



WESTERN AUSTRALIA POLICE FORCE

OFFICE OF COMMISSIONER OF POLICE

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The Honourable Tony Fitzgerald AC QC
Chairperson and Commissioner

The Honourable Alan Wilson QC
Commissioner

BY EMAIL: submissions@cccinqury.qld.gov.au

Dear Commissioners

QUEENSLAND GOVERNMENT COMMISSION OF INQUIRY - CRIME AND CORRUPTION COMMISSION

Thank you for the opportunity to provide information to your Commission of Inquiry established by the Queensland Government by an Order in Council made under the *Commissions of Inquiry Act 1950* on 31 January 2022.

To assist the Inquiry with the task of inquiring into, reporting on and making recommendations relevant to its Terms of Reference, I provide the following responses:

1. ***Any use of seconded police officers in investigations conducted by the WA Corruption and Crime Commission and in the processes connected with decisions to commence prosecutions arising from those investigations;***

The Corruption, Crime and Misconduct Act 2003 (WA), s181 allows for Western Australia Police Force (WA Police Force) officers to be seconded to the Western Australia Corruption and Crime Commission (WA CCC), upon the agreement of both Commissioners.

An existing Memorandum of Understanding (0146/2020) prescribes agreement to exchange officers from time to time in order to promote and achieve objectives of both organisations, while establishing effective working relationships, where it is appropriate to do so.

During a period of secondment, the individual officer is regarded as an employee of the WA CCC and is subject to all the terms and conditions of employment at the WA CCC. The WA Police Force plays no part in the daily management or deployment of the individual officer. The WA CCC pays the salary, superannuation and all other employment entitlements.

Since the inception of the WA CCC, WA Police Force secondments have rarely occurred and the officers concerned are seconded on the basis of a specific knowledge base. Seconded officers do not have the autonomy to commence prosecutions.

2. ***Whether seconded police officers can initiate charges arising out of investigations conducted by the WA Corruption and Crime Commission (including where the seconded police officer is directly involved in the investigation);***

The WA CCC is not a prosecuting authority and has no power to prosecute.

Where criminality is identified in the course of an investigation, the matter is referred to the WA Police Force at the time of, or at the conclusion of the investigation. The WA Police Force conduct their own investigation, supported by evidence gained by the WA CCC and independently decide whether to proffer charges.

Offences against the Corruption, Crime and Misconduct Act 2003 (WA) are prosecuted by the Western Australia State Solicitor's Office.

Offences under any other WA legislation are prosecuted by WA Police Force Prosecutors or the Office of the Department of Public Prosecutions, dependent on the seriousness of the offence.

3. ***Any expertise, qualifications and training required for a police officer to be seconded to the WA Corruption and Crime Commission by your organisation and also by the WA Corruption and Crime Commission (including the required expertise, qualifications and training in areas of law other than criminal law that may affect investigations and decisions to prosecute, such as administrative law, public law, employment law and public sector corporate governance);***

WA Police Force secondments have rarely occurred and the officers concerned are seconded on the basis of a specific knowledge base, for example, financial expertise to assist with unexplained wealth investigations.

4. ***Any limitations on the length of time a police officer may be seconded to the WA Corruption and Crime Commission;***

Any period of secondment is by negotiation between respective Commissioners.

Currently, a WA Police Force officer has been seconded to the WA CCC for a period of five years. In this instance, the officer applied for an advertised Investigator position at the WA CCC and was subsequently selected. Between respective Commissioners it was agreed, in preference to the officer resigning from the WA Police Force, they would be seconded for a period of five years.

This allows the officer a right of return to the WA Police Force at the end of the five-year contract, providing the officer with greater long-term employment security.

5. ***Any relevant law, policies, procedures and practices that require seconded police officers to obtain the approval or consent of the WA Corruption and Crime Commission before commencing criminal prosecutions arising from WA Corruption and Crime Commission investigations;***

Officers seconded to the WA CCC do not have prosecuting authority and are unable to commence a prosecution.

As discussed in point 2, where criminality is identified in the course of an investigation, the matter is referred to the WA Police Force at the time of, or at the conclusion of the investigation.

6. ***The law, practice and any procedures governing decisions by any seconded police officers to commence criminal proceedings arising out investigations by the WA Corruption and Crime Commission, including:***
- a. ***the criteria for making those decisions;***
 - b. ***any training given to seconded police officers to inform the making of those decisions;***
 - c. ***any processes utilised to ensure that seconded police officers who make those decisions are competent to make them;***
 - d. ***any processes to ensure independent oversight of those decisions; and***
 - e. ***any other law, practice or procedure that may affect those decisions, including any law, practice or procedure under which directions may be given to a police officer that may affect the decisions;***

Seconded officers to the WA CCC do not have prosecuting authority and are unable to commence a prosecution.

As discussed in point 2, where criminality is identified in the course of an investigation, the matter is referred to the WA Police Force at the time of, or at the conclusion of the investigation.

7. ***Any issues arising from the use of seconded police officers and how those issues are managed by your organisation.***

There have been no reported issues arising from the use of seconded WA Police Force officers to WA CCC.

Should you require any further information, please contact the Assistant Commissioner, Professional Standards [REDACTED]

Yours sincerely

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CHRIS DAWSON
COMMISSIONER OF POLICE

28 March 2022