



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

ANNUAL REPORT 2009 - 2010

**Report No. 11
in the 38th Parliament**

2010

**Published by the Legislative Council and Legislative Assembly, Parliament of Western Australia, Perth,
September 2010.**



Joint Standing Committee on the Corruption and Crime Commission

Annual Report 2009 - 2010

ISBN: 978-1-921355-93-6

(Series: Western Australia. Parliament. Legislative Assembly. Committees.
Joint Standing Committee on the Corruption and Crime Commission. Report 11)

328.365



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

ANNUAL REPORT 2009 - 2010

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 23 September 2010

COMMITTEE MEMBERS

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

COMMITTEE STAFF

Principal Research Officer	Scott Nalder, BJuris (Hons), LLB, BCL (Oxon)
Research Officer	Michael Burton, BEc, BA (Hons)

COMMITTEE ADDRESS

Joint Standing Committee on the Corruption and Crime Commission
Legislative Assembly
Parliament House
Harvest Terrace
PERTH WA 6000

Tel: (08) 9222 7494
Fax: (08) 9222 7804
Email: jscccc@parliament.wa.gov.au
Website: www.parliament.wa.gov.au/jscccc

TABLE OF CONTENTS

Committee Members	i
Committee Staff	i
Committee Address	i
Committee's Functions and Powers	v
Chairman's Foreward.....	vii
CHAPTER 1 - Committee Activities.....	1
1.1 Introduction	1
1.2 Public Hearings	2
1.3 Closed Hearings	3
1.4 Briefings	5
1.5 Investigative Travel	6
1.6 Conferences	6
1.7 Reports Tabled	6
1.8 Tabling of Report No. 10.....	6
CHAPTER 2 - Financial Statement.....	7

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 spent the majority of the reporting period 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*. For this inquiry, which began on 9 September 2009, the Committee convened for a total of 14 closed hearings (12 of which occurred during the reporting period) and seven briefings, hearing evidence from 26 witnesses in a twelve month period. The Committee's consequent Report (*Report 10*) was tabled in Parliament on 9 September 2010.

Through the course of this inquiry, the Committee also continued to discharge its primary function as detailed by Standing Order 289 of the Legislative Assembly, 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. To this end the Committee tabled four reports in Parliament during the reporting period, owing to issues that were brought to the Committee's attention by either the Corruption and Crime Commission or the Parliamentary Inspector. The Committee also ensured that it remained informed of the Commission's regional outreach program, which saw the Commissioner and a number of senior Commission staff conduct a series of seminars in Karratha and Port Hedland in March 2010. Additionally, the Committee dealt with a number of enquiries pertaining to the work of either the Commission or the Office of the Parliamentary Inspector as raised by members of the public.

At the invitation of the Commissioner, the Committee attended the Corruption and Crime Commission on 23 July 2009 for a tour of the Commission's facilities and a briefing by senior Commission staff. During the tour, the Committee inspected some of the Commission's technical equipment and was impressed with both the capabilities of the Commission and the protocols that govern the use of the Commission's equipment. The Committee returned to the Commission on 26 October 2009 to attend the opening of the public hearings associated with the Commission's investigation into allegations of misconduct in the purchase of goods by public officers.

On 12 November 2009 the Committee tabled its sixth Report, entitled *Parliamentary Inspector's Report into an alleged unauthorised disclosure by the Corruption and Crime Commission*. After receiving a report from the Parliamentary Inspector, Hon Chris Steytler QC, on 3 November 2009, the Committee convened separate closed hearings on 11 November 2009 with the Parliamentary Inspector and the Corruption and Crime Commissioner, Hon Len Roberts-Smith RFD QC. During these hearings the Parliamentary Inspector provided the Committee with some additional information not contained within the original report as to how he had conducted his investigation; at the suggestion of the Committee, the Parliamentary Inspector incorporated this additional information into his report, and the Committee then tabled this report as an appendix to its sixth Report the following day.

On 14 October 2009 the Committee convened a closed hearing with Mr Robert Cock QC, in his capacity as Special Counsel to the Premier, for the purposes of informing its tenth Report. Mr Cock, who served as Western Australia's Director of Public Prosecutions from 2 March 1999 to 30 July 2009, provided significant insight into a range of pertinent issues and the Committee

requested Mr Cock's permission to make the entire transcript of the hearing public. Mr Cock agreed to this request and the Committee tabled the transcript as an appendix to its seventh Report on 26 November 2009.

