

Division 32: Corruption and Crime Commission, \$28 073 000 —

Ms A.E. Kent, Chair.

Mr J.R. Quigley, Attorney General.

Mr D. Robinson, Acting Chief Executive.

Mr M. Squires, Chief Finance Officer.

Mr J. Lee, Principal Policy Adviser.

Mr D. Emerson, Principal Policy Adviser.

[Witnesses introduced.]

The CHAIR: This estimates committee will be reported by Hansard. The daily proof *Hansard* will be available the following day. It is the intention of the chair to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. Questions must be clearly related to a page number, item, program or amount in the current division. Members should give these details in preface to their question. If a division or service is the responsibility of more than one minister, a minister shall be examined only in relation to their portfolio responsibilities.

The minister may agree to provide supplementary information to the committee, rather than asking that the question be put on notice for the next sitting week. I ask the minister to clearly indicate what supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the principal clerk by close of business Friday, 1 October 2021. I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice through the online questions system.

I give the call to the member for North West Central.

Mr V.A. CATANIA: I refer to page 482 of budget paper No 2 and the heading "Outcomes, Services and Key Performance Information", specifically the desired outcome under "Relationship to Government Goals", which states —

The integrity of the public sector continuously improves and the incidence of misconduct is reduced.

I wish to ask a question about incidents. Does the Attorney General agree with the Premier that he is not always a member of Parliament or a minister?

Mr J.R. QUIGLEY: I am a member of Parliament, I am a minister and I am John. The member would have to ask my partner when she cooks my tea whether she is cooking for the minister, the member or John. Clearly, I have a private life.

Mr V.A. CATANIA: Is the Attorney General saying that a member of Parliament is not always a member of Parliament and a minister is not always a minister? Is that correct?

Mr J.R. QUIGLEY: What line item is the member referring to?

Mr V.A. CATANIA: I am referring to the integrity of the public sector.

The CHAIR: Member for North West Central, can you direct your question to the budget papers. It is a bit of a long bow.

Mr V.A. CATANIA: Okay. I turn to paragraph 2 under "Significant Issues Impacting the Agency" on page 482, which states —

The Commission must assess every allegation of serious misconduct or police misconduct under section 32 of the CCM Act. There is a trend of increasing allegations being assessed ... The Commission continues to explore opportunities for process improvement, to address the level of allegations and assess future resources.

It has been highlighted in the media that the Attorney General went down south in a chopper with someone who has been questioned by the Perth Casino Royal Commission. Given that the Attorney General did not disclose that on the register as a minister or a member of Parliament, does he believe that is cause for misconduct under paragraph 2 of "Significant Issues Impacting the Agency"? Does the Attorney General agree that he should be putting that chopper ride on the register because he is a member of Parliament and a minister 24/7?

The CHAIR: Member for North West Central, I do not think this is in line with the vote of money proposed in the consolidated account. If the Attorney General wishes to answer the question, he can.

Mr J.R. QUIGLEY: Of course I am a minister and a member of Parliament.

Mr Vincent Catania; Mr John Quigley; Mr Terry Healy; Dr David Honey; Chair; Ms Mia Davies; Mr Simon Millman

Mr V.A. CATANIA: Is the Attorney General a full-time minister and a full-time member of Parliament? The Premier has clearly said that he is not.

The CHAIR: Member for North West Central, do you have another question?

Mr V.A. CATANIA: I have a further question. Does the Attorney General agree with the Premier's statement that he is not a member of Parliament full time or a minister full time?

The CHAIR: Member for North West Central, do you have another question?

Mr T.J. HEALY: This is important.

Mr V.A. CATANIA: I agree. The Attorney General is in charge of the CCC.

The CHAIR: Member for North West Central!

Mr V.A. CATANIA: Is the Attorney General a full-time member of Parliament or a full-time minister?

The CHAIR: Member for Cottesloe, would you please ask your question.

Dr D.J. HONEY: I refer to the service summary on page 482 of budget paper No 2, volume 2, and the line items "Assessing All Allegations of Serious Misconduct Received" and "Investigating Allegations of Serious Misconduct". Can the Attorney General explain the approval process for undertaking covert means of investigation, for example, wire taps?

Mr J.R. QUIGLEY: By "wire taps", does the member mean telephone intercepts?

