

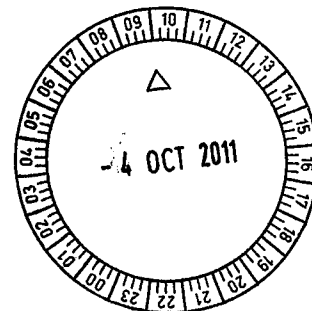


PSC | Public Sector
Commission
Office of the Commissioner

Our Ref: 64298
Your Ref: CDJ (A308654)

29 September 2011

Hon Adele Farina MLC
Chairman
Standing Committee on Uniform Legislation and Statutes Review
Parliament House
PERTH WA 6000



Dear Ms Farina

SUBMISSION TO THE INQUIRY INTO THE *CRIMINAL APPEALS AMENDMENT (DOUBLE JEOPARDY) BILL 2011*

I refer to your letter dated 13 September 2011 and thank you for the opportunity to provide a written submission for the inquiry into the *Criminal Appeals Amendment (Double Jeopardy) Bill 2011*. I am pleased to provide you with a response.


As you are aware, with the passage of the *Public Sector Reform Bill 2010*, my role as Public Sector Commissioner was redefined as an independent statutory office reporting directly to Parliament, with responsibility for the management, administration and performance of the public sector. My new role combines the previous functions of the Minister (in relation to public administration) and the Commissioner for Public Sector Standards (in relation to standards and conduct). I am now the employer of CEO's with responsibility for establishing, providing advice and monitoring compliance with the regulatory framework that applies to public sector bodies and employees, which includes standards of conduct and integrity.

I note that the scope of the proposed Bill is in line with the model agreed by COAG for reform of the right to silence. I understand that New South Wales, Queensland and Tasmania have already enacted similar legislation. I note that this Bill does not expand the concept of "administration of justice offences" as widely as has recently occurred in South Australia. The position in this Bill is however, consistent with the recommendation of the UK Law Commission's Report, *Double Jeopardy and Prosecution Appeals*, and in particular Recommendation 11 thereof.

That being said, my interest in this Bill is with the definition of "administration of justice offences", and more particularly, with the inclusion of section 82 of the *Criminal Code*. In principle, I support the definition as proposed and the inclusion within it of section 82. Given the standards of integrity and compliance imposed upon public officers, there is a strong public interest that a person should not be able to avoid culpability for their actions if they engage in conduct that will undermine the high standards of conduct required as a public officer where compelling new evidence comes to light.

I am therefore pleased to express support for the proposed Bill and acknowledge that these amendments will provide a platform for further generating an increase in public confidence in the integrity and conduct of public officers.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M C Wauchope', with a large, stylized initial 'M'.

M C Wauchope
PUBLIC SECTOR COMMISSIONER