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**SELECT COMMITTEE ON THE REQUEST
TO RELEASE DOCUMENTS OF THE SELECT COMMITTEE
ON THE WESTERN AUSTRALIAN POLICE SERVICE TO THE ANTI-
CORRUPTION COMMISSION**

REPORT

Presented by the Hon Derrick Tomlinson MLC (Chairman)

September 1997

Select Committee on the Request to Release Documents of the Select Committee on the Western Australian Police Service to the Anti-Corruption Commission

Members

Hon Derrick Tomlinson MLC (Chairman)
Hon Nick Griffiths MLC
Hon Murray Montgomery MLC

Advisory/Research Officer

Andrew Mason

Committee Clerk

Kelly Campbell

Terms of Reference

1. A select committee is appointed.
2. The committee is to review all evidence, transcripts, and documents (the "records") obtained by, or provided to, a select committee on the WA Police Service (the "Police Committee") in relation to its term of reference 3 now in the possession or under the control of the Clerk and determine which parts of the records -
 - (a) may be released to the Anti-Corruption Commission;
 - (b) may be released after obtaining the express written consent of witnesses to whom those parts relate;
 - (c) should not be released.
3. Without limiting the committee's discretion in making a determination under paragraph 2, the committee is to have regard to -
 - (a) any order or undertaking of the Police Committee governing the publication of a witnesses' identity, occupation or activities, or the content of that person's evidence;
 - (b) records that contain unproven or untested allegations of criminal or improper conduct or dealing against persons named in the records.
4. Records released to the Anti-Corruption Commission under paragraph 2 are released to, and are to be dealt with by, that Commission subject to all applicable powers, privileges, rights and immunities of the Legislative Council. Any question arising under this paragraph shall be submitted to, and determined by, the President.
5. The committee shall complete its determinations and report to the House not later than Wednesday August 20 1997.

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Report of the Select Committee on the Request to Release Documents of the Select Committee on the Western Australian Police Service to the Anti- Corruption Commission

1

Introduction

- 1.1 On 24 November 1992 the Hon Reg Davies MLC moved for the appointment of a Select Committee on the Western Australian Police Service. The Committee was to have wide terms of reference, but in particular was to "make full and careful inquiry and to report upon...Any corruption, unlawful activities or improper conduct by individuals or groups within the Western Australian Police Service..." The motion made specific reference to prostitution; the sale or improper disposal by other means of illegal drugs; the sale or improper dispersal of confidential information; and any private interest which is in conflict with public duty.
- 1.2 After lengthy debate, the motion was agreed to on 1 December 1992. The Committee was to report no later than 10 January 1993. Before it could do so, on 8 January 1993 Parliament was dissolved. A general election was held on 6 February 1993.
- 1.3 The Hon Reg Davies MLC again moved for the appointment of a Select Committee on the Western Australian Police Service on 26 October 1993 (the "Police Committee"). His motion modified the instruction to the previous Committee to inquire into and report upon corruption, unlawful activities and improper conduct, and shifted the focus to the effectiveness of self-regulatory agencies. In particular this Committee was given the following Term of Reference 3:
- "Whether the self regulatory role of the Internal Affairs Unit within the Police Service is effective or desirable in the public interest and if not, what method of detecting punishing and preventing corruption within the Police Service should be implemented."*
- 1.4 The motion was agreed to on 23 November 1993 and the Committee appointed on 25 November 1993. The members were the Hons Reg Davies MLC, Nick Griffiths MLC, Phillip H Lockyer MLC, Murray Montgomery MLC and Derrick Tomlinson MLC.
- 1.5 The Police Committee's Terms of Reference are attached at Appendix A. The Police Committee was to report to the House no later than 12 April 1995, though this date was eventually extended on two occasions to 28 November 1996¹. As a result of the prorogation and dissolution of Parliament on 14 November 1996 the Police Committee was dissolved and a final report was never tabled.

¹ The Legislative Council extended the date for the Committee to report to the House on 5 April 1995 to 16 April 1996 (1995 WAPD 719-20) and on 19 March 1996 to 28 November 1996 (1996 WAPD 32).

- 1.6 During the course of its existence the Police Committee tabled 5 interim reports as follows:
- 1.6.1 *Interim Report: Term of Reference 7, February 1995;*
- 1.6.2 *Proposed Examination of Procedures and Systems in Relation to Complaints Against Police and the Detecting of Corruption in Other Jurisdictions, May 1995;*
- 1.6.3 *Interim Report: Report of the Examination Undertaken by the Committee of Procedures and Systems in Relation to Complaints Against Police and the Detection of Corruption in Other Jurisdictions, October 1995;*
- 1.6.4 *Report of the Committee's proposed attendance at the Second Internal Affairs Conference in New York, May 1996; and*
- 1.6.5 *Interim Report: Term of Reference 3 - "Whether the self-regulatory role of the Internal Affairs Unit within the Police Service is effective or desirable in the public interest and if not, what method of detecting, punishing and preventing corruption within the Police Service should be implemented", June 1996.*

2 The Police Committee

- 2.1 The Police Committee met on numerous occasions and had cause to receive many submissions, correspondence and other materials as a result of its inquiries. In addition the Police Committee heard evidence from many witnesses and transcript of this evidence was recorded by Hansard. So far as this material was relevant to the Police Committee's Terms of Reference, it was used in the preparation of each of the reports referred to in paragraph 1.6 above.
- 2.2 It is the evidence gathered in relation to Term of Reference 3 which is the subject of this Report. The bulk of it was gathered during the period from June 1994 to June 1996 from written submissions, police records called for by the Police Committee or volunteered by witnesses, and in closed hearings.
- 2.3 In its Interim Report on Term of Reference 3, the Police Committee commented at p7 on the reliability of, and how to treat, some information presented to it:

"...Serving and former police officers had genuine concerns that all was not well. Individual citizens who had grievances about their treatment by police officers, brought serious matters to the Committee's attention. These included abuse of police powers, manufacturing evidence to secure convictions, collusion to conceal evidence, interference by senior officers in proper investigations of suspected criminal activities, the selective leaking of confidential information to the press, police officers receiving corrupt payments to protect prostitutes and drug traffickers, and persons under investigation for

gambling and/or drug offences being warned by 'friendly' police officers.

These allegations gave cause for concern, but their veracity could not always be proved. It is acknowledged that whenever there is a parliamentary investigation of this kind, people with real or imagined grievances seize the opportunity to have their moment of sunshine. They cannot be denied that. To do so would be to prejudge the issues. The problem is what to do with information given. Sometimes it is possible to reject 'evidence' as fanciful, unfounded or wilfully mischievous. At other times, information is so convincing that it causes disquiet. Some submissions to this Committee were of the latter kind."

2.4 As it turned out, the report of an internal police corruption probe following the so-called 'Sinatra's Affair' gave substance to the disquiet about the extent of unlawful activity within the Western Australian Police Service. That investigation was conducted under the direction of the Director of Public Prosecutions, Mr John McKechnie (the "DPP"). It was authorised by and reported to the Premier, the Hon Richard Court MLA, the Minister for Police, the Hon Robert Laurence Wiese MLA, and the Attorney General, the Hon Cheryl Edwardes MLA. The probe team was under the direct command of Acting Deputy Commissioner Ayton and operated under the code name "Bravo Quebec". On 9 December 1993 Bravo Quebec completed its task and a report entitled "Corruption Probe Report: Operation Bravo Quebec" was submitted to the DPP by Acting Deputy Commissioner Ayton. The DPP then submitted this report to the Premier, the Attorney General and the Minister for Police under cover of a memorandum on 23 March 1994. The substance of the report and memorandum, together with comment from the Police Committee appear at pages 73-82 of the Interim Report of the Police Committee on Term of Reference 3.

2.5 In particular the Corruption Probe Report: Operation Bravo Quebec, concluded:

"There is a degree of corrupt conduct within the Criminal Investigation Branch, the full extent of which is not known.

*There are a great many good honest police officers concerned at current trends."*²

2.6 Operation Bravo Quebec was quoted at length in the Police Committee's Report on Term of Reference 3. Together with credible evidence presented in confidence to the Police Committee by senior police officers and others with direct executive responsibilities within the criminal justice system, it was the basis of the Police Committee's conclusion that:

"...corruption and serious misconduct within the Western Australian Police

² See Interim Report: Term of Reference 3 at p75

Service is far greater than has previously been acknowledged... ”³

- 2.7 With these conclusions in mind and with the stated focus of the Police Committee on the effectiveness of self-regulatory agencies the Police Committee recommended the establishment of a continuing Parliamentary Standing Committee to oversight the Police Service, the formation of an independent Police Anti-Corruption Commission and changes to the role of the Ombudsmen. A copy of the Police Committee’s detailed recommendations in this regard are attached at Appendix B.
- 2.8 The Police Committee’s Interim Report on Term of Reference 3 was tabled in Parliament on 19 June 1996. The Government responded to the recommendations of the Police Committee on 19 September 1996 by way of Ministerial Statement in the Legislative Council by the Hon Peter Foss MLC representing the Minister for Police. An extract of pages 5769 to 5772 of the Western Australian Parliamentary Debates is attached at Appendix C.

