

GOVERNMENT RESPONSE TO THE REPORT OF THE JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

“INTEGRITY WITHIN THE PUBLIC SECTOR” A REVIEW OF THE ANTI-CORRUPTION COMMISSION - REPORT NO. 2 2002.

This Government response has been prepared in accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly.

Background

The Joint Standing Committee on the Anti-Corruption Commission (JSCACC) tabled Report 2, entitled *Integrity within the Public Sector – a review of the Anti-Corruption Commission* on 19 December 2002. This was prior to the release of the Interim Report of the Royal Commission into Whether There has been any Corrupt or Criminal Conduct by Western Australian Police Officers (“Interim Report”), which was received by the Government on 20 December 2002.

The Interim Report addresses many of the recommendations contained in the JSCACC report, and goes further to recommend that the Anti-Corruption Commission (ACC) be replaced by a new external oversight agency to be known as the Corruption and Crime Commission (CCC). The Government has accepted, in principle, the recommendations of the Royal Commission proposed in the Interim Report.

Response to specific recommendations

The JSCACC made 18 specific recommendations arising from the review of the ACC and regarding the question of integrity within the public sector.

Responses to each of the recommendations in the JSCACC Report are set out below.

Recommendation 1

The extent of the jurisdiction of the external oversight body is being determined during the drafting of new legislation and the views of the JSCACC have been taken into consideration in this regard.

Recommendation 2

In accordance with recommendation (a) of the Interim Report, the ACC will be replaced by a new external agency, the CCC. This new body will have similar responsibilities to those listed in recommendation 2 of the JSCACC Report.

Recommendation 3

This recommendation is in line with recommendation (m) of the Interim Report, which Government has accepted.

Recommendation 4

This recommendation is supported through recommendation (q) in the Interim Report. The implementation of an education program will be the responsibility of the CCC when it is formed.

Recommendation 5

The Government has agreed to the CCC having a role in the investigation of organised crime through granting the police the powers available under the *Criminal Investigation (Exceptional Powers) Act*.

Recommendation 6

The Government has accepted the alternate model proposed in the Interim Report.

Recommendation 7

The comments of the JSCACC have been noted and the issue is being considered during the drafting of legislation to create the CCC.

Recommendation 8

In accordance with recommendation (k) of the Interim Report, the CCC will have the power to conduct hearings in public on a similar basis as the New South Wales Police Integrity Commission.

Recommendation 9

In accordance with the Interim Report, the CCC will be able to conduct hearings in private or public at the discretion of the Commissioner, having regard to the public interest. This is on a similar basis as the New South Wales Police Integrity Commission.

Recommendation 10

The comments of the JSCACC have been noted and the issue is being considered during the drafting of legislation to create the CCC.

Recommendation 11

- (a) & (b) The Government has accepted that the CCC should have the full range of powers to obtain information and documentation, as are available to the Royal Commission under sections 5 and 6 of the *Royal Commission (Police) Act*.
- (c) This recommendation has been accepted.

Recommendation 12

The Interim Report recommendations (g) and (h) propose that the CCC have only one Commissioner, with the provision to appoint an Assistant Commissioner, and that persons occupying judicial office should not be

excluded from appointment as Commissioner. The Government has accepted these recommendations.

Recommendation 13

The views of the JSCACC in relation to the detachment of the Commissioner from actual investigations have been noted. This will be an issue for the Commissioner of the CCC.

Recommendation 14

The Government has accepted the model proposed in the Interim Report. However, the proposed JSCACC model comprising of separate police and public sector divisions is not dissimilar to the model recommended in the Interim Report.

Recommendation 15

There is currently no plan to establish a witness protection scheme within the new external oversight body, however the CCC will be able to access witness protection services when necessary.

Recommendation 16

The views of the JSCACC in relation to the new external oversight body and parliamentary privilege have been noted.

Recommendation 17

This recommendation is similar to recommendation (j) of the Interim Report, which Government has accepted.

Recommendation 18

The comments of the JSCACC have been noted and the issue of publication restrictions is being considered during the drafting of legislation to create the CCC.

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, I table this paper in response to the JSCACC Report 2 2002 *Integrity within the Public Sector – a review of the Anti-Corruption Commission*.

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PREMIER