



Community Development and Justice Standing Committee

Annual Report 2013-14

Report No. 6
September 2014

Legislative Assembly
Parliament of Western Australia

Committee Members

Chair	Ms M.M. Quirk, MLA Member for Girrawheen
Deputy Chair	Mr I.M. Britza, MLA Member for Morley
Members	Mr C.D. Hatton, MLA Member for Balcatta
	Mr M.P. Murray, MLA Member for Collie-Preston
	Dr A.D. Buti, MLA Member for Armadale

Committee Staff

Principal Research Officer	Mr John King, MEd, BA, Grad DipEd <i>(until August 2013)</i>
	Ms Dawn Dickinson, BSc (Hons), MURP <i>(from September 2013 to March 2014)</i>
	Dr Sarah Palmer, BA (Hons), PhD <i>(from March 2014)</i>
Research Officer	Dr Sarah Palmer, BA (Hons), PhD <i>(until March 2014)</i>
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Annual Report 2013-14

Report No. 6

Presented by

Ms M.M. Quirk, MLA

Laid on the Table of the Legislative Assembly on 18 September 2014

Chair's Foreword

It is my pleasure to table the second annual report of the Community Development and Justice Standing Committee in the 39th Parliament. The Committee has had a very productive year, having completed two short inquiries, commenced a third inquiry and conducted three agency reviews.

The Committee's first inquiry into Custodial Arrangements in Police Lock-ups was well underway by the start of this reporting period and was concluded in November 2013. The Inquiry highlighted some serious shortcomings in arrangements in regional lock-ups in particular. While there have been improvements in detainee care since the Royal Commission into Aboriginal Deaths in Custody released its recommendations 23 years ago, the Committee's inquiry found that the physical conditions in some lock-ups are still far from adequate. Appropriate staffing continues to be an issue, and staff cultural competency training was considered lamentable. The Committee found that there was no comprehensive system of oversight in relation to police lock-ups, and recommended that oversight be assigned to the Inspector of Custodial Services. This recommendation was noted by the Government.

The Committee's next inquiry took a snapshot of the current status of disability accommodation and family support in WA, which will act as a reference point when the State eventually moves to a national disability insurance scheme. There is no doubt that the current funding provided to the Disability Services Commission is insufficient to meet the accommodation and family support needs of people with disability. As a result the application process for support is highly competitive, with families required to complete long and emotionally demanding application forms multiple times before receiving the funding they require. Some withdraw from the process in frustration, contributing to an undetermined number of people collected under the label "hidden need". The Inquiry found that a lack of accurate data on the level of unmet need makes it difficult to plan future services.

The Committee also conducted what became a contentious agency review of the WA Police handling of the investigation into traffic incidents involving a Member of Parliament. The Committee stands by its decision to conduct the review, given that there were ongoing questions about the WA Police handling of the incident circulating in the public domain. The Committee does not resile from its decision to conduct the Inquiry and it is worth noting that the terms of reference were agreed to by all Members of the Committee, both Government and Opposition. Much of the unprecedented criticism of the report, contained in the government response (tabled in the 2014-15 financial year), verged on contempt and contains an assertion fundamental to the Inquiry which was objectively false. The Committee has brought this to the attention of the Commissioner of Police by letter (*see Appendix 2*).

The Committee commenced an inquiry into Policy Implications of an Ageing Community in April 2014, and looks forward to tabling its report in November. As the proportion of the population aged over 60 continues to expand there will be complex policy challenges to address and the State needs to ensure that it is well-equipped to cater to the needs of seniors.

I would like to thank my fellow Committee Members for their important contribution to our inquiries. I also thank the Committee's previous Principal Research Officers, Mr John King and Ms Dawn Dickinson, the current Principal Research Officer Dr Sarah Palmer and Research Officer Ms Niamh Corbett for their support throughout the year.



MS M.M. QUIRK, MLA
CHAIR

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Chapter 1

Committee's activities

Activities of the Community Development and Justice Standing Committee from 1 July 2013 to 30 June 2014.