3 **The Present Inquiry**

- 3.1 The Government response to the recommendations of the Police Committee made particular note of the strengthening of the Official Corruption Commission, which has been renamed the Anti-Corruption Commission.
- 3.2 On 10 March 1997 the Premier wrote to the former Chairman of the Police Committee as follows:

*“SELECT COMMITTEE ON THE WESTERN AUSTRALIAN POLICE SERVICE
STEPHEN WARDLE AND MR AND MRS TILBURY*

On 20 June 1996 I forwarded to the Anti-Corruption Commission a copy of the Interim Report of the above Committee. I understand the Commission is now giving preliminary consideration to the issues raised concerning Stephen Wardle and Mr and Mrs Tilbury.

The Commission has indicated that to progress its consideration it needs to see all the relevant evidence and materials collected by the Select Committee. It has therefore sought that the necessary steps be taken to secure the submission of that evidence to the Commission without delay.

The matter has been raised with the Attorney General who suggests it would be appropriate for you as Chairman of the Committee to move for release of the relevant papers to the Anti-Corruption Commission. I now accordingly request that such action be taken as soon as possible”

³ See Interim Report: Term of Reference 3 at p111

- 3.3 On 20th March 1997 the Hon Derrick Tomlinson gave notice of motion ("the Tomlinson Motion") to the House as follows:

"That -

- (1) The Clerk be, and is hereby ordered, to transmit forthwith to the Anti-Corruption Commission, all the evidence and associated document in his possession or under his control, take or received by the Select Committee on the Police Service relating to the death of Stephen John Wardle.*
- (2) The Anti-Corruption Commission shall receive and deal with that evidence and documents in a manner that is consistent with the relevant and appropriate powers, privileges, rights and immunities of this House. Any question arising under this paragraph in the course of any inquiry or investigation by the commission shall be submitted to, and determined by, the President.*
- (3) The Anti-Corruption Commission, on completion of its relevant inquiries, shall return to the Clerk all material supplied under paragraph (1) of this order.*

The Tomlinson Motion was moved on 1 May 1997.

- 3.4 On 5 June 1997 a media statement was released by the ACC as follows:

"The Anti-Corruption Commission (ACC) understands that some people may have the wrong impression that the Commission had only recently requested access to all of the evidence submitted to the Select Committee on the Western Australian Police Service (The Tomlinson Committee).

ACC Chief Executive Officer, Mr Wayne Mann, said this was far from the truth.

"The fact is, the ACC has been actively seeking all the evidence since September 1996, when the Hon. Attorney General, Mr P. Foss, presented the Government's response to the Tomlinson Committee's interim report to State Parliament," Mr Mann said.

At that time the Commission received advice that Mr Foss told the Legislative Council it should give leave for the Committee to release all its materials.

Mr Mann said the Commission has followed up this matter at regular intervals. Although requests referred to a specific matter, the intent, based on the Government's September response to the interim report, was that all evidence collected by the Tomlinson Committee, be released to the ACC. Any possible misunderstanding about the scope of this Commission's request was clarified on March 14, 1997.

"In response to these requests, I was advised that on March 20, 1997, the Hon. Mr D. Tomlinson moved a motion recommending to the Legislative Council that the evidence be released.

"However, I understand there may be some procedural difficulties in making all the material available and this is now being addressed by the Chairman of the Committee, Mr Tomlinson."

- 3.5 On 11 June the Chief Executive Officer of the Anti-Corruption Commission, Mr Wayne Mann met with former members of the Police Committee, Hons Derrick Tomlinson MLC, Nick Griffiths MLC and Murray Montgomery MLC and the Clerk of the House. At this meeting the release of the records of the Police Committee to the Anti-Corruption Commission was discussed. The records of the Police Committee at all times were in the custody of the Clerk of the House. Before debate on the Tomlinson Motion was completed the following request was received by the Clerk from the Anti-Corruption Commission on 16 June 1997.

16 June 1997

Mr L Marquet
Clerk of the Legislative Council
Parliament House
PERTH WA 6000

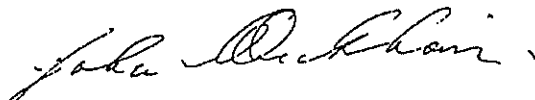
Dear Mr Marquet

Select Committee on the Western Australian Police Service ("The Tomlinson Committee")

I refer to a recent meeting of yourself, the Hon D Tomlinson, MLC, the Hon N Griffiths MLC and the Hon M Montgomery MLC with Mr Wayne Mann, Chief Executive Officer of this Commission, at which you suggested this Commission should write to seek the release of all the evidence gathered by the Tomlinson Committee.

It would be appreciated if you would now make the necessary arrangements so that the Legislative Council can consider releasing all of the evidence to this Commission as soon as possible.

Yours sincerely,



J L C Wickham, QC
Chairman

- 3.6 On 17 June 1997 the President informed the House of receipt of the letter. A copy was tabled and consideration of the request was made an order of the day. On 26 June 1997 the Hon Nick Griffiths moved a motion (“the Griffiths Motion”) to appoint a select committee on the request to release documents of the Police Committee to the Anti-Corruption Commission. The Griffiths Motion established the terms of reference of this committee. The Griffiths Motion was put and passed on the same day. The Terms of Reference of this Committee appear at the front of this report. The principal task of the Committee is to review all evidence, transcripts, and documents (the “records”) obtained by, or provided to the Police Committee in relation to its term of reference 3 now in the possession or under the control of the Clerk and determine which parts of the records:
- 3.6.1 may be released to the Anti-Corruption Commission;
 - 3.6.2 may be released after obtaining the express written consent of witnesses to whom those parts relate;
 - 3.6.3 should not be released.
- 3.7 The Committee has now had the opportunity to review the records and make its determinations in accordance with its Terms of Reference. The records were divided into submissions, correspondence, transcripts, and other materials. Where possible the Committee was provided with a brief summary of the content of each document. This enabled the Committee members to recollect the nature and relevance of the material. Where an accurate recollection was not possible the Committee reviewed the material to make a determination. As each piece of the records was considered a determination was made having regard to the matters referred to in paragraph 3 of the Committee’s Terms of Reference but also having regard to such matters as the relevance of the material in light of the Committee’s overall discretion.
- 3.8 One of the matters that the Committee was required to have regard to was any order or undertaking of the Police Committee made under Legislative Council Standing Order 358(d) (“SO358(d)”) governing the publication of a witnesses’ identity, occupation or activities, or the content of that person’s evidence⁴. In most instances, where such an undertaking had been given and this Committee resolved to recommend to the House that the relevant document be released to the Anti-Corruption Commission, a letter advising the relevant person of this was sent as a matter of courtesy. Where an undertaking had been given but the Committee was undecided as to the release of the relevant document, a letter was sent seeking the relevant persons consent or reasons for objection to the release of the document. To do otherwise would be to undermine the integrity of the Parliament in relation to the public. Following receipt of responses to

⁴ SO358(d) provided that:

“...any person examined before a committee is entitled to:

- (d) apply for all or part of that person’s evidence to be given in private session and for an order restricting publication of, or access to, that evidence....”

It should be noted that SO358(d) is now numbered SO330(d).

each of these letters the Committee met again and reached a determination on whether to recommend to the House that the relevant document be released to the Anti-Corruption Commission.

4

Recommendations

- 4.1 In respect of each submission, piece of correspondence, transcript and other material the Committee has been able to recommend that the document either may be released or it should not be released. Accordingly, in respect of each document the Committee recommends either that it may be released or that it should not be released. Where transcript evidence was provided under an undertaking provided by the Police Committee pursuant to SO358(d) this is noted by reference to SO358(d). Where the Committee has been provided with the written consent to the release of transcript evidence this is also noted. Where a witness has failed or refused to provide written consent to the release of transcript evidence and the Committee has determined not to release that transcript evidence the name of the witness has been withheld.
- 4.2 In addition the Committee has divided the records into four categories of submissions, correspondence, transcript and other material. The records appear in Table A, Table B, Table C and Table D with the Committee recommendation appearing in the right hand column. To assist the House a brief description of the material, where practical, is provided.

