

THEFT FROM REAL ESTATE AGENT, POLICE INACTION

Grievance

MR JOHNSON (Hillarys) [9.25 am]: My grievance this morning is to the Minister for Police. I am speaking on behalf of two of my constituents who run a real estate agency employing a few people who work very long and hard hours.

I shall give the backdrop to the grievance. During 2000 one of the agency's staff allegedly received a total amount of \$88 000-odd in rental, bond money and so forth. That money took weeks, and in some cases months, to reach the bank. During that time it is alleged that the employee in question had use of that money. That is bad enough. However, what makes it even worse is that a further amount of \$24 600 never made it to the bank and has been allegedly stolen. Obviously, as small businesspeople, my constituents are concerned to retrieve this money and to have the person alleged to have committed the crime - stealing as a servant under section 378 of the Criminal Code - investigated thoroughly and properly by the police.

My constituents informed the police in January this year about the situation and the person whom they believed had stolen the money. They were advised that until they could prove that the person had stolen the money, the police would not be able to investigate it.

The SPEAKER: It has been brought to my attention that the House should know whether this is a matter which is before the courts. The member would be in the best position to know that.

Mr JOHNSON: The matter is not before the courts and I will not be using the person's name because I would not wish to prejudice a trial that, hopefully, will occur later. I am giving a general outline to the case without naming the person involved. I am probably covered in that way.

The SPEAKER: Yes.

Mr JOHNSON: I certainly will not mention the person's name.

My grievance is directed at what I believe has been inaction by the police in not investigating this serious crime. When the police said that they were not prepared to investigate the matter until there was some proof that the person had stolen the money, my constituents then commissioned an independent audit of their accounts, particularly their rental and sales trust account. The independent auditor found that the money had been stolen and the person alleged to have stolen it was, in fact, the person who the independent auditor and my constituents believed was the person who stole the money. That fact was advised to the police again and a copy of the audit report given to them.

What concerns me is that as far as I can ascertain, no action has been taken. A detective was assigned to carry out the initial investigation but did not do much investigation at all. That detective was then moved to another area in the Police Service and another detective was assigned to the case. It appears to me that until I gave a copy of this report to the Minister for Police a couple of weeks ago, still no action had been taken. My concern is that if somebody goes into a shop and steals a loaf of bread or something from a shelf, the shop owner can call the police, who will respond almost immediately and charge the person with theft. On this occasion it has taken nearly a year for the company to get to where it is today and the police continue not to take action.

There is no member in this House who would support the police more than I do. They do a very difficult job and get a lot of brickbats from the public. However, I must say that on this occasion there has been a lack of action by the police; they should have investigated the matter. Many employees of the company have signed sworn affidavits of evidence as to what has occurred and the special auditor who was called in has signed an affidavit. What I am saying, therefore, is during that year all that money had gone missing for a period, some of which eventually turned up and was paid into the bank, but \$24 000-odd is still missing. That represents a great deal of money to my constituents and has created financial hardship because they have had to make up the money to that trust account.

There is another angle to this grievance, which I will take up with the Minister for Consumer and Employment Protection. The Real Estate and Business Agents Supervisory Board was also advised immediately of what had occurred. The board told my constituents that no action would be taken against the person receiving the rentals, bonds and so forth - usually called a property manager. The board cannot even suspend that person's practising certificate unless the person has been convicted by a court of a crime of this nature. It reminds me a bit of the finance brokers debacle that we have had over the years. In that case, because there were no convictions, people were not charged. On a daily basis in this House, members opposite named people who they said had committed crimes but who had not been charged by the police or anybody else, and they were still carrying on business as mortgage brokers. Although the members of the public are not being disadvantaged, these small business people

are being disadvantaged. I believe that the Minister for Consumer and Employment Protection should look seriously at amending the Act that gives the board the powers to at least suspend somebody's certificate or licence if a charge is brought against him, never mind a conviction; otherwise, it is like a toothless tiger.

I realise I am running out of time. Seven minutes is not long enough to grieve. The Minister for Police has had two weeks to take some action and to get the police to -

Mrs Roberts: It was only last week that you gave the information to me, but I have considerable information for you.

