ROYAL COMMISSION
INTO WHETHER THERE HAS BEEN ANY CORRUPT OR CRIMINAL CONDUCT BY WESTERN AUSTRALIAN POLICE OFFICERS

External Oversight - Western Australian Police Service

DISCUSSION PAPER

October 2002
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terms of Reference of the Royal Commission</td>
<td>2</td>
</tr>
<tr>
<td>1. Purpose of the Discussion Paper</td>
<td>4</td>
</tr>
<tr>
<td>2. Background/History</td>
<td>5</td>
</tr>
<tr>
<td>2.1 Anti-Corruption Commission (ACC)</td>
<td>5</td>
</tr>
<tr>
<td>2.2 Ombudsman</td>
<td>7</td>
</tr>
<tr>
<td>3. Key Features of the External Oversight Agencies</td>
<td>9</td>
</tr>
<tr>
<td>3.1 Anti-Corruption Commission</td>
<td>9</td>
</tr>
<tr>
<td>3.2 Ombudsman</td>
<td>9</td>
</tr>
<tr>
<td>4. Comparison of Powers with other Corruption Specialist Agencies</td>
<td>11</td>
</tr>
<tr>
<td>4.1 Queensland</td>
<td>11</td>
</tr>
<tr>
<td>4.2 New South Wales</td>
<td>13</td>
</tr>
<tr>
<td>5. Relationship between the Agencies</td>
<td>15</td>
</tr>
<tr>
<td>6. Issues of Concern</td>
<td>17</td>
</tr>
<tr>
<td>7. Preliminary Observation and Discussion Points</td>
<td>19</td>
</tr>
<tr>
<td>7.1 Issues for Discussion – Round Table Forum</td>
<td>19</td>
</tr>
<tr>
<td>7.2 Future Round Table Forums</td>
<td>19</td>
</tr>
<tr>
<td>8. Submissions</td>
<td>20</td>
</tr>
<tr>
<td>9. Table of Statutes</td>
<td>21</td>
</tr>
<tr>
<td>10. Appendices – Organisational Models</td>
<td>22</td>
</tr>
</tbody>
</table>
 TERMS OF REFERENCE OF THE ROYAL COMMISSION

Commission

appointing

The Honourable Geoffrey Alexander Kennedy AO QC

to be a Royal Commission

Western Australia

Governor

By His Excellency Lieutenant General
John Murray Sanderson, Companion of the
Order of Australia, Governor of the State
of Western Australia.

To: The Honourable Geoffrey Alexander Kennedy AO QC:

By this commission under the Public Seal of the State, I, the Governor, acting with the advice and consent of the Executive Council —

1. appoint you to be a Royal Commission to inquire into and report on whether since 1 January 1985 there has been —
   (a) corrupt conduct; or
   (b) criminal conduct,
   by any Western Australian police officer;

2. declare that the phrases in clause 1(a) and (b) include, but are not limited to, the meanings given to them by section 3 of the Anti-Corruption Commission Act 1988;

3. require you to inquire into and report on the effectiveness of existing procedures and statutory provisions in investigating and dealing with conduct of the kind referred to in clause 1 by police officers;

4. require you to inquire into and report on whether changes in the laws of the State or in investigative or administrative procedures are necessary or desirable for the purpose of investigating or dealing with, preventing or exposing, conduct of the kind referred to in clause 1 by police officers;

5. declare that you are to inquire into and report on those matters which you consider significant to the extent practicable in the time available to the Royal Commission;

6. declare that you are to report by 31 August 2003;
7. declare that, by virtue of this commission, you may in the execution of this commission do all the acts, matters and things and exercise all the powers that a Royal Commission may lawfully do and exercise, whether under the Royal Commissions Act 1968 or otherwise;

8. declare that section 18 of the Royal Commissions Act 1968 applies to the Royal Commission;

9. declare that in conducting the inquiry you may —
   (a) do anything that you consider appropriate in order to avoid prejudice to pending or prospective criminal proceedings, including taking evidence or otherwise proceeding in private, precluding the publication of evidence or deferring the taking of evidence; and
   (b) during the course of the inquiry refer any matter to an appropriate authority, where you consider that delaying that action until the completion of your report would be undesirable;

10. declare that in your report you may make any recommendations you consider appropriate.