4.3

Table A - Submissions

SUBMISSIONS			
No	Date Received	From	Status
1.	5 Jan 94	<i>Mr HR de Jongh</i> Unhappy with the way a complaint filed to IAU was handled when he was a police officer	Release
2.	12 Jan 94	<i>Ms IE Pluktchy</i> Allegation re: police abuse of the containment policy for prostitution	Release
3.	6 Jan 94	<i>Mr J Heaney</i> Complaint re: IIB investigation into investigation of rape where Mr Heaney was charged and subsequently found not guilty	Release
4.	28 Jan 94	<i>Mr KJ Courteney</i> Allegation re: internal investigation of procurement of confession by police officers	Release

SUBMISSIONS			
No	Date Received	From	Status
5.	2 Feb 94	<i>Mr PG Guidice</i> Complaint re: interrogation of Ms J Angel by police and subsequent internal investigation	Release
6.	2 Feb 94 9 Feb 94	<i>Ms ES Date</i> Request for independent investigation of police	Release
7.	25 May 94	<i>Mr G Christou</i> Concern over police conduct	Release
8.	8 Jun 94	<i>Mr B Hersey</i> Allegation re: harassment by police and ineffective action by IAU	Release
9.	8 Jun 94 6 Jun 96 28 Jun 96 5 Feb 97	<i>Mr N Sharp</i> Allegation re: concern over police conduct	Release
10.	8 Jun 94	<i>Mr B Jones</i> Allegation re: Bunbury police tapping his telephone	Release
11.	8 Jun 94	<i>Mr L Meade</i> Multiple concerns over police conduct	Release
12.	8 Jun 94	<i>Ms A Longworth</i> Alleged assault of juvenile while being questioned by police	Release
13.	8 Jun 94	<i>Mr J Boylan</i> Allegation re: assault, misconduct and harassment	Release
14.	8 Jun 94	<i>Mr KJ & HJ Oliver</i> Allegation re: harassment and police involvement in small business	Release
15.	8 Jun 94	<i>Mrs I Barnes</i> Complaint re: treatment of husband while he was a police officer and fact that suspended officers are heard by superior officers, rather than independent judges	Release
16.	8 Jun 94 19 Mar 96	<i>Ms C Lisle-Williams</i> Multiple complaints over police conduct	Release
17.	8 Jun 94	<i>Mrs M Jones</i> Complaint of police conduct	Release

SUBMISSIONS			
No	Date Received	From	Status
18.	8 Jun 94	<i>Sr B Doyle</i> Allegation re: assault of aboriginal juveniles by police officers	Release
19.	8 Jun 94	<i>Mr LW Roberts-Smith, QC</i> Submission of court transcripts to show example of police/aboriginal relations	Release
20.	8 Jun 94	<i>Ms A Annear</i> Letter and tape re: interviews of representatives of Perth aboriginal community regarding police violence	Release
see 6	8 Jun 94	<i>Ms ES Date</i> Allegation re: assault of Gary Hayes	Release
21.	8 Jun 94	<i>Mr P Weygers</i> Allegation re: cover up of Gary Hayes complaint against police	Release
22.	8 Jun 94 19 Oct 95 12 Feb 96 20 Mar 96	<i>Mr G Hickey</i> Complaint re: conduct of police	Release
23.	8 Jun 94	<i>Mr AWJ Smith</i> Newspaper article and comment on Mickelberg case	Release
24.	8 Jun 94	<i>Mr WH Griffiths</i> Allegations re: false charges made by police	Release
25.	8 Jun 94	<i>Mr P Perry</i> Allegation re: police failing to arrest a man	Release
26.	8 Jun 94 28 Mar 96	<i>Mr R & R Tilbury</i> Allegation re: neglect of son in East Perth lock-up and harassment by police since complaint made	Release
27.	8 Jun 94	<i>Mr B Fernandez</i> Allegation re: overcharged for drivers' licence	Release
28.	8 Jun 94	<i>Mr S Scott</i> Claiming to have knowledge of police criminality	Release
29.	8 Jun 94	<i>Mr FJ Newman</i> Allegation re: failure of police to investigate complaint	Release

SUBMISSIONS			
No	Date Received	From	Status
30.	8 Jun 94	<i>Mr DJ Varney</i> Suggestion re: research whether police are being shifted to the country after a complaint is made about them	Release
31.	8 Jun 94	<i>Mr F Wyatt</i> Dissatisfaction that police investigate complaints against police	Release
32.	8 Jun 94	<i>Mr J Marsh</i> Complaint re: lack of investigation by police after information provided to them	Release
33.	8 Jun 94	<i>Mr M Stevenson</i> Allegation re: misconduct of police officers	Release
34.	8 Jun 94	<i>Anonymous</i> Allegation re: use of police records by insurance company	Release
35.	8 Jun 94	<i>Mr AB Greer</i> Allegation of illegal questioning by police	Release
36.	8 Jun 94	<i>Mr F Smith</i> Allegations re: misconduct by police officers	Release
37.	8 Jun 94	<i>Mr B Love</i> Allegation re: misconduct by police and DPP	Release
38.	8 Jun 94	<i>Mr L Westerlund</i> Allegation re: misconduct by police	Release
39.	8 Jun 94	<i>Mr A Andjelkovic</i> Allegation re: threats and intimidation by police	Release
40.	8 Jun 94	<i>Mr A Simms</i> Allegation by former police officer re: incorrect arrests of Aboriginals and incorrect claims for meal allowances	Release
41.	8 Jun 94	<i>Mr B Elliott</i> Allegation re: improper interview techniques	Release
42.	8 Jun 94	<i>Mr DH Schapper</i> Allegation re: misconduct by police officers	Release
43.	8 Jun 94	<i>Mr EO Martin</i> Allegation re: improper advice by police officer	Release
44.	8 Jun 94	<i>Mrs LC Gregory</i> Not relevant to term of reference 3	No Release

SUBMISSIONS			
No	Date Received	From	Status
45.	8 Jun 94	<i>Mr E Scott</i> Allegation re: police releasing confidential records	Release
46.	8 Jun 94	<i>Mr F Hrubos</i> Allegation re: police misconduct	Release
47.	8 Jun	<i>Ms C Coulridge</i> Complaint re: police misconduct	Release
48.	8 Jun 94	<i>Mr RA Ryan</i> Allegation re: police misconduct	Release
49.	8 Jun 94	<i>Ms MS Hill</i> Complaints re: IIB Officers concerned with Eucla investigation	Release
50.	8 Jun 94	<i>Mr HE Edwards</i> Allegations of police corruption	Release
51.	8 Jun 94	<i>Mr G Heazlewood</i> Allegation re: police perjury; lack of trust of internal affairs	Release
52.	8 Jun 94	<i>Ms V Moore</i> Allegation re: police corruption and cover-up of corruption	Release
53.	8 Jun 94	<i>Mr MJ Anderson</i> Not relevant to term of reference 3	No Release
54.	8 Jun 94	<i>Mr I Talbot</i> Complaint re: police misconduct	Release
55.	8 Jun 94	<i>Mr JW Horton</i> Allegation re: police misconduct	Release
56.	8 Jun 94	<i>Mr BR & J Best</i> Complaint re: police misconduct	Release
57.	8 Jun 94	<i>Mr GH Scrine</i> Police management of complaints made against police	Release
58.	8 Jun 94	<i>Mrs Faulkner</i> Allegation re: police misconduct	Release
59.	8 Jun 94	<i>Peter</i> Allegation re: police misconduct	Release

SUBMISSIONS			
No	Date Received	From	Status
60.	8 Jun 94	<i>Mr DH Dutton</i> Complaint re: police misconduct	Release
61.	8 Jun 94	<i>Mr MJ Regan</i> Allegation re: assault by police; complaint re: lack of action by IIB	Release
62.	8 Jun 94	<i>Mr C Gillham</i> Allegation re: illegal involvement in business by police officer	Release
63.	8 Jun 94	<i>Ms F Towill</i> Complaint re: system of making complaints against police to police; allegations of police misconduct	Release
64.	8 Jun 94	<i>Mr VJ Holland</i> Not relevant to term of reference 3	No Release
65.	8 Jun 94	<i>Ms JM Riddell</i> Complaint re: attitude of police and lack of action dealing with a complaint	Release
66.	8 Jun 94	<i>Mr J Jenzen</i> Not relevant to term of reference 3	No Release
67.	8 Jun 94	<i>Mr SP Murray</i> Possibility of police leaking confidential information	Release
68.	8 Jun 94	<i>Mr LH Watt MLA</i> Not relevant to term of reference 3	No Release
69.	8 Jun 94	<i>Mrs M Clarke</i> Not relevant to term of reference 3	No Release
70.	8 Jun 94	<i>Mr A Hill</i> Not relevant to term of reference 3	No Release
71.	8 Jun 94	<i>Mr M Collier</i> Not relevant to term of reference 3	No Release
72.	8 Jun 94	<i>Anonymous</i> Allegation re: Police misconduct	Release
73.	8 Jun 94	<i>Mr Payam</i> Allegation re: assault by off-duty police officer	Release
74.	8 Jun 94	<i>The Most Reverend Dr PF Carnley</i> Not relevant to term of reference 3	No Release

