

MINISTRY OF JUSTICE, INTERNAL INVESTIGATIONS UNIT

829. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

- (1) Further to question on notice No. 2324 of 2000, whilst the Internal Investigations Unit was under the control of Mr A. McNaughton and at the time the question was asked, exactly what rights were explained to staff and prisoners prior to being interviewed by members of the internal investigations unit?
- (2) Are the rights that have been explained to staff and prisoners recorded in writing on any record of interview or statement which may have been taken?
- (3) Has an instruction ever been given to the Internal Investigations Unit that they are not to investigate complaints against, or activities of, the Training & Specialist Services Branch?
- (4) If so, why?
- (5) How long has there been an Internal Investigations Unit or internal investigators or investigator with the Ministry of Justice or any of its predecessors?
- (6) If procedures are now being developed that should apply during the internal investigation process for the information of all concerned, what official process has been used up until this point?
- (7) If there have been no procedures in place up until this time, how could -
  - (a) an investigator know what rights should be explained to persons being interviewed; and
  - (b) any person being interviewed verify or check in advance what their rights are during an internal investigation?
- (8) What premises or property or areas not controlled by, or belonging to, the Ministry of Justice do members of the Internal Investigations Unit have authority to conduct investigations or surveillance operations on?
- (9) What authority allows that?
- (10) What action does the Minister intend to take in relation to the breaches the Director General has been made aware of that have allegedly been committed by officers working within the Internal Investigations Unit?

Mr BARRON-SULLIVAN replied:

The Minister for Justice has supplied the following reply:

- (1) At the time the Internal Investigations Unit was under the control of Mr MacNaughton, the Unit was staffed by a number of ex WA Police Service Detectives who, as part of their police training, have been trained in all aspects of conducting investigations including the requirement of explaining an individuals rights prior to them being interviewed.
- (2) No
- (3) No, however an instruction has been given which requires the approval of the Executive Director Offender Management prior to an investigation involving the Training and Specialist Services Branch.
- (4) The instruction was given following an allegation of bias in investigations of the Training and Specialist Services Branch by the Internal Investigations Unit.
- (5) Since 1980
- (6) See 1
- (7)
  - (a) See 1
  - (b) A person subject to interview may enquire of their rights with their Supervisor, Human Resources Branch or union representative.
- (8) The Internal Investigation Unit can undertake inquiries in accordance within its primary function of conducting investigations into major incidents that occur within the Offender Management and Prison Services Divisions. Major incidents are those as defined from time to time by the Ministry and shall include, deaths in custody, escapes from custody, serious breaches of discipline. Matters, which during the course of the investigation are identified as criminal offences are referred to the W A Police Service. The Internal Investigation Unit does not have powers of entry with regard to non Ministry property.

- (9) The Internal Investigations Unit operates under the authority of the Director General of the Ministry of Justice through the Executive Director Offender Management.
- (10) This matter has been dealt with by the Director General of the Ministry of Justice and does not require involvement from my office.