



## **Joint Standing Committee on the Corruption and Crime Commission**

# The Role Played by the Corruption and Crime Commission in Aiding the Security Operation During the 2011 Commonwealth Heads of Government Meeting

**Report No. 22  
February 2012**

Parliament of Western Australia

## Committee Members

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Members	Frank Alban, MLA Member for Swan Hills
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# Joint Standing Committee on the Corruption and Crime Commission

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The role played by the Corruption and  
Crime Commission in aiding the security  
operation during the 2011 Commonwealth  
Heads of Government Meeting

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Report No. 22

Presented by

**Hon Nick Goiran, MLC and John Hyde, MLA**

Laid on the Table of the Legislative Assembly on 23 February 2011

Laid on the Table of the Legislative Council on 6 March 2011

## Chairman's foreword

Last year, as Perth was preparing to host the 2011 Commonwealth Heads of Government Meeting, the government sought to enhance the powers of the WA Police so as to aid the security operation during CHOGM with the *Commonwealth Heads of Government (Special Powers) Act 2011*. A crucial – and somewhat controversial – aspect of this Act was that it permitted, on application by the WA Police Commissioner, the Corruption and Crime Commission to assist with the security operation.

The Act received Royal Assent on 11 July 2011, and at around that time the Committee resolved to conduct an inquiry into the involvement by the CCC in aiding the CHOGM security operation in the aftermath of the meeting, so as to inform Parliament of what (if any) role was played by the CCC in that operation.

After CHOGM concluded, it was apparent that the security operation planned and executed by the WA Police had been an unmitigated success. The role played by the CCC, however, remained unknown. Accordingly, the Committee convened separate hearings with the Acting Commissioner and Executive Team of the CCC, and with the Deputy and Assistant Commissioner of the WA Police to enquire as to the role played by the CCC in the CHOGM security operation.

The Committee was informed that during CHOGM the WA Police Commissioner had made one application to the CCC for assistance, that this application had been granted, and that a CCC surveillance team had successfully provided assistance as required. It was also explained to the Committee that this application could not have been made if it were not for the specific provisions of the *Commonwealth Heads of Government (Special Powers) Act 2011*.

In light of the success of the CHOGM security operation, the Committee acknowledges the thorough planning and execution by the WA Police, the CCC and the Government of the largest security operation ever carried out in Western Australia.

A handwritten signature in blue ink, appearing to read 'Nick Goiran', is centered on a light blue rectangular background.

HON NICK GOIRAN MLC  
CHAIRMAN

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## Findings and Recommendations

### Finding 1

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In carrying out the security operation during the 2011 Commonwealth Heads of Government Meeting, the WA Police made one request for the assistance of the Corruption and Crime Commission, and this request was granted.

### Finding 2

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The assistance provided by the Corruption and Crime Commission to the WA Police during the 2011 Commonwealth Heads of Government Meeting was made possible by the provisions of the *Commonwealth Heads of Government (Special Powers) Act 2011*.

# Chapter 1

## The security operation conducted during the 2011 Commonwealth Heads of Government Meeting

### ***The Commonwealth Heads of Government (Special Powers) Bill 2011***

On 23 February 2011, the Minister for Police, Hon Rob Johnson MLA, introduced to Parliament the *Commonwealth Heads of Government (Special Powers) Bill 2011*. The Bill ultimately received Royal Assent and was passed into law on 11 July 2011, but not before spirited debate both in the Legislative Assembly and the Legislative Council. Of particular interest to the Committee during this debate were parts seven and eight of the Bill, which would effectively enable the Corruption and Crime Commission, on application from the WA Police, to aid the police in conducting the security operation during CHOGM.

These parts of the Bill proved to be especially divisive during debate, and the Committee resolved to conduct an inquiry into the involvement by the CCC in aiding the security operation during CHOGM, once the operation had concluded. In so doing, the Committee intended to provide Parliament with information as to what level of involvement the CCC had and to what extent that involvement benefitted the security operation.

### **Hearing with the CCC on 9 November 2011**

CHOGM took place from 28 to 30 October 2011, and immediately after its conclusion it was apparent that the security operation conducted by the WA Police had been a resounding success.<sup>1</sup> Nevertheless, the Committee remained keen to find out the level to which the CCC had been involved in aiding this security operation.

On 9 November 2011, the Committee convened a public hearing attended by the Acting Commissioner of the CCC, Mr Mark Herron, and the CCC's Executive Team, for the express purpose of reviewing the CCC's *Annual Report 2010-2011*. During that hearing, the involvement by the CCC in the CHOGM security operation was explored, and the Committee was informed by Acting Commissioner Herron that one request for assistance had been made by the WA Police in line with the *Commonwealth Heads of Government (Special Powers) Act 2011*, and that that request had been granted:

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<sup>1</sup> Luke Eliot and Gabrielle Knowles, "Crime rates down as police flood WA," *The West Australian*, 1 November 2011, p 16.

