

**Division 34: Parliamentary Inspector of the Corruption and Crime Commission —**

Mrs M.R. Marshall, Chair.

Mr J.R. Quigley, Attorney General.

Mr M. Zilko, SC, Parliamentary Inspector.

Mr R. Montilva, Acting Chief Finance Officer, Department of Justice.

Ms S. Burnside, Principal Adviser.

Mr J. Lee, Principal Policy Adviser.

[Witnesses introduced.]

**The CHAIR:** The estimates committees will be reported by Hansard and the daily proof will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with those details. Some divisions are the responsibility of more than one minister. Ministers shall be examined only in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by noon on Friday, 31 May 2024. If a minister suggests that a matter be put on notice, members should use the online questions on notice system to submit their questions.

I give the call to the Leader of the Opposition.

[2.40 pm]

**Mr R.S. LOVE:** I will not waste any time. I refer to page 494 and the significant issue impacting the agency that the parliamentary inspector undertook two major reports. I referred to one of them in the previous hearing about the situation with the commission staff member, which was released in March of this year. There was another report of 27 November 2023 that had some rather strong language about a disagreement with the commission over some matters to do with the Craig Peacock situation. They are on the public record and I am sure people can read those; I will not go into the details of them so much. If we look at page 496 and the services and key efficiency indicators, we see that the budget is only gradually creeping up from \$746 000 to \$953 000 to perform these functions with two FTE operating. I assume one of them is the parliamentary inspector?

**Mr M. Zilko:** Yes.

**Mr R.S. LOVE:** The parliamentary inspector and one other officer are the entirety of the staff of the parliamentary inspector's office. Can the parliamentary inspector tell me just how stretched he was to be able to produce those two quite significant reports—or I can ask through the Attorney General? Could the Attorney General tell me just how stretched that office was to produce those two reports given that it perhaps has other matters that it needs to address throughout the year as part of its functions?

**Mr J.R. QUIGLEY:** Certainly, but the member has raised two matters and they are quite different. In relation to the *Going rogue: Serious misconduct by a commission officer* report, the parliamentary inspector utilised forensic abilities at the Corruption and Crime Commission itself in private hearing rooms assisted by the Corruption and Crime Commissioner, but at all times overseen and supervised by the parliamentary inspector. He had the resources there. If I may, I will let Mr Zilko, the parliamentary inspector, explain further the review of the complaint brought by Mr Peacock.

**The CHAIR:** Mr Zilko.

**Mr M. Zilko:** Thank you, Attorney. Mr Love, I will deal with the Peacock matter first in time. Mr Peacock complained to me that he had been dealt with poorly, if we can use that term, in terms of the report made about him by the commission. I had to make some inquiries, and they are set out in my report. They involved contacting the Embassy of Japan in Australia, the Australian Taxation Office, the Consulate-General of Japan in Perth and so on. I also interviewed a few people whom I identified previously, being the previous trade commissioner from Western Australia and a previous New South Wales trade commissioner. That did not take a lot of my time. I was happy to do it myself, with the assistance of Ms Burnside. To get it done, I am pleased to say we worked to do what was needed. If we need to do a bit more, we do a bit more. I can honestly say that I did not feel at any stage that we were under stress insofar as an absence of support staff was concerned. If I had felt that, I would have contacted the Solicitor-General and asked him to make more people available. The Department of Justice provides all my accounting and IT requirements. If we have a problem with our computers, we ring up and seem to get streamlined service, which the member would probably not be surprised about. Somebody comes down immediately and sorts it

out. Our auditing and all that sort of thing is also sorted out. That means Ms Burnside, who is a lawyer, too, by training, and I can concentrate entirely on, if you like, the nuts and bolts of complaints. It was not difficult to do.