SUBMISSIONS			
No	Date Received	From	Status
75.	8 Jun 94	<i>Mr J Langford</i> Complaint re: police handling of a dispute between neighbours; lack of action by the IIB	Release
76.	8 Jun 94	<i>Mr NV Stevens</i> Allegation re: Police misconduct	Release
77.	8 Jun 94	<i>Ms L Norbury</i> Allegation re: Police misconduct	Release
78.	8 Jun 94	<i>Mr JP Toohey</i> Not relevant to term of reference 3	No Release
79.	8 Jun 94	<i>Mr FP David</i> Not relevant to term of reference 3	No Release
80.	8 Jun 94 18 Mar 96	<i>Messrs R & P Mickelberg</i> Allegation re: police fabricating evidence; committing perjury; and conspiring to pervert the course of justice	Release
see 80	8 Jun 94 18 Mar 96	<i>Messrs R & P Mickelberg</i>	Release
81.	8 Jun 94	<i>Mr E Tarik</i> Allegation re: police misconduct	Release
82.	8 Jun 94	<i>Mr SF Carew-Reid</i> Allegation re: false arrest	Release
83.	8 Jun 94	<i>Mr H Bailey</i> Allegation re: police misconduct	Release
84.	8 Jun 94 25 Jun 96	<i>Mr AR Webster</i> Complaint re: police misconduct	Release
85.	8 Jun 94	<i>Mr S Casotti</i> Allegation re: police misconduct	Release
86.	8 Jun 94	<i>Anonymous</i> Allegation re: police corrupt misconduct	Release
87.	8 Jun 94	<i>Trevor</i> Allegation re: police retaining drugs and drug money; lack of action by IIB; and police misconduct	Release
88.	8 Jun 94	<i>Mr D Dyer</i> Allegation re: police supplying drugs to children	Release

SUBMISSIONS			
No	Date Received	From	Status
89.	8 Jun 94	<i>Ms L Coyle (nee Watson)</i> Allegation re: police involvement in prostitution industry	Release
90.	8 Jun 94	<i>Ms Sharon</i> Not relevant to term of reference 3	No Release
91.	8 Jun 94	<i>Mr & Mrs BL Smith</i> Allegation re: police ineptitude	Release
92.	8 Jun 94	<i>Mr I King</i> Allegation re: inadequacy in police procedures being followed resulting in fatal shooting	Release
93.	8 Jun 94	<i>Mrs M Finn</i> Allegation re: police misconduct	Release
94.	8 Jun 94	<i>Name Withheld</i> Not to be released due to concern for safety of witness	No Release
95.	8 Jun 94	<i>Mr & Mrs R Brennan</i> Allegation re: police corruption	Release
96.	31 Aug 94	<i>Mr R Bestry</i> Allegation re: police corruption	Release
see 80	2 Nov 94 29 Nov 95	<i>Mr R Mickelberg</i>	Release
97.	31 Aug 94	<i>Mr G Hayes</i> Allegation re: police misconduct	Release
98.	2 Nov 94 23 Nov 95	<i>Mr H Jaensch</i> Allegation re: police involvement in child sexual abuse	Release
99.	13 Sep 95	<i>Mr T Mioceovich</i> Allegation re: police misconduct	Release
100.	13 Sep 95	<i>Messrs G and J Drake</i> Allegation re: police misconduct	Release
101.	21 Aug 96	<i>Mrs L Thompson</i> Complaint re: IIB investigation of Eucla police officers	Release
102.	6 Sep 95	<i>Mr RL Fairclough</i> Complaint re: conviction of Eucla police officers	Release
103.	3 Oct 95 19 Oct 95 17 Jan 96	<i>Mr A Edney</i> Complaint re: police corruption	Release

SUBMISSIONS			
No	Date Received	From	Status
see 99	3 Oct 95 19 Jun 96 23 Jul 96 29 Jul 96 23 Aug 96	<i>Mr T Miocevich</i>	Release
104.	11 Oct 95	<i>Messrs GV & GMN Young</i> Not relevant to term of reference 3	No Release
105.	11 Oct 95	<i>Mr G Wood</i> Not relevant to term of reference 3	No Release
106.	13 Oct 95 17 Nov 95	<i>Cr S Hill</i> Allegation re: police misconduct	Release
107.	17 Oct 95	<i>Mr P Dickinson</i> Opinion of expert witness: former investigator for Hong Kong ICAC - comments on WA handling police corruption	Release
108.	18 Oct 95	<i>Mr M Lowry</i> Allegation re: police misconduct	Release
see 23	18 Oct 95	<i>Mr AWJ Smith</i> Newspaper article and comment on newspaper article	Release
109.	18 Oct 95	<i>Mr JR King</i> Information re: a whistleblower in SA with information about WA police	Release
110.	18 Oct 95	<i>Mr R Horrigan</i> Complaint re: lack of acknowledgment of complaint regarding alleged criminals involved with police	Release
111.	18 Oct 95	<i>Mr B Nobes</i> Allegation re: drug squad officers involved in drug deals	Release
112.	18 Oct 95	<i>Mr T Grosser</i> Allegation re: police involvement in drug trade	Release
113.	14 Nov 95	<i>Mr L Wakeman</i> Not relevant to term of reference 3	No Release
see 37	15 Nov 95	<i>Mr Brian John Garvey (Love)</i> Allegation re: persecution by IAU	Release
114.	17 Nov 95	<i>Mr JA Falconer</i> Not relevant to term of reference 3	No Release

SUBMISSIONS			
No	Date Received	From	Status
see 32	17 Nov 95 5 Dec 95	<i>Mr J Marsh</i>	Release
115.	22 Nov 95	<i>Mrs B Henderson</i> Complaint re: lack of action when complaint made about fellow police officers	Release
116.	24 Nov 95	<i>Senator C Chamarette</i> Not relevant to term of reference 3	No Release
see 29	27 Nov 95 19 Nov 95	<i>Mr FJ Newman</i>	Release
see 84	29 Nov 95	<i>Mr AR Webster</i> Not relevant to term of reference 3	No Release
117.	30 Nov 95	<i>Ms J Whittome</i> Not relevant to term of reference 3	No Release
118. 119. 120.	11 Dec 95	<i>Mr M Daddi</i> <i>Ms J Hewson</i> <i>Mr L Townshend</i> Allegation re: police complaints not being dealt with efficiently	Release
121.	19 Dec 95	<i>Mr R Bropho</i> Not relevant to term of reference 3	No Release
122.	25 Dec 95	<i>Mr K Steele</i> Allegation re: police misconduct	Release
123.	14 Feb 96	<i>Mr RJM Johns</i> Allegation re: complaint about Police Committee	Release
124.	15 Feb 96 29 Apr 96	<i>Ms J Mallard</i> <i>Mr and Mrs GR Mallard</i> Allegation re: police misconduct	Release
125.	21 Feb 96	<i>Mrs LC Kinman</i> Allegation re: police misconduct	Release
see 82	27 Feb 96	<i>Mr S Carew-Reid</i>	Release
126.	28 Feb 96	<i>Mr KJ Sawyer</i> Defence of IAU against recent criticism	Release

SUBMISSIONS			
No	Date Received	From	Status
127.	29 Apr 96	<i>Mr P Lewis</i> Allegation re: police misconduct	Release
128.	30 Apr 96	<i>Mr & Mrs R Tilbrook</i> Allegation re: police misconduct; lack of investigation by IIB	Release
129.	29 Apr 96	<i>Mrs E Brennan</i> Complaint re: IIB investigation of Eucla officers	Release
130.	13 Jun 96	<i>Mr R Dalrymple</i> Allegation re: police intimidation of witnesses	Release
131.	25 Jun 96	<i>Mr J Ter Horst</i> Allegation re: false arrest	Release
132.	25 Jun 96	<i>Anonymous</i> Allegation re: police misconduct	Release
133.	24 Jul 96	<i>Mr D Oliver</i> Allegation re: 'verballing'	Release
134.	12 Nov 96	<i>Ms J Song</i> Complaint re: alleged harassment of Stephen Wardle's parents	Release
135.	12 Nov 96	<i>Ms R Moon</i> Complaint re: alleged harassment of Stephen Wardle's parents	Release
136.	12 Nov 96	<i>Ms I Lee</i> Complaint re: alleged harassment of Stephen Wardle's parents	Release

