

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

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

HON JIM CHOWN (Agricultural) [10.05 am]: I am directed to present the twelfth report of the Joint Standing Committee on the Corruption and Crime Commission titled “An Unreasonable Suspicion — Parliamentary Inspector’s Report”.

[See paper 3317.]

Hon JIM CHOWN: The 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. He then stated 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 the 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 CCC. The CCC found no grounds for an opinion of misconduct. Mr Martin then complained to the parliamentary inspector. The parliamentary inspector recommended to the CCC that it conduct its own investigation and assessment of the matter. The CCC then came to the conclusion that Mr Martin’s arrest and subsequent detention was unlawful. The CCC referred the matter back to the WA police for action. By this time, the WA police had already undertaken a re-investigation, and the senior police solicitor had arrived at the opinion that Mr Martin’s arrest was unlawful. After further review, it was recommended that Mr Martin be advised of this conclusion and that he 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 here except that the WA police decided to obtain independent legal advice from the State Solicitor’s Office. A lawyer from the SSO came to a different conclusion about the reasonableness of the arresting officer’s actions. The WA police took this advice on board and concluded that the arrest was lawful and that no remedial action was required. The CCC does not take a position on whether it agrees with the legal advice sought by the WA police. However, it determined that the WA police dealt with the allegations made by Mr Martin in an adequate manner. The parliamentary inspector finds the CCC’s response to the complaint insufficient and ineffective. In his report, he makes some recommendations for redress of the injustice that he sees having been done to Mr Martin.

The committee has not conducted its own independent inquiry into the matter, so it does not take a particular view on whether these recommendations should be enacted. The committee asks that the responsible minister give consideration to the matters raised in the report, and as such we seek a ministerial response within the usual time frame.