Introduction

The Community Development and Justice Standing Committee has responsibility for 19 portfolio areas, as outlined below:

- Aboriginal Affairs
- Attorney General
- Child Protection
- Citizenship and Multicultural Interests
- Community Services
- Corrective Services
- Culture and the Arts
- Disability Services
- Electoral Affairs
- Emergency Services
- Environment
- Local Government
- Police
- Road Safety
- Seniors and Volunteering
- Sport and Recreation
- Veterans
- Women's Interests
- Youth

In the past financial year, the Committee's inquiries have focussed primarily on the portfolio areas of Police, Corrective Services, Aboriginal Affairs, Disability Services and Seniors and Volunteering.

Activities

During the course of this reporting period – 1 July 2013 to 30 June 2014 – the Committee:

- completed an Inquiry into Custodial Arrangements in Police Lock-ups;

- commenced and completed an Inquiry into Accommodation and Intensive Family Support Funding for People with Disabilities;
- commenced an Inquiry into Policy Implications of an Ageing Community;
- conducted agency review hearings with the Disability Services Commission, the Department for Child Protection and Family Support, and Western Australia Police;
- held 12 deliberative meetings;
- held 25 inquiry hearings/briefings;
- undertook investigative travel in regional WA and two field trips within the metropolitan area;
- commenced investigative travel to the UK;
- tabled five reports (including the annual report).

Table 1.1 – Summary of the activities of the Community Development and Justice Standing Committee, 1 July 2013 – 30 June 2014

Activity	Number
Deliberative meetings	12
Hearings	25
Briefings	12

Public hearings

Pursuant to Standing Order 264, the Committee has power to send for persons, papers and records. During the period 1 July 2013 to 30 June 2014, the Committee conducted 25 hearings and took evidence from 50 witnesses, as detailed in Table 1.2.

Table 1.2 –Witnesses who provided evidence at hearings of the Community Development and Justice Standing Committee, 1 July 2013 – 30 June 2014

Date	Name	Position	Organisation
7 August 2013	Mr Roger Macknay	Corruption and Crime Commissioner	Corruption and Crime Commission
	Mr Michael Silverstone	Executive Director	
	Ms Bethany Duplock	Corruption Prevention Officer	
14 August 2013	Professor Neil Morgan	Inspector of Custodial Services	Office of the Inspector of Custodial Services
	Ms Natalie Gibson	Director, Operations	
	Mr James Bryden	Inspections and Research Officer	

	Mr George Turnbull	Director of Legal Aid	Legal Aid Western Australia
	Mr Lex Payne	Director of Regions	
	Mr Andrew Robson	Appeals Team Leader	
11 September 2013	Ms Linda Black	President	Criminal Lawyers' Association
	Mr George Tilbury	President	WA Police Union
	Mr Brandon Shortland	Vice President	
	Ms Jane Baxter	Research Officer	
17 September 2013	Dr Karl O'Callaghan	Commissioner of Police	Western Australia Police
	Mr Lawrence Panaia	Acting Assistant Commissioner, Judicial Services	
	Mr Malcolm Penn	Assistant Director, Legal and Legislative Services	
18 September 2013	Mr Peter Collins	Director of Legal Services	Aboriginal Legal Service of WA
	Mr Ray Warnes	Executive Director, Court and Tribunal Services	Department of the Attorney General
	Mr Gary Cooper	Principal Registrar	
	Mr Andrew Marshall	Manager, Research and Analysis	
25 September 2013	Mr Steven Heath	Chief Magistrate	Magistrates Court of Western Australia
30 October 2013	Dr Ron Chalmers	Director General	Disability Services Commission
	Mr Peter Batini	Executive Director	
4 December 2013	Mr Andrew Jefferson	Executive Director	People with Disabilities Western Australia (Inc)
19 February 2014	Dr Ron Chalmers	Director General	Disability Services Commission
	Ms Marion Hailes-MacDonald	Executive Director Funding	
	Ms Fleur Hill	Director Strategic Services	
26 February 2014	Mrs Carol Franklin	Co-founder	Committed About Securing Accommodation for People with Disabilities (CASA)
	Ms Taryn Harvey	Chief Executive Officer	Developmental Disability WA
12 March 2014	Mr Terry Simpson	State Manager	National Disability