Table B - Correspondence

CORRESPONDENCE			
No	Date	From	Status
1.	5/4/95	<i>Mr F Zanetti</i> Eucla evidence	Release
2.	9/6/95	<i>Mr R Eadie (Ombudsman)</i> Comment on Eucla Discussion Paper	Release

CORRESPONDENCE			
3.	6/9/95	<i>Mr Dennis Tobin</i> letter related to Submission No 212	Release
4.	16/12/92	<i>IIB File No: 92/1119</i> Jeanie Angel Report by DJ Van Boheemen to Superintendent Donnelly	Release
5.	28/1/93	<i>Hon Graham Edwards MLC, Minister for Police</i> re: attached Jeanie Angel Report by Commissioner Bull	Release
6.	24/11/95	<i>Commissioner Falconer</i> Comments on Eucla Discussion Paper	Release
7.	30/11/95	<i>Commissioner Falconer</i> re: article in the <i>West Australian</i> about Kerrie Francis Byers	Release
8.	26/4/97	<i>Commissioner Falconer</i> Re: Deputy Commissioner Ayton's retirement: letters between Ayton and Stoll	Release
9.	8/5/96	<i>Commissioner Falconer</i> Letter with AFP Task force executive summary attached re: Scott allegations	Release

Table C - Transcripts

TRANSCRIPTS			
1.	28/9/94	Don McLeod	Release
2.	2/11/94	Commissioner Falconer	No Release Not relevant
3.	15/11/94	Name withheld	No Release SO358 (d) ⁵
4.	15/11/94	Name withheld	No Release SO358 (d)
5.	15/11/94	Name withheld	No Release SO358 (d)
6.	16/11/94	William Chilvers	Release SO358 (d) - by consent

⁵ SO358(d) is now numbered SO330(d).

TRANSCRIPTS			
7.	16/11/94	Name withheld	No Release SO358 (d)
8.	16/11/94	Lenard Thickbroom	Release SO358 (d) - by consent
9.	16/11/94	Ivon Robson	Release SO358 (d) - by consent
10.	23/11/94	Kingsley Porter Kevin Gaitskell	No Release Not relevant
11.	6/2/95	Robin Thoy	Release SO358 (d)
12.	6/2/95	Duncan Lippe	Release SO358 (d)
13.	13/2/95	Frank Zanetti	Release SO358 (d)
14.	20/2/95	Frank Zanetti	Release SO358 (d)
15.	27/2/95	Paula Johnston	Release
16.	12/4/95	Peter Fisk Darryl Goodman	Release SO358 (d)
17.	24/4/95	John McKechnie QC, Kate McDonald	Release SO358 (d)
18.	24/4/95	Simon Stone	Release
19.	24/4/95	Lenard Thickbroom	Release SO358 (d) - by consent
20.	24/4/95	Name withheld	No Release SO358 (d)
21.	10/5/95	Les Ayton	Release
22.	17/5/95	Commissioner Falconer Les Ayton	Release SO358(d) - by consent Release - by consent

TRANSCRIPTS			
23.	17/5/95	Les Ayton	Release
24.	14/6/95	Brian Bull	Release
25.	14/6/95	Name withheld	No Release SO358 (d)
26.	28/6/95	James Heaney	Release
27.	6/9/95	Ingrid Pluktchy Dean Musa	Release SO358 (d)
28.	6/9/95	Ray Fairclough	Release
29.	13/9/95	Ingrid Pluktchy Dean Musa	Release
30.	16/10/95	Ray and Ros Tilbury	Release
31.	18/10/95	Les Ayton	Release
32.	23/10/95	Ray and Peter Mickelberg	Release
33.	27/10/95	George Giudice	Release
34.	30/10/95	Frank Scott	Release
35.	30/10/95	Name withheld	No Release SO358 (d)
36.	30/10/95	Hon Mark Nevill	Release
37.	1/11/95	Rochester and Linda Tilbrook	Release
38.	1/11/95	Ray and Peter Mickelberg	Release
39.	3/11/95	Arthur Auguste	Release

TRANSCRIPTS			
40.	8/11/95	Mr Panegyres	No Release Not Relevant
41.	8/11/95	Brad Waghorn	Release
42.	8/11/95	Tim Boase	Release
43.	8/11/95	Avon Lovell	Release SO358 (d)
44.	13/11/95	Name Withheld Not to be released due to concern for safety of witness	No Release
45.	15/11/95	Noel DeGrussa	Release SO358 (d) - by consent
46.	17/11/95	Ray and Peter Mickelberg	Release
47.	20/11/95	Bill Nobes	Release
48.	22/11/95	Frank Scott	Release
49.	27/11/95	Commissioner Falconer	Release
50.	27/11/95	Russell Gardiner	Release
51.	4/12/95	Name Withheld Not to be released due to concern for safety of witness	No Release SO358 (d)
52.	4/12/95	Name Withheld Not to be released due to concern for safety of witness	No Release SO358 (d)
53.	4/12/95	Name Withheld Not to be released due to concern for safety of witness	No Release SO358 (d)
54.	20/2/96	Kingsley Porter Jack Mackaay	No Release Not relevant
55.	20/2/96	Commissioner Falconer	Release

TRANSCRIPTS			
56.	20/2/96	Kingsley Porter	No Release Not relevant
57.	26/2/96	Les Ayton	Release
58.	26/2/96	Peter Kyle	Release
59.	17/4/96	Maykel Leijser	Release
60.	17/4/96	Norma Rundle	Release SO358 (d) - by consent
61.	17/4/96	Ian Brandis	Release SO358 (d) - by consent
62.	29/4/96	Les Ayton	Partial Release in order to protect the safety of other witnesses
63.	21/8/96	Frank Scott	Release

Table D - Other Material

OTHER MATERIAL			
No	Date	Name/Document	Status
1.	1/9/94	<i>A/Superintendent DJ McLeod</i> Responses re: T of R 3, 4 & 5 Statistics List for 1993 and Mission Statement for IAU	Release
2.		<i>A/Commander JR Hawkes</i> "Commissioner's Briefing Notes: Office of the Inspectorate"	Release
3.	23/3/94	<i>John McKechnie QC, DPP</i> Background to Operation Bravo Quebec Probe Report	Release
4.	Mar 94	<i>A/Deputy Commissioner Ayton</i> "Corruption Probe: Operation Bravo Quebec"	Release
5.		List of Officers for 1993-1994 Breaches of Police Regulations	Release
6.	16/4/96	<i>A/Superintendent Syme, IAU</i> List of officers charged from 1989 - 1994	Release

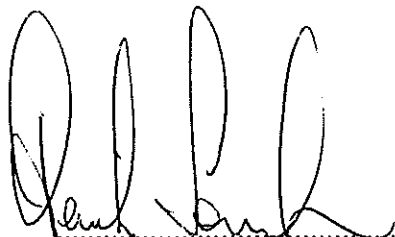
OTHER MATERIAL			
7.	6/10/94	<i>A/Superintendent Robson, IIB</i> IIB File No: 90/442 re: Eucla	Release
8.	May 1994	<i>M Hay, J Crawford, R McDonald</i> "A Review of the Internal Investigations Branch"	Release
9.		<i>J Mackaay, W Round, A O'Donoghue</i> "A Review of the Internal Affairs Unit"	Release
10.	21/9/94	<i>John McKechnie QC, DPP</i> Report of senior crown prosecutors re: Eucla Matters	Release
11.	7/12/94	<i>Commissioner Falconer</i> to DPP re: Eucla	Release
12.	16/3/95	<i>James MacTaggart</i> to DPP re: Eucla Officers	Release
13.	27/3/97	<i>Assistant Commissioner Hay</i> to DPP re: Eucla Matters - att: report re: attempt to pervert the course of justice	Release
14.		"Corruption Probe - Operation Bravo Quebec": Report	Release
15.		Video Evidence - Tilbury Security Camera	Release
16.		<i>Eucla Discussion Paper - Final Copy</i>	Release
17.		<i>Australian Federal Police Report - Eucla</i> Parts 1 & 2	Release
18.		<i>Dianne Kelly Incident</i> Bunbury - WAPS Submission	Release
19.		<i>Australian Federal Police Report - Scott Allegations</i> Files 1 & 2	Release
20.		Transcripts - floppy discs of Eucla trial	Release
21.	6/9/95 13/9/95	<i>Ingrid Pluktchy</i> - additional information tabled during hearing	Release
22.		<i>Jeanie Angel</i> - information from Crown Solicitor's Office	Release

