

STANDING COMMITTEE ON LEGISLATION

CUSTODIAL LEGISLATION (OFFICERS DISCIPLINE) AMENDMENT BILL 2013

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
THURSDAY, 2 OCTOBER 2014**

SESSION THREE

Members

**Hon Robyn McSweeney (Chair)
Hon Sally Talbot (Deputy Chair)
Hon Donna Faragher
Hon Dave Grills
Hon Lynn MacLaren**

Hearing commenced at 12.14 pm

Mr GEORGE TILBURY

President, WA Police Union of Workers, sworn and examined:

Mr PAUL HUNT

Secretary, WA Police Union of Workers, sworn and examined:

Ms RACHAEL SHAW

Solicitor, Tindall Gask Bentley, sworn and examined:

The CHAIR: On behalf of the committee, I would like to welcome you to the meeting. Before we begin, I must ask you to take either the oath or the affirmation.

[Witnesses took the oath or affirmation.]

The CHAIR: You will have signed a document titled “Information for Witnesses”. Have you read and understood that document?

The Witnesses: Yes.

The CHAIR: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record, and please be aware of the microphones and try to talk into them. Ensure that you do not cover them with papers or make noise near them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

[12.15 pm]

Just before you make your opening statements, I notice that you are a lawyer working for a firm.

Ms Shaw: I am.

The CHAIR: What we usually do—it is unprecedented for a lawyer to act in their own capacity, so you are here to give advice to Mr Tilbury. You are sworn in as a witness but you are not here to give your legal advice; you are here to give advice on behalf of the WA Police Union.

Ms Shaw: I understand.

The CHAIR: I am not sure if I do! Would you now like to make an opening statement?

Mr Tilbury: Firstly, I would like to thank the committee for the opportunity to speak on this very important issue. Given that the bill in question effectively mirrors legislation contained within the Police Act 1892, which affects all police officers in this state, the WA Police Union is well placed to assist the committee with its deliberations. Surprisingly, we were never consulted before, during or after the drafting of the bill. In fact, we had no knowledge of it until recently, which is perplexing given our range of experiences. Our goal in presenting our views to this committee is to ensure that prison officers are treated fairly and reasonably. Similar legislation contained within the Police Act

has implications for our members who have faced loss-of-confidence proceedings. It is therefore important for the committee to be made aware of the effect and impact of the proposed legislation. We are pleased to be able to give you an insight into the practical implications of the bill and assist the committee in any way we can.

The CHAIR: Thank you. We know that you were not consulted on the drafting of the bill. How would you say the current disciplinary processes are working with respect to police officers?

Mr Tilbury: In general terms, the disciplinary process works reasonably well as very few members are ultimately removed from WA Police. At the lower end of the scale, it is our opinion that management action plans—MAPs—are often used punitively, issued when verbal guidance would suffice, and there is no consistency with their application from one area of the agency to another. We are currently conducting a review into this process due to a number of complaints from our members. A major concern for the union relates to the extraordinary amount of time taken for internal investigations to be finalised, which often has a detrimental effect on the health and wellbeing of our members. The agency also appears to be considerably more risk-averse with a notable increase in the number of members being stood down or stood aside with the majority being for matters that do not involve criminality or corruption.

The CHAIR: Thank you. So they are your drawbacks. What is your general view about the application of part IIB loss-of-confidence provisions to prison and youth custodial officers under the bill, having regard to any comparisons between police and prisoners and youth custodial officers?

Mr Tilbury: Just before I proceed with that answer, I have a response in relation to the drawbacks.

The CHAIR: Okay, thank you.

Mr Tilbury: Just answering that question, the disciplinary process in relation to police officers is complex with many facets that includes section 8 of the Police Act removal, section 23 of the Police Act removal, breaches in the Police Force Regulations, and breaches in the code of conduct. There exists a managerial intervention model, which includes assistant commissioner's warnings as a management tool. Due to the various levels in the disciplinary process, it is difficult in the short time frame to comment on the drawbacks of each process.

Hon DONNA FARAGHER: Can I just seek some clarification? With respect to your previous answer to the second question, you mentioned that there are—correct me if I am wrong—you indicated that there are not a high percentage of officers that fall under the loss-of-confidence provision as such, but you did say that a number of them do not leave, if can put it that way, under the situation with respect to alleged criminal activity or corruption. Did I get that right what you were saying?

