

41ST PARLIAMENT



Joint Standing Committee on the
Corruption and Crime Commission

Report 7

ANNUAL REPORT 2021–22

Presented by
Mr M. Hughes, MLA and Hon Dr S.C. Thomas, MLC
December 2022

Committee Members

Chair	Mr M. Hughes, MLA Member for Kalamunda
Deputy Chair	Hon Dr S.C. Thomas, MLC Member for South West Region
Members	Mr R.S. Love, MLA Member for Moore Hon K. Andric, MLC Member for South Metropolitan Region

Committee Staff

Principal Research Officer	Ms Suzanne Veletta
Research Officer	Ms Jovita Hogan

Legislative Assembly
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Tel: (08) 9222 7494
Email: jscccc@parliament.wa.gov.au
Website: www.parliament.wa.gov.au/jscccc

Published and printed by the authority of the Joint Standing Committee on the Corruption and Crime Commission, Parliament of Western Australia.

December 2022.

ISBN: 978-1-922759-05-4

(Series: Western Australia. Parliament. Legislative Assembly. Committees.
Joint Standing Committee on the Corruption and Crime Commission. Report 7)

328.365



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

Annual Report 2021–22

Report No. 7

Presented by

Mr M. Hughes, MLA and Hon Dr S.C. Thomas, MLC

Laid on the Table of the Legislative Assembly and Legislative Council
on 1 December 2022

Chair's foreword

This report summarises the activities of the Joint Standing Committee on the Corruption and Crime Commission between 1 July 2021 and 30 June 2022.

The committee monitors and reports on the exercise of the functions of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission, commences own motion inquiries and carries out functions under the *Corruption, Crime and Misconduct Act 2003*.

The Corruption and Crime Commission under the stewardship of Commissioner Hon John McKechnie KC and the Parliamentary Inspector of the Corruption and Crime Commission, Matthew Zilko SC, play an important role in ensuring the integrity of the public sector. I thank them for their professionalism and productive engagement with the committee this past year.

I also sincerely thank the members of the committee for their professionalism, diligence and grace in undertaking the important work of the committee.



MR M. HUGHES, MLA
CHAIR



The committee of the 41st Parliament

Mr Shane Love MLA, Hon Dr Steve Thomas MLC, Hon Klara Andric MLC, Mr Matthew Hughes MLA

Contents

Chair's foreword	
Introduction	1
Functions of the committee	1
Committee activities	1
Public hearings	1
Reports tabled and government responses	2
Inquiry: What Happens Next? Beyond a finding of serious misconduct	3
Financial statement	3

Annual Report 2021–22

Introduction

This report summarises the activities of the Joint Standing Committee on the Corruption and Crime Commission between 1 July 2021 and 30 June 2022 (the reporting period).

Functions of the committee

Under Legislative Assembly Standing Order 289 it is the function of the 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
- c) carry out any other functions conferred on the committee under the *Corruption, Crime and Misconduct Act 2003*.

Committee activities

The activities of the committee during the reporting period are summarised in table 1.

Table 1: Activities of the committee, 1 July 2021 to 30 June 2022

Description	Activity
Deliberative meetings	17
Formal evidence hearings	5
Witnesses appearing	22
Briefings	1
Reports tabled	6
Report findings tabled	56
Report recommendations tabled	16

Public hearings

To enable the committee to perform its functions and oversight role, we have the power to send for persons, papers and records. Due to the nature of the committee's work, hearings are often held in closed session (sometimes after a public session with the witnesses) and documentary evidence may remain closed evidence.

During the reporting period we held 5 public hearings taking evidence from 22 witnesses.¹ In summary:

- On 8 September 2021 Hon John McKechnie KC and the Corruption and Crime Commission provided an update on the activities of the commission.

¹ Transcripts of public hearings are available on the committee's [website](#).