GIVEN under my hand and the Public Seal of the State

By command of the Governor,

Premier.

GOD SAVE THE QUEEN!
1. **PURPOSE OF THE DISCUSSION PAPER:**

The terms of reference of the Royal Commission include the requirement at parts 3 and 4 that the Commission:

- Inquire into and report on the effectiveness of existing procedures and statutory provisions in investigating and dealing with corrupt or criminal conduct by WA police officers, and
- Inquire into and report on whether changes in the laws of the State or in investigative or administrative procedures are necessary or desirable for the purpose of investigating or dealing with, preventing or exposing, corrupt or criminal conduct by WA police officers.

In carrying out these aspects of the terms of reference it has been determined that a number of group consultation meetings (round table conferences) will be conducted. The purpose of the round table conferences is to receive submissions from interested and invited parties, to discuss issues that affect the Commission's report, to outline proposed approaches to issues that may necessitate action prior to the production of the Commission’s final report and to assist in the preparation of the final report itself. The first of these round table conferences will be concerned with the external civilian oversight of the Western Australian Police Service provided by the Anti-Corruption Commission (ACC) and the Parliamentary Commissioner for Administrative Investigations (Ombudsman).

It is intended that this first round table conference will give attention to such matters as:

- An examination of the legislative framework of the ACC and the Ombudsman,
- The relationship of the ACC and Ombudsman with the Internal Affairs Unit of WAPS, the Professional Standards Portfolio, and WAPS itself,
- The current mechanisms for external oversight by the ACC and the Ombudsman and their adequacy,
- The potential for a new model for corruption investigation in WA.

To assist in this process, the Royal Commission has produced this discussion paper with the intention of raising the issue with nominated stakeholders and the general public and to stimulate discussion. Matters raised for discussion in this paper should not be considered as necessarily representing the position of the Royal Commission on any particular matter, rather they are offered for the benefit of discussion.
2. BACKGROUND/HISTORY:

Within Western Australia there are two main bodies that have involvement in providing external oversight of the Western Australian Police Service (WAPS); the Anti-Corruption Commission (ACC) and the Parliamentary Commissioner for Administrative Investigations (Ombudsman). It is to these two agencies that people can turn when they wish to make a complaint regarding their dissatisfaction with WAPS in general or an individual police officer specifically. This is not to ignore the other statutory bodies that have jurisdiction in respect of particular aspects of sworn and/or non-sworn members of the police service in areas such as equal opportunity, freedom of information, public sector standards, etc. It does however reflect the reality of the majority of complaints concerning police.

It is for this reason that these two agencies feature predominantly in this discussion paper. Persons or organisations that wish to make a submission in respect of other statutory agencies with involvement in matters pertaining to WAPS are however invited and encouraged to do so.

2.1 Anti-Corruption Commission

In 1989 the Official Corruption Commission (OCC) was established under the Official Corruption Commission Act 1988 (the OCC Act). The OCC was a small organisation that exercised limited powers and had few resources.

In 1994 amendments to the OCC Act 1988 included the following changes:

- Expansion of the jurisdiction of the OCC;
- The granting of power to the OCC to conduct preliminary inquiries;
- The inclusion of compulsory reporting provisions requiring CEO’s of public sector agencies to report suspected official corruption;
- Enabling or requiring individuals to disclose information to the OCC despite existing duties of secrecy or other restrictions on disclosure contained in other Acts; and
- Protection for persons who assist the OCC in the performance of its functions.
Further significant amendments took effect in 1996 when the Official Corruption Commission became the Anti-Corruption Commission (ACC), and the Act was renamed the Anti-Corruption Commission Act 1988. This new ACC was a larger and more powerful body than had been the OCC and its jurisdiction was broadened to include ‘serious improper conduct’, and the list of offences under the Criminal Code, which the ACC was to deal with, was extended.

As with other non-judicial bodies, the ACC has an investigative and report function only and is not able to make determinations of guilt. Rather, it is limited to receiving or initiating allegations, carrying out investigations or referring allegations to other authorities, and furnishing reports or making recommendations in relation to allegations. Results of investigations may be referred to the Director of Public Prosecutions (DPP) for prosecution or to individual Departments for disciplinary action. As such the ACC, and similarly for the Ombudsman, has no role in the adjudicatory process.