## Chapter 1

**The CHAIRMAN:** *And that one occasion, was that enabled by that special legislation or could that request for assistance have been provided under normal parameters?*

**Mr Herron:** *No; that was under the legislation. We established a written protocol with the police and pursuant to that protocol; they approached us for assistance.<sup>2</sup>*

The Committee Chairman, Hon Nick Goiran MLC, enquired as to the outcome of the request for assistance, and the resources that were expended by the CCC in providing this assistance:

**The CHAIRMAN:** *To the extent that you are able, are you able to indicate what the outcome of that request for assistance was?*

**Mr Herron:** *The assistance they sought from us was the augmentation of their intelligence capability and it is my understanding that we were able to do what they asked us to do.*

**The CHAIRMAN:** *Is it reasonable to say that the level of resourcing required to facilitate that request was modest or minor?*

**Mr Herron:** *Yes; minimal or modest, it required little use of our resources.<sup>3</sup>*

The Chairman concluded this line of questioning by enquiring as to the reasons why the assistance of the CCC was sought by the WA Police:

**The CHAIRMAN:** *Was the request made because the police were suffering, obviously at the time, from human resourcing issues or was the request made because the commission was able to provide something by way of intelligence that the Western Australia Police simply do not have had access to?*

**Mr Herron:** *Again, I am loath to go into too much detail, but I think it was simply requiring extra assistance because they were so busy.<sup>4</sup>*

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2 Mr Mark Herron, Acting Commissioner, Mr Mike Silverstone, Executive Director, Mr Roger Watson, Director Corruption Prevention, Mr Robert Sutton, Acting Director Operations, Mr Paul O'Connor, Director Legal Services and Ms Peta Mabbs, Director Corporate Service, Corruption and Crime Commission, *Transcript of Evidence*, 9 November 2011, p 8.

3 *ibid.*

4 Mr Mark Herron, Acting Commissioner, Mr Mike Silverstone, Executive Director, Mr Roger Watson, Director Corruption Prevention, Mr Robert Sutton, Acting Director Operations, Mr Paul O'Connor, Director Legal Services and Ms Peta Mabbs, Director Corporate Service, Corruption and Crime Commission, *Transcript of Evidence*, 9 November 2011, p 9.



## Hearing with the WA Police on 9 December 2011

After having spoken with Acting Commissioner Herron, the Committee resolved to seek the attendance of the Deputy Commissioner, Mr Chris Dawson APM and Assistant Commissioner (Specialist Crime), Mr Nick Anticich APM, before a closed hearing on 9 December 2011. The Chairman began the hearing by establishing the role played by Deputy Commissioner Dawson in the CHOGM security operation:

***The CHAIRMAN:** Mr Dawson, if I can start with you... I would like to start with matters revolving around the Commonwealth Heads of Government Meeting. As I understand it, you had a particular role. I think, in my laymen's understanding, you were effectively the officer in charge of the operation.*

***Mr Dawson:** Yes, state commander.*

***The CHAIRMAN:** What was the official title?*

***Mr Dawson:** State commander.*

***The CHAIRMAN:** State commander for the Commonwealth Heads of Government Meeting.*

***Mr Dawson:** Commonwealth Heads of Government. We had an operational name called Operation Demille.*

***The CHAIRMAN:** Deputy Commissioner, would it be fair to say then in that capacity you are in a good position to advise us the extent to which the CCC would have been involved in the Commonwealth Heads of Government Meeting?*

***Mr Dawson:** Yes, I am.*

***The CHAIRMAN:** We have had the opportunity, Deputy Commissioner, to speak with the Acting Commissioner of the Corruption and Crime Commission. He indicated to us that there was one occasion when the Corruption and Crime Commission was involved and in particular that that was made at the request of the police. In terms of procedure, where the Corruption and Crime Commission was asked for assistance, would that have been authorised by you?*

***Mr Dawson:** Yes, that is correct.<sup>5</sup>*

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<sup>5</sup> Mr Chris Dawson, Deputy Commissioner and Mr Nick Anticich, Assistant Commissioner (Specialist Crime), WA Police, *Transcript of Evidence*, 9 December 2011, p 2.

## Chapter 1

The Chairman then asked Deputy Commissioner Dawson to explain the reason why the WA Police sought the assistance of the CCC for the CHOGM security operation:

**The CHAIRMAN:** *Are you in a position to indicate to us whether that request for assistance was made because of any specialist skills that the CCC had that the WA Police do not have, or was it actually a resourcing issue because of the breadth and scope of your activities at that time?*

**Mr Dawson:** *Mr Chair, it was the latter. The skill set was able to be deployed, and this particular asset was about physical surveillance. We have that capability but because of the scale and quantum of matters that we had to deal with and the number of personnel we needed to surveil, a request was put through to the Corruption and Crime Commission to deploy a physical asset in the form of their surveillance team. They were deployed for a particular matter relating to the Commonwealth Heads of Government Meeting, and they were deployed between Monday 24 and Saturday 29 October. While there was that capability within WA Police, it is a tiered approach in terms of commonwealth heads of government because we were using commonwealth assets as well. Given the scale of world leaders who were in Perth during that period of time and the number of matters we had to surveil, that was part of the preparatory arrangements we made with the CCC.<sup>6</sup>*

