



JUDGES' CHAMBERS
FEDERAL COURT OF AUSTRALIA

Commonwealth Law Courts

1 Victoria Avenue
PERTH

Western Australia 6000

Telephone: (08) 9268 7175

Facsimile: (08) 9325 7018

1 June 2016

Hon Nick Goiran, MLC
Chairman, Joint Standing Committee on the Corruption and Crime Commission
Legislative Assembly Committee Office
WA Parliament, Level 1, 11 Harvest Terrace
West Perth WA 6005

Via email: jscccc@parliament.wa.gov.au

Dear Mr Chairman,

Thank you for your invitation to express views concerning the workings of specific provisions of the governing legislation of the Corruption and Crime Commission.

There is one particular suggestion that I would make.

Rather than having two Acting Commissioners supporting the role of Commissioner, it may provide greater continuity for there to be an Assistant Commissioner or more if the need is there, working fulltime to support the Commissioner. Of course, that person would act in the Commissioner's absence in the same way as an Acting Commissioner presently does.

The reasoning behind this suggestion which I'm sure is not new to you, is that when or if there is an hiatus in the replacement of a Commissioner (which is generally understandable, given the importance of the appointment) Acting Commissioners can, on occasion, be left with extremely important functions to fill. If they are serving the role part-time and assuming that they are otherwise practitioners in substantial demand, the burden on them may be a little unrealistic. Perhaps more importantly, that arrangement may not produce the best result for the Commission by expecting part-time people to discharge what can be quite onerous responsibilities. There are then also questions, of course, as to how best to resolve which one of them should perform which tasks. The advantage of a full-time Assistant Commissioner would be the other side to the coin in each of those respects.

No doubt there are other issues which those who have served more recently than me will highlight.

I wish you well you in your review.

Yours sincerely

A handwritten signature in black ink, appearing to read "Neil McKerracher".

Hon. Justice Neil McKerracher