	Ms Frances Buchanan	Operations Manager	Services WA
	Ms Sue Shapland	General Manager of Member Services	Multiple Sclerosis Society of WA
	Ms Norelle Morris	Chief Executive Officer	Valued Independent People
	Mr David Granville	Service Development and Strategic Relations	The Centre for Cerebral Palsy
	Mrs Janet Wagland	Manager, Services for Younger People	Brightwater Care Group
	Ms Sandy Komen	Manager, At Home Services	
17 March 2014	Mr Terry Murphy	Director General	Department for Child Protection
	Ms Emma White	Executive Director, Country Services	
19 March 2014	Mrs Lee-Anne Brensell	Chief Executive Officer	Headwest
	Ms Sue Harris	Former disability advocacy group manager	
	Prof. Sherry Sagers	Chair, Independent Priority Assessment Panel	Disability Services Commission
	Ms Mary McHugh	Senior Manager	
19 May 2014	Dr Karl O'Callaghan	Commissioner of Police	WA Police
	Det. Sen. Sgt Brian Hunter	Officer-in-Charge, Major Crash Investigation Section	
	Commander Alf Fordham	State Traffic Operations, Traffic and Emergency Response	
	Supt Lance Martin	Communications Division (Officer-in-Charge, Police Assistance Care)	
	Supt Mike Bell	Counter Terrorism & Emergency Response (Dignitary Protection Unit)	
11 June 2014	Ms Margaret Ernest	Deputy Chair	Policy Advisory Group (WA), National Seniors
	Ms Rhonda Parker	Chief Executive Officer	Alzheimer's Australia WA
18 June 2014	Ms Leanne Novatscou	Project Officer Tech Savvy Seniors - Exergaming	Seniors Recreation Council

25 June 2014	Ms Theresa Kwok	Chief Executive Officer	Chung Wah Association Community and Aged Care
	Mr Ken Marston	Chief Executive	COTA WA

Briefings

The Committee was briefed by police and by representatives of the Aboriginal community in regional WA, and by police officers in charge of the Perth Watchhouse and the decommissioned East Perth lock-up. The Committee was also briefed by parents/carers of people with disability in Perth.

Table 1.3 –Witnesses who briefed the Community Development and Justice Standing Committee, 1 July 2013 – 30 June 2014

Date	Name	Position	Organisation
9 August 2013 Boddington and Narrogin, WA	Boddington Police Station, Narrogin Police Station	Duty officers	Western Australia Police
	Mr Dave Lampard	Industrial officer	WA Police Union
	Mr Dean Giacomini	Industrial officer	
	Representatives of the Aboriginal community, Narrogin		
10 August 2013 Katanning, WA	Katanning Police Station	Duty officers	Western Australia Police
	Mr Dave Lampard	Industrial officer	WA Police Union
	Mr Dean Giacomini	Industrial officer	
	Representatives of the Katanning Aboriginal community		
16 August 2013	Mr Steve Foster	A/Inspector, Custodial Services Division	Western Australia Police
	Mr Lawrence Panaia	Acting Assistant Commissioner, Judicial Services	
	Sgt Vicki Fourie	Operations Supervisor, Perth Watchhouse	
3 September 2013 Kununurra, WA	Supt Mick Sutherland	Superintendent, Kimberley Region	Western Australia Police
	Insp Frank Audas	Kimberley District Office	
	Sen. Sgt Rod Boehm	Kununurra Police	
	Mr Glen Dooley		Aboriginal Legal Service