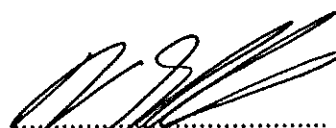
OTHER MATERIAL			
23.		<i>Thompson and Fairclough</i> - additional information tabled during hearing - Linda Thompson paper - Fairclough Submission - Opinion of G Miller and DPP response	Release
24.	10/5/95 17/5/95 18/10/95 20/2/96 29/4/96	<i>Les Ayton</i> - additional information tabled during hearing	Release
25.	16/10/95	<i>Tilburys</i> - additional information tabled during hearing	Release
26.	30/10/95 22/11/95 21/8/96	<i>Frank Scott</i> - additional information tabled during hearing Vols 1- 4	Release
27.	1984-1987	<i>Ayton's Running Sheets and transcript of evidence</i> - Casino Investigation	Release
28.	8/11/95	<i>Waghorn</i> - additional information tabled during hearing	Release
29.	6/2/95	<i>Thoy</i> - additional information tabled during hearing (includes audio tapes), Vols 1 - 3	Release
30.		Review of the IIB by Commander Lippe	Release


- 4.3 The final comment on this matter to be made by the Committee is in relation to a letter received by the Police Committee from the Hon J L C Wickham QC as Chairman of the Official Corruption Commission on 22 March 1996. This enclosed a Discussion Paper prepared by the Official Corruption Commission and initially submitted to the Joint Standing Committee on the Commission on Government. That Discussion Paper addressed issues of policy in relation to corruption within the police service. The Committee is of the opinion that the letter and attached Discussion Paper be transmitted to the Joint Standing Committee on the Anti-Corruption Commission.
- 4.4 The Committee considers that release of this document is within the spirit of the former Police Committee's intentions. The Police Committee had recommended a standing committee on the Western Australian Police Service.

4.5 The Committee recommends that:

- (1) The Clerk transmit to the Anti-Corruption Commission a copy of the material nominated for release in paragraph 4.2 herein.
- (2) The Anti-Corruption Commission shall receive and deal with that evidence and documents in the following manner:
 - (a) it shall not act in breach of the relevant and appropriate powers, privileges, rights and immunities of this House;
 - (b) it shall not make any copies of the evidence and documents; and
 - (c) any question arising under this paragraph in the course of any inquiry or investigation by the Anti-Corruption Commission shall be submitted to, and determined by, the President.
- (3) The Anti-Corruption Commission shall return to the Clerk all material supplied under paragraph (1) of this order by 1 December 1998.
- (4) A copy of this report be submitted to the Joint Standing Committee on the Anti-Corruption Commission for its consideration.
- (5) The letter from the Hon JLC Wickham QC dated 22 March 1996 and the attached discussion paper be released to the Joint Standing Committee on the ACC.


.....
Hon Derrick Tomlinson MLC
(Chairman)


.....
Hon Nick Griffiths MLC


.....
Hon Murray Montgomery MLC

APPENDIX A

SELECT COMMITTEE ON THE WESTERN AUSTRALIAN POLICE SERVICE

Terms of Reference

That a Select Committee of five members, any three of whom shall constitute a quorum, be appointed to make full and careful inquiry into and report on the Western Australian Police Service and its operation and administration and in particular, but without limiting the generality of the inquiry to inquire into and report upon -

- (1) What should be the relationship between Government, Parliament and the Police Service to ensure -
 - (a) independence in operational matters;
 - (b) governmental input into and ministerial responsibility for policy matters;
 - (c) proper accountability to Parliament, in particular, through Parliamentary questions;
 - (d) some form of operational supervision and check, free of political input,and whether the appointment of a Board, the defining of the powers of the Minister of Police, a Standing Committee of the Parliament or some or all of these or other measures may address the matter.
- (2) Whether any political interference in the Police Service at any level has occurred affecting any commissioned or other officer currently a member of the service or who has in the last 5 years, retired from the service.
- (3) Whether the self regulatory role of the Internal Affairs Unit within the Police Service is effective or desirable in the public interest and if not, what method of detecting, punishing and preventing corruption within the Police Service should be implemented.
- (4) Whether any incidences exist of unlawful, improper or unauthorised use of listening devices, visual surveillance devices, tracking devices or telephone interception by members of the Police Service and further report on the adequacy of the protocols observed in the installation, use and retrieval of such devices and the collection, dissemination use and storage of material gained from the installation or use of such devices.
- (5) Whether the funding provided to the Internal Affairs Unit has been expended in the lawful execution of the units responsibility and further determine the amount of funds expended on the acquisition of equipment used or able to be used as a listening device, visual surveillance device, tracking device or equipment associated with telephone interception and the likelihood of breaches of individuals privacy consequent on the unlawful, improper or unauthorised use of such equipment.
- (6) Whether the police have appropriate methods for dealing with young people.
- (7) To consider the appropriateness of police recruitment training and promotional procedures and structures.
- (8) Any further matter relating to the Police Service arising from the inquiry.
- (9) The Committee have power to send for persons, papers and records and to travel from place to place.
- (10) The Committee report to the House not later than April 12 1995, and if the House do then stand adjourned the committee do deliver its report to the President who shall cause the same to be printed by authority of this order.

APPENDIX B

RECOMMENDATIONS OF THE SELECT COMMITTEE ON THE WESTERN AUSTRALIAN POLICE SERVICE

INTRODUCTION

Police corruption is more dangerous to the well-being of society than any other public sector corruption. If corruption in the police service is controlled, it is easier to control corruption in other public sector organisations. The office of constable gives a police officer unique powers. Therefore, measures to combat police corruption must be extensive. Internal investigators from a number of police forces told the Committee that corrupt police officers are more cunning, knowledgeable and clever than their corrupt public service counterparts and therefore more difficult to catch.

Experience around the world has shown that when the police force is being scrutinised it acts more quickly and effectively. When scrutiny is removed, it is only a matter of time before a police force lapses into its former practices.

The Committee recommends the establishment of a continuing Parliamentary Standing Committee to oversight the Police Service, the formation of an independent Police Anti-Corruption Commission and changes to the role of the Ombudsman.

1. POLICE ANTI-CORRUPTION COMMISSION (PACC)

1.1 An anti-corruption body external to the Police Service should be established.

The external body will be referred to as the Police Anti-Corruption Commission (PACC) for the purposes of this report.

1.2 The PACC will be tasked:

1.2.1 to investigate issues of police corruption and serious misconduct;

1.2.2 to make recommendations about police procedure, if an investigation has exposed procedures which have the capacity to create opportunities for corrupt behaviour; and

1.2.3 to develop anti-corruption strategies and education programs within the WAPS.

1.3 This PACC should comprise:

1.3.1 A Management Team responsible for the establishment of the PACC. It is to ensure that the PACC follows best practice procedure in its own operations.

- 1.3.2 An Education/Research Team responsible for education at a recruit training level and continuing education programs about corruption to officers throughout the WAPS. Special management training emphasis is to be implemented to ensure that "accepted" corrupt practices are identified. It is to conduct research into strategies, structures and systems in place in other police forces utilised to combat corrupt practices. It is to conduct information sessions with management and officers in relation to this.
- 1.3.3 An Investigative Team to comprise the "best" people for the job. This does not necessarily exclude recruiting officers from the WAPS, but recruitment will be from the national and international arena. The Investigators on the PACC will not be serving police officers of any Police Service and must be accountable only to the CEO of the PACC and not to any Commissioner of Police. Covert/overt investigations of corruption matters will be removed from the Internal Affairs Unit and conducted solely by the Investigation Team at the PACC.
- 1.4 The PACC shall have all the powers, rights and privileges that are specified in the *Royal Commission Act 1968* as appertaining to a Royal Commission and the Chairman thereof.
- 1.5 The PACC must be given adequate resources to realise its goals. This will include recurrent funding for personnel, and capital outlays for computer equipment and technical surveillance equipment.
- 1.6 The PACC should be headed by a legally qualified senior officer/Commissioner. The Committee notes that Mr Justice O'Keefe, the Commissioner of the NSW ICAC, can return to the bench of the Supreme Court of NSW when his Commission with ICAC ends.
- 1.7 The PACC is to be accountable to the Parliament through a Standing Committee of the Legislative Council on the Western Australian Police Service.
- 1.8 The Minister responsible to the Parliament for the PACC is to be the Attorney General. The relationship between the Attorney General and the PACC is to be similar in nature to the Attorney General's relationship with the DPP.
- 1.9 The PACC is to present an Annual Report to Parliament and on such further occasions as necessary.

