

Joint Standing Committee on the Corruption and Crime Commission

The post-CHOGM technological capability
of the WA Police

Report No. 23

Presented by

Hon Nick Goiran, MLC and John Hyde, MLA

Laid on the Table of the Legislative Assembly on 1 March 2012

Laid on the Table of the Legislative Council on 6 March 2012

Chairman's Foreword

In March 2010, while the Committee was conducting its inquiry into How the Corruption and Crime Commission can best work together with the Western Australian Police Force to combat organised crime, a number of senior officers of the WA Police – including the Deputy Commissioner, Mr Chris Dawson APM – informed the Committee that the technological capability of the WA Police was somewhat deficient. The Committee was told that the WA Police were well behind their state and federal counterparts in terms of technological capability, and indeed that in Western Australia the Corruption and Crime Commission possessed a suite of more useful and contemporary technology than the WA Police.

The Committee was deeply concerned at this revelation, especially in light of further evidence by the WA Police that certain technologies existed that were proven to aid the fight against organised crime. An example given by the WA Police – where a cross-border operation was compromised because the WA Police were not able to use the same technology as their counterparts in New South Wales and South Australia – was particularly troubling. Accordingly, in the report that was tabled in Parliament on 9 September 2010, the Committee brought this technological disparity to the attention of the Parliament, and recommended that the government consider devoting additional resources to the WA Police to ensure that the organised crime fighting capacity of the WA Police was comparable with other police forces around Australia.

A subsequent development occurred in June 2010, however, when I, in my capacity as a Member of the Legislative Council, attended a number of the Annual Budget Estimates Hearings 2010-11, convened by the Standing Committee on Estimates and Financial Operations. In particular, on 16 June 2010 senior officers of the WA Police attended before that committee to answer questions pertaining to the annual budget of the WA Police. During the hearing, discussion turned to the cost of providing security during the (then) upcoming Commonwealth Heads of Government Meeting, and it was revealed that the security operation would require the WA Police to procure a suite of technological assets. Having recently been informed about technological deficiencies within the WA Police, I asked Deputy Commissioner Dawson a series of questions to establish what effect the procurement of these assets would have on the technological capability of the WA Police in the aftermath of CHOGM.

I continued this line of questioning in a subsequent hearing of the Standing Committee on Estimates and Financial Operations in December 2010. Then, in June 2011, Hon Liz Behjat MLC took up this line of questioning in my absence. As a result, it became apparent that the technological assets procured to aid the security effort during CHOGM would be retained by the WA Police, and that as such the 2010 finding that the

WA Police were comparatively under-resourced in the fight against organised crime may have become obsolete.

Accordingly, I wrote to the WA Police Commissioner, Dr Karl O'Callaghan APM, in July 2011 to find out whether the Committee's 2010 finding would indeed soon be obsolete. The Committee received a response from Deputy Commissioner Dawson that stated that the WA Police were still – notwithstanding the legacy of CHOGM – comparatively under-resourced in the fight against organised crime. After considering this letter, the Committee convened a closed hearing with Deputy Commissioner Dawson and Assistant Commissioner (Specialist Crime) Nick Anticich APM on 9 December 2011.

During that hearing the Committee was informed that, as a result of CHOGM, the WA Police had procured or were in the process of procuring a suite of technological assets that would see the technological capability of the WA Police at least match that of their interstate and federal counterparts. It would also mean that the WA Police would possess technological capability at least equal to that of the CCC. The Committee regards this legacy of CHOGM as a most satisfactory development and congratulates the Government for achieving this. However, it must also follow that as a consequence of this CHOGM legacy there cannot be said to be any technology-based reason for the CCC to be given an enhanced organised crime fighting jurisdiction in conjunction with the WA Police.

Of continuing concern, however, is evidence that despite this increased technological capability, the WA Police remain relatively under-resourced in the fight against organised crime, in comparison to their interstate and federal counterparts. It is apparent that a lack of human resources – and in particular, human resources that are able to be dedicated to the Specialist Crime portfolio, and effectively “quarantined” off from performing other police duties – is the source of this problem.

As such, the Committee believes that devoting additional resources to the fight against organised crime by enhancing the human resource capacity of the Specialist Crime portfolio would significantly benefit Western Australian society.