In terms of the *Going rogue* report, I discussed with the commissioner the idea that he should undertake the investigatory process in the first instance. I could have done it. The member may recall that one of my predecessors, Mr Malcolm McCusker, KC, undertook an inquiry using his own resources, and so did Mr Steytler, KC, who is a former Court of Appeal judge. They undertook the process on their own account. On those occasions, both Mr McCusker and Mr Steytler employed external lawyers and briefed external counsel from the bar. I could have done that, but because a lot of forensic material was required to be examined, including reviewing thousands of phone calls, text messages and other types of messages, I decided that the best way forward was to let the commission do it. But I attended all the hearings and listened to all the evidence. In fact, I asked some questions myself. At the end of the inquiry, it was then handed over to me for the purpose of reporting to ensure that there was no conflict of interest at any stage by the commissioner, with him being both the employer of this officer and judging them at the same time. I had no sense that there was any contradiction of what he and I were doing. The commission cooperated fully with me. I could not have done it, I think, by engaging external solicitors and external counsel because I would still have had to go back to the commission to get its forensic material. It was only there, and there alone, that I could source what I needed. I could have engaged forensic accountants and asked them to go into the commission, but it would have created a longer and more cumbersome process. I think we worked fairly quickly in the sense that the officer was sacked in March 2023 and I was able to get that report out by March 2024. In fact, the commission completed its inquiry by November 2023. Between November and March, I was able to get my report out with their assistance. I was not under any stress. If I felt I was at any stage, I would be the first to ask the Solicitor-General for more resources.

**Mr R.S. LOVE:** How does the Attorney General respond to requests from the parliamentary inspector for those extra resources? What is the process? The parliamentary inspector referred to potentially having hired other resources. Would that be an approach made to the Attorney and what is the process for his considering any extra resources required?

**Mr J.R. QUIGLEY:** The parliamentary inspector is an officer of this Parliament. If a person of that seniority approaches the Solicitor-General, I get a recommendation from the Solicitor-General and I would follow his recommendation. I am sure that the Solicitor-General would want the office to be functioning as this Parliament intended. There has never been a withholding of funds from either the commission upon request or from the parliamentary inspector. The member might recall from the previous discussion on the topic of unexplained wealth that the commissioner originally came to me and said, “It’s dormant. If you give me a little bit of resource, I can fire it up and make it almost self-funding and we can prove it up over a couple of years.” We now have it as service area 3. We have never withheld resourcing from either the CCC or the Office of the Parliamentary Inspector of the Corruption and Crime Commission.

**Mr R.S. LOVE:** In regard to the matters we have just been discussing, I think the Attorney General said the CCC report or review that has been undertaken would go to the committee of oversight—namely, the review of *Going rogue*.

**Mr J.R. QUIGLEY:** The review of the human sources.

**Mr R.S. LOVE:** Yes. That was spoken about following that particular matter. Will that be reviewed by the parliamentary inspector as a matter of routine before it goes to committee or is there any process that involves the parliamentary inspector in that matter, because he had been involved in the undertaking of the original inquiry?

[2.50 pm]

**Mr J.R. QUIGLEY:** I will refer that to the Parliamentary Inspector of the Corruption and Crime Commission.

**Mr M. Zilko:** I think I can answer that. Firstly, I would like to clarify something. In my report, I recommended that the Corruption and Crime Commission undertake a review of what had gone wrong. Nobody can deny that it went badly wrong, but it was fixable, in my view. I think I said in the sixth paragraph in my report that I did not identify any systemic problems at the commission, but that this one had gone wrong. The commission has commenced an investigation into what occurred. It has halted all human-source activity until it is completed. My report requests that it table its investigation and findings with the Parliament. I assume that when the Attorney General refers to it going to the Joint Standing Committee on the Corruption and Crime Commission, that is shorthand for it coming to the Parliament. I would expect the joint standing committee to table it in full. I do not think it would have any right to table bits and pieces of it. I expect it to go fully to the Parliament.

In answer to the member’s specific question, I expect that the commission would confer with me before giving it to the joint standing committee so that I could be satisfied that what I had asked for had been completed. If there is any indication that it is not going to contact me, I will put my hand up and say, “I would like to be contacted.” The deadline put by the joint standing committee on that is 30 September. I expect the Corruption and Crime

Commissioner to see me shortly before that with what is expected to be the final report. If I do not hear from the commissioner, I will be in touch with him.