Dr D.J. HONEY: Yes, or other electronics.

Mr J.R. QUIGLEY: That is provided for in the legislation and a federal warrant is required.

Dr D.J. HONEY: Does that require the approval of the Attorney General?

Mr J.R. QUIGLEY: No. Approval is required by a Federal Court judge, but I do not even know when they go to the Federal Court judge.

Dr D.J. HONEY: Can the Attorney General confirm whether he and the Premier can be investigated for serious misconduct under the Corruption and Crime Commission Act as per these line items?

Mr J.R. QUIGLEY: Anyone in public office in Western Australia can be investigated.

Dr D.J. HONEY: I note that the WA chief casino officer stood aside when a close relationship with Crown executives was revealed. Does the Attorney General see any similarity between that officer resigning and the issue that the Attorney General clearly has a close relationship with a senior Crown officer? At that time, Crown was being investigated by the New South Wales government and it was highly predictable that that officer would be required to be investigated in Western Australia as well. Does the Attorney General see that as a potential conflict of interest?

[5.30 pm]

Mr J.R. QUIGLEY: Where is the line item?

The CHAIR: Member for Cottesloe, this is not in line with the intent of the consolidated account.

Dr D.J. HONEY: It relates, on page 482, to —

1. Assessing All Allegations of Serious Misconduct Received
2. Investigating Allegations of Serious Misconduct

Mr J.R. QUIGLEY: That is true. We can look at that, but it is not down to a cross-examination of a particular person or a particular instant case as to whether the Corruption and Crime Commission should have been looking at this person or that person. This is a budget debate we are having, as to whether there has been sufficient allocation —

The CHAIR: I will take further questions in line with the consolidated account, member for Cottesloe.

Dr D.J. HONEY: Attorney General, in all other sessions I have participated in, the minister answers questions of a general nature, and this question goes to the function of the CCC and the fact that the Attorney General has participated in an expensive helicopter ride with someone who was a senior officer of an organisation that was being investigated in New South Wales, and there was a high likelihood would be required to be investigated in Western Australia, and that the Attorney General would play some role in that investigation. That is why I am asking the question.

The CHAIR: Member for Cottesloe, the Attorney General has already answered that question.

Mr V.A. CATANIA: I refer to page 482, service summary 2. It is noted that there is increasing number of allegations of serious misconduct being assessed, but a recent report tabled by a standing committee expressed concerns —

Mr J.R. QUIGLEY: Sorry, a recent report tabled by —

Mr V.A. CATANIA: Under “Service Summary”, number 2. It is noted that increasing numbers of allegations of serious misconduct are being assessed, and a recent report tabled by a standing committee expressed concerns that only two per cent of allegations of excessive force by police are fully investigated. What is being done to address this?

Mr J.R. QUIGLEY: To address an improvement in assessing allegations?

Mr V.A. CATANIA: Only two per cent of allegations of excessive force by police are fully investigated.

Mr J.R. QUIGLEY: I will refer the question to the chief executive officer.

Mr D. Robinson: There are a couple of issues there. First of all, the commission has limited resources in terms of its investigative function. We only have the ability to conduct a small number of investigations each year into use-of-force matters by police and other agencies, but it is a significant issue for us, and we regularly conduct investigations into those matters. The other work that the commission does in relation to use-of-force matters—and we have increased the number of matters that we deal with in this way—is oversighting closely how Western Australia Police Force deals with allegations of use of force. We have increased the number of matters that we closely oversight in that area as a way of bolstering our oversight of police use-of-force matters, in particular.

Mr V.A. CATANIA: I refer to page 483 and the “Employees (Full-Time Equivalents)” line under the heading “Assessing All Allegations of Serious Misconduct Received”. The Attorney General will be aware that the commissioner’s appointment expired last year. At that time, he was remunerated, in accordance with the Corruption and Crime Commission Act, at the same rate of allowances as a Supreme Court judge. When he was reappointed earlier this year, he was no longer a judge because he was over the age of 70, so he was no longer entitled to that payment level. What is the current remuneration of the commissioner, and how is it calculated?

