

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Tenth Report — Annual report 2022–23 — Tabling

HON DR STEVE THOMAS (South West — Leader of the Opposition) [10.03 am]: I am directed to present the tenth report of the Joint Standing Committee on the Corruption and Crime Commission titled *Annual report 2022–23*.

[See paper [2706](#).]

Hon Dr STEVE THOMAS: I am pleased to table the Joint Standing Committee on the Corruption and Crime Commission’s *Annual report 2022–23*. In 2022–23, the committee held 16 deliberative meetings, 18 hearings with witnesses and three briefings. The committee also tabled three reports. One report was the annual report for the previous year, and I will briefly mention the other two reports tabled in March 2023.

In the eighth report, *Unlawful detention in public hospitals: Parliamentary inspector’s report*, the Parliamentary Inspector of the Corruption and Crime Commission alerted the Parliament to another case of unlawful detention in a public hospital and a District Court ruling on the issue. He observed that the law on the right to detain a patient was not well understood by hospital staff. This creates a serious misconduct risk. The government responded that it will develop a new policy on restrictive practices to address the restraint and detention of patients in non-mental health settings. It will also disseminate an education package on restraint and detention to staff across the WA health sector.

The ninth report titled *A need for clarity: Parliamentary inspector’s report: Can the Corruption and Crime Commission decline to form an opinion that serious misconduct has occurred despite the definition being met?* informed the Parliament of a legal disagreement between the Parliamentary Inspector and the commission on the nature of the commission’s power to form an opinion on serious misconduct. The government has agreed to clarify the law as part of its project to modernise the Corruption, Crime and Misconduct Act 2003—something we are still waiting for.

Our annual report also brings two other matters to the attention of the Parliament. The first relates to the commonwealth’s Telecommunications (Interception and Access) Act 1979 that creates a gap in the Parliamentary Inspector’s ability to oversight the commission. The parliamentary inspector investigates complaints about public officers dealt with by the commission and audits the commission. When undertaking these tasks, he is unable to view or access TI information intercepted by the commission or warrant information unless it is for the purposes of dealing with matters of misconduct by the commission, an officer of the commission or his own officer. Like previous committees, we continue to encourage the state government to work with the commonwealth government to enact legislation to solve the issue.

The second matter concerns information sharing between officers of the WA Police Force following incidents in which a misconduct investigation against an officer is likely to occur. This issue arose following an incident when a member of the public was injured by a car driven by a police officer during an arrest. The officer was subsequently convicted of dangerous driving. At trial, the magistrate was critical of the actions of the officer, who said that at the time of the incident he was aware of information another officer conveyed to him after the incident. The committee recommends that WA police investigate ways to manage information in circumstances when the conduct of a police officer is likely to result in an allegation of police misconduct.

Finally, the committee continues to work on its inquiry termed “What happens next? Beyond a finding of serious misconduct.” We are inquiring into what happens after a public officer is found to have engaged in serious misconduct, including disciplinary and other sanctions, criminal prosecutions, and the systemic response of the public sector. The committee intends to report by 30 November 2023.

I thank the parliamentary inspector, Matthew Zilko, SC; his principal adviser, Sarah Burnside; the Corruption and Crime Commissioner, the Honourable John McKechnie, KC; the commission’s newly appointed chief executive, Emma Johnson; and their staff for assisting the committee to effectively carry out its oversight role. I also thank my colleagues on the committee, Matthew Hughes, MLA, who is chair; Hon Mia Davies, MLA; and Hon Klara Andric, MLC. I also thank the staff of the committee, Suzanne and Jovita, for their excellent work.