



PROCEDURE AND PRIVILEGES COMMITTEE

**REPORT ON PERSONS ADVERSELY
REFERRED TO IN THE LEGISLATIVE
ASSEMBLY - MR DAVID CAPORN**

**Report No. 3
in the 38th Parliament**

2009

Published by the Legislative Assembly, Parliament of Western Australia, Perth, 2009.

Published and printed by the Legislative Assembly, Parliament of Western Australia, Perth, 2009.



Procedure and Privileges Committee

Report on Persons Adversely Referred to in the Legislative Assembly - Mr David Caporn

ISBN: 978-1-921355-54-7

(Series: Western Australia. Parliament. Legislative Assembly. Committees.

Procedure and Privileges Committee. Report No. 3)

PROCEDURE AND PRIVILEGES COMMITTEE

REPORT ON PERSONS ADVERSELY REFERRED TO IN THE LEGISLATIVE ASSEMBLY - MR DAVID CAPORN

Report No. 3

Presented by:
Mr Michael Sutherland, MLA
Deputy Speaker of the Legislative Assembly
on 12 March 2009.

COMMITTEE MEMBERS

Chairman	Mr G.A. Woodhams, MLA Speaker of the Legislative Assembly
Deputy Chairman	Mr M. McGowan, MLA Member for Rockingham
Members	Mr F.A. Alban, MLA Member for Swan Hills
	Mr F.M. Logan, MLA Member for Cockburn
	Mr M.W. Sutherland, MLA Deputy Speaker of the Legislative Assembly

COMMITTEE STAFF

Acting Principal Research Officer and Clerk to the Committee	Mrs Kathleen Hoare
Adviser	Mr Peter McHugh Clerk of the Legislative Assembly
Adviser	Mr John Mandy Deputy Clerk of the Legislative Assembly

COMMITTEE ADDRESS

Procedure and Privileges Committee
Legislative Assembly
Parliament House
Harvest Terrace
PERTH WA 6000

Tel: (08) 9222 7222
Fax: (08) 9222 7818
Email: lappc@parliament.wa.gov.au
Website: www.parliament.wa.gov.au

COMMITTEE'S FUNCTIONS AND POWERS

Legislative Assembly Standing Order No. 284 provides the following functions, powers and terms of reference to the Procedure and Privileges Committee -

Procedure and Privileges Committee

284. (1) A Procedure and Privileges Committee will be appointed at the beginning of each Parliament to –

- (a) examine and report on the procedures of the Assembly; and
- (b) examine and report on issues of privilege; and
- (c) wherever necessary, confer with a similar committee of the Council.

(2) The Procedure and Privileges Committee will have the powers of a select committee.

(3) Membership of the committee will consist of the Speaker and four other members as the Assembly appoints.

(4) Standing Order 278 will apply except that where possible any report of the committee will be presented by the Deputy Speaker.

(5) When consideration of a report from the committee is set down as an order of the day it will be considered using the consideration in detail procedure.

REPORT

The Speaker of the Legislative Assembly referred to the Procedure and Privileges Committee a letter dated 18 December 2008 from Mr David Caporn, seeking to use Standing Order 114 to respond to comments made on 27 November 2008 by the Member for Mindarie, Mr John Quigley.

The Committee has agreed to the attached response proposed by Mr Caporn.

In accordance with Standing Order 114 the Committee has not considered or judged the truth of any statements made in the submission.

Recommendation 1

Your Committee recommends –

That a response by Mr David Caporn in the terms specified in the Appendix to this report, be incorporated in *Hansard*.

HON. GRANT WOODHAMS, MLA
CHAIRMAN OF THE COMMITTEE
12 MARCH 2009

APPENDIX ONE

**Response by Mr David Caporn, APM
Agreed to by Mr Caporn and the Procedure and Privileges Committee
pursuant to Standing Order 114**

Name of Member of Parliament who made the adverse reference:

Member for Mindarie: Mr John Quigley, MLA

Date on which the adverse reference occurred:

27 November 2008 (commencing at 11.44 a.m.)

Person adversely referred:

Mr David Caporn

Summary response for publication:

Some statements made by the Member for Mindarie, Mr John Quigley MLA in his speech to the Legislative Assembly on 27 November 2008 contained misleading, highly defamatory untruths and other serious inaccuracies in regards to Mr David Caporn.

These statements were the subject of intensive media reporting and adversely affected Mr Caporn both personally and professionally.

Mr Caporn has provided the following references to Mr Quigley's address followed by his response pertaining to the subject matter.

- Mr Quigley said that (in the Mallard investigation) that I,

“Went to the forensic laboratories of Western Australia and had them alter a forensic report and had what is described in this document as “a few facts firmed up”.”

I did no such thing. This matter (Mallard) was investigated by the Corruption and Crime Commission (CCC). I was not accused of any involvement in any alternations to any forensic report. There was neither evidence nor any finding or adverse opinion to that effect led, or made against me, in the CCC's report tabled on 7 October 2008.

- Mr Quigley said that (in the Claremont serial murder investigation) that I named a suspect to the media.

“In 1998-99 that peanut Falconer, that little turnip from Victoria, who had been given the job as Commissioner of Police, together with Caporn said, “He's the man.”

I have never publicly named any suspect of the Claremont serial murders in the media. The man referred to identified himself and some sections of the media chose to report his details. Despite this occurring, I still refused to name this person publicly.

- Mr Quigley went on to say,

“We have a corrupt police officer running his own agenda, convicting people in the media and destroying families, and because of his success in doing this, he is promoted!”

and further

“When an officer – as lowly as he was; a detective sergeant– starts rocketing up through the police force on the basis of dud investigations, he does not do it by himself. He has to have a team around him and, as he goes forward, that team gets promoted as well. So it is unsurprising that they end up with a little cluster or a reef of corrupt officers around them who knew if they followed and supported Caporn, their careers would elevate and they too would go up in the vortex.”

and further

“Because of his capacity to solve difficult murder cases, he rocketed up through the police force to the rank of assistant commissioner and was eventually in charge of terrorism laws. God help us all that a person such as that could be put in charge.”

I have never been involved in any corrupt or criminal conduct. There have never been any findings of corruption, criminal conduct or serious misconduct against me, and to the best of my knowledge, against any of my colleagues.

I have served the community of Western Australia as a police officer for over 31 years. I have been promoted numerous times in both operational and non operational positions. Those promotions were entirely merit based and in recognition of my experience, capabilities and integrity as a police officer.

After my promotion to the rank of Superintendent I was transferred to head up the West Metropolitan district. In my role as District Superintendent I was responsible for managing all aspects of policing. After working for 2 years as a District Superintendent I was asked to head up Strategic Information Management. In that role I oversaw the maintenance and development of the agency’s entire IT assets, programs and major projects at a time when the area was in need of a significant overhaul. As a result of the work I did in this area and my 27 years of experience as a serving police officer, I was promoted to the rank of Assistant Commissioner.

In 2001 I was honoured following a national leadership program (involving my peers from throughout the country) by receiving the “Retired Commissioner’s Award” for “outstanding contribution to professionalism in policing”; and none of this relied on my success as an investigator.

Yours faithfully

David Caporn APM

18 December 2008