A handwritten signature in blue ink, consisting of a stylized 'N' and 'G' with a horizontal line extending to the right.

HON NICK GOIRAN MLC
CHAIRMAN

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Ministerial Response

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Committee directs that the Attorney General and the Minister for Police report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.

Findings and Recommendations

Finding 1

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As a direct legacy of CHOGM, the technological capability of the WA Police is now at least equal to that of their interstate and Federal counterparts across Australia.

Finding 2

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The technological capability of the WA Police is now at least equal to that of the Corruption and Crime Commission. Consequently, there is no longer any technological justification for the CCC to become directly involved in the fight against organised crime in Western Australia.

Recommendation 1

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Additional resources should be devoted to the WA Police on the condition that these resources are used to enhance the human resource capacity of the Specialist Crime portfolio.

Chapter 1

The technological capability of the WA Police

Evidence before the Committee in 2010

During 2010, while the Committee was in the process of conducting its inquiry into How the Corruption and Crime Commission can Best Work Together with the Western Australian Police Force to Combat Organised Crime, a number of hearings were convened at which senior officers of the WA Police attended and gave evidence.¹ While those hearings covered a range of topics, a somewhat worrying theme emerged concerning the technological capability of the WA Police:

Certain technologies are now available to other law enforcement agencies throughout Australia that WA Police do not have access to.

Assistant Commissioner Nick Anticich, 24 March 2010

The reality of it is that the capabilities we have technically to assist in investigations is continually under huge demand and it is being stretched.

Deputy Commissioner Chris Dawson, 31 March 2010

In my estimation we [the WA Police] have a long way to go to get to where our other law enforcement agencies, such as the New South Wales Crime Commission and [Operation] Purana over in Victoria, are at.

Detective Superintendent Charlie Carver, 2 August 2010

This evidence led the Committee to include the following finding in its report to Parliament, which was tabled on 9 September 2010:

¹ Specifically, closed hearings were convened on 24 March 2010, 31 March 2010, 23 June 2010 and 2 August 2010. For a list of witnesses who attended these hearings, see Appendix Six of Report 10 of the Joint Standing Committee on the Corruption and Crime Commission, *How the Corruption and Crime Commission can best work together with the Western Australian Police Force to combat organised crime*, tabled 9 September 2010.

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Finding 4

- 4.1 *The WA Police are under-resourced in combating organised crime compared to their State and Commonwealth counterparts.*
- 4.2 *Certain technologies to combat organised crime are now available to other law enforcement agencies throughout Australia that the WA Police do not have access to, and that this deficiency will not be remedied by the Reference Group Model.*

That the WA Police were relatively under-resourced in terms of their technological capability – especially in relation to the fight against organised crime – was one of the central assertions put to the Committee as to why the Corruption and Crime Commission should be given the jurisdiction to directly investigate organised crime. A fundamental aspect of this argument was the fact that the CCC possessed certain technologies that were at the time not available to the WA Police. The Committee, however, was not persuaded by this argument, and recommended instead that if the government had determined that the fight against organised crime in Western Australia was a priority, any additional funding should be directed to the WA Police for enhancing the technological capability of the Specialist Crime portfolio.

Security provisions for the 2011 Commonwealth Heads of Government Meeting

Prior to the report being tabled, however, it became apparent that the security arrangements for the impending Commonwealth Heads of Government Meeting would necessitate an enhancement to the technological capability of the WA Police.

16 June 2010

On 16 June 2010, Deputy Commissioner Chris Dawson and a number of his senior colleagues from the WA Police appeared as ministerial advisors before the Standing Committee on Estimates and Financial Operations for the *Annual Budget Estimates Hearings 2010-11*. During that hearing Hon Ken Travers MLC enquired as to the additional cost to the WA Police for the 2010-11 and 2011-12 financial years as a result of Western Australia's hosting of CHOGM; though unable to give a definitive response at that time, Deputy Commissioner Dawson did disclose that "a lot of assets will be required to provide an appropriate level of security," and that in most instances the WA Police would need to procure these assets.