Mr J.R. QUIGLEY: Just as the member has outlined: in accordance with the act. Every commissioner who is appointed is no longer a Supreme Court judge. Every commissioner, before they get a commission, resigns as a Supreme Court judge, so the commissioner who has been reappointed has been reappointed under the terms of the legislation, which was an uplift in the remuneration to the commissioner legislated by then Premier Barnett and Attorney General Mischin. The commissioner is remunerated in accordance with their rules.

Mr V.A. CATANIA: Is the Attorney General able to disclose the remuneration of the Corruption and Crime Commissioner?

Mr J.R. QUIGLEY: That was disclosed when the last bill went through. I forget the remuneration of a Supreme Court judge, offhand, and Miss Stampalia is not with us at the moment. But the member can take it as read that it is in accordance with the act, as legislated by Mr Barnett and Mr Mischin.

Ms M.J. DAVIES: I refer to page 482 and the line “Number of allegations received” in the table under “Outcomes and Key Effectiveness Indicators”. Is it reasonable to have a budget target of 5 000 when the target for 2020–21 was the same but the actual was 7 190?

Mr J.R. QUIGLEY: I think it is, but I will let the chief executive officer, Mr Robinson, answer that question.

Mr D. Robinson: The number of allegations that we receive is something that has grown over a number of years. Through the life of the commission we have consistently had an increase in the number of allegations received. We had a quite significant increase over the last financial year, as illustrated in the budget papers. The question of whether that is an appropriate target for us to maintain is something that we are considering. One of the issues for us is that the targets are developed around the resources we have available at the time when we make the decision about what the target should be, so that will be something we will have to look at in future. We are looking at some process improvements to try to address the increasing number of allegations we receive each year.

Ms M.J. DAVIES: Just on a point of clarification, was the last part of the sentence that the commission is looking to try to reduce the number of allegations?

Mr D. Robinson: No, looking at process improvements in terms of how we deal with the allegations.

Dr D.J. HONEY: I refer to “Investigating Allegations of Serious Misconduct” on page 484. The net cost of service does not change substantially from 2019–20 to 2020–21. Across the metropolitan area over the last couple of years we have seen, for example, murders and shootings in public. It seems that bikie crime is, in fact, escalating dramatically. One of the original reasons the CCC was set up was to look into gang violence. I am wondering whether that budget reflects the seriousness of the effort that is required to prosecute those matters in relation to gang violence. I am surprised; I have looked at a whole heap of agencies over the last day and three-quarters, and it would seem to me that the increase in expenditure for this important agency is minimal and barely keeping pace with inflation.

Extract from Hansard

[ASSEMBLY ESTIMATES COMMITTEE B — Wednesday, 22 September 2021]

p296b-301a

Mr Vincent Catania; Mr John Quigley; Mr Terry Healy; Dr David Honey; Chair; Ms Mia Davies; Mr Simon Millman

Mr J.R. QUIGLEY: Firstly, just to disabuse the member of one idea, the CCC does not prosecute anyone.

Dr D.J. HONEY: Yes, but it investigates.

Mr J.R. QUIGLEY: The member asked what resources it has to prosecute this.

Dr D.J. HONEY: Well, to investigate. It was a slip of the tongue.

Mr J.R. QUIGLEY: The member used the word “prosecute”.

Dr D.J. HONEY: I am grateful to the Attorney General for alerting me to that, but I meant investigating.

[5.40 pm]

Mr J.R. QUIGLEY: Secondly, the police are the investigators into most crime, overwhelmingly, in relation to the matters the member raised. Sometimes the police seek the assistance of the CCC in relation to hearings. But on any criminal activity, the first investigators are the police, and, in that regard, we have supplied 1 000 extra. We have to be congratulated, and I congratulate myself and the government for doing that.

Dr D.J. HONEY: The CCC appears to have devoted considerable resources to investigating some allowances of some members of Parliament. What resources in the CCC budget have been allocated to investigating organised criminal activity in motorcycle gangs?

Mr J.R. QUIGLEY: I will hand that over to the chief executive officer, bearing in mind that we cannot disclose any operations against anyone.

Dr D.J. HONEY: I am not asking for that—just in relation to the budget, what has been spent on it.

Mr D. Robinson: There are two parts to that answer. The first part is in relation to the Corruption and Crime Commission’s organised crime powers. Those powers can be used only on application from the WA Police Force. As the Attorney General outlined earlier, if we receive an application from WA police, the police can use certain powers of the commission to assist them in their investigations. We have had very few of those applications over the life of the commission. The second way in which we can investigate or consider the sorts of matters the member was talking about is through the unexplained wealth function, whereby the commission can conduct investigations into wealth acquired by individuals who may be associated or involved with organised crime.