The Chairman then sought to confirm that the request for CCC assistance was only possible because of the CHOGM Act; Deputy Commissioner Dawson confirmed that this was indeed the case, because the request for assistance could not have otherwise been made:

**Mr Dawson:** *That is entirely correct. We have over the last several years endeavoured to have the Corruption and Crime Commission assist us with, for instance, organised crime and/or other investigations, indeed, involving homicide and serious affray in the community. However, the interpretation applied by the commission has been that unless it is specifically related to the core activities of the Corruption and Crime Commission, they were unable to deploy people and assets and the exercise of their powers unless it involved serious misconduct or a particular matter relating to a public official. In this instance we relied totally on the Commonwealth Heads of Government*

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<sup>6</sup> *ibid.*

*Meeting (Special Powers) Act 2011, which expressly provided for them to be utilised.<sup>7</sup>*

Accordingly, the Committee makes the following findings:

**Finding 1**

In carrying out the security operation during the 2011 Commonwealth Heads of Government Meeting, the WA Police made one request for the assistance of the Corruption and Crime Commission, and this request was granted.

**Finding 2**

The assistance provided by the Corruption and Crime Commission to the WA Police during the 2011 Commonwealth Heads of Government Meeting was made possible by the provisions of the *Commonwealth Heads of Government (Special Powers) Act 2011*.

**The success of the CHOGM security operation**

In the aftermath of CHOGM it was apparent that the security operation conducted by the WA Police had been a resounding success. During the 9 December 2011 hearing with the WA Police, Committee Member, Mr Frank Alban MLA, sought to confirm the anecdotal evidence of this success, and to find out how the CHOGM Act had aided the planning and execution of the security operation:

*Mr F.A. ALBAN: It appears that security during CHOGM was an unmitigated success. Is that a fair assessment; and to what extent can this success be attributed to the special powers made available to the police by the CHOGM act?*

*Mr Dawson: Mr Alban, that is certainly my view and we will be providing, via the Minister for Police, a report to be tabled in Parliament that will then talk to this particular issue. While we are still in the process of writing that report, I can state that the powers that were passed by the Western Australian state Parliament very much enhanced the capability for police to prevent and deter persons who not only expressed a desire but had a capability to seriously affect the operation of the Commonwealth Heads of Government Meeting be that through direct criminal activity and/or ways in which the*

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<sup>7</sup> Mr Chris Dawson, Deputy Commissioner and Mr Nick Anticich, Assistant Commissioner (Specialist Crime), WA Police, *Transcript of Evidence*, 9 December 2011, pp 2-3.

## Chapter 1

*Commonwealth Heads of Government Meeting would be severely affected.*<sup>8</sup>

The Deputy Chairman of the Committee, Mr John Hyde MLA, then enquired as to whether the powers bestowed upon the WA Police by the CHOGM Act might be useful to the WA Police for ordinary policing operations. Deputy Commissioner Dawson, however, expressed caution at this suggestion:

***Mr Dawson:** I think there is an opportunity, Mr Hyde, in terms of the extraordinary powers that had to be exercised. In my words, it was an extraordinary event that required extraordinary powers. I would not advance it so far as to say we need them 24 hours a day, seven days a week for ordinary policing operations. But I think there is merit in having a legislation head of power that could be exercised perhaps through the Governor prescribing an operation for a specific time, place and geographical circumstances where matters could be exercised.*<sup>9</sup>

The Committee commends the WA Police, the CCC and the Government on their respective roles in planning and executing what was a very successful security operation – and indeed, the largest security operation ever conducted in Western Australia – during the 2011 Commonwealth Heads of Government Meeting.



Hon. Nick Goiran MLC

Chairman

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<sup>8</sup> Mr Chris Dawson, Deputy Commissioner and Mr Nick Anticich, Assistant Commissioner (Specialist Crime), WA Police, *Transcript of Evidence*, 9 December 2011, p 3.

<sup>9</sup> *ibid.*

# Appendix One

## Committee's functions and powers

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On 25 November 2008 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.

## Appendix Two

### Hearings

Date	Name	Position	Organisation
9 November 2011	Mr Mark Herron	Acting Commissioner	CCC
	Mr Mike Silverstone	Executive Director	CCC
	Mr Roger Watson	Director Corruption Prevention	CCC
	Mr Robert Sutton	Acting Director Operations	CCC
	Mr Paul O'Connor	Director Legal Services	CCC
	Ms Peta Mabbs	Director Corporate Services	CCC
9 December 2011	Mr Chris Dawson APM	Deputy Commissioner	WA Police
	Mr Nick Anticich APM	Assistant Commissioner (Specialist Crime)	WA Police