



COPY

**ATTORNEY GENERAL; MINISTER FOR COMMERCE**

Our Ref: 44-12090; 44-12166

Hon Nick Goiran MLC  
Chairman  
Joint Standing Committee on the Corruption and Crime Commission  
Parliament House  
Harvest Terrace  
PERTH WA 6000

Dear Chair

**RESPONSE TO THE JOINT STANDING COMMITTEE ON THE CORRUPTION  
AND CRIME COMMISSION REPORT NO. 15**

I note the tabling of the Joint Standing Committee on the Corruption and Crime Commission's Report No. 15: *Ensuring the timely appointment of new Corruption and Crime Commissioner*. My response on behalf of the Government is as follows:

**Recommendation 1**

*The Attorney General consider broadening section 10(1) of the Corruption and Crime Commission Act 2003 (WA) to put beyond doubt the appropriateness of considering senior lawyers for appointment to the position of Commissioner of the Corruption and Crime Commission.*

I note this recommendation. Although I am of the opinion that section 10(1) of the *Corruption and Crime Commission Act 2003 (WA)* (the CCC Act) is clear on the issue, I will seek further advice and, if necessary, pursue amendments to give effect to the recommendation.

**Recommendation 2**

*The Attorney General introduce an urgent Bill to repeal schedule 2, section 3(5) and schedule 3, section 3(4) of the Corruption and Crime Commission Act 2003 (WA) to allow the Commissioner of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission to retain any judicial pension applicable while additionally being remunerated at the rate of a Supreme Court judge.*

As you know, it has been difficult to find a high quality permanent Commissioner for the CCC. As a result, the Premier moved an amendment to the current *Corruption and Crime Commission Amendment (Misconduct) Bill 2014* to delete Schedule 2 clause 3(5). This will allow a retired judge to receive the salary of a judge of the Supreme Court in addition to any pension they may be entitled to under the *Judges' Salaries and Pensions Act 1950* or any other Act.

The amendments passed the Legislative Assembly on 15 October 2014, and were introduced to the Legislative Council on 16 October 2014. I am confident that a suitable Commissioner will be found once those remuneration reforms have been enacted.

**Recommendation 3**

*The Attorney General prepare an amendment to the Corruption and Crime Commission Act 2003 (WA) to allow for the appointment of a Deputy Commissioner to assist the Commissioner in the day to day work of the Commission and to ameliorate difficulties created by delays in the appointment of future Commissioners.*

I note this recommendation and will give consideration to its inclusion in a package of amendments to be put to Cabinet.

**Recommendation 4**

*The Attorney General prepare an amendment to sections 9(3a)(a) and 9(3b) of the Corruption and Crime Commission Act 2003 (WA) to remove the role of a nominating committee and allow the Government to propose one name of a suitable Commissioner to the Joint Standing Committee for its consideration.*

I note this recommendation and will give consideration to its inclusion in a package of amendments to be put to Cabinet.

Yours sincerely



Hon. Michael Mischin MLC  
**ATTORNEY GENERAL; MINISTER FOR COMMERCE**

14 NOV 2014