Mr Tilbury: There is a mixture but in terms of the overall end result, more people are retained than dismissed or separated from the agency.

Hon DONNA FARAGHER: But in terms of what you said about very few with respect to alleged criminal activity or the like—in that instance, what are the reasons for someone being dismissed?

Mr Tilbury: They are varied. I have actually requested some information from WA Police to assist the committee but I have not received that yet.

Hon DONNA FARAGHER: Perhaps we might ask that question to the police.

Mr Tilbury: That would be appropriate.

Hon SALLY TALBOT: In relation to your answer to the Chair's question about drawbacks, you mentioned the assistant commissioner's warning system —

Mr Tilbury: That was introduced a few years ago.

Hon SALLY TALBOT: Can you tell us how that works? Is it a statutory provision or is it in the regulations?

Mr Tilbury: No. It is contained within the policy of WA Police in terms of the disciplinary proceedings and the way they deal with members for particular issues or incidents that arise. It was introduced as an alternative step to deal with someone internally relating to a particular incident rather than proceeding to the full loss-of-confidence proceedings, which may ultimately end with removal.

Hon SALLY TALBOT: Who makes the decision about whether to take the path directly to loss of confidence or to issue a warning? How is that decision made?

Mr Tilbury: The assistant commissioner of professional standards solely determines that.

Hon SALLY TALBOT: Right, and you say it was introduced quite recently in response to what?

Mr Tilbury: It would have been a few years ago. It was something instigated by the Commissioner of Police and the assistant commissioner of professional standards.

Hon SALLY TALBOT: In response to what, a failing of the existing system? What was the motivation for introducing it?

Mr Tilbury: We previously raised concerns that members were being treated unfairly or harshly in certain circumstances, so the commissioner saw fit to introduce another tier to be able to deal with members who may have committed an offence that is not serious enough to be dismissed because they believe that they can correct their behaviour by taking such action. Effectively, it is a last warning.

Hon SALLY TALBOT: And that is not in the statutes or the regulations; it is a commissioner's arrangement?

Mr Tilbury: That is my understanding.

Hon SALLY TALBOT: Do you know how many have been issued since —

Mr Tilbury: I do not know. I am sure that WA Police would be able to provide the information.

The CHAIR: I have already asked this question, but I will ask a little bit of it again: what is your general view about the application of part IIB loss-of-confidence provisions?

Mr Tilbury: It is difficult for the union to comment on the application of loss-of-confidence provisions for custodial officers. We are unaware, for example, if there are difficulties with the current disciplinary regime. There is no doubt that police officers serve a very important role in our community, and, thus, must be held to the highest standard. Whether custodial officers should be held to the same standard is debateable. The roles are different and serve another function. Ultimately, we take the view that others are better placed to express a view as to whether custodial officers should be judged by the same standards as police officers. In 2009, the union prepared a submission as part of a review into the state industrial relation system. Although it specifically refers to police officers, some of the content is relevant and may assist the committee. I believe you have been given copies.

The CHAIR: Yes, thank you. Questions on your submission: with respect to the commentary regarding the abrogation of the privilege against self-incrimination on pages 1 and 2, what is your opinion on there being no equivalent provision in part IIB of the Police Act to the bill abrogating the privilege against self-incrimination?

Mr Tilbury: In order to compel police officers to answer questions, they are given an order pursuant to regulation 603 of the Police Force Regulations. Regulation 603 provides that —

A member ... shall not disobey a lawful order and shall not, without good and sufficient cause, fail to carry out a lawful order.

Pursuant to regulation 603, police officers are ordered to answer questions and can only refuse if they have good and sufficient cause. In our view, it is telling that Parliament has not seen fit to expressly provide in the Police Act that a police officer must answer questions; rather, Parliament has deemed that police officers must follow orders.

The CHAIR: It is interesting that “good and sufficient” phrasing. Is the effect of this an imposition of a higher standard on prison officers than police officers?

Mr Tilbury: Yes. Clearly, the bill seeks to place a heavier onus on custodial officers than police officers.

The CHAIR: To your knowledge have any investigations into possible disciplinary offences been hampered by police officers refusing to answer questions?

Mr Tilbury: No.

The CHAIR: The committee notes there are circumstances under section 137 of the Police Act where the privilege against self-incrimination can be abrogated. What are your views on this provision and whether its terms including its safeguards in section 137(9) could be applied under the bill?

