planning for the state of Western Australia. We should not wait until it turns up in the four-year forward estimates.

I hope that is something that members opposite, and the ministers in particular, will take on board and have a discussion about. I am yet to be convinced that the strategic asset plans are, in fact, cabinet documents. I think they are working documents of the agencies. Even if we were to accept the argument put forward by the government, I would argue that it is incumbent on the government, and it is not beyond the capacity of ministers, to extract the key important information about the asset requirements planned over the forward 10 years. I am sure that there are plenty of documents in their agencies that deal with those matters that could be made available to the committee and members of this house to allow for the proper scrutiny of the finances of the state. That is probably an issue for a more detailed debate at some point in the future, but I just make those comments in moving that the reports on the estimates committee hearings be noted.

As I say, I certainly hope to advise the house in the near future of the plans for both the budget estimates hearings and our annual report hearings and the dates for when questions will be put in so that members can plan around that. Obviously, that is dependent upon us receiving from the Treasurer the date on which the budget will be handed down. Even though we may not get that for some time, we can certainly work around it by making a reasonable assumption about the Assembly's sitting days in May and which week it will hold its estimates hearings. We can then make a reasonable assumption that the very latest the budget will be brought down will be the week before that. As soon as we are in a position to report to the house on future hearings for this year, we will do that so that members can start to plan for this calendar year.

**Question put and passed.**

*Standing Committee on Estimates and Financial Operations — Sixtieth Report —  
“Agency Annual Report Hearings 2013–14”*

Resumed from 3 December 2015.

*Motion*

**Hon KEN TRAVERS:** I move —

That the report be noted.

**Question put and passed.**

*Joint Standing Committee on Delegated Legislation — Eighty-third Report —  
“Annual Report 2015”*

Resumed from 18 February.

*Motion*

**Hon MARTIN PRITCHARD:** I move —

That the report be noted.

**Question put and passed.**

**Progress reported, pursuant to standing orders.**