



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

**ANNUAL REPORT 2010 - 2011**

**Report No. 19  
in the 38<sup>th</sup> Parliament**

**2011**

Published by the Legislative Council and Legislative Assembly, Parliament of Western Australia, Perth, September 2011.



Joint Standing Committee on the Corruption and Crime Commission

Annual Report 2010 - 2011

ISBN: 978-1-921865-28-2

(Series: Western Australia. Parliament. Legislative Assembly. Committees.  
Joint Standing Committee on the Corruption and Crime Commission. Report 19)

328.365



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**ANNUAL REPORT 2010 - 2011**

**Report No. 11**

Presented by:

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

Laid on the Table of the Legislative Council and Legislative Assembly  
on 22 September 2011

## COMMITTEE MEMBERS

<b>Chairman</b>	Hon Nick Goiran, BCom, LLB, MLC Member for the South Metropolitan Region
<b>Deputy Chairman</b>	John Hyde, BA, DipEd, JP, MLA Member for Perth
<b>Members</b>	Frank Alban, MLA Member for Swan Hills  Hon Matt Benson-Lidholm, BA, DipEd, JP, MLC Member for Agricultural Region

## COMMITTEE STAFF

<b>Principal Research Officer</b>	John King, MEd, BA, Grad. DipEd (from 8.8.11)  Dawn Dickinson, BSc (Hons), MURP (from 4.4.11 until 15.7.11)  Scott Nalder, BJuris (Hons), LLB, BCL (Oxon) (until 1.4.11)
<b>Research Officer</b>	Emma Clegg, BA, MCrim (from 1.8.11)  Michael Burton, BEc, BA (Hons)

## COMMITTEE ADDRESS

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## COMMITTEE'S 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.

## CHAIRMAN'S FOREWORD

The Joint Standing Committee on the Corruption and Crime Commission has completed a productive twelve months, a period in which the Committee has made a total of five reports to Parliament and, in so doing, provided the Parliament of Western Australia with a wealth of information pertaining to a wide range of matters.

Of these reports, three were associated with inquiries conducted by the Committee, while the remaining two were associated with the discharge of the Committee's primary function, which is to 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.<sup>1</sup> The Committee also dealt with a number of enquiries pertaining to the work of either the CCC or the Office of the Parliamentary Inspector as raised by members of the public.

Having spent the majority of 2010 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*, the Committee tabled its associated report on 9 September 2010.<sup>2</sup> In that report, the Committee recommended that the CCC's jurisdiction should not be increased to allow it to directly investigate organised crime, as any such extension of its jurisdiction would compromise the authentic independence of the CCC with respect to the WA Police, and therefore the CCC's important police oversight role.

Among other findings and recommendations, this conclusion was reasserted by the Committee in two further reports tabled in the first half of 2011, being the Committee's *Analysis of Recommended Reforms to the Corruption and Crime Commission Act 2003*,<sup>3</sup> and the Committee's report on the *Corruption Risks of Controlled Operations and Informants*.<sup>4</sup> The first of these reports represented the culmination of a sustained effort by the Committee to analyse each of the 58 recommendations for reform to the CCC Act contained in a report prepared by Ms Gail Archer SC that was tabled in Parliament in March 2008, following a statutory review of the Act. The Committee is hopeful that its analysis of the recommendations made by Ms Archer SC will prove to be a useful aid to Parliament if and when the government seeks to amend the Act.

The Committee's report on the *Corruption Risks of Controlled Operations and Informants* arose out of the Committee's earlier inquiry into *How the Corruption and Crime Commission can Best Work Together with the Western Australian Police Force to Combat Organised Crime*. In the course of conducting the earlier inquiry, the Committee learned that the investigation of organised crime necessitates the use of controlled operations and informants - practices for which there exist significant inherent corruption risks, and risks to public safety. Accordingly, and under the assumption that the Government still intended to pursue a significant change in the focus of the

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<sup>1</sup> The Committee's functions are described in Standing Order 289 of the Legislative Assembly.

<sup>2</sup> The Committee's 10<sup>th</sup> report in the current Parliament.

<sup>3</sup> The Committee's 13<sup>th</sup> report in the current Parliament.

<sup>4</sup> The Committee's 15<sup>th</sup> report in the current Parliament.