Mr Tilbury: The safeguards that are set out in section 137(9) of the Police Act are also applied to police officers answering questions pursuant to regulation 603, but only in relation to criminal proceedings. In other words, if a police officer is ordered to answer questions, the answers to those questions cannot be used against the police officer in any criminal proceedings; however, the answers can be used against the police officer in disciplinary proceedings.

The vicarious liability provision ensures that a police officer is represented when an action is brought against them in tort and that any compensation is paid by the state. Unless the actions of the police officer were not in good faith, the State Solicitor’s Office represents police officers in these circumstances. The vicarious liability provision is similar to insurance agreements and WorkCover arrangements, which require the cooperation of a party who effectively has a litigation funder. If a person brings an action in tort against a police officer, a complaint is likely to have already been to the internal affairs unit or the Corruption and Crime Commission. This would trigger the police officer to be interviewed in relation to the incident. If the instituting of the action is the first that a police officer is learning about a complaint, then he or she is required to disclose the existence of the complaint to a senior officer. This will trigger an investigation and a compulsion to answer questions. In other words, section 137(9) replicates the obligation that is already on police officers pursuant to regulation 603. The only difference is that section 137 restricts the use of answers in a disciplinary context.

The CHAIR: Are there any other circumstances with respect to disciplinary proceedings where police officers cannot take advantage of the privilege against self-incrimination?

Mr Tilbury: As previously mentioned, police officers cannot take advantage of the privilege against self-incrimination when ordered to answer questions pursuant to regulation 603.

The CHAIR: With regard to the recommended amendments to proposed new section 102(1) on the bottom of page 2 and top of page 3, does the insertion of the words, “if the chief executive officer does not have confidence in the prison officer’s” change the effect of the provision?

Mr Tilbury: No.

The CHAIR: The committee notes an equivalent provision in the Police Act, section 33L(1), also contains the word “may”. Have there been any instances where the Commissioner of Police has not provided a written notice to a police officer when a removal action is being taken?

[12.30 pm]

Mr Tilbury: We are not aware of any incidences where the commissioner has not provided a written notice to a police officer when removal action is taken. However, we maintain our view that the chief executive officer should be required to provide custodial officers with a written notice when removal action is being taken.

The CHAIR: I refer to the second and third paragraphs on page 3. Have there been any instances under the equivalent provision in the Police Act, section 33L(2), where the Commissioner of Police has refused to provide a police officer with an opportunity to make written submissions?

Mr Tilbury: We are not aware of any instances where the Commissioner of Police has refused to provide a police officer with an opportunity to make a written submission. However, we maintain our view that the chief executive officer should be required to provide custodial officers with an opportunity to make a written submission.

The CHAIR: I refer to the fourth and fifth paragraphs on page 3. Please describe the experience of police officers under part IIB of the Police Act and Police Force Regulations 1979 regarding access to documentation and materials.

Mr Tilbury: We strongly encourage the committee to read the case of Polizzi v Commissioner of Police handed down by the Western Australian Industrial Relations Commission on 14 April 2014. In the Polizzi case, the police commissioner relied on documents not disclosed in full and only provided after the decision to remove had been made. The Polizzi case highlights the delays and legal arguments that ensue as a consequence of provision and reliance on documents in the appeal process. We note that officer Polizzi was removed on 4 April 2013. The appeal was dismissed on 14 April 2014, over 12 months later.

The CHAIR: I refer to the second paragraph on page 4. Please describe the experiences of police officers under part IIB of the Police Act, section 33L(5)(c), namely, have removal actions been carried out when the notice has been given or after that; and, if the latter, what periods of time have been involved? You have just described one.

Mr Tilbury: Due to the limited time frame, we have been unable to gather information on this topic but would be happy to provide information to the committee at a later date if required.

The CHAIR: Thank you. I refer to the third paragraph on page 3. What has been the experience under part IIB of the Police Act, section 33N(1), noting it also contains the word “may”?

Mr Tilbury: Due to the limited time frame, we have been unable to gather information on this topic at this time but would be happy to provide information to the committee at a later date if necessary.

The CHAIR: Thank you. I refer to the fourth paragraph on page 4 regarding joining parties. What has been the experience under the equivalent section under part IIB of the Police Act, section 33P(5)?

