

MICKELBERG CASE, REVIEW OF EVIDENCE BY COMMISSIONER OF POLICE

862. Hon DERRICK TOMLINSON to the minister representing the Minister for Police and Emergency Services:

It is now 16 weeks, or 80 working days, since 2 July when Justice Steytler said in his decision in the Court of Criminal Appeal, *Mickelberg v The Queen* [2004] at page 206 -

... there are questions going to the credibility of each of Round and Gillespie which are fit to go to a jury ...

At page 211 -

... there are questions going to the credibility of Round and Gillespie which are fit to go to a jury -

To which he added -

and that questions which arise in respect of the evidence of Hooft, Henley, Tovey and Allen might now be given greater significance ...

And at page 217 -

... there is obviously a serious question as regards the veracity of the evidence of Round and Gillespie with respect to the interview with Raymond and Sheryl Mickelberg on 26 July 1982.

- (1) Has the Commissioner of Police completed his review of the evidence?
- (2) Has a brief been submitted to the Director of Public Prosecutions?
- (3) Has Inspector Gillespie been suspended from duty?
- (4) If no to any of these questions, why not?

Hon NICK GRIFFITHS replied:

I thank the honourable member for some notice of the question and for its preamble, which was longer than the question.

Hon Derrick Tomlinson: I hope your answer is equal to it.

Hon NICK GRIFFITHS: The answer is far superior to the question and will not contain a speech.

Hon Simon O'Brien interjected.

Hon NICK GRIFFITHS: If the honourable member does not want to hear the answer, I will not give it.

Hon Derrick Tomlinson: I am listening.

Hon NICK GRIFFITHS: I thank Hon Derrick Tomlinson. The Minister for Police and Emergency Services provides the following response -

- (1)-(4) The Western Australia Police Service advise that the commissioner has completed a review and submitted a report to the State Solicitor's Office for legal opinion. Inspector Gillespie has been stood down from normal duty, pending the outcome of the findings of an independent review by senior counsel.

The PRESIDENT: I give the call to Hon Giz Watson.

Hon Derrick Tomlinson: I am surprised that you, minister, allowed the cover-up of a crooked cop.

Hon Nick Griffiths: That is an outrageous allegation you just made of me. You should withdraw.

The PRESIDENT: Order, members!