

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Twelfth Report — “An Unreasonable Suspicion—Parliamentary Inspector’s Report” — Tabling

MS M.M. QUIRK (Girrawheen) [10.03 am]: I present for tabling the twelfth report of the Joint Standing Committee on the Corruption and Crime Commission, titled “An Unreasonable Suspicion—Parliamentary Inspector’s Report”.

[See paper 2963.]

Ms M.M. QUIRK: This report of the Joint Standing Committee on the Corruption and Crime Commission tables a report of the Parliamentary Inspector of the Corruption and Crime Commission. The report is titled “An Unreasonable Suspicion—Parliamentary Inspector’s Report”. The parliamentary inspector’s report details what was, in his opinion, the wrongful arrest of Mr Denys Martin on 30 August 2017. The parliamentary inspector reports that Mr Martin was wrongfully arrested by police officers, deprived of his liberty for a considerable period and wrongfully and forcibly fingerprinted. The inspector then states that Mr Martin was wrongfully prosecuted for refusing to provide his personal details to the police and was convicted, fined and ordered to pay costs. Initially, Mr Martin complained to WA Police Force about his treatment.

Upon learning that the police found his allegations to be largely unsubstantiated, Mr Martin took his grievance to the Corruption and Crime Commission. The Corruption and Crime Commission found no grounds for an opinion of misconduct. Mr Martin then complained to the parliamentary inspector. The parliamentary inspector recommended to the Corruption and Crime Commission that it conduct its own investigation and assessment of the matter. The commission then came to the conclusion that Mr Martin’s arrest and subsequent detention was unlawful. The Corruption and Crime Commission then referred the matter back to WA Police for action.

By this time, WA Police had already undertaken a re-investigation, and the senior police solicitor formed the opinion that Mr Martin’s arrest was unlawful. As a result, it was recommended that Mr Martin be advised of this conclusion and be given a formal apology. It was also recommended that he be provided with assistance to appeal against his conviction.

The matter would have ended there, except that WA Police decided to obtain independent legal advice from the State Solicitor’s Office. A lawyer from the State Solicitor’s Office came to a different conclusion about the reasonableness of the arresting officer’s actions. WA Police accepted this advice and concluded that the arrest was lawful and that no remedial action was required.

The Corruption and Crime Commission does not take a position on whether it agrees with the latter legal advice sought by WA Police. However, it determined that WA Police dealt with the allegations made by Mr Martin in an adequate manner. The parliamentary inspector, in his report, finds the Corruption and Crime Commission’s response to the complaint insufficient and ineffective. In his report, he makes some recommendations for redress of the injustice that he sees as having been done to Mr Martin.

The committee has not conducted its own independent inquiry and, accordingly, does not take a particular view on whether the recommendations of the Parliamentary Inspector of the Corruption and Crime Commission should be implemented. The committee asks that the responsible minister, nevertheless, give consideration to the matters raised in the report, and as such the committee seeks a ministerial response within the usual time frame.