Mr Tilbury: We are unaware of any circumstances where a party has wanted to join another to appeal proceedings in the Industrial Relations Commission. However, we maintain the view that this option should be available if it is in the interests of justice.

The CHAIR: I refer to the commentary on new evidence at the bottom of page 4 and page 5. What has been the experience under part IIB of the Police Act, section 33R(3)(b)?

Mr Tilbury: Each case is very different so it is difficult to define the experience. The case of officer Polizzi v Commissioner of Police decided in the Industrial Relations Commission on 14 April 2014 is helpful in setting out the difficulties with new evidence. A further case that we would encourage the committee to read is Carlyon v Commissioner of Police delivered in the Western Australian Industrial Relations Commission on 14 June 2004. In the Carlyon case, the police officer was able to persuade the commission to allow him to call three other police officers to give evidence of the fact that they had been convicted of a criminal offence but had not been removed.

The CHAIR: In what circumstances do you envisage there would be a practical difference between the application of the two tests?

Mr Tilbury: The practical difference between the two tests is that there is more involved in relation to the police officer. In other words, a police officer must satisfy the commission of much more than the Commissioner of Police.

The CHAIR: For what type of disciplinary offences have the loss-of-confidence provisions under part IIB of the Police Act been used?

Mr Tilbury: We were aware of the loss-of-confidence provisions being used following a police officer committing a very serious criminal act in matters of corruption, where there has been a history of substandard performance and recalcitrant individuals where the behaviour is sought to be altered.

The CHAIR: In general, disciplinary processes under the Police Act have been used—I guess you have answered that.

The committee understands the union stated in its response to the Amendola review of the Western Australian industrial relations system that loss-of-confidence provisions under part IIB of the Police Act have been used as a first option for the overwhelming majority of offences rather than other existing disciplinary processes. Have you put together any statistics on that; and, if so, could you give them to the committee and could the committee have a copy of the response?

Mr Tilbury: The union has not gathered any statistics but can say that there has been a significant improvement with diversionary means used more frequently for less serious matters. The loss-of-confidence process now sees more police officers retained after they have been given an opportunity to put their respective case forward for consideration by the commissioner.

The CHAIR: Are there any written criteria to guide when the Commissioner of Police will exercise the discretion to invoke the loss-of-confidence processes as opposed to other disciplinary processes?

Mr Tilbury: We are unaware of any written criteria that the Commissioner of Police uses to invoke the loss-of-confidence processes as opposed to other disciplinary processes. We understand that each individual case is judged on its merits.

Hon SALLY TALBOT: You mentioned diversionary mechanisms, I think, in your penultimate answer. Can you give us an idea about what sort of measures you were talking about then?

Mr Tilbury: As previously mentioned, the assistant commissioner's warning is one option. There is also the management intervention model that forms part of the process that is utilised in disciplinary proceedings. Other action can be taken ranging from verbal guidance and management action plans, among other options open to the commissioner, which may include transfer to another location, demotion and those sorts of things.

Hon SALLY TALBOT: Do these have a similar status to the commissioner's warnings in that it is an internal process—it is not set out in the —

Mr Tilbury: They are definitely internal processes but professional standards are responsible for recording all of the action taken as the central body and that is retained on the individual member's file.

The CHAIR: Are there always investigations that take place before removal actions are taken under part IIB?

Mr Tilbury: We are informed and invariably believe that investigations have always taken place prior to removal action being taken.

The CHAIR: How long have appeals against removal actions been taking on average?

Mr Tilbury: It is difficult to give an approximate length of time that appeal processes take because each matter before the Industrial Relations Commission is different. We estimate a minimum of six months and a maximum of two years.

The CHAIR: Have there been any delays caused by difficulties in getting appeals heard before three commissioners, as required by section 33P?

Mr Tilbury: We are not aware of any delays caused by an inability to convene three commissioners.

The CHAIR: What are your views on the 28-day time period for maintenance payments under section 33M of the Police Act?

Mr Tilbury: It is imperative that members continue to be paid whilst proceedings are ongoing. To our knowledge, there have been no issues or concerns in this area.

The CHAIR: Have there been circumstances where maintenance payments have been made for longer than 28 days; and, if so, on what basis have any extensions been granted pursuant to section 33M(2)?

Mr Tilbury: We are not aware of instances where maintenance payment time frames have exceeded the stipulated period or where extensions, if requested, have occurred.