Standing Commissions of Inquiry, such as the ACC, are becoming more prevalent throughout the world in response to on-going concerns regarding systemic corruption involving police and other public sector employees. Their genesis can generally be found in a response to instances of major corruption involving high profile inquiries that have attracted widespread political and media focus.

As is common with external civilian oversight agencies in other jurisdictions around the world, there is a trend towards increasing the broad jurisdiction and powers of such agencies in response to the changing nature of corrupt and criminal behaviour and to make use of changes in technology and detection methods.

The ACC functions as an agency independent from the executive arm of the Western Australian government. Given the extensive powers that it exercises and the nature of the investigations it conducts, it was found necessary in June 1997 to establish a Joint Standing Committee of the Legislative Assembly and the Legislative Council of Parliament to oversee the ACC in the performance of its functions.

The Joint Standing Committee has terms of reference that require it to monitor and review the performance of the ACC and to report to the Parliament on issues affecting the prevention and detection of corruption in the public sector of Western Australia.
In addition, the ACC can also report to:

- Parliament in relation to individual allegations and inquiries;
- The presiding Officer of each house of Parliament (if Parliament has been prorogued or the Legislative Assembly has been dissolved);
- A Minister responsible for the Act, or to any other Minister.

The terms of the Joint Standing Committee do not provide for it to reconsider decisions of the ACC, to be involved in operational matters or to access detailed operational information. This creates a difficulty in that the body overseeing anti-corruption investigations is unable to gain a detailed understanding of some of the matters over which it is overseeing.

2.2 Parliamentary Commissioner for Administrative Investigations (Ombudsman)

The Office of Parliamentary Commissioner for Administrative Investigations, or Ombudsman as the office is more commonly known, was created by the Parliamentary Commissioner Act 1971, and is an independent and impartial person who investigates complaints about Western Australian government departments, statutory authorities, local governments and the Western Australian Police Service. The Ombudsman reports directly to the Parliament - not to the government of the day.

Western Australia was the first jurisdiction in Australia to establish the position of Ombudsman when it did so in 1972. The origins of this office can however be traced to the Office of Parliamentary Ombudsman (Justitieombudsman) established in Sweden in 1809.

The Ombudsman’s main function is to assist the people of Western Australia to resolve disputes with public sector agencies and to help these agencies to be accountable for, and to improve the standards of, their administrative decision-making, practices and conduct. In undertaking this function, the Ombudsman is able to accept and investigate complaints about the Western Australian Police Service and its members. Although it has wide ranging jurisdiction to investigate complaints about a wide range of government agencies, it cannot however deal with complaints made about the ACC.
The evolution of the Ombudsman’s role occurred in four distinct phases:

- **Prior to 1985** - the period in which the Ombudsman had no power to investigate police conduct.

- **1985 to 1993** – the period in which the Ombudsman acquired the power to investigate police conduct and established a system to do so that was driven by complainant dissatisfaction with police internal investigations.

- **1993 to 1997** – the period in which the Ombudsman and police agreed to a system in which the Ombudsman reviewed the adequacy of a percentage of police internal investigations files, as well as investigating matters in which complainants had expressed dissatisfaction with a police internal investigation. It was during this period in 1996 that the Ombudsman’s jurisdiction was expanded to include all departments and authorities, with the following exceptions:
  - The courts
  - The ACC
  - The Governor and his establishment
  - The Director of Public Prosecutions
  - A small number of other statutory offices

- **1997 to present** – the current system in which the Ombudsman reviews the adequacy of all police internal investigations files and conducts investigations into significant issues.

As the Ombudsman is unable to accept complaints regarding the ACC, the safeguard that the Ombudsman provides for members of the public against decisions, actions or inactions by public authorities is therefore not available in respect of the ACC.
3. KEY FEATURES OF THE EXTERNAL OVERSIGHT AGENCIES

3.1 Anti-Corruption Commission

The key features of the ACC are:

1) It is an independent civilian-controlled organization that has jurisdiction to receive or initiate allegations of corrupt conduct, criminal conduct or serious improper conduct about –
   • Police officers, and
   • Other public officers.