CCC, the Committee set out to familiarise itself with the best practices for managing the risks inherent to the use of informants and controlled operations. To this end, the Committee visited a number of key law enforcement and anti-corruption agencies in Victoria and New South Wales in November 2010. In reporting to Parliament at the conclusion of this inquiry, the Committee stated its belief that the CCC's most important function is to ensure that the work and role of the WA Police is not hampered by corruption, and recommended an amendment to the Act to make this more explicit.

On 18 November 2010 the Committee tabled its twelfth report, entitled *Report of the Parliamentary Inspector Concerning Procedures Adopted by the Corruption and Crime Commission Relating to Surveillance Devices*. In accordance with the convention established following the tabling of this Committee's second report to Parliament, after receiving a report from the Parliamentary Inspector, the Honourable Chris Steytler QC, on 15 September 2010, the Committee convened a closed hearing with the Parliamentary Inspector on 11 October 2010 and the report was discussed. At the conclusion of the hearing the Committee resolved to table the report in Parliament, along with the CCC's response to the report (as had been provided to the Parliamentary Inspector) and the transcript of the Committee's hearing with the Parliamentary Inspector.

Unfortunately the work of the Committee was marred by tragedy in September 2010 when it came to light that a witness had committed suicide two days before his scheduled appearance before a public hearing of the CCC. As the man had been under covert surveillance by the CCC, the Committee responded by calling the then Commissioner, the Honourable Len Roberts-Smith RFD QC, and the Parliamentary Inspector before a hearing of the Committee, and issuing a formal reference to the Parliamentary Inspector pursuant to section 195(2)(d) of the *Corruption and Crime Commission Act 2003* seeking an urgent investigation into what the CCC knew about the circumstances of this matter prior to the man's suicide. The Parliamentary Inspector undertook a thorough investigation with the complete co-operation of the CCC, and the Committee convened a number of hearings with the Parliamentary Inspector during the summer recess before providing a report to Parliament on the matter on 24 February 2011.

On 31 January 2011 the then CCC Commissioner retired from his role, with the Committee acknowledging the service given by the Commissioner since he took on the role in June 2007. Unfortunately as yet no appointment has been made in replacement. On 21 January 2011, however, as required under sections 9 and 14 of the CCC Act, the Committee met with Mr Mark Herron and Ms Michelle Hullett, who had been recommended as appointments to the position of Acting CCC Commissioner by the Premier, Hon Colin Barnett MLA. The Committee unanimously resolved to support these appointments.

The Committee continues to work on its three current inquiries, into the use of public examinations by the CCC, the way that the CCC processed allegations and notifications of police misconduct, and whether the CCC ought to have a role in investigating unexplained wealth and recovering proceeds of crime. In support of the first of these three inquiries, the Committee convened an initial series of three public hearings in May and June 2011, with further public hearings to take place later in 2011.



As Committee Chairman, I would like to take this opportunity to thank all the witnesses who appeared before the Committee over the past twelve months, as well as my fellow Committee Members and the staff of the Committee, whose support and professionalism is much appreciated.

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

HON NICK GOIRAN, MLC  
CHAIRMAN

## CHAPTER 1 - COMMITTEE ACTIVITIES

### Introduction

During the course of this reporting period (Table 1), the Committee:

- met 41 times in total;
- held four public hearings;
- held 11 closed hearings;
- met for nine briefings;
- undertook investigative travel to Sydney, Hobart and Melbourne and met with the Commissioners and senior staff of nine of Australia's premier law-enforcement and anti-corruption agencies;
- was represented by the Chairman and Deputy Chairman at the 4<sup>th</sup> global conference of the Global Organization of Parliamentarians Against Corruption in Mexico City, Mexico; and
- tabled five reports in Parliament.

**Table 1**

**Summary of Committee activities: 1 July 2010 - 30 June 2011**

Total meetings	41
Formal evidence hearings	15 (11 closed; 4 public)
Witnesses appearing	33
Briefings	9
Persons who provided briefings	32
Reports tabled	5

## Public Hearings

Pursuant to Assembly Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2010 - 30 June 2011, the Committee conducted four public hearings, taking evidence from six witnesses to assist with its investigations.<sup>5</sup>

**Table 2**

**Public Hearings of the Joint Standing Committee on the Corruption and Crime Commission, 1 July 2010 - 30 June 2011**

Date	Witness	Position	Organisation
13 October 2010	The Honourable Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
	Mr Murray Alder	Assistant to the Parliamentary Inspector	
	The Honourable Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission
	Mr Mike Silverstone	Executive Director	
18 May 2011	Mr Mark Herron	Acting Commissioner	Corruption and Crime Commission
	Mr Mike Silverstone	Executive Director	
15 June 2011	The Honourable Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
	Mr Murray Alder	Assistant to the Parliamentary Inspector	
22 June 2011	Mr Malcolm McCusker AO QC	Former Parliamentary Inspector	

<sup>5</sup> Three of these persons appeared before public Committee hearings twice.

