



CORRUPTION AND CRIME COMMISSION

**Opening Statement to the Public Hearing of the
Joint Standing Committee on the Corruption and Crime Commission**

Wednesday 30 August 2006

By Commissioner Kevin Hammond

Thank you for the opportunity to appear before the Committee this morning. You have received a submission from the Commission that has highlighted a range of issues currently affecting the Commission.

I wish to highlight a number of specific matters.

LAST FINANCIAL YEAR

Last year was one of continued consolidation with the Commission's staff stabilising and its operational and administrative processes are now well established. The Commission made use of most of the considerable powers available to it under the Act.

It received and assessed over 2300 allegations and notifications of misconduct, monitored almost 1900 misconduct investigations undertaken by public sector agencies and reviewed over 2000 public sector agencies completed misconduct investigations. This activity represented a 33% increase on the 2004/5 financial year.

The Commission delivered 96 seminars to a variety of public sector agency staff across the state and tabled five major reports last financial year. It has also recently tabled its report on the first two years of the Western Australia Police Reform Program.

In the last financial year, the Commission was well resourced, and operated well within budget.

The Commission anticipates an overspend in its 06/07 budget as a result of the need to engage external counsel to deal with a number of high profile matters for a protracted period. In particular, the engagement of Mr Jeremy Gormly SC and Mr Peter Quinlan as counsel assisting in the inquiry by the Commission as to whether any public officer has engaged in misconduct in relation to the investigation, prosecutions, appeals and subsequent imprisonment of Mr Andrew Mallard in connection with the murder of Mrs Pamela Lawrence in 1993.

The Commission is not yet able to estimate how much this overspend is likely to be as it is not yet able to determine when public hearings for the Mallard matter will start.

MALLARD INQUIRY

Currently, the Commission awaits the Western Australia Police completion of its cold case review of the Lawrence Murder Inquiry. While the Police have indicated their intention to complete the cold case review in early September, this will be a complex issue and although the Commission has received some periodic briefings from the reviewers it will likely take the Commission some time to review and analyse the conclusions of the cold case review before it is able to announce when any public hearings in regard to this matter might start.

LEGISLATIVE REVIEW

Our report notes that proposals for amendment to the CCC Act 2003 are delayed and currently subject to resubmission to Cabinet.

Further, I note that the Western Australian Police Service made no application for the use of the Commission's organised crime exceptional powers in the past financial year. As reported previously, it is the Commission's opinion that the expressed intent of the Parliament with regard to organised crime, as represented by Section 7A of the CCC Act, cannot be achieved under the current legislative arrangements.

The Commission reported this in its last annual report and in submissions to this committee. Similarly, the Commission has sought clarification and enhancement of its contempt powers under the CCC Act. The Attorney-General's review of legislation withdrew consideration of the organised crime function and the contempt difficulties on the basis that these were the subjects of an inquiry by this Committee. The Commission stands ready to assist the Committee in its inquiry into organised crime and the Commission's contempt powers. I acknowledge your advice that your Committee will be making these matters the focus of your final report which you expect to table next May.

With regard to the dealings with other public sector areas, the Commission is involved in addressing its concerns associated with a complex mix of matters with regard to the Department of Education and Training. These include the preparation of a report on sexual contact with children by persons in authority in the Department, the inappropriate use of force in schools, and the perceived need to establish more rapidly an appropriate misconduct prevention mechanism and, associated with that, the need for major improvements in the manner in which the Department conducts investigations.

With regard to the matter of witness protection, the Commission is not aware of any matters that could result in a loss of confidence in the WA Police witness protection arrangements. In saying this, I note that we have had only very limited contact with the police's witness protection unit and this matter is already being addressed by you and we have provided you with a submission.

PUBLIC HEARINGS LAST WEEK

With regard to the Commissions much publicised hearings of last week, in connection with Mr Minniti and certain police officers, I merely note that this is a continuing investigation and the Commission is therefore unable to discuss details of this investigation at this time.

Once the investigation is complete, the Commission intends tabling a report in Parliament.

COMMISSIONER'S POSITION

I am approaching the completion of my third year as Commissioner and my mind turns to the statutory review which is to take place next year.

Having observed the application of the Act in various attempts to identify and appoint acting Commissioners I wish to make a number of observations. Firstly I note that advertising for expressions of interest for a second Acting Commissioner closed on 13 April. No appointment has yet been made.

Secondly, experience interstate shows that it is difficult to find appropriately qualified persons prepared to accept the appointment as head of respective anti-corruption agencies. This is due primarily to the attendant controversies attached to the judgements required of Commissioners of standing inquisitorial bodies. It is not the easiest job in town and is not attractive to many people.

Thirdly, while the Act's requirement to recommend (for all appointments acting or otherwise) a person on a list of three eligible persons appears on the face of it to be admirable, the fact is that many persons who are appropriately qualified for appointment, will not readily accept being part of some formal nomination process, to which they are required to proactively nominate into a pool of nominees. As I understand it there may still be difficulties in interpretation of process between this Committee and others but I wish to make an earnest plea for legislative consideration of the issues of appointment of Acting Commissioners and the other concept of Assistant Commissioners referred to in our Briefing Paper. The non-delegable functions of the Commission are indeed onerous.

I do thank this Committee for its support of the concept of Assisting Commissioners.