2) It requires certain authorities including the Ombudsman, the Inspector of Custodial Services, and the CEOs of government departments, to notify it of any person who, in their official capacity, they believe may be involved in corrupt conduct, criminal conduct, criminal involvement or serious improper conduct.

3) In carrying out preliminary inquiries it can request any person or body to provide information or produce documentation that it requires.

4) In carrying out investigations it has the powers of a Royal Commission and can:
   • Enter premises, search and seize
   • Conduct hearings
   • Compel witnesses to attend hearings and give evidence
   • Carry out telephone intercepts
   • Undertake surveillance

3.2 Ombudsman

The key features of the Ombudsman are:

1) The Office of the Ombudsman is an independent civilian-controlled organisation that has jurisdiction to receive complaints or allegations of misconduct by –
   • Police officers, and
   • Other public officers.

2) The Ombudsman can investigate matters on her own motion.
3) In carrying out investigations the Ombudsman has the powers of a Royal Commission and can:

- Conduct hearings
- Compel witnesses to attend hearings and give evidence

4) In accordance with *Telecommunications (Interceptions) (Western Australia Act) 1996*, the Ombudsman reports on inspections it carries out on the ACC and WAPS in relation to telephone intercepts.
4. COMPARISON OF POWERS WITH OTHER CORRUPTION SPECIALIST AGENCIES:

There are a number of other corruption specialist agencies within Australia that have a similar role to the ACC and Ombudsman in matters pertaining to police corruption. The role of these agencies in each State, and the range of powers they exercise, is perhaps indicative of the degree of concern that has been experienced in relation to corrupt and criminal behaviour by police and other public sector staff in each individual jurisdiction.

The Table on the following page identifies agencies in each jurisdiction that have responsibilities involving police corruption together with the range of powers they can exercise. Jurisdictions where concern has been the greatest and where they have had the most recent major inquiries in this area – Queensland and NSW – can be seen to have the broadest range of powers to combat corruption. For this reason, the arrangements in Queensland and NSW for dealing with police corruption make for an interesting comparison with Western Australia.

4.1 Queensland

In Queensland in January of this year (2002) the Criminal Justice Commission (CJC) and the Queensland Crime Commission (QCC) merged to form the Crime and Misconduct Commission (CMC). The CJC had been established by the Criminal Justice Act 1989 following the Fitzgerald Commission and the QCC by the Crime Commission Act 1997.

The CMC draws its powers from the Crime and Misconduct Act 2001 and serves two basic functions; one in relation to crime where it investigates major and organised crime, and secondly it has a misconduct function to deal with complaints of misconduct by public sector employees including those from the police service. The CMC also has a research function and a prevention function.

The CMC is accountable through the Parliamentary Crime and Misconduct Committee (PCMC), an all-party committee that monitors and reviews CMC activities and receives complaints in relation to the CMC. The Parliamentary Crime and Misconduct Commissioner assists the PCMC in this role.
## AGENCY COMPARISON

<table>
<thead>
<tr>
<th>Agency</th>
<th>Functions</th>
<th>Coercive Powers</th>
<th>Telephone Intercept</th>
<th>Integrity Testing</th>
<th>Surveillance Devices</th>
<th>Controlled Operations</th>
<th>Assumed Identities</th>
<th>% Police ** Complaints</th>
<th>FTE**</th>
<th>Budget**</th>
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<tr>
<td>Commonwealh Ombudsman</td>
<td>Public sector misconduct</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>85.0</td>
<td>8,667,925</td>
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<td>NSW Ombudsman</td>
<td>Public sector misconduct</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>26</td>
<td>91.51</td>
<td>7,219,000</td>
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<td>Independent Commission Against Corruption</td>
<td>Public sector misconduct</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Nil</td>
<td></td>
<td>146.0</td>
<td>15,268,000</td>
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<td>Police Integrity Commission - NSW</td>
<td>Police misconduct</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>100</td>
<td>93.0</td>
<td>14,837,00</td>
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<td>Crime and Misconduct Commission - Queensland</td>
<td>Organised and major crime, public sector misconduct</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>63*</td>
<td>298.0*</td>
<td>26,779,000*</td>
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<td>49</td>
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<td>Public sector misconduct</td>
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<td>Public sector misconduct</td>
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<td>35</td>
<td>13.0</td>
<td>1,158,000</td>
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<td>Police Complaints Authority – South Australia</td>
<td>Police misconduct</td>
<td>Yes</td>
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<td>100</td>
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<td>Public sector misconduct</td>
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<td>50</td>
<td>35.0</td>
<td>2,294,000</td>
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<td>Anti-Corruption Commission</td>
<td>Public sector misconduct</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td>51</td>
<td>58.0</td>
<td>10,270,958</td>
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* Approximated by combining the figures for the QCC and CJC
** Source: Cambridge Handbook of Criminology (2002) NB: figures used are for 1998/99
4.2 New South Wales