The CHAIR: Thank you. Do committee members have any questions?

Hon DAVE GRILLS: You were talking about discipline before you read out the matters that they would look at. Could you read that out again please, with regard to dismissal?

Mr Tilbury: Sorry; which area?

Hon DAVE GRILLS: Where you talked about what the case for dismissal would be or loss of confidence. You said something about discipline and what have you. I think it was number 4.

Mr Tilbury: It is 1.4. The disciplinary process in relation to police officers is complex, with many facets. This includes section 8 of the Police Act removal, section 23 of the Police Act removal, breaches in the Police Force Regulations and breaches in the code of conduct. There exists a managerial intervention model, which includes assistant commissioners' warnings as a management tool. Due to the various levels in the disciplinary process, it is difficult in the short time frame to comment on the drawbacks of each process.

Hon DAVE GRILLS: It was actually that bit where you talked about procedural matters.

Hon DONNA FARAGHER: It was more towards the end.

Hon DAVE GRILLS: There was a list that you read out.

Mr Tilbury: Was it 1.7?

Hon DAVE GRILLS: Yes. Sorry, I should have written it down but I did not. I apologise.

Mr Tilbury: We are aware of the loss-of-confidence provisions being used following a police officer committing a very serious criminal act in matters of corruption where there has been a history of substandard performance and recalcitrant individuals where the behaviour is sought to be altered.

Hon DAVE GRILLS: Substandard performance and where you choose to make behavioural changes, like with MAPs and things like that—do you think that is a fair system in the police service? Does that give people the opportunity to divert from the loss of confidence?

Mr Tilbury: From our perspective, you have to deal with each case on its own merits. A person comes before professional standards for an array of reasons. In general terms, it does work but the issue we have is with the lack of consistency across the agency. Matters may be dealt with at a local level, whether that be at station, districts, division or corporately. That is what we are having issues

with at the moment. We are doing a review, particularly into management action plans, because in our view with a lot of matters, particularly at the lower end of the scale, action is taken that is more severe than is required.

Hon DAVE GRILLS: Having said that and that being internal within the Western Australia Police service, the legislation is what we are talking about now—legislation with regard to the loss of confidence. Would you change that or would you leave it in?

Mr Tilbury: Are you talking in relation to police officers?

Hon DAVE GRILLS: Yes, I am talking about police officers. There has been a lot of conversation about prison officers and police officers being the same. I do not think so; I think they are different. I can speak on that. What I am trying to do for myself and hopefully for the committee as well is to say that this is legislation that relates to two different acts, to two different people. The loss of confidence seems to be the big thing that we are talking about here. I did say that I would like to have both unions together so we can talk about this. I would like to know from you whether with this loss of confidence in here, is it that such a big bogeyman exists or are there other ways that allow things to happen prior to that and this is the ultimate thing that happens? I guess what we are trying to get here is the application of how it works in the Western Australia Police service as against how it works in the WA Prison Officers' Union. I think the system is fair, and that is only my opinion. For the committee to decide this and to ensure, like I said, we get the best bang for our buck for everybody, we need to make sure this works because this is a working case where it happens, and it can happen in the police officers' union but it needs to happen at a different level. As I said, police officers and prison officers are not the same. In that context, I will ask you the question again: if you had the opportunity, would you remove this legislation from the Police Act?

The CHAIR: Just before you answer, Dave might not have said for the record that he has been a long-serving police officer. I just put that on record.

Hon DAVE GRILLS: I served for 20 years with Western Australia Police. Thank you, Madam Chair. I do apologise for that.

Mr Tilbury: In our view, it is important that everyone is entitled to natural justice and there are appeal processes in place. I can say that in general terms the current Commissioner of Police has been reasonably fair with the application of the LOC process and determination. Coming down to an individual making those decisions, that could very quickly alter depending on that individual's views and how they determine particular cases with individuals.

Hon DAVE GRILLS: That being the case and having a fair Commissioner of Police, is the legislation that we are proposing robust and sound? Does it need to be there? Will it achieve what we need to achieve? When everything else goes pear-shaped, is that what we rely on? Do we need to have it there or do we not need to have it there?

Mr Tilbury: We are satisfied with the LOC process so long as it is used for serious matters.

Hon DAVE GRILLS: Absolutely. Thank you for that.

