



***JOINT STANDING COMMITTEE ON
THE CORRUPTION AND CRIME
COMMISSION***

ROBERT BILOS

**Report No. 3
in the 38th Parliament**

2009

Published by the Legislative Assembly, Parliament of Western Australia, Perth, May 2009.

Printed by the Government Printer, State Law Publisher, Western Australia.



Joint Standing Committee on the Corruption and Crime Commission

Robert Bilos

ISBN: 978-1-921355-57-8

(Series: Western Australia. Parliament. Legislative Assembly. Committees.
Joint Standing Committee on the Corruption and Crime Commission. Report 3)

328.365

Copies available from:

State Law Publisher
10 William Street
PERTH WA 6000

Telephone:

(08) 9321 7688

Facsimile:

(08) 9321 7536

Email:

sales@dpc.wa.gov.au

Copies available on-line:

www.parliament.wa.gov.au



***JOINT STANDING COMMITTEE ON
THE CORRUPTION AND CRIME
COMMISSION***

ROBERT BILOS

Report No. 3

Presented by:

Hon Ray Halligan, MLC and John Hyde, MLA

Laid on the Table of the Legislative Council and Legislative Assembly
on 7 May 2009

COMMITTEE MEMBERS

Chairman	Hon Ray Halligan, MLC Member for North Metropolitan
Deputy Chairman	John Hyde, MLA Member for Perth
Members	Frank Alban, MLA Member for Swan Hills Hon Ken Travers, MLC Member for North Metropolitan

COMMITTEE STAFF

Principal Research Officer	Scott Nalder, B.Juris (Hons), LLB, BCL (Oxon)
Research Officer	Michael Burton, BEc, BA (Hons)

COMMITTEE ADDRESS

Joint Standing Committee on the Corruption and Crime Commission
Legislative Assembly
Parliament House
Harvest Terrace
PERTH WA 6000

Tel: (08) 9222 7494
Fax: (08) 9222 7804
Email: jscccc@parliament.wa.gov.au
Website: www.parliament.wa.gov.au

TABLE OF CONTENTS

COMMITTEE MEMBERS	i
COMMITTEE STAFF	i
COMMITTEE ADDRESS	i
COMMITTEE'S FUNCTIONS AND POWERS	v
CHAIRMAN'S FOREWORD	vii
CHAPTER 1 INTRODUCTION.....	1
APPENDIX ONE.....	3

COMMITTEE'S FUNCTIONS AND POWERS

On 31 May 2005 the Legislative Council concurred with a resolution of the Legislative Assembly to establish the Joint Standing Committee on the Corruption and Crime Commission.

The Joint Standing Committee's functions and powers are defined in the Legislative Assembly's Standing Orders 289-293 and other Assembly Standing Orders relating to standing and select committees, as far as they can be applied. Certain standing orders of the Legislative Council also apply.

It is the function of the Joint Standing Committee to -

- (a) monitor and report to Parliament on the exercise of the functions of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission;
- (b) inquire into, and report to Parliament on the means by which corruption prevention practices may be enhanced within the public sector; and
- (c) carry out any other functions conferred on the Committee under the *Corruption and Crime Commission Act 2003*.

The Committee consists of four members, two from the Legislative Assembly and two from the Legislative Council.

CHAIRMAN'S FOREWORD

In the Committee's report entitled "Report on the Relationship between the Parliamentary Inspector and the Commissioner of the Corruption and Crime Commission", tabled in Parliament on 19 March 2009, the Committee made the following recommendation.

Recommendation 2

The CCC Act should be amended so that the Parliamentary Inspector is required to table his reports through the Committee, accompanied by a recommendation by the Parliamentary Inspector as to whether it is in the public interest to be tabled publicly in Parliament.

If the Committee has not tabled the Parliamentary Inspector's report in Parliament within 30 days, then, if the Parliamentary Inspector is of the belief that it is in the public interest to do so, the Parliamentary Inspector can proceed to table his report direct with Parliament without further consultation with the Committee.

The Parliamentary Inspector, Mr Chris Steytler QC, has given his support to recommendation 2 and has said to the Committee that it is his intention to table all of his future reports with the Committee.