Dr D.J. HONEY: Can the Attorney General enlighten me on whether the CCC has participated in any investigation of organised criminal activity by motorcycle gangs in the last 12 months?

Mr J.R. QUIGLEY: No.

Dr D.J. HONEY: Does the Attorney General not find that somewhat surprising? We have seen the most horrendous level of violence from organised motorcycle gangs in the city, including a public execution at the Perth Motorplex. My understanding of the history of the CCC was that one of the original reasons it was set up was to investigate organised crime. Is the Attorney General surprised?

Mr J.R. QUIGLEY: It was to investigate crime. It does not say “organised crime”.

Dr D.J. HONEY: No; it was done in direct response to escalating issues of criminal motorcycle gangs when it was originally formed. Is the Attorney General surprised that the CCC has not participated in any investigations?

Mr S.A. MILLMAN: That is not what he said.

Dr D.J. HONEY: That is exactly what he said.

Mr S.A. MILLMAN: You asked him if he could tell you and he said, no.

The CHAIR: The Attorney General can hold his own.

Mr S.A. MILLMAN: He is just wrong.

The CHAIR: Member for Cottesloe, can you please address the question.

Dr D.J. HONEY: I am addressing the question, if the members beside me can stop interrupting me. Does the Attorney General find it surprising that the CCC is not participating —

Mr S.A. MILLMAN: Madam Chair —

Mr V.A. CATANIA: Point of order, Madam Chair, the peanut gallery to the left of us keeps interrupting the member for Cottesloe.

Mr S.A. MILLMAN: Call members by their names, mate—point of order!

The CHAIR: Member for Cottesloe, please continue with your question.

Dr D.J. HONEY: Thank you very much, Madam Chair, I am really anxiously trying to do that. Is the Attorney General surprised that the CCC is not participating and has not participated in any investigations of criminal motorcycle gangs or activity in the last 12 months?

Mr J.R. QUIGLEY: I will tell the member what does surprise me: he has the temerity to ask that question when for months and months his party held up the anti-consorting legislation that the police urgently needed before last summer to crack down on organised crime; to crack down on bikie gangs. It was passed by this house and held up in the other place. When his party gave an undertaking to treat it as an urgent bill and get it through before the summer, it would not do it, yet he sits here and asks whether I am surprised that the CCC has not acted of its own volition. It does not receive complaints of crime; it receives complaints of serious misconduct and crime. The member for Cottesloe referred to the Motorplex shooting. What a wonderful job the Western Australia police did in cracking it. We cannot wait for that case to get to court to find out the lengths the police went to. They did a fantastic job, when we think about it, in a matter of a few weeks. I will not mention any particular operation but it was this government that legislated to give the CCC the power to investigate unexplained wealth. The investigation of unexplained wealth, which is being used, disrupts all criminal activity, especially organised crime, as it digs at their profits.

Dr D.J. HONEY: It is my clear understanding based on the answer his adviser gave to him that the CCC is not participating in any investigations of criminal motorcycle activity or gangs. Is that true?

Mr J.R. QUIGLEY: I am not going to answer that question. I am not going to flag to any sector of criminality that the CCC or other agencies might be looking at. They are criminals. They are the one percenters. I will not tell them anything.

Mr V.A. CATANIA: Is the Attorney General briefed by the CCC on investigations that it is conducting?

The CHAIR: Can you tell me which —

Mr J.R. QUIGLEY: Am I briefed by the CCC?

Mr V.A. CATANIA: I am following up on investigations that the CCC is conducting.

Mr J.R. QUIGLEY: Rarely, but, for example, if it seeks a freezing order, usually the court requires it to give an undertaking to pay damages if it goes wrong, so the CCC will write to me and inform me that it is giving an undertaking of up to, so in that sort of case I would know there was something. The only other time I have been briefed—because you have to get a section 95 clearance for the commissioner to release the information—was when Jim Chown held up the reappointment of Mr McKechnie. I asked for a briefing on what sort of and how many investigations were on foot and what was being held up. I was not briefed on the insides of the investigation but I was given an overview and I gave to the other chamber of this Parliament an overview of the disruption that was being caused by Mr Chown.