Having recently heard that the WA Police were not in possession of certain crime-fighting technologies, and that the technologies that were available to the WA Police were "continually under huge demand and... being stretched," this discussion piqued

the interest of the Chairman of the Joint Standing Committee on the Corruption and Crime Commission, Hon Nick Goiran MLC, and the following exchange took place between Hon Mr Goiran and Mr Dawson (emphasis added):

Hon NICK GOIRAN: *Just to follow on from the topic started by Hon Ken Travers on capital expenditure, in the response from the deputy commissioner he mentioned the desire not to have to purchase capital items on a one-off basis. I am curious as to whether there are any items in that list of identified capital items that would be of use to WA Police on an ongoing basis rather than a one-off basis.*

Mr Dawson: *The answer is yes... By way of example, if we are to provide close personal protection for internationally-protected persons, we have an estimated 55 heads of state attending Perth for that conference. To provide the required level of dignitary protection would require those officers to be provided with specialised equipment.²*

Deputy Commissioner Dawson went on to explain, however, that the volume of equipment required for providing security during CHOGM might exceed the post-CHOGM requirements of the WA Police, and that if this were the case some of this equipment would likely be distributed throughout Australia to other law enforcement agencies where it could be put to use. This response led to further questioning by Hon Mr Goiran:

Hon NICK GOIRAN: *I take the point that the volume of that equipment would not make that commercially viable or sustainable in the long term. But would not a small portion of that volume still be useful on an ongoing basis?*

Mr Dawson: *Very much so, and we would see that as a legacy benefit of CHOGM.*

Hon NICK GOIRAN: *Is it the case, then, that there will be some expenditure to purchase or acquire some items that we as a state do not presently have, but we will acquire a small number of those assets for the long-term?*

2 Hon Peter Collier MLC, Minister for Energy representing the Minister for Police, and Mr Chris Dawson, Deputy Commissioner, Mr Greg Italiano, Executive Director, Mr Philip Michael de Mamiel, Director of Finance, and Mr James Gary Lord, Director (Asset Management), WA Police, *Transcript of Evidence – Annual Budget Estimates Hearings 2010-11*, 16 June 2010, p 23.

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Mr Dawson: *I have an expectation that there will be a number of assets that we will be able to retain post-CHOGM and that will be of ongoing and enduring use for WA Police.*³

Having established that the need to provide adequate security to visiting dignitaries during CHOGM represented an excellent opportunity to significantly enhance the technological capability of the WA Police, Hon Mr Goiran then sought to establish the extent of the technological upgrade that would be sought:

Hon NICK GOIRAN: *My last question on this line of inquiry is, post-CHOGM, if at that point we now have as a state some technologies and assets that we do not presently have, would you be in a position to assess whether the assets and technologies of WA Police would then match those of our counterparts in other jurisdictions?*

[...]

Mr Dawson: *I would be seeking that; yes, we would.*⁴

10 December 2010

Hon Mr Goiran continued this line of questioning on 10 December 2010 when the WA Police Commissioner, Dr Karl O’Callaghan, appeared before a subcommittee of the Standing Committee on Estimates and Financial Operations as a part of that Committee’s ongoing inquiry into *Agency Annual Reports for 2009/10*.

Hon NICK GOIRAN: *I am very interested in the issue of resourcing, particularly with the CHOGM conference coming up next year. When this committee had, I think it is the mid-year review of estimates, you were unavailable on that day, but I was asking questions of the assistant commissioner in relation to this issue of CHOGM, because my understanding is that, as presently the situation stands, the Western Australian police force do not have the same level of investigative technologies as their eastern states counterparts—there is a deficiency there. The questioning that I had with the assistant commissioner was along the lines of, “If you are going to have the CHOGM conference, presumably we will have to have absolutely every type of conceivable technology available for that purpose and of course that is only a week or so, that particular conference. He indicated, “Yes, that was the*

³ Hon Peter Collier MLC, Minister for Energy representing the Minister for Police, and Mr Chris Dawson, Deputy Commissioner, Mr Greg Italiano, Executive Director, Mr Philip Michael de Mamiel, Director of Finance, and Mr James Gary Lord, Director (Asset Management), WA Police, *Transcript of Evidence – Annual Budget Estimates Hearings 2010-11*, 16 June 2010, p 24.