On 19 March 2009 the Parliamentary Inspector tabled a report with the Committee concerning an investigation conducted by the office of the Parliamentary Inspector into the CCC entitled *Report following an Inquiry into alleged misconduct under section 197 of the Corruption and Crime Commission Act 2003 (WA) - Mr Robert George Bilos*. The investigation concerned a complaint received by the Parliamentary Inspector from Mr Robert Bilos. Mr Bilos' complaint to the Parliamentary Inspector was that an officer from the CCC may have improperly released to a third party his email complaint to the CCC.

The Parliamentary Inspector did not recommend that the Committee table his report in its entirety, but instead prepared a synopsis of his report that the Committee might consider suitable for public dissemination.

The Committee consulted with the Commissioner of the CCC, who confirmed that he was of the view that the synopsis was appropriate.

Accordingly, the Committee now attaches a copy of the synopsis.



HON RAY HALLIGAN, MLC
CHAIRMAN

CHAPTER 1 INTRODUCTION

On 19 March 2009 the Parliamentary Inspector tabled a report with the Committee concerning an investigation conducted by the office of the Parliamentary Inspector into the Corruption and Crime Commission ('CCC') entitled *Report following an Inquiry into alleged misconduct under section 197 of the Corruption and Crime Commission Act 2003 (WA) - Mr Robert George Bilos* ('the Report'). The investigation concerned a complaint received by the Parliamentary Inspector from Mr Robert Bilos. Mr Bilos' complaint to the Parliamentary Inspector was that an officer from the CCC may have improperly released to a third party his email complaint to the CCC

The Parliamentary Inspector informed the Committee that the inquiry conducted by the former Acting Parliamentary Inspector, Mr Ken Martin QC, received media attention in January and February 2009 from which inferences adverse to the CCC may have been drawn by members of the public.

The Parliamentary Inspector advised the Committee that in case it should consider it appropriate to release information concerning the Report, he prepared a synopsis of it for the Committee's consideration.

The Parliamentary Inspector noted that the Committee may consider it inappropriate to release the whole of the Report as it:

- identifies private individuals who have provided information to the inquiry; and
- also mentions some operational aspects of the CCC.

The Committee agreed with the Parliamentary Inspector's recommendation and resolved to table the Parliamentary Inspector's synopsis without alteration as Appendix One to this report.



HON RAY HALLIGAN, MLC
CHAIRMAN

APPENDIX ONE



PARLIAMENTARY INSPECTOR OF THE CORRUPTION AND CRIME COMMISSION OF WESTERN AUSTRALIA

SYNOPSIS OF PARLIAMENTARY INSPECTOR'S REPORT DATED 19 MARCH 2009

On 11 November 2008, the Parliamentary Inspector received a written complaint from Mr Robert George Bilos concerning the Corruption and Crime Commission. Mr Bilos had previously made a complaint to the Commission concerning possible misconduct on the part of a Police Officer who had been investigating serious crimes with which Mr Bilos was charged. Mr Bilos' complaint to the Parliamentary Inspector was that an officer from the Commission may have improperly released to a third party the entirety of his previous email complaint ('prior complaint'). He was able to demonstrate that the third party had a copy of the prior complaint in her possession within a very short time after it had been sent to the Commission by Mr Bilos. Mr Bilos also complained that the contents of the prior complaint were connected to, or provided the motivation for, a subsequent assault committed against him.

The complaint against the Commission officer was investigated by Mr Kenneth Martin QC, as Acting Parliamentary Inspector. He initiated an inquiry under section 197(1) of the Act on 20 January 2009.

A full investigation was conducted between 20 January 2009 and 26 February 2009. The investigation encompassed enquiries addressed to the Commission, including an examination of its security capacities of its information technology systems; the interview of witnesses, including the third party, in respect of the prior complaint; the interview of witnesses to the assault committed upon Mr Bilos; and the issue of a summons under section 9 of the *Royal Commissions Act 1968* to a telecommunications service provider for email information bearing upon the receipt by the third party of the prior complaint.

On the strength of the information obtained, Mr Martin QC concluded that there was no basis for any finding of misconduct against any officer of the Commission. There is no evidence to suggest that the copy of the complaint had been obtained from the Commission or that the Commission released a copy of it to any person. On the other hand, there was cogent evidence to support the proposition that the third party had obtained the complaint by other means. There was also cogent evidence to suggest that the assault on Mr Bilos had no connection with the making by Mr Bilos of the prior complaint.

The current Parliamentary Inspector, Mr Christopher Steytler QC, has reviewed the information obtained by Mr Martin QC. He agrees with the conclusion arrived at by Mr Martin QC.