

Question on Notice
No. 1225
Asked on 15 September 2009

MR LANGBROEK asked the Premier and Minister for the Arts (MS BLIGH) -

QUESTION:

Does the Premier agree with comments made by the head of the Crime and Misconduct Commission, Robert Needham QC during the accountability forum, that allegations of corruption in the government are unable to be dealt with as the CMC is limited in what investigations it can make into the government?

RESPONSE:

I attach, for the Honourable Member's information, a transcript containing the relevant excerpts from those forums where Mr Needham made comment about these matters.

As the Honourable Member will note, Mr Needham does not, as the Member asserts, claim that allegations of corruption in government are unable to be dealt with; in fact he makes the opposite point entirely.

Relevant excerpts of online forum transcripts

Forum held 2 September

Moderator: Okay thank you Robert, before you turn that microphone off I might actually ask you another question that is very similarly related to the previous one and it comes from Tansy of Kandanga and it is a very specific question relating to the CMC and it is also a procedural question which you can explain to us how perhaps some of the CMC works. Tansy asks, 'is it correct that the CMC only investigates complaints that could lead to a criminal conviction, if this is so, would it not be the case that the integrity of the government would be enhanced like extending the brief of the Commission would include complaints pertaining to parliamentary public service codes of conduct.

Mr Robert Needham: No it is not correct, we only investigate matters that could lead to a criminal conviction. Often that will be the case but we will investigate other matters where it might only be a breach of the Code of Conduct. This is particularly so for public servants and I will explain briefly why. With respect to politicians, elected officials at both local government and state level our jurisdiction is limited to possible criminal offences committed by them. With respect to public servants it is for criminal offences but it is also for disciplinary breaches which are serious enough to warrant consideration of dismissal so the reason being, is of course that politicians can't be dismissed except at the ballot box, but having said that whether you might say we stretch it at times in that it is appropriate for us to look at things that mightn't be going just to an issue of a prosecution. It is also appropriate for us to look at things to see if the systems as they are being applied might be such as to lead to the potential for misconduct so we can make recommendations as to how the system should be changed to alleviate that potential and in some cases to even avoid the perception of the potential. So it's most certainly not correct to say we only look at matters that can lead to criminal prosecution.

Forum held 7 September

Moderator: Okay. Given the time that's left, there's a few sort of questions from different angles that have been submitted that I'll just randomly ask some of the members of the panel and there's a question from Kelvin in relation to the CMC that I'll direct to Mr Needham and that is – the government has rejected calls for a commission of enquiry stating that the CMC is an ongoing commission of enquiry. Isn't it true that the CMC does not investigate ethics but is merely concerned with instances of official misconduct and so doesn't that mean certain dealings fly under the radar of the CMC.

Robert Needham: Yes there is a certain amount of truth in that. Our jurisdiction in relation to investigations is limited to the what is termed allegations of official misconduct, which has to be allegations of a matter that is either a criminal offence or with respect to a public official is a disciplinary matter that is serious enough to warrant consideration of dismissal. For politicians they can't be dismissed therefore it means any, our jurisdiction with respect to politicians and investigating any allegations is limited to

allegations of criminal conduct. However, we can go and do go a little bit beyond that at times in that we have powers with respect to, not powers, functions that are given to us with respect to upholding integrity in public office and if we see matters even without a formal investigation that shows perhaps there are some deficiencies in processes and systems, we can make recommendations to government about changes that should be made in our submission to improve those systems and those processes. So the short answer is yes, our jurisdiction for investigation is limited and we can't investigate purely a matter of ethics however, we can look at systems as to and processes as to whether can make recommendations for improving those to ensure higher standards of integrity in public life.