⁴ *ibid.*

case.” And I asked him, “Why is it not the case that after CHOGM concludes that we can retain some of those technologies that we currently do not have?”

[...]

Could you give this committee any confidence at this particular point in time—I appreciate there is still water to go under the bridge—but in your opinion would you say that you feel that one of the legacies of CHOGM will be that the Western Australia Police force will have access to all of the technologies post CHOGM that it does not have at the moment?

Dr O’Callaghan: What I can say is the government here has funded the WA police to purchase some of the equipment we are talking about. I will not go into the specifics in this forum, but they have done that. We are very confident that we will obtain that very shortly. I am confident that we will get some money from the commonwealth. Exactly what it is and what we can spend it on, I do not know yet. I have also had dialogue with the Australian Crime Commission about access to some of their equipment both for CHOGM and for this type of investigation as well.

Hon NICK GOIRAN: But will it be retained? What I do not want to see happen is that CHOGM comes to Perth, goes, and at the end of that the Western Australia Police force still does not have all of the technologies that its eastern states counterparts have. That would be very unsatisfactory.

Dr O’Callaghan: We will be advocating very strongly that it is retained. There does not seem to be a lot of point in purchasing new equipment and then returning it afterwards. It is highly specialised equipment, too, so it has a limited market, if you like, in Australia.⁵

5 Dr Karl O’Callaghan, Commissioner, Mr Mick de Mamiel, Director of Finance and Mr Bart Lethlean, Manager Business Information and Statistics, WA Police, *Transcript of Evidence – 2009-10 Agency Annual Reports*, 10 December 2010, pp 8-9.

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27 June 2011

Finally, on 27 June 2011 Deputy Commissioner Dawson again appeared before the Standing Committee on Estimates and Financial Operations, for the *2011/12 Budget Estimates Hearings*. During that hearing, the following exchange took place between Deputy Commissioner Dawson and Hon Liz Behjat:

Hon LIZ BEHJAT:...I just wanted to remind Deputy Commissioner Dawson of what he said last year in estimates to Hon Nick Goiran in response to questioning from him with regard to the retention by WAPOL of the technologies obtained for the purposes of CHOGM, which were at that stage the subject of negotiations with the commonwealth government and were going to be seen as a legacy benefit of CHOGM. He again followed up in December at the agency annual report hearings, and you indicated then that you would advocating very strongly that those technologies be retained... Through you, minister, probably to Deputy Commissioner Dawson, perhaps you could just provide us with an update on the status of those negotiations.

[...]

Mr Dawson: In regard to information and communications technology and the total amount that the Western Australian government has been able to secure, the Minister for Police, Hon Rob Johnson, made a public statement that over \$40 million had been allocated in totality. Of that, there is a breakdown in the various schedules. I would have to take on notice the specific amount, but I can talk in terms of the Maylands command centre, which has been set up specifically to coordinate a lot of the security in policing operations. There is an allocation of about \$1.1 million, which has been specifically dedicated to ICT within the command centre itself. Further to that, we have closed-circuit television. Again, if you wanted specific amounts, we would have to get a breakdown in terms of how much is being spent or procured, but it would certainly be in the order of several million dollars for communications technology. Further to that, there are surveillance technologies and some other specialist technologies, which will assist our various areas. In regard to the legacy issues, we are not under any pressure from any agency or government about having to unbolt and redistribute that technology. In fact, it would probably be cost prohibitive to actually dismantle the information and communications technology, for instance, out at the Maylands command centre. So, our intention is that it would, once it is up and

running, remain as an ongoing coordination centre for any large-scale police operations.

Hon LIZ BEHJAT: *And that would include any technology that you currently do not have that will be new technology specifically for the purpose of CHOGM. There is no pressure on you to unbolt that and redistribute it?*

Mr Dawson: *No, there is no pressure at all in regard to that.*⁶

On the strength of this evidence, it appeared to the Committee that:

- in the lead-up to CHOGM, the WA Police had obtained a significant quantum of new technological assets;
- while these assets were obtained so as to enhance the provision by the WA Police of security to dignitaries during CHOGM, these assets could also usefully aid the fight against organised crime in Western Australia; and
- post-CHOGM, these technological assets (to the extent needed) would be retained by the WA Police.