2. STANDING COMMITTEE ON THE WAPS

- 2.1 A Standing Committee of the Legislative Council on the Western Australian Police Service to oversight the WAPS is to be established.
- 2.1.1 The terms of reference of the Committee will include:
- Oversight of the PACC. It will be able to recommend matters for investigation, but will not have the power to direct the PACC.

- Oversight of policing matters including matters relating to complaints against police, allegations of corruption including all other areas of public concern relating to the WAPS although not impinging on the operational responsibility of the Commissioner of Police.
- 2.1.2 The Standing Committee shall comprise 4 members, representative of the make up of the Legislative Council at that time. A quorum will consist of one member of the Government and one member of the Opposition.
- 2.1.3 The Standing Committee will have the power to vet candidates for the position of senior officer/Commissioner of the PACC and to veto a proposed appointment.
- 2.2 The submissions and evidence held by this Select Committee are to be referred to the Standing Committee.

3. THE ROLE OF THE OMBUDSMAN

- 3.1 The responsibility for the investigation of misconduct or complaints of misconduct from the public will continue to be conducted by a specialist section within the WAPS. These investigations will continue to be reviewed by the Ombudsman's Office with the power and resources to initiate its own investigations.
- 3.2 If during the investigation the Ombudsman or the IIB of the WAPS discovers evidence of corruption or serious misconduct, then the matter must be referred immediately to the PACC.
- 3.3 The Ombudsman's Office must be resourced sufficiently so that it has the ability to initiate and conduct its own investigations (in line with the following changes to the *Parliamentary Commissioners Act 1971*).
- 3.4 The Committee recommends that changes should be made to the *Parliamentary Commissioners Act 1971* so that it reflects aspects of legislation in other jurisdictions. They are as follows:
The Parliamentary Commissioner for Administrative Investigations (the Ombudsman):
- (a) *must investigate a complaint if the conduct complained of is conduct of the Commissioner or of a Deputy or Assistant Commissioner of Police; and*
 - (b) *must investigate a complaint if the conduct complained of:*
 - (i) *is of such a nature that the Ombudsman considers that the investigation of the complaint is in the public interest; or*
 - (ii) *is in accordance with established practices or procedures of the force and the Ombudsman considers that those practices*

or procedures should be reviewed.

The Committee recognises that currently these matters form part of an "Administrative Arrangement" between the WAPS and the Ombudsman's Office. However these are matters which the Committee believes should be enshrined in legislation for their authority to be recognised, and should not rely on the goodwill of the incumbents of the Commissioner of Police and the Ombudsman.

- 3.5 The Committee recommends that section 14 be amended in the following manner.
- 3.5.1. The provision that a written report must be provided to the Ombudsman with any request for an extension of time after 42 days. This report must detail the current status of the investigation, what is still required to be done and the reason for the delay.
- 3.5.2. The Ombudsman, similar to his Victorian counterpart, must be able to request written reports at any time in relation to any matter under investigation.
- 3.6 The Committee recommends that section 16 of the *Parliamentary Commissioners Act 1971* be amended to allow the Ombudsman's Office to initiate its own investigations into matters of concern regarding the WAPS.
- 3.6.1 The Committee in discussion with the Ombudsman understands that there has been some difficulty in implementing own motion investigations through lack of resources. This is a matter which must be addressed. Legislation is only effective if the resources are provided to effectively implement it.
- 3.7 The Committee recommends amendments to section 17 of the *Parliamentary Commissioners Act 1971*.
- 3.7.1 Section 17(1) of the *Parliamentary Commissioners Act 1971* to be amended to allow receipt of verbal complaints to be sufficient to initiate an investigation by the Ombudsman.
- 3.7.2 Section 17(2) of the *Parliamentary Commissioners Act 1971* to be amended to enable a person acting on behalf of another to make complaints about police conduct specifically. For example, this would enable solicitors acting on behalf of complainants to make the complaint.
- 3.8 The Committee recommends that provision be made in the *Parliamentary Commissioners Act 1971* for reference of all matters which relate to corruption or serious misconduct within the WAPS to be immediately referred to the PACC, whether the initial complaint relates to corrupt behaviour or serious misconduct, or corrupt behaviour is uncovered during the course of an investigation.

4. A NEED FOR A ROYAL COMMISSION?

The Committee has found that corruption and serious misconduct within the WAPS is far greater than has previously been acknowledged, even though it is and has been

known by its Senior Executive.

The Committee has cited specific cases where a judicial inquiry is required in the public interest. Some submissions provided to the Committee may give rise to further instances where a judicial inquiry is required.

The Committee's recommendations give direction for positive action. If they are not implemented the only other course available is the establishment of a Royal Commission into the WAPS with wide terms of reference.

APPENDIX C

HON PETER FOSS (East Metropolitan - Attorney General) [5.50 pm] - by leave: This statement is in response to the interim report of the Select Committee on the Western Australian Police Service. The committee's report brings together information concerning a number of disturbing incidents. It must be noted, however, that the incidents detailed by the committee are largely historical. Since those incidents there has been considerable change in the management of the Western Australian Police Service with the implementation of the Delta program. I will respond to the committee's recommendations and to a number of matters raised within the report that require further consideration.

I shall deal first with the recommendations.

Political Anti-Corruption Commission: The committee recommended that a police Anti-Corruption Commission body external to the Western Australian Police Service be established. The Royal Commission into Commercial Activities of Government and Other Matters and the Commission on Government had previously recommended a body with powers of a royal commission to investigate allegations of corruption and improper conduct made against all public officers, including police officers. After considering COG's recommendations the Government announced in March 1996 that it would strengthen the Official Corruption Commission. The Parliament subsequently passed the Official Corruption Commission Amendment Act 1996. That Act addressed the intent of the PACC recommended by the committee.

The sections that rename the Act and commission and reconstitute the committee for nominating commissioners have been proclaimed. The committee consists of the Chief Justice, the Chief Judge of the District Court and the Solicitor General. The committee advertised on Saturday, 31 August 1996 inviting expressions of interest in the two vacancies on the Anti-Corruption Commission, to be lodged by Friday, 13 September 1996. The Government is now waiting to receive the committee's recommendations. As soon as practicable following the appointment of the new commissioners the Government will arrange for the proclamation of the balance of the Act. Upon that event a powerful body external to the police as envisaged by the select committee will be in place.

Standing Committee on the Western Australia Police Service: When the Government announced the strengthening of the Official Corruption Commission it advised that it would move to establish a joint standing committee on the Official Corruption Commission as recommended by a Legislative Assembly select committee in 1992. The Legislative Assembly resolved to establish a joint standing committee in April and seeks the concurrence of the Legislative Council in message No 5. The Government will move later in this sitting that this House concur with the Legislative Assembly's resolution, subject to amendments to take into account the change of name and the new terminology in the Act. Although it is a joint standing committee, not a committee of this House, this will be reviewed in the new Parliament.

The joint standing committee will address, as part of its terms of reference, most of the matters that the select committee wanted included in the terms of reference for a Legislative Council standing committee. The exception is the power to vet candidates for the position of senior officer commissioner of the PACC and to veto a proposed appointment. The Anti-Corruption Commission Act already provides a process for independent recommendations to be made for appointments to the Anti-Corruption Commission. The appointment of other senior officers is properly the responsibility of the Anti-Corruption Commission. It is not necessary to accept recommendation 2.1.3 of the select committee. The select committee recommends that the submissions and evidence held by it be referred to the standing committee. If this House concurs with the resolution to establish a joint standing committee, the submissions and evidence should be referred to the joint standing committee.

The role of the Ombudsman: The select committee has recommended amendments to the Parliamentary Commissioner Act 1971. When the report was tabled the Government was already preparing amendments to the Act that would ensure that the Ombudsman's jurisdiction extended to the majority of government agencies; facilitated the handling of informal complaints; provided protection for complainants and witnesses; and, provided for consultation with the Director of Public Prosecutions and the Anti-Corruption Commission. Following the tabling of the report the Government considered the recommendation for oral complaints and complaints lodged by a third party on behalf of a complainant. However, the Government has determined that such measures would carry with them an unacceptable risk of vexatious and malicious allegations being made. Recommendations 3.7.1 and 3.7.2 are therefore rejected. I am sure that the interim report of the Royal Commission into the City of Wanneroo will give ample justification for this.