Ms M.J. DAVIES: I refer to page 482 under “Outcomes, Services and Key Performance Information”, and the government goal of safe, strong and fair communities and services that are provided by the CCC. Can the Attorney General provide me with advice on whether a breach of ministerial standards would qualify for an investigation by the CCC—for example, a minister who accepted a helicopter ride with a key witness of a royal commission?

The CHAIR: Leader of the Opposition, this question has been asked and answered. Next question, please.

Mr V.A. CATANIA: The Attorney General can answer that.

The CHAIR: Would you like to answer that question or shall we move on?

[5.50 pm]

Mr J.R. QUIGLEY: Not particularly, but I will say this: in relation to private hospitality or transport undertaken for private purposes, during private time that is what occurred. As the member for Cottesloe noted, it occurred at a time before the other passenger in the said helicopter was before the royal commission and before the commencement of the royal commission in Western Australia. It was 10 months ago; it was in December that Tim Hammond’s party was. It was a private helicopter ride, private time and private function. The member is asking whether this matter should be investigated by the CCC.

Ms M.J. DAVIES: I have a further question because the Attorney General asked whether I was asking about that. That is not actually what I was asking. I asked would a breach of ministerial standards qualify for investigation by the CCC, and I gave that as an example.

Mr J.R. QUIGLEY: I will defer to the chief executive officer, but I am not aware that the failure to record anything in a ministerial code of conduct—the obligation to report—comes within the ambit of the CCC.

Mr Vincent Catania; Mr John Quigley; Mr Terry Healy; Dr David Honey; Chair; Ms Mia Davies; Mr Simon Millman

Mr D. Robinson: Obviously, I cannot comment on any specific matters, but I can say that the commission's process is to assess every allegation it receives, and determine its seriousness and whether there are grounds to conduct any further work in relation to a particular matter, whether that be way of some sort of oversight of an investigation conducted by another agency or an investigation conducted by the commission. But all allegations that are received are assessed.

Ms M.J. DAVIES: I assume, Attorney General, that if a key witness of a royal commission is involved in an incident with the Attorney General, who is the person responsible for overseeing that as part of the government, that that would be perceived as a real issue that would reach that level of seriousness that the CEO just referred to.

Mr J.R. QUIGLEY: Serious misconduct is defined in the act. Premier Barnett got rid of the minor misconduct function to somewhere else. The Leader of the Opposition was a part of the cabinet that did that. "Serious misconduct" is defined in the act and anything to do with those sorts of things does not fall within the definition.

Ms M.J. DAVIES: Was it just minor misconduct in relation to that incident?

The CHAIR: Is that another question?

Mr J.R. QUIGLEY: There is no minor misconduct.

The CHAIR: The question has been answered.

Dr D.J. HONEY: I have a further question.

The CHAIR: The member for Cottesloe has the next question.

Dr D.J. HONEY: Just then in his response the Attorney General made the point that he undertook that journey with a person who was not the subject of an investigation, I believe—I take it as in this state. But the New South Wales Crown casino royal commission commenced on 14 August 2019. This person was a senior officer in a company that had been under investigation by a royal commission since 2019. Surely that would have caused the Attorney General to reflect on the wisdom of accepting a lift from that person?

The CHAIR: This is not a question that is related.

Mr J.R. QUIGLEY: I do not see this as —

The CHAIR: Attorney General, can I remind you that at 5.53 pm we will have the Parliamentary Inspector of the Corruption and Crime Commission, do you still want to continue with this line of questioning?

Mr J.R. QUIGLEY: I will answer the question: he was under investigation by the New South Wales royal commission into Crown, which at the time —

Mr V.A. CATANIA: Was Crown discussed in that helicopter ride?

The CHAIR: Member for North West Central!

Mr J.R. QUIGLEY: He was a witness before a New South Wales royal commission; there was no royal commission in Western Australia. The royal commission concluded that the person to whom the Leader of the Opposition referred was a person of integrity, credibility and should play a part in the future of Crown. That is what the royal commission found. There was nothing that concerned me, but I am not going into any more on this. It is pointless.

The CHAIR: Are there any further questions on this division?

The appropriation was recommended.