

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

*First Report — “Proceeds of crime and unexplained wealth:
A role for the Corruption and Crime Commission?” — Tabling*

MR P. PAPALIA (Warnbro) [11.06 am]: This morning I will be tabling two reports on behalf of the Joint Standing Committee on the Corruption and Crime Commission that are related in a couple of ways. Both reports are from the previous Parliament and are being re-tabled. Also, both reports relate to the manner of operation of the Corruption and Crime Commission in relation to organised crime and its role in oversight of the police. I present for tabling the first report of the Joint Standing Committee on the Corruption and Crime Commission entitled “Proceeds of crime and unexplained wealth: A role for the Corruption and Crime Commission?”.

[See paper 395.]

Mr P. PAPALIA: The twenty-eighth report of the Joint Standing Committee on the Corruption and Crime Commission in the thirty-eighth Parliament was laid on the table of the Legislative Council on 28 June 2012 and on the table of the Legislative Assembly on 7 August 2012. It was titled “Proceeds of crime and unexplained wealth: A role for the Corruption and Crime Commission?” and contained 12 findings and two recommendations. Unfortunately, the previous government did not respond to the committee’s recommendations. Because the new committee views those recommendations as valuable, worthwhile and in need of some response from the government, and because they are still relevant in light of the government not having passed some legislation that it introduced in the previous Parliament with respect to the Corruption and Crime Commission and organised crime, we are bringing those recommendations to the attention of the new government by re-tabled the report in the thirty-ninth Parliament.

This report found its genesis in a visit by the previous committee to New South Wales, where it met with the commissioner of the New South Wales Crime Commission, Mr Phillip Bradley. Mr Bradley explained the work of that commission and the way in which it approached the task of fighting organised crime by investigating unexplained wealth. Following that visit, and other parts of the inquiry being completed and research being done by the committee, the committee reported —

It appeared to that Committee that the investigation of criminal wealth may be an avenue by which the CCC could aid WA Police in the fight against organised crime without compromising its ability to oversight the operations of WA Police.

This is the key point that the present committee brings to the attention of the new government. The previous committee had grave concerns, despite the Archer review and its recommendations, that should the Corruption and Crime Commission be tasked to work collaboratively in conjunction with WA Police in the fight against organised crime, the CCC’s vital role of oversight of the police could be compromised. Recognising the concerns of the public and many members of Parliament with respect to the actions of the CCC hitherto in combating organised crime and recognising that there was a sense that the CCC’s powers should be brought to bear on organised crime, the previous Joint Standing Committee on the Corruption and Crime Commission explored an option to focus the CCC’s powers on investigations into the proceeds of crime and unexplained wealth.

In the course of its inquiries, the report states the committee —

... convened a series of closed hearings attended by the Deputy and Assistant Commissioners of the WA Police, the Director of Public Prosecutions and the Director of Confiscations from his Office. It convened a round-table discussion with the CCC Commissioner and Parliamentary Inspector (along with senior CCC staff and the Assistant to the Parliamentary Inspector) ...

Ultimately, the previous committee determined —

With respect to recovering the proceeds of crime – which is to say the confiscation of assets of persons convicted for certain criminal offenses – it was clear to the JSCCCC 38th that there is absolutely no basis for expanding the jurisdiction of the CCC. The present discharge of this function is handled well by the WA Police and the Office of the DPP.

The report continues —

While the recovery of proceeds of crime is tied to a criminal conviction, the investigation and confiscation of unexplained wealth is a non-conviction based civil proceeding. The DPP has implemented a moratorium on the further processing of any applications made by the WA Police for unexplained wealth declarations ...

The former and current committees believe that that tool is underutilised in the fight against organised crime.

The current CCC committee tabled this report in the hope that the government will consider its recommendations and the opportunities identified for the CCC to fight organised crime, through looking at the proceeds of crime and unexplained wealth, prior to reintroducing the legislation it introduced in the last Parliament that would have resulted in the police and CCC working collaboratively on combating organised crime. The committee asks the current government to reconsider its position, particularly in light of this and the subsequent report I will table shortly. The committee considers this is a real opportunity to address the very real and justifiable concerns of the public and members of Parliament that the powers of the CCC are not being employed fully or in as effective a manner as possible to combat organised crime. The recommendations in this report offer a far more effective and safer means of employing those powers than having the CCC work much more collaboratively with the police.