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**INTERIM REPORT OF THE
SELECT COMMITTEE
ON GOVERNMENT
SURVEILLANCE**

Presented December 1990

**INTERIM REPORT OF THE
SELECT COMMITTEE
ON GOVERNMENT
SURVEILLANCE**

The committee comprising Hons Peter Foss (Chair), W N Stretch and Max Evans, was appointed by resolution of the House on Wednesday November 21 1990 (a copy of the terms of reference is appended to this report). This report, which is interim, complies with the order that the committee report to the House (or the President if Parliament is not sitting) by or on Thursday December 20 1990.

The committee has met on 5 occasions and taken evidence from a number of witnesses. Bearing in mind evidence given to the committee by the Police Commissioner, the committee does not propose to discuss any evidence at this stage. However, the committee was briefed by the Police Commissioner and Superintendent Ayton of the Police Internal Affairs Unit to ensure that the committee's inquiry did not prejudice police investigations. The committee is pleased to report that it has developed a good working relationship with the Police Department.

Where the committee has held public hearings, the committee has been able to protect the public interest by orders suppressing publication of evidence meantime. The committee considers it important that, wherever possible, the evidence given to the committee be subjected to public scrutiny even though it may not be possible to publish at that stage.

The committee has made substantial progress in its inquiries and believes that it has clearly identified a number of matters that must be pursued.

The committee expects to resume its inquiry early in 1991 and will report fully to the House upon completion.

TERMS OF REFERENCE

To inquire into-

- A.
1. Whether the file which during the course of the trial of Robert Smith has been referred to variously as the "blue file" or the "Govt file", the diary of Robert Smith or any other paper or evidence indicate or refer to private inquiry work done for the Government;
 2. Whether, and if so, what private inquiry work was:
 - (a) requested to be done;
 - (b) actually done,and, if such inquiry work was requested to be done;
 3. What purpose was to be served by the information that was to be gathered by such private inquiry;
 4. To what use any such information was actually put;
 5. Whether it was proper that such inquiry work be requested to be done and whether the use to which the information was to be put or was put was a proper use;
 6. Who requested it to be done, and-
 - (a) were any present or former ministers or members of Parliament or their staff or associates directly or indirectly involved in such request;
 - (b) how was it paid for;
 - (c) how much was paid;
 - (d) by which department was it paid;
 - (e) who authorized such payment;
 - (f) what appropriation was relied on to justify such payment,
 7. Whether there has been any unauthorised expenditure of public moneys;
 8. What source payment was made from if payment was not made from Government funds;
 9. Whether the tape recording referred to in a news report as being made by Mr Terry Burke of a conversation with a former Liberal politician has been acted upon by the Police and whether it should have been acted upon;
 10. Which present or past members of the Government or their staff were aware of the nature of the work which was done or the contents or existence of the tape prior to or in excess of public disclosure;
 11. If such persons were aware prior to or in excess of public disclosure why they did not reveal their knowledge to:

- (a) the Parliament;
- (b) the Corruption Commission;
- (c) the public,

12. Whether it is believed that it is in the interests of proper and ethical government that some, and if so what, disclosure should have, and should be made.

- B. It is not the purpose of the committee to make any finding as to any matter which may be the finding upon a prosecution.
- C. The committee be known as the *Select Committee into Government Surveillance* and consist of 3 members and have a quorum of 2 members.
- D. Otherwise, SO 38A shall apply to the committee as if it were a standing committee mentioned in SO 38A(1).
- E. The committee report to the House (or if it not then sitting, to the President) by December 20 1990.
- F. That a message be sent to the Legislative Assembly requesting that it grant leave to its members to appear before the committee in order to give evidence.

WITNESSES

Eric Freeman, State Ombudsman
Commissioner Brian Bull, WA Police Force
Superintendent Les Ayton, WA Police Force
Dt Sgt K Harding, Australian Federal Police
Martin Saxon, Journalist
Vincent Shervington, Public Servant
Darcy Farrell, Public Relations Consultant