4 September 2013 Halls Creek, WA	Supt Mick Sutherland	Superintendent, Kimberley Region	Western Australia Police
	Insp. Frank Audas	Kimberley District Office	
	Sen. Sgt Mark Harring	Halls Creek Police	
	Mr Daryl Henry	Social and Emotional Wellbeing Team Leader	Yura Yungi Health
	Ms Cobina Crawford	Manager, Youth and Community Development	Shire of Halls Creek
	Mr Jake Hay	Youth Services Coordinator	
	Mr Bernie Lafferty	Senior Youth Justice Officer	Department of Corrective Services
23 October 2013	Mr Lawrence Panaia	Acting Assistant Commissioner, Judicial Services	Western Australia Police
	Mr Ian Bruce	Assistant director, Building Management Branch	
	Mr Russell Lawtie	Building Management Branch	
10 March 2014	Parents/carers of people with disability		Hosted by Developmental Disability WA

Investigative travel

In the course of its Inquiry into Custodial Arrangements in Police Lock-ups, the Committee undertook a two-day trip in August 2013 to inspect lock-ups at Boddington, Narrogin and Katanning police stations and met with representatives of the Aboriginal community in Narrogin and Katanning.

In September 2013, the Committee undertook a four-day trip to Kununurra and Halls Creek, once again to inspect lock-ups and speak with local police. The Committee Members also met providers of services to the Aboriginal community.

On June 30, the Committee began an 18-day investigative trip to the UK and the US to collect evidence for two inquiries.

Reports tabled

Report 1: Annual Report 2012-2013, was tabled 26 September 2013.

Report 2: The Committee's first major report, *In Safe Custody – Inquiry into Custodial Arrangements in Police Lock-ups*, was tabled on 28 November 2013.

Report 3: The second major report, *Client driven? Or driven to despair? Inquiry into Accommodation and Intensive Family Support Funding for People with Disabilities*, was tabled on 8 May 2014.

Report 4: On 15 May 2014, the Committee tabled the findings and recommendations of a report tabled previously in the 38th Parliament, *The Toll of Trauma on Western Australian Emergency Staff and Volunteers*. The 38th Parliament was prorogued before the deadline for the government response to the report. The Committee felt that the findings of the previous Committee's report were too important to leave unaddressed, and tabled this report to prompt a government response.

Report 5: The final report for the financial year, tabled on 19 June 2014, was the outcome of an agency review hearing with Western Australia Police: *Review of the Police Investigation into Traffic Incidents Involving a Member of Parliament*.

The Committee has received government responses to reports 2 to 5.

Work in progress

On 17 April 2014 the Committee resolved to commence an Inquiry into Policy Implications of an Ageing Community. By June 30, the Committee had received 15 submissions and had conducted five hearings.

The Committee planned to meet with international experts in establishing age-friendly communities during travel to the UK and the US in July 2014, as well attend a conference on ageing. The inquiry report is due to be tabled in November 2014.

Chapter 2

Financial statement

Expenditure of the Community Development and Justice Standing Committee during the financial year.

Committee expenditure

The Community Development and Justice Standing Committee does not have its own formal budget and is funded out of the budget of the Legislative Assembly. Approval for major expenditure is sought from the Speaker on a case-by-case basis.

The Committee is required in accordance with Standing Order 276 to detail expenditure for the financial year 1 July 2013 – 30 June 2014.

Table 2.1 – Expenditure items of the Community Development and Justice Standing Committee, 1 July 2013 – 30 June 2014

Expenditure item	Total (\$)
Staff & Member amenities	989
Printing	3,867
Couriers	62
Travel	115,025
Advertising	4,559
Miscellaneous	16
TOTAL	124,518

Notes:

- Figures rounded to nearest \$10.
- Excluded:
 - Salaries of Committee staff;
 - Costs of shared administrative expenses, including lease costs for Committee accommodation.
- Travel costs include expenditure incurred in 2013-14 for travel to be undertaken in 2014-15.