In NSW the ICAC Act of 1988 created the Independent Commission Against Corruption (ICAC). This Act provides the ICAC with powers and discretion to:

- Expose corruption through investigations which can include public hearings;
- Prevent corruption by giving advice and developing resistance to corrupt practices in public sector organizations; and
- Educate the public sector and the community about corruption and the role of the ICAC.

ICAC is a public authority, but is independent of the government of the day and has an accountability relationship with the NSW Parliament. Given the evidence gathered during the Wood Royal Commission it would appear evident that the ICAC was not fully effective in carrying out its functions. This attests to the difficulties and entrenched nature of police corruption at that time in NSW.

This is further attested to in that the Police Integrity Commission (PIC) was established in 1996 upon the recommendation of the Wood Royal Commission and took over responsibilities for police corruption previously held by the ICAC.

The PIC is also an independent body situated within the Minister for Police portfolio and is monitored by a Parliamentary Joint Committee (NSW), as is the case with the ACC in WA. It draws its powers from the Police Integrity Commission Act 1996 with stated functions to prevent, detect or investigate serious police misconduct, and to manage or oversee other agencies doing the same. Oversight of police corruption is shared in that the NSW Ombudsman also plays a role in respect of medium-level misconduct.

Members of the public or police officers who are dissatisfied with the actions or inaction of the PIC can make complaint to the Inspector of the Police Integrity Commission. This Inspector is an independent officer who reports directly to Parliament and has the power to investigate and assess complaints. The Joint Standing Committee has raised the requirement for a similar inspectorial position for the ACC on a number of occasions.

In addition to these bodies that deal with issues of police and public sector corruption, NSW also has a Crime Commission that deals with issues relating to organised crime and drug trafficking.
From these two jurisdictions it can be seen that there is no one best model. Whereas Queensland has recently merged its two bodies, the CJC and the QCC, to form a larger more embracing agency, the CMC, with a consolidated response to police misconduct, public sector misconduct and organised crime, NSW has taken a different approach. It has chosen to maintain separate bodies for each of these three areas.

The situation in Western Australia is different again in that the two main oversight bodies, the ACC and Ombudsman, deal with both police and public sector misconduct. There is not however a State based specific organised crime response beyond that provided by WAPS. The questions that can be asked are:

- Does Western Australia need separate agencies for police corruption and public sector corruption?
- Does Western Australia require a body specifically dedicated to organised crime, and if so, should it be stand alone or as part of a broader crime/corruption body?

Furthermore, there is also a need to consider the extent and range of powers that any such agencies would require. Questions that might be asked include:

- Whether the existing powers are sufficient or can they be improved on as part of a new generational model?
- What safeguards would be required to balance any extensions of powers?
5. RELATIONSHIP BETWEEN THE AGENCIES

The functions of the ACC include the requirement to consult, co-operate and exchange information with other independent agencies undertaking similar activities to the ACC and also to do likewise with the Australian Federal Police, police forces of other States, and the National Crime Authority. This interrelationship extends to furnishing such other organisations with evidence that may be used for the purposes of prosecution of persons.

Unlike Royal Commissions that are of a fixed duration, standing commissions of inquiry such as the ACC are likely to experience a different relationship with agencies that they oversee and/or interact with. Given the on-going nature of the relationship that needs to exist between the ACC and these other government agencies it is necessary to ensure that an appropriate balance is maintained.

It would be obviously unprofitable for there to be antagonism between agencies such that it was necessary to have recourse to coercive powers to gain compliance with requests for information or action of some kind. Equally it would be inappropriate for a relationship to exist that was characterised as being too comfortable, and where a fear of making things ‘unpleasant’ may give rise to a difficulty in raising issues.

