

26 September 2025

The Hon. Colleen Egan MLA  
Chair  
Joint Standing Committee  
Legislative Assembly  
Parliament House  
4 Harvest Terrace  
WEST PERTH WA 6005

By email: [jscccc@parliament.wa.gov.au](mailto:jscccc@parliament.wa.gov.au)

Dear Ms Egan

### **SUGGESTIONS FOR AMENDMENTS TO THE CORRUPTION CRIME AND MISCONDUCT ACT 2003**

I refer to your letter dated 28 August 2025 and thank you for the opportunity to respond to the suggestions for amendments to the *Corruption Crime and Misconduct Act 2003* (the Act) on behalf of the Law Society of Western Australia.

The Society's response has been informed by feedback received from members in relation to specific recommendations listed below.

#### **Recommendation 2 - Consider situation where police officer may carry out an action considered a 'reviewable police action' because they are applying a law that is itself unjust or oppressive**

The primary role of the Corruption and Crime Commission (the Commission) is to engender public confidence in the administration of the State. The Society considers that, on principle, it should be rare for police to administer a law that is 'unreasonable, unjust, oppressive or improperly discriminatory' as defined in section 3 of the Act. If such a law is administered by police, it is appropriate for the Commission to maintain oversight of police action.

#### **Recommendation 5 – Make sure exceptional powers part of Act is fit for purpose, given difficulty for police in meeting preconditions and consider definition of organised crime**

The Society considers the primary focus of the Commission should be oversight of government and law enforcement, as opposed to assisting law enforcement with investigations. These powers are exceptional for good reason and the preconditions required to be met before they are engaged should remain at a 'difficult' threshold.

The Society notes, in addition to the right of the Commissioner of Police to apply to the Commission for the exceptional powers to be exercised, the Western Australian Police can (and do) refer matters to the Australian Criminal Intelligence Commission (ACIC), formerly the Australian Crime Commission, which has compulsory examination powers. The WA Commissioner of Police is a Board member of the ACIC.

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### **Recommendation 7 - Remove role of nominating committee in appointment process**

The nominating committee consists of the Chief Justice, the Chief Judge of the District Court and a person appointed by the Governor to represent the interests of the community. It is unclear why it is proposed to remove the nominating committee from the process of appointing the Commissioner and Deputy Commissioner of the Commission.

### **Recommendation 18 – Where a person or body adversely named in a CCC report has made a representation to the CCC, this should be appended to the CCC’s report. There is currently no obligation for the CCC to use or report this information.**

The Society generally supports this recommendation however, the Society contends the person submitting the representation should be given the option as to whether it is appended to the CCC report. There may be circumstances where the representations to the CCC are not accepted, and the person does not want those representations published.

The Society proposes the following amendment to the recommendation:

*‘Where a person or body adversely named in a CCC report has made a representation to the CCC, this should be appended to the CCC’s report, if the person so requests. There is currently no obligation for the CCC to use or report this information.’*

### **Recommendation 19 – Provide safeguards and further prescription on when the CCC may hold a public examination**

The Society considers the appropriate default position is that examinations should be conducted in private. Public examinations have the potential to destroy the reputation and livelihood of people impacted by the Commission’s investigations.

The Society considers it is essential for clear safeguards and preconditions to be established and for the Commissioner to retain a discretion in these matters at any time during the examination process.

### **Recommendation 21 - Consider whether CCC staff should not be allowed to be appointed for a term exceeding 5 years**

The Society considers it is appropriate for the terms of appointment of Commission staff to be fixed.

### **Recommendation 26 – Greater clarity on exercise of discretion to name e.g. identification of people when no other means of making a finding of guilt occurs**

The nature of and reason for this recommendation is unclear.

### **Recommendation 29 – Make it compulsory for the CCC to notify the Parliamentary Inspector of any CCC misconduct investigation in relation to a police officer, or an officer of another investigative body, who is investigating the conduct of the CCC or its officers**

The Society supports this recommendation. The Office of the Parliamentary Inspector must be adequately resourced to deal with these matters and all functions relating to oversight of the Commission.

## **Further consultation**

The Society welcomes the opportunity to comment on any draft legislation which is developed following the Committee's review of the operation of the Act.

If you have any questions or wish to discuss the above, please contact Susie Moir, Director Advocacy and Professional Development to [smoir@lawsocietywa.asn.au](mailto:smoir@lawsocietywa.asn.au) or telephone 9324 8600.

Yours sincerely

A handwritten signature in black ink, appearing to be 'GM', written in a cursive style.

**Gary Mack**  
**President**