

CORRECTED TRANSCRIPT

REPORT OF PROCEEDINGS BEFORE

**COMMITTEE ON THE OFFICE OF THE OMBUDSMAN
AND THE POLICE INTEGRITY COMMISSION**

**INQUIRY INTO THE RESULTS OF THE QUALITATIVE
AND STRATEGIC AUDIT OF THE REFORM PROCESS**

At Sydney on Wednesday 14 June 2006

The Committee met at 2.00 p.m.

PRESENT

Mr P. G. Lynch (Chair)

Legislative Council

The Hon. J. C. Burnswoods

The Hon. D. Clarke

Legislative Assembly

Mr S. J. Chaytor

Mr G. Corrigan

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ROGER BRUCE WILKINS, Director-General, The Cabinet Office, Level 39, Governor Macquarie Tower, 1 Farrer Place, Sydney, affirmed and examined:

CHAIR: In what capacity are you appearing before the Committee?

Mr WILKINS: As a witness, Mr Chairman.

CHAIR: As Director-General?

Mr WILKINS: Yes.

CHAIR: Thank you for coming today. The purpose of your being here today is to provide some evidence for the Committee's inquiry into the results of the qualitative and strategic audit reform process [QSARP]. The reason we wanted you to come today, Mr Wilkins, is that we are trying to sort out an issue which has arisen and revolves around a claim of Cabinet confidentiality over some information that the Committee seeks for its inquiry. The first thing I am interested in knowing is that we sent a letter to the Premier on 6 November last year seeking some information. J. L. Schmidt, I think the name was, Acting Director-General, replied four months later in a letter dated 20 March. He advised that the information we sought would not be provided and that was on the basis of Cabinet confidentiality. First of all, I would have thought that the usual convention would have been for the Minister to make the claim, rather than an Acting Director-General. Is there any particular reason it was not the Minister making the claim?

Mr WILKINS: I have no knowledge of that, Mr Chairman. I mean, quite often the Cabinet Secretary would make a response that goes to Cabinet confidentiality or Cabinet convention. I myself have written letters, I do not know whether to committees of this House but certainly affidavits to courts et cetera, rather than Ministers where it involves questions of Cabinet confidentiality. You will appreciate that in some cases they relate to documents that are not necessarily the documents of the current government, so there is a type of responsibility for all Cabinet documentation. That might explain why. I mean, it is not in my view a major issue if the Minister writes or the Cabinet Secretary writes. I do not know exactly how that was decided in this case.

CHAIR: How often did the Cabinet subcommittee on police reform meet between December 2002 and mid-December 2005?

Mr WILKINS: I will just consult my notes. The Cabinet committee on police reform did not meet after 2002.

CHAIR: I do not think we have any more questions. That is the end of what we needed to know.

Mr WILKINS: Okay.

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CHAIR: Thank you.

The Hon. JAN BURNSWOODS: Do you want to ask question No. 5—if the subcommittee has been disbanded, when did it cease meeting, and why?

Mr WILKINS: When was it disbanded, and why?

The Hon. JAN BURNSWOODS: I assume that if it did not meet it must have been disbanded.

Mr WILKINS: I might say a little bit to expand on that. What did in fact happen—it is very unusual to set up a committee for the one portfolio. For example, we do not have a Cabinet committee on health. We do not have one on the Department of Community Services. We do not have one on the Attorney General's Department. This was a committee set up specifically to look at the Wood Royal Commission because of the enormous importance and profile of that. By December 2002 most of the recommendations of the Royal Commission were capable of being dealt with by the normal institutional means—either through other Cabinet committees, through the Minister and through the Ministry for Police, through normal Cabinet Office and Treasury-type institutional arrangements.

Mostly I guess there was a decision made. I do not know that there was a deliberate decision to say, "No, we're not meeting any more." It simply was a decision, I suppose taken by the fact that it was not seen necessary for it to meet any longer. The continuing issues around the Wood Royal Commission were picked up by other manifestations of Cabinet. There was a Budget committee, and a Service Provision and Financial Management committee of Cabinet that meets and looks at things like performance arrangements, for example strategic plans, and it probably looked at the police strategic plan, something that came out of the whole QSARP thing. In that context, I guess you would say that it had run its course. Some people might disagree with the proposition that it should have ceased meeting then, but I guess the judgment was that it was not called on to conduct any further business and things went off to other places.

The Hon. DAVID CLARKE: Was that your judgment?

Mr WILKINS: Was it my judgment?

The Hon. DAVID CLARKE: Was it your judgment that it had run its course?

Mr WILKINS: By 2002?

The Hon. DAVID CLARKE: Yes.

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Mr WILKINS: Yes, I would agree with that. I think it could be that by then the Premier and the Ministers, the police Minister, had reported to Parliament on the 174 recommendations. A large number of them had been addressed or were being addressed. From then on you would expect that the normal institutional arrangements for running a department effectively and efficiently could be carried out in the normal way. That, I think, was largely the reason. Then when Morris Iemma became Premier he looked, as new Premiers do, at the catalogue of Cabinet committees that were on the books and rationalised them to some extent. At that point he decided to formally disband that committee. It had not met since 2002, so this was not some sort of radical new decision. It was simply recognising the fact that the committee was not functioning and was not needed any more. That is the context of it, Mr Chairman.

CHAIR: Why did the original letter not say that?

Mr WILKINS: I did not write the original letter. My interpretation is that the acting director general was attempting to defend the conventions of Cabinet, as he saw it. Where you draw the line, what judgments you make, is a delicate issue. I would not say that whether a committee meets is normally a question of Cabinet confidentiality. It can be, you can imagine situations, for example, where that might actually betray issues about national security, (not in the case of the State government), or maybe even send signals to the market about tender processes or things like that. There are situations where this would be a delicate question. I do not think this is one of them.

CHAIR: In that at least you and I concur.

(The witness withdrew)