As to recommendations 3.2 and 3.8, the Anti-Corruption Commission Act requires the Ombudsman to notify

the Anti-Corruption Commission of potentially corrupt conduct. The Anti-Corruption Commission amendments will extend this requirement to criminal conduct, criminal involvement and serious improper conduct. Conduct that is potentially corrupt or criminal conduct or criminal involvement will be required to be notified as soon as practicable. The Government is considering the remaining recommendations of the committee in relation to the Ombudsman and will respond in due course.

As to recommendation 3.3, resources, the Government is and remains committed to ensuring that accountability agencies, including the Ombudsman and the Anti-Corruption Commission, are adequately resourced.

A need for a royal commission: The committee notes that it has cited specific cases where a judicial inquiry is required in the public interest. Some submissions provided to the committee may give rise to further instances where a judicial inquiry is required; and its recommendations give direction for positive action. If they are not implemented the committee's concluding statement is that the only other course available is the establishment of a royal commission into the Western Australian Police Service, with wide terms of reference. The specific cases cited for judicial inquiry are the Mickelberg case, the Argyle Diamonds affair, and the death of Stephen Wardle. The Court of Criminal Appeal is presently considering the issues raised by the Mickelberg brothers following their convictions. These are independent judicial proceedings and the Government believes that this is the appropriate way for them to be dealt with. The Government has provided Peter Mickelberg with ex-gratia financial assistance in the conduct of the appeal. The Argyle Diamonds affair was the subject of an independent investigation by the Australian Federal Police and its outcome was tabled in the Legislative Council on 5 September 1996. The investigation identified ineffective, inadequate and deficient investigative practices and procedures, but not fresh evidence of corruption or criminality.

The death of Stephen Wardle was the subject of a coronial inquest and subsequent investigation by the Ombudsman. Both inquiries found that no police officers were implicated in the death, although it was a death in custody which should not have occurred. The report of the evidence of Mr and Mrs Tilbury at page 10, on the face of it, is disturbing. The Government has already referred the committee's report to the Anti-Corruption Commission to which this House should now give leave for the committee to release its materials. As members are aware, the powers of the Anti-Corruption Commission are far more comprehensive than could ever be conferred on a separately constituted judicial inquiry. It will have power to investigate allegations of corruption, criminality and serious improper conduct; assemble evidence for prosecutions; report facts to Parliament and make recommendations; appoint a special investigator with powers of a royal commission; recommend a royal commission be established; and recommend terms of reference of a royal commission.

Other matters:

James Heaney and Jeannie Angel: The committee recommended that in these cases, substantial compensation and an apology are warranted. The Government's legal advisers are presently re-examining these cases.

The Delta program: The committee dealt with Delta at pages 102-104 of its report. The Government was disappointed with the committee's comments on Delta. The committee seemed to perceive the scope of Delta as being largely limited to the redesign of the organisational structure. This perception is reflected in the comment "Changing the management structure without tackling the culture will serve only to shift the locus of corruption", at page 103. On the contrary, Delta is designed as a vehicle for profound change. Delta questions all aspects of existing practice and performance, and aims to change not only organisational functions, but also the attitudes, behaviour and performance levels of the Western Australia Police Service and its members.

Delta has a structured, integrated approach to ensuring reform to the whole Western Australian Police Service. It consists of a number of integrated projects: Purpose and direction, human resource management practices, financial management practice, organisational structure and management practice and management information - systems and processes. Delta's holistic and comprehensive approach recognises that there is no single formula to fix the problems associated with policing.

Evidence of the need for a "proper" integrated approach is provided by the 1984 reform attempt in New South Wales and the post Fitzgerald Royal Commission reform attempt in Queensland. The Wood royal commission and now the report on the Queensland Police Service indicate that in each case the initial reform program failed. Although each program was radical, in that it changed structures, management practices and processes, neither was profound, in that neither adequately reformed individual and organisational attitudes and behaviour. In a letter to the Premier dated 24 June 1996 - tabled in the Legislative Assembly - Professor Timothy Rohl, Director of the Australian Institute of Police Management, reinforced the need for a total approach to reform -

It is important to note that the reforms introduced in New South Wales were largely uncoordinated and piecemeal - the need for reforms to address the whole of the organisation rather than part of it in a strategic sense was not realised until it was too late.

Purpose and direction: The initial and fundamental step in Delta was to redefine the Western Australia Police Service's purpose and direction. Purpose and direction establishes the style and standards to be adopted by the Western Australia Police Service and all its employees. It provides the foundation on which all other elements of the transformation process are built and gives guidance and direction to all staff. A major component of purpose and direction is the statement of common values.

Communicating the changes: Profound change can be achieved only if employees truly understand and accept the need and rationale for change, and the benefits both internally and externally. An open, sincere and frank communication process is essential. Delta incorporates a comprehensive change management/communication strategy.

Organisational restructure regionalisation: For the Western Australian Police Service to deliver its core business in the new style described in "purpose and direction" it has been necessary to change the organisational structure. The major features of the new structure include -

Integrated command and control of regional resources to enable a more effective localised service delivery to solve local problems. This also provides for the establishment of strategic partnerships between police and the local community, including the business sector, public sector agencies and community groups. In a State the size of Western Australia, comprising one-third of Australia's total land mass, this was crucial.

Central specialist portfolios of crime operations and traffic and operations support.

The reduction of decision making layers between officers in charge of police stations and the persons with the ultimate responsibility for operations in a region - regional commanders - enabling a swifter response to local issues.

The Western Australia Police Service now consists of four, as opposed to 16, regions, one metropolitan and three country. Regions are divided into districts, with six in the metropolitan region and a total of nine in the country regions.

The new regionalised structure is designed to improve local service delivery, providing for local solutions to local community safety and security issues. It also provides for enhanced managerial responsibility and accountability for overall service delivery, resource, utilisation, and individual performance and conduct.

Professional standards: As an integral part of Delta, a new professional standards portfolio has been established to develop, monitor and communicate standards and ensure that the statement of common values underpins all decisions at all levels of the Western Australia Police Service. The portfolio is under the command of an assistant commissioner who reports directly to the Commissioner of Police, and addresses both sworn and unsworn members of the Western Australia Police Service. This direct reporting relationship signifies the importance of the portfolio's position within the Police Service.

The Commissioner of Police has arranged with the Ombudsman and the Anti-Corruption Commission for those bodies to monitor investigations by the internal affairs unit and internal investigations branch into allegations and complaints against police officers. The Anti-Corruption Commission will soon be able to conduct independent investigations of allegations of corruption and criminality. However, the openness and cooperation that now exists between senior police management, the Ombudsman and the Anti-Corruption Commission is vital for the success of investigations and other anti-corruption measures.

Dealing in isolation with the many issues raised by the committee will not achieve the whole of organisation change that is required. The validity and strength of the Western Australian Police Service approach to achieving profound reform is supported by Professor Rohl and retired London Metropolitan Police Commander Alex Marnoch, who in correspondence to the Minister for Police wrote -

As you know I am well qualified to talk on culture and organisational change in the Police Service having not only initiated it in my own service in London but over the last five years developed it in countries all around the world and my experience is that not only does it take time but it will only

succeed if driven from within led by a visionary committed leader - like Sir Peter Imbert or Bob Falconer - and a united top team. TELL ME AND I'LL FORGET, ASK ME AND I MIGHT, INVOLVE ME AND I WILL. Attempts to unilaterally impose it from outside will fail (e.g. Los Angeles) as will those when the top teams are less than 100% committed. They are met by "Malicious Obedience" and if anything encourage a more introverted approach of "them and us" and a stronger feeling of being a force apart, something which the Delta programme has made major inroads to in achieving a far greater degree of openness, accountability and actual public involvement in the day to day operations of the Police.

There is considerable information available about Delta. The Western Australian Police Service has recently released a document about Delta entitled "Initiatives in Community Safety and Security". Since the report the Commissioner of Police has offered a Delta transformation briefing to members of the select committee. While the committee's report is a salutary reminder of what can go wrong, the Government is satisfied that Delta is bringing about the profound change needed. Commissioner Falconer and his senior management team must be encouraged and supported in their work to reform the whole of the Western Australian Police Service. I seek leave of the House to table various documents relating to Delta that I have referred to in this statement.

[See paper No 624 .]