Ms M.M. Quirk, MLA
CHAIR

Appendix One

Committee's functions and powers

The functions of the Committee are to review and report to the Assembly on: -

- a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;
- b) annual reports of government departments laid on the Table of the House;
- c) the adequacy of legislation and regulations within its jurisdiction; and
- d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

Whenever a committee receives or determines for itself fresh or amended terms of reference, the committee will forward them to each standing and select committee of the Assembly and Joint Committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.

Appendix Two

Letter to the Commissioner of Police in response to comments made in reference to a Committee report



COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

22 August 2014

Dr Karl O'Callaghan
Commissioner of Police
Western Australia Police
2 Adelaide Terrace
EAST PERTH WA 6004

Dear Commissioner

I refer to your briefing note to the Minister for Police, Liza Harvey, dated 12 July 2014, concerning Report No.5 of the Community Development and Justice Standing Committee: *Review of the police investigation into traffic incidents involving a Member of Parliament – WA Police Agency Review*.

The Committee has noted your comments to the Minister, as tabled in Parliament, and resolved for the sake of cordiality not to provide a detailed response to the full range of your reactions and impressions.

There is, nevertheless, one fundamental proposition repeated on two occasions in that note which is incorrect and goes to the very heart of judgements which might be made about how the Committee conducted itself. That proposition is that the Committee did not directly question the investigating officers.

The first assertion in relation to this is as follows:

"The investigating officers were not called by the committee to give evidence on this matter and the head of the investigation was not asked if he approached the investigation under such an assumption" (First page, last paragraph).

Elsewhere an adverse observation was made in the context of failing to call the person who conducted the interview with Ms Turnsek:

"The Committee has simply invented both of these conclusions. It has no evidence before it of how police conducted the interview or how the officer felt when conducting the interview. The Committee did not seek to call the interviewing officer. (Third page, fifth paragraph).

On the face of it, both of these comments lead to the impression that the Committee neglected to call the investigating officers to give evidence. We both know, however, that this is not the case and that the officers were not called out of deference to a request from you.

You will recall that you contacted me by telephone prior to the hearing and asked what evidence the Committee required – both oral and from the brief. Shortly thereafter a meeting was arranged between you, Committee research staff and me to clarify what evidence and which witnesses should be called. That

meeting occurred on 14th May 2014 at Parliament House. Other members of the Committee joined us near the conclusion of the meeting and were advised in your presence of what had been discussed.

This was following a written request for you to attend the hearing, emailed to your office on 13th May 2014, which also outlined the other officers the Committee wanted to call - including “2. The two officers who first attended the house described by the witness on February 23, and their supervisor;” (See *Attachment 1*).

At the meeting on 14th May 2014 you expressed concerns that the frontline officers who conducted the initial inquiries were young, inexperienced and not accustomed to the scrutiny and public spotlight which a hearing of this kind would attract. You gave us assurances that both you and the officers’ supervisor could provide the Committee with all the necessary information which we would require.

Given those assurances we followed your advice and did not request that the more junior officers attend, accepting that the officers you recommended were best placed to answer the Committee’s questions.

It is anomalous, then, to make the assertion that by not calling the very witnesses you asked us not to call demonstrates the Committee’s lack of rigour and understanding of basic principles of criminal law.

Likewise much of the language used both in the briefing note and in various media interviews can best be described as intemperate, and even disrespectful of the parliamentary process. Words and terms like “unhinged”, “invented” and “rudimentary understanding” are highly charged, emotive and inconsistent with the professional articulation of a genuine grievance.

The Committee hopes that we can continue to work productively together to achieve the best possible outcomes for policing in WA.

We look forward to your response.

Yours sincerely,

Ms Margaret Quirk, MLA
CHAIR





COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

13 May 2014

Dr Karl O'Callaghan
Commissioner of Police
Western Australia Police
2 Adelaide Terrace
EAST PERTH WA 6004

Dear Commissioner

REQUEST TO ATTEND AGENCY REVIEW HEARING

Oversight of the activities of Western Australia Police falls within the portfolio responsibilities of the Community Development and Justice Standing Committee. A copy of the Committee's functions and powers is attached for your information.