On 25 February 2010 the Corruption and Crime Commission provided the Committee and, simultaneously, the Attorney General, with a report concerning an investigation into alleged public sector misconduct in relation to the activities of an associate to a judge of the District Court of Western Australia. Having received this report, the Committee convened a closed hearing with the Corruption and Crime Commissioner on 3 March 2010 and discussed both the content of the Report and the reasons cited by the Commissioner as to why the Report had not been tabled directly with Parliament. As a result of this hearing, the Committee requested the Commissioner to provide the Committee with a précis of the original Report, suitable for tabling with Parliament; the Committee then tabled this précis as an appendix to its eighth Report on 18 March 2010 in the Legislative Assembly and 23 March 2010 in the Legislative Council.

On 5 May 2010 the Committee held a public hearing for the purposes of discussing the work and role of the Commission with Ms Gail Archer SC and Mr Christopher Shanahan SC, who serve as Acting Corruption and Crime Commissioners. The Commission's Executive Director, Mr Mike Silverstone, also attended the hearing. The Committee tabled the transcript as an appendix to its ninth Report on 27 May 2010.

During the reporting period, the Committee also concerned itself with the task of providing Parliament with an appraisal of the recommendations contained within the *Review of the Corruption and Crime Commission Act 2003*, completed by Gail Archer SC in February 2008. This work is ongoing, and the Committee intends to table a Report in Parliament concerning the recommendations made by Ms Archer in the near future.

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 whose support and professionalism are much appreciated.

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

CHAPTER 1 - COMMITTEE ACTIVITIES

1.1 Introduction

During the course of this reporting period (Table 1.1), the Committee:

- held 38 meetings in total;
- held 3 public hearings;
- held 12 closed hearings;
- held 8 briefings;
- attended the 2009 Australian Public Sector Anti-Corruption Conference in Brisbane;
- undertook investigative travel to the Independent Commission Against Corruption in Hong Kong; and
- tabled 4 reports in Parliament.

Table 1.1
Summary of Committee activities: 1 July 2009 - 30 June 2010

Total meetings	38
Formal evidence hearings	15 (12 closed; 3 public)
Witnesses appearing	18
Briefings	8
Persons who provided briefings	14
Reports tabled	4

1.2 Public Hearings

Pursuant to Assembly Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2009 - 30 June 2010, the Committee conducted three public hearings, taking evidence from 10 witnesses to assist with its investigations (Table 1.2).

Table 1.2

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

Date	Witness	Position	Organisation
9 September 2009	Hon Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission
	Dr Ruth Shean	Commissioner	Office of the Public Sector Standards Commissioner
	Mr Colin Murphy	Auditor General	Office of the Auditor General
	Mr Chris Field	Ombudsman	Ombudsman Western Australia
25 November 2009	Hon Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
	Mr Murray Alder	Assistant to the Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
	Hon Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission
	Mr Mike Silverstone	Executive Director	Corruption and Crime Commission
5 May 2010	Mr Christopher Shanahan SC	Acting Commissioner	Corruption and Crime Commission
	Ms Gail Archer SC	Acting Commissioner	Corruption and Crime Commission
	Mr Mike Silverstone	Executive Director	Corruption and Crime Commission

1.3 Closed Hearings

Pursuant to Assembly Standing Order 271(3), the Committee may resolve to take evidence in closed session. During the period 1 July 2009 - 30 June 2010, the Committee conducted 12 closed hearings, taking evidence from 13 witnesses to assist with its investigations (Table 1.3).

Table 1.3

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

Date	Witness	Position	Organisation
19 August 2010	Hon Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission
23 September 2009	Dr Karl O'Callaghan APM	Commissioner	WA Police
	Mr Chris Dawson APM	Deputy Commissioner (Operations)	WA Police
	Mr Nick Anticich	Assistant Commissioner (Specialist Crime)	WA Police
14 October 2009	Mr Robert Cock QC	Special Counsel to the Premier	Public Sector Commission
11 November 2009	Hon Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
	Mr Murray Alder	Assistant to the Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
11 November 2009	Hon Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission
	Mr Mike Silverstone	Executive Director	Corruption and Crime Commission
2 December 2009	Hon Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
	Mr Murray Alder	Assistant to the Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission

Table 1.3 (continued)