It therefore appeared to the Committee that its earlier finding – that the WA Police were under-resourced in combating organised crime compared to their State and Commonwealth counterparts – had become obsolete. Accordingly, the Committee wrote to Commissioner O’Callaghan, asking him to confirm whether or not the Committee’s finding had indeed become obsolete.

The Committee received a reply from Deputy Commissioner Dawson in the following terms:

In relation to the evidence provided before the hearing of the Standing Committee on Estimates and Financial Operations on 27 June 2011, I responded to questions in regard to legacy issues and, specifically, can confirm that while Western Australia Police have been resourced in the Policing Operation Demille⁷ for CHOGM 2011, assets such as improved CCTV, communications and similar assets will be able to supplement existing efforts against organised crime. It remains the case that

6 Hon Peter Collier MLC, Minister for Energy representing the Minister for Police, and Dr Karl O’Callaghan, Commissioner, Mr Chris Dawson, Deputy Commissioner, Mr Stephen Brown, Acting Deputy Commissioner, Mr Greg Italiano, Executive Director, Mr Mick de Mamiel, Director of Finance, Mr Gary Lord, Director (Asset Management) and Mr Craig Ward Assistant Commissioner (Business Technology), WA Police, *Transcript of Evidence – 2011-12 Budget Estimates Hearings*, 27 June 2011, pp 3-4.

7 *Operation Demille* was the operational name for the security operation during CHOGM.

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*Western Australia Police are comparatively under-resourced in combating organised crime when compared to State and Commonwealth counterparts; however, the assets procured for CHOGM 2011 will greatly enhance our capabilities.*⁸

Having considered the Deputy Commissioner's letter, the Committee resolved to seek the attendance of Mr Dawson and that of Assistant Commissioner Nick Anticich before a closed hearing on 9 December 2011. Specifically, the Committee sought to clarify the specific technological capability of the WA Police post-CHOGM, and to understand how it could remain the case that the WA Police are comparatively under-resourced in combating organised crime when compared to their counterparts in other states.

Hearing with the WA Police on 9 December 2011

The Committee Chairman introduced the topic of conversation by explaining to Deputy Commissioner Dawson and Assistant Commissioner Anticich that the Committee was keen to ascertain the extent of the legacy of CHOGM on the technological capability of the WA Police:

***Hon NICK GOIRAN:** ...The reason for the line of inquiry this morning is to ascertain whether those findings [made by the Committee in its 2010 report to Parliament] are still current and accurate given that CHOGM has now passed, because this committee wants to ensure that the Parliament has the most current and up to date information at its disposal next year when inevitably it will discuss what reforms are going to take place with respect to the Corruption and Crime Commission.*

[...]

*It appears that finding 4.1 is still accurate and current; that is, the WA Police are under-resourced in combating organised crime compared to their commonwealth and state counterparts. Certainly, that was the response in the letter. What I am still not clear on is in relation to the second matter in terms of the technologies that may have been acquired as a legacy of CHOGM. Are you in a position this morning to indicate to us whether there remain any technologies that are no longer at your disposal?*⁹

8 Mr Chris Dawson, Deputy Commissioner, WA Police, *Letter to the Joint Standing Committee on the Corruption and Crime Commission*, 28 September 2011.

9 Mr Chris Dawson, Deputy Commissioner and Mr Nick Anticich, Assistant Commissioner (Specialist Crime), WA Police, *Transcript of Evidence*, 9 December 2011, pp 5-6. On 29 November 2011 Premier Colin Barnett MLA tabled in Parliament a document entitled *Commonwealth Heads of*

The situation was clarified by Deputy Commissioner Dawson, who explained that the preparing for and providing security to dignitaries during CHOGM had required the WA Police to either procure or borrow a suite of new technological assets; that those assets that had been procured would be retained by the WA Police, and that as of December 2011 the WA Police had begun the process of procuring for themselves those assets that had been borrowed during CHOGM:

***Mr Dawson:** ...In regard to the broad capabilities and technologies in terms of the original finding 4.1 as to our capability, I do not move away from the position that we put at that particular time that we were, comparatively and practically speaking, underdone in terms of our, certainly, technical capability. However, CHOGM provided a platform by which we were able to build and retain. But there has been—I am happy to confirm this—no call whatsoever from the commonwealth and/or other agencies to say, “Please unbolt and please return”, because they were procured under state procurement.*

[...]