## Closed Hearings

Pursuant to Assembly Standing Order 271(3), the Committee may resolve to take evidence in closed session. During the period 1 July 2010 - 30 June 2011, the Committee conducted 11 closed hearings, taking evidence from 11 witnesses to assist with its investigations.<sup>6</sup>

**Table 3**

**Closed Hearings of the Joint Standing Committee on the Corruption and Crime Commission, 1 July 2009 - 30 June 2010**

Date	Witness	Position	Organisation
2 August 2010	Mr Charlie Carver	Detective Superintendent	WA Police
	Mr Pete Davies	Acting Detective Inspector	
15 September 2010	The Honourable Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
	Mr Murray Alder	Assistant to the Parliamentary Inspector	
	The Honourable Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission
	Mr Mike Silverstone	Executive Director	
15 September 2010	The Honourable Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
	Mr Murray Alder	Assistant to the Parliamentary Inspector	
11 October 2010	The Honourable Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
	Mr Murray Alder	Assistant to the Parliamentary Inspector	

<sup>6</sup> Three of these persons appeared before closed Committee hearings on more than one occasion.

Table 3 continued

Date	Witness	Position	Organisation
8 December 2010	The Honourable Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
	Mr Murray Alder	Assistant to the Parliamentary Inspector	
2 February 2011	The Honourable Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
	Mr Murray Alder	Assistant to the Parliamentary Inspector	
16 February 2011	The Honourable Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
	Mr Murray Alder	Assistant to the Parliamentary Inspector	
23 February 2011	Mr Mike Silverstone	Executive Director	Corruption and Crime Commission
	Mr Robert Sutton	Acting Director of Operations	
	Mr Tony Warwick	Senior Investigator	
16 March 2011	Mr Nick Anticich	Assistant Commissioner (Specialist Crime)	WA Police
	Cmdr Murray Smalpage	Director (Intelligence)	

Table 3 continued

Date	Witness	Position	Organisation
18 May 2011	Mr Mark Herron	Acting Commissioner	Corruption and Crime Commission
	Mr Mike Silverstone	Commissioner	
25 May 2011	The Honourable Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission

## Briefings

In addition to gathering evidence during the formal hearings, the Committee received nine informal briefings during the reporting period. The briefings were used to gain information in relation to the Committee's inquiries as well as other matters.

**Table 4**

**Briefings provided to the Joint Standing Committee on the Corruption and Crime Commission, 1 July 2009 - 30 June 2010**

Date	Name	Position	Organisation
1 November 2010	Hon David Ipp	Commissioner	New South Wales Independent Commission Against Corruption
	Ms Therese Hamilton	Deputy Commissioner	
	Mr Michael Symons	Executive Director, Investigations Division	
	Mr Roy Waldon	Solicitor to the Commission and Executive Director Legal	
	Dr Robert Waldersee	Executive Director, Corruption Prevention, Education and Research Division	
1 November 2010	Mr Nick Kaldas	Deputy Commissioner	New South Wales Police Force
	Mr Paul Carey	Assistant Commissioner	
	Mr Dave Hudson	Assistant Commissioner	

Table 4 continued

Date	Name	Position	Organisation
2 November 2010	Mr John Pritchard	Commissioner	New South Wales Police Integrity Commission
	Ms Michelle O'Brien	Commission Solicitor and Manager, Legal Services Unit	
	Mr Andy Nattress	Director, Operations	
2 November 2010	Mr Phillip Bradley	Commissioner	New South Wales Crime Commission
3 November 2010	Mrs Barbara Etter	Chief Executive Officer	Tasmanian Integrity Commission
	Dr Louise Clery	Manager, Misconduct Prevention, Education & Research	
	Mr Phil Foulston	Director, Executive Division	Tasmanian Department of Premier and Cabinet
	Ms Catherine Vickers	Assistant Director, Executive Division	
4 November 2010	Mr Leslie Charles Ross	Special Investigations Monitor	Office of the Special Investigations Monitor Victoria
	Mr Neal Jedwab	Senior Legal Officer	
	Mr Peter Rollinson	Senior Compliance Officer	
	Ms Tracey Sutton	Compliance Officer	



JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

CHAPTER 1

Table 4 continued

Date	Name	Position	Organisation
4 November 2010	Mr Paul Jevtovic APM MAICD	Deputy Director, Police Integrity	Office of Police Integrity Victoria
	Ms Vanessa Twigg	Assistant Director, Police Integrity, Strategic Projects, Education and Legal Services	
	Mr John Nolan	Assistant Director, Police Integrity, Operations	
	Mr Mick Sherry	Assistant Director, Police Integrity, Intelligence	
	Mr Greg Carrol	General Counsel	
5 November 2010	Mr Gerry Ryan	Acting Assistant Commissioner	Victoria Police
	Mr David Clayton	Detective Inspector	
	Mr Wayne Amor	Detective Senior Sergeant	
	Mr Stephen Rainey	Detective Acting Sergeant	
	Ms Bronwen Cooke	VPS3	
5 November 2010	Mr George Brouwer	Ombudsman	Ombudsman Victoria
	Mr Ian Killey	General Counsel	

## Investigative Travel

From 1-5 November 2010 the Committee travelled to Sydney, Hobart and Melbourne, where it was briefed by a number of people from a number of Australia's most prominent law-enforcement and anti-corruption agencies for the purpose of informing its inquiry into the *Corruption Risks of Controlled Operations and Informants*. The people who provided briefings to the Committee are listed in Table 4.

## Conferences

From 10-13 March 2011, the Committee Chairman and Deputy Chairman travelled to Mexico City, Mexico to attend the 4th global conference of the Global Organization of Parliamentarians Against Corruption. The Conference was hosted by the Senate of the Republic of Mexico, and was attended by delegates from a total of 46 countries, being Algeria, Argentina, Australia, Bahrain, Bangladesh, Belgium, Republic of Benin, Bulgaria, Burkina Faso, Canada, Chad, Colombia, Comoros, Democratic Republic of Congo, Dominican Republic, East Timor, El Salvador, Ghana, Indonesia, Jordan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Maldives, Mexico, Mali, Morocco, Nicaragua, Nigeria, Pakistan, Palestine, Paraguay, Peru, Philippines, Senegal, Slovenia, Spain, Sri Lanka, Tanzania, Uganda, United States, Uruguay, Zambia and Zimbabwe.

## Reports Tabled

The Committee tabled five Reports during the period 1 July 2009 - 30 June 2010. They were:

- Report 10: *How the Corruption and Crime Commission can best work with the Western Australia Police Force to combat organised crime;*
- Report 12: *Report of the Parliamentary Inspector concerning procedures adopted by the Corruption and Crime Commission relating to surveillance devices;*
- Report 13: *Analysis of recommended reforms to the Corruption and Crime Commission Act 2003;*
- Report 14: *Death of a Witness;* and
- Report 15: *Corruption risks of controlled operations and informants.*<sup>7</sup>

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<sup>7</sup> Report 11 was the Committee's *Annual Report 2009-10*.

## CHAPTER 2 - FINANCIAL STATEMENT

The Joint Standing Committee on the Corruption and Crime Commission does not have its own formal budget and is funded out of the budget of the Legislative Assembly. Approval for major expenditures is required on a case-by-case basis and is entirely at the discretion of the Speaker.

The Committee's expenditure for the financial year 1 July 2010 - 30 June 2011 (in accordance with Standing Order 276) is detailed below:

**Table 5**

**Committee expenditure: 1 July 2010 - 30 June 2011**

Advertising	\$1,100
Witness Expenses	0
Conference Fees	0
Travel	\$71,300
Miscellaneous	\$1,500
<b>TOTAL</b>	<b>\$73,900</b>

*Notes:*

- *Figures rounded to nearest \$100.*
- *Salaries of committee staff are not included.*
- *Conference fees for the 4<sup>th</sup> global conference of the Global Organization of Parliamentarians Against Corruption were paid for by the Senate of the Republic of Mexico.*
- *Costs of shared administrative expenses, including lease costs for committee accommodation, not included.*



HON NICK GOIRAN, MLC