- On 10 November 2021 we discussed matters relevant to police misconduct within the oversight of the commission with (then Acting) Commissioner Col Blanch and the Western Australia Police Force.
- On 6 April 2022 Caroline Spencer and the Office of the Auditor General discussed the formation and operations of its new Forensic Audit Team.
- On 13 October 2021 and 23 February 2022 we held hearings with the Office of the Parliamentary Inspector of the Corruption and Crime Commission and the commission to discuss their annual reports and related matters.

Reports tabled and government responses

The committee tabled 6 reports during the reporting period, namely:

- [*Annual Report 2020–21*](#), Report 1 tabled in both Houses on 9 September 2021.
- [*If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*](#), Report 2 tabled in both Houses on 9 September 2021.²
- [*A good year: The work of the Parliamentary Inspector of the Corruption and Crime Commission*](#), Report 3 tabled in both Houses on 24 February 2022.
- [*The definition of 'public officer' in the Corruption, Crime and Misconduct Act 2003: Parliamentary Inspector's report*](#), Report 4 tabled in both Houses on 24 March 2022.
- [*Police power of arrest: Parliamentary Inspector's report*](#), Report 5 tabled in both Houses on 24 March 2022.
- [*The Corruption and Crime Commission's unexplained wealth function: The review by The Honourable Peter Martino*](#), Report 6 tabled in both Houses on 24 March 2022.

The government response to Report 2, *If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*, was tabled on 24 November 2021. It can be accessed [here](#).

The government responded to Report 3, *A good year: The work of the Parliamentary Inspector of the Corruption and Crime Commission*, and Report 4, *The definition of 'public officer' in the Corruption, Crime and Misconduct Act 2003: Parliamentary Inspector's report*, concurrently on 24 June 2022. This response can be accessed [here](#).

In Report 3 we discussed the work of the 'new' Parliamentary Inspector of the Corruption and Crime Commission, Matthew Zilko SC, his concerns about the potential need for legislative change to ensure that the commission provides sufficient information to complainants, and police body worn cameras. Report 4 highlighted the flaws in the definition of 'public officer' in the *Corruption, Crime and Misconduct Act 2003* (CCMA).

2 Report 2 repeated the findings and recommendations in Report 15 of the Joint Standing Committee on the Corruption and Crime Commission in the 40th Parliament. Due to the prorogation of Parliament and the dissolution of the Legislative Assembly on 7 December 2020 the government did not have the opportunity to respond to recommendations in Report 15 in the 40th Parliament.

In Reports 3 and 4 we recommended that Hon John Quigley MLA, Attorney General, direct the Department of Justice to review whether legislative change is required for the commission to disclose information to complainants, and the definition of ‘public officer’, as part of its project to modernise the CCMA. We are pleased that the government accepted the recommendations.

Inquiry: What Happens Next? Beyond a finding of serious misconduct

On 23 March 2022 the committee commenced an own motion inquiry titled ‘What Happens Next? Beyond a finding of serious misconduct’.

We are inquiring into what happens after a public officer is found to have engaged in serious misconduct including disciplinary and other sanctions imposed by government agencies, criminal prosecutions arising from serious misconduct investigations, and agency roles and systemic responses.

We advertised the inquiry, received 26 submissions and are conducting hearings to progress the inquiry. The inquiry report is due to be tabled on 30 November 2023.

Financial statement

Like other committees we do not have a formal budget and are 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.

Our expenditure during the reporting period, required to be reported under Legislative Assembly Standing Order 276, is set out in table 2.

Table 2: Expenditure of the committee, 1 July 2021 to 30 June 2022

Expenditure item	Amount (\$)
Advertising	2,940
Protocol	307
Printing	1,327
Miscellaneous	237
TOTAL	4,811
Note: Salaries of committee staff and costs of shared administrative expenses including lease costs for committee accommodation are not included.	



**MR M. HUGHES, MLA
CHAIR**



Parliament House
4 Harvest Terrace, West Perth WA 6005
Telephone: +61 8 9222 7222
Email: laco@parliament.wa.gov.au
Website: www.parliament.wa.gov.au