Some [of the new technological assets] specifically came via CHOGM, some we have been in the process of procuring through the confiscation of crime assets trust account, some we have sourced through our own recurrent expenditure, and there is, as recently as last week, further procurement occurring particularly in regard to telecommunications. So I do not wish to let the committee think that there was that moment in time, CHOGM solved it all and we are now best placed. I qualify this by saying that there are specific technologies that we had on loan during CHOGM that we are in the process of procuring now.

[...]

On the telecommunications equipment, we also brokered an arrangement with another national law enforcement body in which those assets have been available—indeed, for instance, to the Corruption and Crime Commission, not WA Police—for some period of time. There are also, in that particular space, other law enforcement bodies that have had access to them for a number of years, and we

Government Meeting 2011 – Summary of Estimated Costs to the Western Australian Government, which detailed the estimated costs of each of the services associated with hosting CHOGM. An excerpt from this document, detailing the estimated costs associated with the security operation carried out by the WA Police is reproduced at Appendix One of this report.

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*have had to borrow. We are now in the procurement phase to permanently have those at WA Police.*¹⁰

Hon Mr Goiran then took the opportunity to summarise the present-day situation:

Hon NICK GOIRAN: *I guess, if I am hearing from you today, the legacy of CHOGM is that, although prior to CHOGM not all technologies were available to WA Police, virtually all technologies today are available and those that are not are in the procurement process.*

Mr Dawson: *That is correct.*¹¹

The Committee regards this as an excellent outcome, and makes the following finding:

Finding 1

As a direct legacy of CHOGM, the technological capability of the WA Police is now at least equal to that of their interstate and Federal counterparts across Australia.

The Committee Deputy Chairman, Mr John Hyde MLA, then enquired as to the technological capability of the WA Police relative to the Corruption and Crime Commission in the aftermath of CHOGM:

Mr J.N. HYDE: *I guess the key takeout from today is that whereas when we had [WA Police Detective Superintendent] Charlie Carver in here [before the Joint Standing Committee on the Corruption and Crime Commission in August 2010]¹² and we were privy to some of the technology that you did not have at that stage, what we have heard today is that the CCC no longer has technologies or capabilities that you either do not have or you are about to get.*

Mr Anticich: *That would be true.*¹³

The Committee regards this as an excellent outcome, and makes the following finding:

Finding 2

The technological capability of the WA Police is now at least equal to that of the Corruption and Crime Commission. Consequently, there is no longer any technological justification for the CCC to become directly involved in the fight against organised crime in Western Australia.

10 Mr Chris Dawson, Deputy Commissioner and Mr Nick Anticich, Assistant Commissioner (Specialist Crime), WA Police, *Transcript of Evidence*, 9 December 2011, p 6.

11 *ibid.*, pp 6-7.

12 Closed hearing of JSCCC 2 August 2010 with Detective Supt. Charlie Carver and Acting Detective Inspector Pete Davies of Serious and Organised Crime Division.

13 *ibid.*, p 10.

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The fight against organised crime in Western Australia

A question of resources

As stated earlier, in 2010 – while the Committee was engaged in its inquiry into How the Corruption and Crime Commission can best work together with the Western Australian Police Force to combat organised crime – one of the fundamental arguments put to the Committee as to why the jurisdiction of the CCC should be increased so as to enable it to directly investigate organised crime was that the technological capability of the CCC far exceeded that of the WA Police. Despite seeing some merit in this argument, ultimately the Committee was not persuaded that a disparity in technological assets would justify altering the focus of the CCC. Furthermore, as it is now the case that the technological capability of the WA Police is now at least equal to that of the CCC, this argument falls away entirely.