It is recognised that increasingly over time a real potential exists for the relationship between agencies to move out of balance and to become either too close, or too distant. It is therefore important to ensure that there is a regular process established through which each agency can be monitored to ensure that organisational balance and effectiveness are maintained.

The Professional Standards Portfolio of WAPS through the Internal Affairs Unit (IAU) has responsibilities for eliminating corruption within WAPS by investigating corruption, criminality and serious improper conduct. An issue of long standing that is raised in many quarters concerns the appropriateness of police investigating police. This stems from a belief that these investigations must not only be conducted fairly but that they must also be seen as independent. This difficulty of perception is not an easy one to overcome. Any such concerns are somewhat alleviated in that the IAU is required under s14 of the ACC Act 1988 to provide the ACC with a report on any person that they suspect may be involved in corrupt activities.

This knowledge enables the ACC to use step-in provisions (s22(4)) to assume control over any such investigation that it may be interested in or alternatively
it may elect to leave it to the IAU to continue the investigation itself. Where the ACC chooses not to investigate the matter, it can still require that it be provided with progress reports together with a final report on the outcome of any investigation that is carried out by the IAU.
6. **ISSUES OF CONCERN:**

In the progress of the Royal Commission to date a number of issues have been brought to the attention of the Commission as being areas of possible concern regarding the oversight arrangements that can be exercised by the ACC and the adequacy or otherwise of its legislative framework. Principal among these have been issues relating to secrecy, transparency and accountability. Examples of these issues are as follows:

1) The ACC continues to receive criticism from witnesses and suspects for its secretive nature. Section 42 of the Act requires that any evidence taken in the course of an investigation shall be taken in private. The use of public hearings in both the Wood Royal Commission and the Fitzgerald Royal Commission has been described as a useful tool to expose corruption, particularly when it involves systemic issues. It should be noted that the *ICAC Act 1988* (NSW) allows for hearings to be held in private or in public, as does the *Police Integrity Commission Act 1996* (NSW) and the *Crime and Misconduct Act 2001* (Qld).

Section 43 of the *ACC Act 1988* entitles a witness to be informed of only the general scope and purpose of the investigation, even if they are the main subject of the investigation. Furthermore, s54 restricts the publication of certain information including that fact that a particular complaint/allegation has been received or is being investigated. This is in contrast to the *ICAC Act 1988*, which permits the restriction on publication of evidence only if the ICAC is satisfied that it is in the public interest to do so.

The problems created by these secretive provisions become even more pronounced when account is taken of the extensive coercive powers that the ACC also exercises.

2) The absence of an independent complaints body to receive complaints and investigate the ACC has been the subject of criticism including from the Joint Standing Committee on the Anti-Corruption Commission. The Joint Standing Committee in its Report on the Operational Accountability of the ACC and the Protection of Rights under the ACC Act (Report No. 4, October 1998) made the following point:
The lack of independent scrutiny is a significant gap in accountability. If a mechanism is not established through which operations of the ACC can be fully and independently scrutinized, the ACC will remain vulnerable to criticism that it functions as a “star chamber” and that complaints about the fairness of its procedures or the conduct of its officers cannot be answered.

It is clear that the absence of independent review or statutory mechanisms for checking that the ACC is operating in compliance with its powers and exercising them lawfully is a substantial issue.

3) There is a credibility problem that confronts the ACC in terms of perceptions that it has been ineffectual in dealing with systemic and serious complaints of corruption. This is perhaps best illustrated by the number of such cases that have been re-presented to this Royal Commission for further investigation.

4) When using a special investigator with the powers of a Royal Commission there are however some provisions of the Royal Commission Act 1968 that do not apply. In particular, s19A(a) of the Royal Commission Act 1968, which deals with witnesses giving evidence being entitled to be represented, has been varied by s42(2) of the ACC Act 1988. The effect of this is that a witness before the ACC can only be represented whilst they are actually giving evidence, and then only for the purpose of giving advice or making submissions. Such representative is not entitled to be present whilst other witnesses give evidence. As a result there is no ability to cross-examine other witnesses including any person making allegations.