**The CHAIR:** A new question from the Leader of the Opposition.

**Mr R.S. LOVE:** It is sort of new and sort of old. We were talking before about the Corruption and Crime Commission's *Report on the WA commissioner in Japan*, and the fact that the Attorney General has made his views known to the commission. There was a difference in view on whether or not the commission had acted appropriately.

**The CHAIR:** Sorry, member. Can you draw us to a page for that?

**Mr R.S. LOVE:** I am sorry; I should be referring to the Attorney General.

**The CHAIR:** Yes, and can you draw us to a page for your question?

**Mr R.S. LOVE:** I am talking about the same area of integrity that I referred to before. I refer to the first paragraph under "Significant Issues Impacting the Agency" on page 494. It is the same issue; I thought we would break up the question. In terms of the commissioner's response in that report, does the Attorney General have any concerns about the fact that there seems to be a disagreement between the parliamentary inspector and the commission on the appropriateness of some of the matters, as outlined in that report?

**Mr J.R. QUIGLEY:** No, I do not. I think that the parliamentary inspector arrived objectively at his view. For example, the parliamentary inspector disagreed with the comments around the target evading taxation. The commissioner, on the other hand, as I understand it, took the view that it was not a crime. He did not find that there was tax evasion, so much as an issue of credibility in several of Mr Peacock's given answers. It is not unusual at law that, for example, an appeal court may take a different view from a trial judge as to a charge and then a jury. This is not unusual in our profession, but there was nothing in the parliamentary inspector's report that would require the government or the Parliament to seek some sort of further explanation from the CCC.

**Mr R.S. LOVE:** Does the Attorney General feel that that does not require any further action on his part?

**Mr J.R. QUIGLEY:** No, it does not. The main thing is that it all had to be ventilated and it has been. There is no action for the government to take. I should add that we got a lot of money back from Mr Peacock—hundreds of thousands.

**Ms L. METTAM:** I refer to service 1, "Evaluation of the Effectiveness and Appropriateness of Corruption and Crime Commission Operations" on page 496. Does the Attorney General believe that the Corruption and Crime Commission has been operating appropriately?

**Mr J.R. QUIGLEY:** Yes, I do. If the member is asking me whether it is my belief that the CCC has been acting appropriately, the answer is 100 per cent. I have been critical of the CCC—very critical of the CCC—under previous commissioners, but not all of them. I have not been shy, as a member of this chamber, in criticising when it was deserved. I do not have any criticism of the CCC at the moment. I think it is doing a sterling job.

**Ms L. METTAM:** I refer to the line item on accommodation expenses in the second table on page 496. Can the Attorney General please outline what those accommodation expenses relate to? Are they part of a salary package?

**Mr J.R. QUIGLEY:** I ask "Mr Rodolfo", the chief finance officer, to respond to the member please.

**The CHAIR:** Mr Montilva?

**Mr R. Montilva:** Yes, it is not a problem.

**Mr J.R. QUIGLEY:** Sorry! I said "Mr Rodolfo". I used his Christian name because that is what I call him. It is Mr Montilva; I am so sorry.

**Mr R. Montilva:** Thank you. That line in the budget is for the rent that gets paid for office accommodation that is leased under a memorandum of understanding with the Department of Finance. That is the cost of the lease, and I believe it includes a car bay and a variety of outgoings such as cleaning, electricity and those sorts of things. It is a small office, so I do not expect those costs to increase.

**Ms L. METTAM:** What does the line item "Other expenses" include?

**Mr J.R. QUIGLEY:** I ask Mr Montilva to ventilate that, please.

**Mr R. Montilva:** This service is more for incidentals such as copying, office utilities and the like. I will need to run a report to see the record of those costs, but it is usually for routine expenses, not salary costs.

**Ms L. METTAM:** Thank you.

**The appropriation was recommended.**