

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Third Report — “Acting Parliamentary Inspector’s report on a complaint by the Commissioner of Police against the CCC” — Tabling

MR P. PAPALIA (Warnbro) [10.00 am]: I present for tabling the third report of the Joint Standing Committee on the Corruption and Crime Commission, entitled “Acting Parliamentary Inspector’s report on a complaint by the Commissioner of Police against the CCC”.

[See paper 424.]

Mr P. PAPALIA: Members will recall the incidents that ultimately resulted in this report, specifically that the Commissioner of Police, Dr Karl O’Callaghan, was the subject of a Corruption and Crime Commission investigation into the use of his police credit card. The events began in October 2011 and ultimately culminated in a CCC finding that there had been no wrongdoing by the police commissioner. Subsequent to that, the Premier announced in August 2012 that Dr O’Callaghan had received a three-year contract extension.

The Commissioner of Police complained to the Acting Parliamentary Inspector of the Corruption and Crime Commission, Craig Colvin, SC, about the conduct of the CCC. The acting parliamentary inspector then conducted an inquiry into the conduct of the CCC’s investigation of the police commissioner. Mr Colvin reported that his investigation —

... has not disclosed evidence of misconduct on the part of the CCC or any officer of the CCC; and

... establishes that the procedures adopted by the CCC in carrying out its functions under the Act in relation to the investigation of the use by Dr O’Callaghan of his Government purchasing card were appropriate.

The new Corruption and Crime Commission committee felt it was necessary to table this report to bring to the attention of the Parliament and the government the findings of the acting parliamentary inspector. This is not only to confirm that the CCC acted appropriately in its investigation and that its inquiry into the use of Dr O’Callaghan’s police credit card had been conducted in an appropriate fashion, but also to bring to the attention of government and the public the recommendations that the acting parliamentary inspector made in relation to how the CCC might improve its conduct of inquiries in the future. The recommendations specifically relate to people who come under the focus of the CCC and how their reputations might be protected when those inquiries are being conducted.

The acting parliamentary inspector made a number of recommendations and the parliamentary committee brought these to the attention of the Corruption and Crime Commissioner. The response from the Corruption and Crime Commissioner was that he —

“accepts and will pay appropriate regard to the Acting Parliamentary Inspector’s recommendations.”

Therefore, the committee felt it was worth making both those recommendations and the Corruption and Crime Commissioner’s response public.

Before I sit, I will add one thing—that is, an assertion made by Dr O’Callaghan’s lawyer during the course of the complaint to the parliamentary inspector. It is an assertion that caused some degree of concern amongst all members of the parliamentary committee. I will read it out because it may be of interest to members of Parliament. This assertion was made in one of the letters raising the complaint to the parliamentary inspector. The committee report states that Dr O’Callaghan’s lawyer made the assertion that the use of the CCC’s —

... formal powers to obtain information was not an appropriate way of launching an investigation into the holder of an important high level statutory office such as the Commissioner of Police ...

That was the claim that was made by Dr O’Callaghan’s lawyer. This claim caused some degree of concern amongst our committee members because we felt unanimously that such an important office is exactly that which should be subject to the scrutiny of the CCC. Such an important and powerful office is exactly the type of position that should always be subject to oversight by an independent authority with the roles and responsibilities of the CCC. That is why I wanted to add that observation to the delivery of this report. I will read part of the acting parliamentary inspector’s response to that assertion by Dr O’Callaghan’s lawyer because this response drew unanimous support from the committee members. The acting parliamentary inspector stated —

In my view, the importance of the office held by the public officer being investigated was not a reason why the CCC should have made requests for information rather than using its formal powers to require information to be provided. If anything, the seniority of the office makes it more important to ensure that there is a proper and thorough investigation. Senior public officers must observe the highest

standards in order to ensure that a proper example is provided to others within Government. The seniority of the officer involved is not a reason for withholding the use of formal powers.

I can say absolutely that that statement by the acting parliamentary inspector is thoroughly endorsed by the current Joint Standing Committee on the Corruption and Crime Commission. All our members were quite disturbed by the assertion made by Dr O'Callaghan's lawyer and I hope that he, anyone else for that matter who represents those who hold high office in the public service, and any people holding high office within the public service would reflect on the acting parliamentary inspector's observation, because the Parliament believes that people who hold high office in the public service are very much subject to the CCC's powers and that it is very appropriate that they be subject to oversight by the Corruption and Crime Commission. I commend the report to the house.