In view of recent public attention and interest regarding the police investigation of traffic incidents involving the Member for Vasse, the Committee has resolved to conduct a public hearing to examine the conduct of the investigation.

To this end, the Committee invites you and relevant senior staff to appear at the hearing to discuss procedural and operational matters related to the investigation. In particular, the review will examine:

- Police communications and integration of information related to the incident;
- Investigations undertaken by police officers on the night in question;
- The nature of demand for police attendance on the night in question;
- The subsequent conduct of the investigation and collection of evidence; and
- The decision to prosecute, the charges laid and legal advice sought.

In addition to the principal investigation officer, the Committee would like to call:

1. The officer/s who took the call from the witness reporting the traffic incidents and any subsequent calls relating to motor vehicle damage on February 23;
2. The two officers who first attended the house described by the witness on February 23, and their supervisor;
3. The officer in charge of the Police Assistance Centre;
4. Officers in charge of departments involved in the prosecution (for example communications, traffic and judicial services);
5. Officer in charge of traffic enforcement;
6. Officer in charge of dignitary protection.

The Committee also formally requests a copy of:

- the prosecution brief;
- the request for legal advice and the advice provided by the State Solicitor's Office; and
- any other statements obtained in the course of the investigation, including statements of material fact and transcripts of all relevant calls to the Police Assistance Centre.

Details of the hearing are as follows:

Date: Monday 19 May 2014

Time: 10am – 3pm

Venue: Legislative Assembly Committee Office
Level 1, 11 Harvest Terrace, West Perth

Once you have confirmed the names of the witnesses to appear, please have your office liaise with the Committee's Principal Research Officer, Dr Sarah Palmer, to draw up a schedule. We suggest a schedule along these lines:

10.00am - 11.00am	Officers who made initial inquiries and reported on the incidents on February 23
11.00am - 1.00pm	Officers involved in the prosecution and the principal investigation officer
1.30pm - 3.00pm	Police Commissioner and officers in charge of dignitary protection and traffic enforcement

Information on giving evidence at a hearing is attached for your information. For your convenience, parking bays can also be reserved for you on the day next to the building with entry off Harvest Terrace.

Please contact Dr Palmer on 9222 7486 to confirm attendance and parking requirements, and to discuss any other queries you may have regarding your appearance before the Committee.

Yours sincerely,



Ms Margaret Quirk, MLA
CHAIR

Address all correspondence and enquiries to the Principal Research Officer, Dr Sarah Palmer
Postal Address: Parliament House, Perth WA 6000 • Telephone: (08) 9222 7468 • Facsimile: (08) 9222 7804
Email: lacdjsc@parliament.wa.gov.au • Web: www.parliament.wa.gov.au

From: Palmer, Sarah
To: ["andrea.hancock@police.wa.gov.au"](mailto:andrea.hancock@police.wa.gov.au)
Cc: [Corbett, Niamh](#)
Subject: Hearing with Community Development and Justice Standing Committee
Date: Tuesday, 13 May 2014 1:14:00 PM
Attachments: [20140509 Letter to Police Commissioner - request to give evidence.pdf](#)

[Committee functions and powers.pdf](#)

[20111102 Giving oral evidence to a Parliamentary Committee of the Legislative Assembly - Update.pdf](#)

Dear Andrea

As discussed on the phone, here is the letter requesting the Commissioner's attendance at the committee hearing next Monday (plus two attachments mentioned in the letter).

The Committee has requested that a number of officers attend. We have suggested a schedule of times within the overall hearing time (10am-3pm), so that no witness is obliged to stay for the entire hearing. Please feel free to suggest a different schedule if it suits the officers better.

Kind regards

Sarah

Dr Sarah Palmer

Principal Research Officer | Community Development and Justice Standing Committee | Parliament of Western Australia

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