5) Whilst the ACC is required to disseminate information to the general public in relation to its functions, it is not clear if it has any mandated role to be involved in ethics education with members of the police or public service. Both the Crimes and Misconduct Commission (QLD) and the Independent Commission Against Corruption (NSW) have as a formal role the requirement to provide practical guidance and education in prevention activities related to corruption and misconduct.

6) In undertaking preliminary inquiries under Part III of the Act, the ACC can compel any person or body to provide such information as is requested and such documentation as is requested. However, if the ACC decides to investigate the matter under Part IV of the Act, and chooses not to appoint a special investigator, an officer can decline to participate in person but can be compelled to produce a statement of evidence.
7. ISSUES FOR DISCUSSION:

7.1 Issues for Discussion - Round Table Forum

The first of the Round Table Forums is scheduled for the 14 and 15 November 2002. It is intended to conduct sessions under the following four topic headings:

Jurisdiction
- Police corruption
- Public Sector Corruption
- Organised Crime Investigations
- Reactive and/or proactive Investigations
- Interaction with other Agencies

Structure
- Commission or Commissioners
- Organisational Models

Powers
- Hearings – public or private, or both
- Assessments, Opinions, Recommendations, Reports
- Compulsion – witnesses and documents

Oversight
- Inspector General
- Parliamentary Standing Committee

7.2 Future Round Table Forums

During 2003 it is intended that an additional three Round Table Conferences will be held to discuss the following subjects in relation to WAPS:

- Secondary Employment Issues
- Recruitment, Training and Promotion
- Internal Affairs and Police Disciplinary System

Attendance at each of the Conferences will be at the invitation of the Commissioner. Submissions from the public and interested parties will be invited and each Conference will be preceded by the release of a discussion paper.
8. SUBMISSIONS

The Commission invites written submissions from individuals and organisations on matters relating to the external oversight of the WAPS provided by the Anti-Corruption Commission and other relevant statutory bodies in respect of police complaints, and external oversight arrangements in general.

Submissions should be lodged no later than Friday, 8 November 2002 and addressed to:

Research, Policy and Reform Unit
Royal Commission Into Whether There Has Been Any Corrupt or Criminal Behaviour by Western Australian Police Officers
PO Box Z5318
PERTH WA 6831

Submissions can be forwarded electronically to:
info@police.royalcommission.wa.gov.au
9. **TABLE OF STATUTES**


   Criminal Justice Act 1989 (QLD)

   Crime Commission Act 1997 (NSW)

   Crime and Misconduct Act 2001 (QLD)

   Independent Commission Against Corruption Act 1988 (NSW)

   Official Corruption Commission Act 1988 (WA)

   Parliamentary Commissioner Act 1971 (WA)

   Police Integrity Commission Act 1996 (NSW)

   Royal Commission Act 1968 (WA)

   Royal Commission (Police) Act 2002 (WA)

   Royal Commission (Police Service) Act 1994 (NSW)

   Telecommunications (Interception) Western Australia Act 1996 (WA)
Model 1

- **Parliamentary Oversight Committee**
- **Commissioner**
- **External Oversight Function Inspector General**
- **Police Corruption Agency Assistant Commissioner**
- **Executive Director Administrative Function**
- **Public Sector Corruption Agency Assistant Commissioner**
- **Investigative Function**
Model 2

- **PARLIAMENTARY OVERSIGHT COMMITTEE**
- **EXTERNAL OVERSIGHT FUNCTION Inspector General**
- **COMMISSIONER**
  - **Police Corruption Agency (proactive)**
  - **Public Sector Corruption Agency (proactive)**
  - **Police & Public Sector Misconduct Agency (reactive)**
- **ADMINISTRATION**
  - **INVESTIGATIVE FUNCTION**
All agencies subject to external oversight by Parliamentary Committee and Office of the Inspector General

* Model 3

Public Sector Corruption Agency COMMISSIONER

ADMINISTRATION

INVESTIGATIVE FUNCTION

Police Corruption Agency COMMISSIONER

ADMINISTRATION

INVESTIGATIVE FUNCTION

Ombudsman COMMISSIONER

ADMINISTRATION

INVESTIGATIVE FUNCTION
* All agencies subject to external oversight by Parliamentary Committee and Office of the Inspector General