Mr JOHNSON: It was at the beginning of the week, so it is virtually two weeks ago. However, the police have had a year, and that is my grievance. My grievance is not with the minister; it is with the police on this occasion. I hope that the Minister for Police can give my constituents some hope that the matter will be further investigated and that at the end of the day they will get some justice, which is what they are seeking.

MRS ROBERTS (Midland - Minister for Police and Emergency Services) [9.31 am]: I thank the member for raising this grievance and for providing me with some background information prior to this morning. I referred the information that the member provided to me to the Western Australia Police Service. In the time available, the Police Service has provided me with some information. The Police Service has advised that the matters raised by the complainant are currently the subject of a criminal investigation under review by the Joondalup detectives office. The investigation was commenced by a detective sergeant. The detective sergeant advised the complainant from the outset that this investigation would take a considerable time to complete. The complainant attempted to investigate the matter through personal intervention, solicitors, civil action and audits. When unsuccessful, he reported the matter to the police. These actions alerted the person of interest, known as a POI, to a possible criminal investigation. This hindered the initial investigation by the police, as the POI declined to be interviewed by the police.

A number of affidavits were handed to the police by the complainant. These witnesses have been reinterviewed and depositions have been obtained. Although some affidavits remain unsigned, this does not impact on the investigation. A large quantity of bank documentation was requested from various banking institutions under a section 711 search warrant, some of which is now attached to the case file, and other documentation remains outstanding.

Mr Johnson: When was that requested?

Mrs ROBERTS: The member has made a lot of allegations about the police. He has heard one side of the story. In the limited time available, I thought that the member would like the whole story to be placed on the record. Perhaps if he stops butting in and allows me to do that, he will be in a better position, rather than just barking in at every moment.

The detective sergeant has advised that until 2 September 2001, the complainant was regularly updated on the status of the file. The file was then handed to an acting detective sergeant, who is the acting officer in charge of the Joondalup detectives office. The acting detective sergeant and staff from the Joondalup detectives office have been heavily involved in numerous other operations since that date. The acting detective sergeant has liaised with the complainant and updated him on the status of the investigation. The complainant has been advised of the police investigation priority system, under which serious assaults and personal injury matters take precedence over property offences. The Joondalup detectives office sympathises with the complainant in this matter.

Upon receipt of all bank documentation relating to this matter, a final decision will be made on whether there is sufficient evidence to convict the person of interest of the major stealing charges alleged, and the complainant will be advised. This is an ongoing criminal investigation by the Joondalup detectives office. An outcome will be determined at the completion of a thorough police investigation.

I assure the member for Hillarys and other members of this House that police do take seriously crimes such as that which the member has raised. There is perhaps no better evidence of that than the charges that major fraud investigation has been laying. Major fraud has been working closely with the royal commission on finance brokers to ensure that those who have committed offences are charged. Many of the charges that have been laid have been highlighted in media releases by police media in recent months. They include one person who was charged with 17 counts of fraud, valued at \$1.573 million. Another person from Albany has been charged with 10 counts of stealing. A media release of 21 September refers to three people who were charged with fraud, involving a total of \$992 000. A media release of 13 September refers to three more people who were charged with 42 counts of fraud. Another two people were charged with 33 counts of fraud valued at over \$1.5 million, and that was highlighted in a media release of 26 September this year. On 16 October this year, two persons were charged with 1 513 counts of fraud. The list goes on. The police do not rest on their laurels when it comes

to crimes of this nature. The Government and the Police Service fully recognise the devastating effect that these crimes can have on victims.

What has been exposed today is that the member for Hillarys has blundered into a current police criminal investigation, and he has criticised the police, who, on the face of the information that I have presented to the House, would appear to have done a thorough job. Whether the person of interest is charged will be determined on the basis of the evidence available. The police have been very thorough in the collection of that evidence. The member for Hillarys must have cotton wool in his ears. If I were in his position and I had heard the explanation that has been given in this House today, I would have been embarrassed to have raised the issue in this public manner. He had only one-half of the story. He came into this place and criticised the police when he was not equipped with all the information.