Yet though the enhanced technological capability of the WA Police in 2012 is a pleasing development, the Committee remains concerned that the WA Police are still under-resourced in combating organised crime compared to their State and Federal counterparts. This is so for two distinct reasons: primarily, international crime statistics demonstrate an inverse relationship between the prevalence of organised crime in a society and the quantum of resources devoted to law enforcement efforts in that society. Indeed, the following observation is offered by Edgardo Buscaglia and Jan van Dijk of the United Nations Office on Drugs and Crime:

When countries introduce training and organizational control of decision-making processes through specialized anti-organized crime units (i.e. higher levels of training allocated to their anti-organized crime officers and prosecutors), significant reductions in organized crime can be observed.¹⁴

That a lack of police resources is an established cause of police corruption is also of significant concern to the Committee. There exists a significant body of literature describing what has variously been termed “process” or “noble cause” police corruption, wherein police officers, lacking the resources to achieve departmental

14 Edgardo Buscaglia and Jan van Dijk, “Controlling Organized Crime and Corruption in the Public Sector,” *Forum on Crime and Society*, vol. 3 Nos. 1 and 2, December 2003. Available at <http://www.unodc.org/pdf/crime/forum/forum3_Art1.pdf> (Accessed 6 February 2012).

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objectives, subvert police procedure so as to enforce the law. In a seminal paper entitled “The Dirty Harry Problem,” Professor Carl Klockars noted that:

the more competent a policeman is at the use of legal means, the less he will be obliged to resort to dirty alternative. Likewise, the [police] department that trains its policemen well and supplies them with the resources – knowledge and material – to do their work will find that the policemen who work for them will not resort to dirty means...¹⁵

As has been noted by Klockars and numerous others, the problem with “noble cause” police corruption is that when police officers do not follow procedure (for whatever reason), proper law enforcement becomes impossible. Certainly it would be concerning to all citizens of Western Australia if officers of the WA Police were forced to take shortcuts to achieve their objectives by virtue of a relative lack of resources.

As Deputy Commissioner Dawson explained to the Committee, technological resources are one of two important resources in the fight against organised crime – with adequate human resources being equally important. According to Deputy Commissioner Dawson, success in the fight against organised crime is largely dependent upon the ability of law enforcement agencies to dedicate investigators to specific operations, and to effectively “quarantine” those investigators from having to perform other tasks. The Deputy Commissioner gave a contemporary example of why this often presents a challenge to the WA Police:

Mr Dawson: ... it is really about the dedication and quarantining of investigative effort... I will use one tragic recent example of Monday last week—I am using a different element of policing—and they are tragic events where we had four persons who lost their lives, three up in the Midwest–Gascoyne and one in Perth all on one day. We then had teams from both forensic and major crime investigations who—the way I would explain it—had to desist and down tools on all the other work that they were doing to dedicate in one day an effort for four homicides. That meant that their diversion from what they were doing earlier in that day and for a matter of weeks after diverts them from very important and just-as-critical investigations.

[...]

¹⁵ Carl B. Klockars, “The Dirty Harry Problem,” *Annals of the American Academy of Political and Social Science*, Vol. 452, The Police and Violence. (No., 1980), pp 33-47; p 41.

*We are not unique in that space, but we do not have the long-term, targeted, strategic effort at a particular crime group that cannot otherwise be distracted because of what comes in the door.*¹⁶

When asked what would represent an adequate level of resources, Assistant Commissioner Anticich said:

Mr Anticich: *You can never, I think, throw too many resources at this particular problem.*

[...]

*To be brutally frank, I think we [the WA Police] perhaps overstate our effectiveness against organised crime in this state. We deal with what we know quite effectively. What we know we do not know scares me, because I am of the belief that we are being penetrated by interstate and overseas criminal syndicates and we do not have absolute visibility on it. Every now and again we see excerpts or shards of light that tell us we have got big problems here and it sheds some light into the enormity of the problem. But if we are not looking and we do not have an agency set aside to specifically gather intelligence around it, we are at a loss.*¹⁷

Organised crime and society

Organised criminals are individuals who have effectively rejected the concept of belonging to society; their every decision is based solely upon what benefits themselves most, and they invest significant resources developing strategies aimed at avoiding detection and arrest. As such, policing organised crime is a notoriously difficult undertaking – an undertaking that is made even more complex by the fact that it is perhaps just as difficult to adequately quantify the societal threat posed by organised criminals.

