

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

*Eighth Report — “The More Things Change...: Matters arising from
the Corruption and Crime Commission’s Report on Operation Aviemore:
Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke” — Tabling*

HON JIM CHOWN (Agricultural) [10.07 am]: I am directed to present the eighth report of the Joint Standing Committee on the Corruption and Crime Commission, “The More Things Change...: Matters arising from the Corruption and Crime Commission’s Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke”.

[See paper 1936.]

Hon JIM CHOWN: Sometimes, the more things change, the more they stay the same. The Corruption and Crime Commission tabled reports on these interactions in 2015 and 2018 as part of its reporting into WA Police Operation Aviemore. Operation Aviemore was a major crime squad investigation into the unlawful killing of Mr Joshua Warneke. These reports comprise some of the most important work done by the commission. The first report in 2015 examined police failures to comply with both the Criminal Investigation Act 2006 and their own police manual when interviewing suspects. This report also exposed systemic issues in the manner in which police interact with Indigenous people.

When there is a failure of compliance with procedure, the wrong person might be convicted or material that might be crucial to conviction is excluded because it was obtained illegally. Under Operation Aviemore, a case of wrongful conviction occurred in 2014. An Aboriginal man, Gene Gibson, was convicted in the WA Supreme Court of the unlawful killing of Joshua Warneke. Mr Gibson did not speak English as a first language and, as later became evident, suffered from foetal alcohol spectrum disorder. On 12 April 2017, the WA Court of Appeal overturned the conviction on the basis that there was a miscarriage of justice.

In the 2015 report, the CCC made seven recommendations to WA Police in relation to improving police interview practices and for dealing with vulnerable people. In its 2018 report to the Parliament, the CCC found that two recommendations remained outstanding. These relate to cultural awareness training of police officers and the administration of a caution to those for whom English is not their first language. Without sufficient training and understanding of Aboriginal culture, the interactions of many officers in remote and regional Western Australia with the Aboriginal community are found wanting. Unfortunately, the committee notes that recommendations regarding cultural diversity training have been made to the WA Police Force as far back as 2013. Although some training is currently delivered, it concerns the committee that in mid-2018, cultural diversity training for police officers in Western Australia appears to still be neither appropriate nor sufficient. A lack of experience and training can lead to the perception of systemic racism.

The committee is left with unanswered questions: What is the reason for the slow pace of appraisal of the cultural awareness training delivered to recruits? Is the WA Police Force taking these matters as seriously as it should? Police are progressively addressing a number of initiatives in this matter and the committee will watch developments with interest. Our criminal justice system must not stay the same; it must vastly improve for the most vulnerable people in Western Australia.