Date	Witness	Position	Organisation
2 December 2009	Hon Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission
	Mr Tony Warwick	Acting Manager, Corporate Governance and Coordination	Corruption and Crime Commission
3 March 2010	Mr Felix Grayson	former Assistant Commissioner	Queensland Crime and Misconduct Commission
3 March 2010	Hon Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission
10 March 2010	Mr Robert Needham	former Chairperson	Queensland Crime and Misconduct Commission
24 March 2010	Mr Nick Anticich	Assistant Commissioner (Specialist Crime)	WA Police
	Mr Jim Migro	Detective Superintendent, Serious and Organised Crime Division	WA Police
	Mr Dominic Staltari APM	Assistant Commissioner (Professional Standards)	WA Police
31 March 2010	Mr Chris Dawson APM	Acting Commissioner	WA Police
	Mr Nick Anticich	Assistant Commissioner (Specialist Crime)	WA Police
31 March 2010	Hon Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission
19 May 2010	Hon Chris Steytler QC	Parliamentary Inspector	Parliamentary Inspector of the Corruption and Crime Commission
23 June 2010	Hon Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission
	Dr Karl O'Callaghan APM	Commissioner	WA Police

1.4 Briefings

In addition to gathering evidence during the formal hearings, the Committee received eight 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 1.4)

Table 1.4

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

Date	Name	Position	Organisation
23 July 2009	Hon Len Roberts-Smith RFD QC	Commissioner	Corruption and Crime Commission
	Mr Nick Anticich	Director Operations	Corruption and Crime Commission
	Mr Roger Watson	Manager Investigations	Corruption and Crime Commission
8 December 2009	Professor Harold Traver	Professor of Sociology	Hong Kong Shue Yan University
9 December 2009	Mr Ng Ping-Kwok	Acting Assistant Director of Operations	Hong Kong ICAC
9 December 2009	Mr Michael Sze-Cho-Cheung	Chairman	Operations Review Committee
10 December 2009	Hon James To Kun-sun	Deputy Chairman	Panel on Security, Legislative Council of Hong Kong
	Hon Cyd Ho	Member	Panel on Security, Legislative Council of Hong Kong
10 December 2009	Mr Basil Fernando	Director	Asian Human Rights Commission
	Ms Bijo Francis	Program Officer, South Asia Desk	Asian Human Rights Commission
	Ms Kit Chan	Program Officer	Asian Human Rights Commission
11 December 2009	Mr Vincent Wong Fook-Chuen	Assistant Commissioner	Hong Kong Police Force
	Mr David Fremaux	Chief Inspector	Hong Kong Police Force
26 May 2010	Mr Michael Outram	Executive Director	Australian Crime Commission

1.5 Investigative Travel

From 7-11 December 2009 the Committee travelled to Hong Kong, where it was briefed by a number of people from several organisations, for the purpose of informing its inquiry into *How the Corruption and Crime Commission can best work with the Western Australian Police Force to combat organised crime*. The people the Committee spoke to are listed above in Table 1.4.

1.6 Conferences

On 29 and 30 July 2009 the Committee attended the Australian Public Sector Anti-Corruption Conference in Brisbane.

1.7 Reports Tabled

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

- Report 6: *Parliamentary Inspector's Report into an alleged unauthorised disclosure by the Corruption and Crime Commission;*
- Report 7: *Hearing with Robert Cock QC;*
- Report 8: *Corruption and Crime Commission Report on the investigation of alleged public sector misconduct in relation to the activities of an associate to a judge of the District Court of Western Australia;* and
- Report 9: *Hearing with the Acting Commissioners of the Corruption and Crime Commission.*

1.8 Tabling of Report No. 10

On 9 September 2010 the Committee tabled its tenth Report, having completed its inquiry into *How the Corruption and Crime Commission can best work together with the Western Australian Police Force to combat organised crime*.

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 2009 - 30 June 2010 (in accordance with Standing Order 276) is detailed below:

Table 2.1

Committee expenditure: 1 July 2009 - 30 June 2010

Advertising	\$1,700
Witness Expenses	\$500
Conference Fees	0
Travel	\$62,000
Miscellaneous	\$600
TOTAL	\$64,800

Notes:

- *Figures rounded to nearest \$100.*
- *Salaries of committee staff are not included.*
- *Conference fees for the 2009 Australian Public Sector Anti-Corruption Conference were included in the Committee's Annual Report 2008-2009.*
- *Costs of shared administrative expenses, including lease costs for committee accommodation, not included.*



HON NICK GOIRAN, MLC