As Assistant Commissioner Anticich informed the Committee, the full extent of organised crime in Western Australia (as it is in any society) is effectively impossible to measure. What is known, however, is that organised crime – by virtue of the fact that it is financed by the market for illegal drugs – is also the stimulus for a significant proportion of criminal activity in general:

Mr Anticich: *In order for us to understand and attack organised crime, it is predicated on intelligence and information that we have to glean*

¹⁶ Mr Chris Dawson, Deputy Commissioner and Mr Nick Anticich, Assistant Commissioner (Specialist Crime), WA Police, *Transcript of Evidence*, 9 December 2011, p 7.

¹⁷ *ibid.*, pp 9-10.

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through our own capabilities. This is where the technology, the surveillance and the intelligence gathering processes come into play. That is the very nature of this beast that we are trying to tackle. The enormity cannot be understated. I spoke to the deputy on the way here; you could shut down the serious and organised crime division tomorrow and the immediate impact would be virtually zero. There would not be unhappy complainants who would come forward and say, "No-one is treating our problem." But the downstream impact would be absolutely horrendous. We would see crime burgeoning and growing.

What we are able to do in our particular capacities now is suppress growth. We are a magnet at this particular point in time not only for legitimate business but also illegitimate business. We are fighting a continuous wave of organised crime trying to get into this state.¹⁸

The Committee believes strongly that the correct body to be the "agency set aside to gather intelligence" to aid in the fight against organised crime in Western Australia should be the WA Police, and specifically the Specialist Crime portfolio. While there is no doubt that the CCC would itself have a positive impact in the fight against organised crime if its jurisdiction were expanded, this would come at the expense of authentically independent oversight of the WA Police. It is the strong view of the Committee that this would be unacceptable; indeed, while the CCC might have a positive impact in the fight against organised crime, there would exist the very real possibility that the overall fight against organised crime in Western Australia would be diminished due to the absence of police oversight.

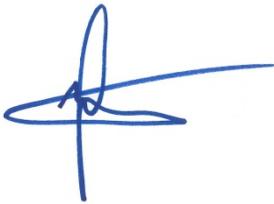
Accordingly, the Committee concludes that given the government regards the fight against organised crime in Western Australia as a priority – and clearly it should be a priority – it would be appropriate to devote greater resources to the WA Police with the caveat that these resources must be invested into the Specialist Crime portfolio,

¹⁸ Mr Chris Dawson, Deputy Commissioner and Mr Nick Anticich, Assistant Commissioner (Specialist Crime), WA Police, *Transcript of Evidence*, 9 December 2011., p 9.

rather than spending resources that increase the jurisdiction of the CCC. The legacy of CHOGM now only serves to further underscore this conclusion. Accordingly, the Committee makes the following recommendation:

Recommendation 1

Additional resources should be devoted to the WA Police on the condition that these resources are used to enhance the human resource capacity of the Specialist Crime portfolio.

A handwritten signature in blue ink, consisting of a stylized 'N' and 'G' followed by a horizontal line extending to the right.

Hon Nick Goiran MLC
Chairman

Appendix One

Hearings

Date	Name	Position	Organisation
9 December 2011	Mr Chris Dawson APM	Deputy Commissioner	WA Police
	Mr Nick Anticich	Assistant Commissioner (Specialist Crime)	WA Police

Appendix Two

Excerpt from tabled paper *Commonwealth Heads of Government Meeting 2011 – Summary of estimated costs to the Western Australian Government*

The following table is an excerpt from a document tabled by Premier Colin Barnett MLA in the Legislative Assembly on 29 November 2011 (tabled paper No. 4296). All figures are estimated costs, and it is expected that all of these costs will be reimbursed by the Commonwealth Government under a National Partnership Agreement.

Item	Estimated Cost
Forward recruitment	\$6,390,000
Catering	\$638,000
Staff costs	\$6,725,000
Accommodation	\$2,140,000
Air travel	\$977,000
Air support	\$2,469,000
Maritime support	\$295,000
Vehicle costs	\$2,519,000
Operational equipment	\$4,360,000
Training	\$1,547,000
Exercising	\$340,000
Traffic / security	\$100,000
Staging area / command posts	\$3,465,000
Information technology	\$1,795,000
Closed circuit television	\$1,995,000
Communications	\$400,000
Operating costs	\$761,000
Business continuity	\$3,875,000
Security total	\$40,791,000

Appendix Three

Committee functions and powers

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.