Mr Tilbury: One thing I will bring to your attention just in relation to the LOC process as it currently stands, which we will be seeking amendments to, is that it applies to officers who are medically retired, which means that they are retired with no dignity and an alternative needs to be sought. That is the only clarification I would bring in relation to that.

Hon DAVE GRILLS: Absolutely. I agree 100 per cent. I do approve of the paperwork you gave us with regard to case law on Matthew Wayne Finnerty. I do notice—this is probably something that you have given us; you may have just looked at it—it mentions the words “harshly”, “oppressively” and “unfairly”, which is made on behalf of the applicant. I notice that it does state that the Police Act is the sole act with regard to police recruits.

Mr Tilbury: Under the 505A process, that is correct.

Hon DAVE GRILLS: I do agree that there is work to be done but I think the legislation that we are working on here—you have just said it—we need to have this here, and I guess that is what it is, irrespective of what we feed down to for the process to go through. I think that is what the committee is looking to gain, and that is a matter of opinion. Thank you for your answer.

[12.45 pm]

Hon DONNA FARAGHER: Can I just seek some clarification? I appreciate that this is not a matter with respect to loss-of-confidence provisions with police that we are dealing with here. You did mention that you are seeking an amendment not to this legislation but obviously to the Police Act. You mentioned that you are concerned with, is it, the use of the loss-of-confidence provisions for officers for whatever reason from a medical point of view if it is used for that purpose? Can I just seek some further detail on that?

Mr Tilbury: That is correct. If an officer is deemed not to be able to be operational or effectively be a police officer anymore due to their medical condition, and that is regardless of how that has come about, whether it be work related or non-work related, they have to go through that same process as any other person who had committed a serious criminal offence, for example. So they are lumped into the same basket, which gives them no dignity at all in relation to their separation from WA Police.

Hon SALLY TALBOT: So somebody who had had a heart attack might have loss-of-confidence provisions used in their case to terminate their employment with the police service.

Mr Tilbury: That is correct.

The CHAIR: Is that what you were going to say?

Mr Hunt: Yes. There is no other mechanism for the commissioner to remove, for want of a better term, someone who is no longer physically or mentally capable to do that job. So the loss of confidence could be said to turn on their competence and their capacity as opposed to character in terms of criminal-type decisions.

Hon SALLY TALBOT: So the same thing would go for somebody with a mental illness, if somebody had a nervous breakdown.

Mr Hunt: Correct.

Mr Tilbury: That is correct—all situations.

Hon SALLY TALBOT: So is that the amendment that you are pursuing to the Police Act?

Mr Tilbury: We are currently working on project recompense. We are in the final stages and we will be launching that at our annual conference in November, where we will be seeking the appropriate amendments. Incidentally, I will say, too, WA Police is very supportive of the change.

Hon SALLY TALBOT: You were not in the earlier stages of the hearing today when we heard from WAPOU, and they gave us a concrete example of an officer who had some charges brought against him. It turned out that the officer was a very junior officer who was acting in a senior capacity because of a lack of staff. It leads me to ask you what your experience is in terms of the use of—let us talk about the loss-of-confidence provisions—other more serious disciplinary measures where in fact what is actually needed is training. I think you referred to one of the diversionary methods being to train somebody—to provide training. Can you talk a bit about the link? Obviously, in a very black-and-white sense what is concerning people like me, who have an objection to the bill, is that the loss-of-confidence provisions override the need to train and mentor officers so that they are better able to do the job. Is there any evidence in your world of that happening?

Mr Tilbury: I guess that is the issue you have, because the assistant commissioner of professional standards solely determines how to deal with an individual. If he determines that it warrants going

through the loss-of-confidence proceedings, he will then have a dossier prepared in relation to that officer's entire history, including what the latest of the incidents may have been that occurred. He will then prepare that and forward that to the Commissioner of Police, who makes the ultimate determination, but at the same time, he can then determine whether or not another course of action is taken, which could include training or further development, depending on the individual situation.

Hon SALLY TALBOT: Do you have any statistics that show how often the training option is used rather than proceeding to a more serious disciplinary position?

Mr Tilbury: No. We would love to have that information, but WA Police would be able to provide it.

The CHAIR: On behalf of the committee, I would like to thank you all for coming in at short notice. The committee has appreciated it. Thank you.

Mr Tilbury: No problem. Thank you.

Hearing concluded at 12.49 pm
