

GENERAL PURPOSE STANDING COMMITTEE No. 3

Monday 1 September 2003

Examination of proposed expenditure for the portfolio area

POLICE

The Committee met at 5.30 p.m.

MEMBERS

The Hon. A. R. Fazio (Chair)

The Hon. P. J. Breen
The Hon. D. Clarke
The Hon. G. S. Pearce

The Hon. C. M. Robertson
The Hon. J. S. Tingle
The Hon. I. W. West

PRESENT

The Hon. J. A. Watkins, *Minister for Police*

Ministry for Police

Mr Les Tree, *Director General of the Police Ministry*

NSW Police

Mr K. Moroney, *Commissioner of Police*

Crime Commission

Mr P. Bradley, *NSW Crime Commissioner*

Police Integrity Commission

Mr G. E. Sage, *Assistant Commissioner*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded by 30 September 2003 to:

**Budget Estimates
General Purpose Standing Committee Secretariat
Parliament House
Macquarie Street
SYDNEY NSW 2000**

CHAIR: I welcome you to this public hearing of General Purpose Standing Committee No. 3. First, I wish to thank the Minister and the departmental officers for attending today. At this meeting the Committee will examine the proposed expenditure for the portfolio area of Police.

Before questions commence, some procedural matters need to be dealt with. The Committee has determined that the allocation of questions will be left in the hands of the Chair and I have decided to allocate questions in approximately 20 minute segments to the Opposition, cross-bench and Government members and after about an hour we will take a break for 10 minutes and then continue. That is simply because we have a two hour session with the one group of witnesses.

In terms of broadcasting of proceedings, Part 4 of the resolution referring the budget estimates to the Committee requires evidence to be heard in public. The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of its public proceedings and copies of the guidelines for broadcasting are available from the Legislative Council attendants in the room.

I point out that, in accordance with the Legislative Council's guidelines for the broadcast of proceedings, only members of the Committee and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photos.

In reporting the proceedings of this Committee, you must take responsibility for what you publish or what interpretation you place on anything that is said before the Committee.

Whilst there is no provision for members to refer directly to their own staff while at the table, witnesses, members and their staff are advised that any messages should be delivered through the attendant on duty or through the committee clerks and, if you need to do that, I will just signal one of the attendants or one of the committee clerks and they will come to your attention.

Departmental officials are to identify themselves. This is for the benefit of the members and Hansard. Departmental officials identify themselves by name, position, department or agency before answering any question referred to them.

Where a member is seeking information in relation to a particular aspect of a program or a subprogram it would be helpful if the program or subprogram is identified.

I declare the proposed expenditure open for examination.

Minister, would you like to make an opening statement?

Mr WATKINS: Thank you, madam Chair, just a few procedural things regarding the division of time. Can I suggest that we deal with police for the first hour with Commissioner Moroney here and then we move on in the second hour to those other three parts in the portfolio that I am responsible for, being the Crime Commission, the Ministry and the PIC, and that we divide up that second hour into three equal groups of 20, if that suffices.

The Hon. GREG PEARCE: Well, through you, Chair, I think we might just see how we go. I am not prepared to agree to limit the time in that way. The rules on how the time will be divided up have been outlined by you already, and I am sure the Minister is just trying to be helpful, but it may be that, police being the largest part of that portfolio, we may even go over the hour.

Mr WATKINS: Madam Chair, I was trying to make the point, and I am happy if we start with police and stick with police rather than jumping around between the portfolios.

CHAIR: Yes, I think that would be a preferable way to go and so we will concentrate the questions for the first hour on police.

Mr WATKINS: Police for the first hour, and then we'll see.

CHAIR: Yes.

Mr WATKINS: The second thing was that, in accordance with past practice with regard to photographing of the Commissioner of the NSW Crime Commission, it is accepted practice that he is not photographed and those photographs are not published, so I would ask the Committee to respect that.

CHAIR: Are the members of the Committee aware of this past practice? It has been, for security reasons, an issue that has been agreed to at previous estimates hearings and I propose that we continue that procedure here today, so representatives of the media are advised that when the head of the Crime Commission is giving evidence it is okay to take down whatever evidence he gives, but not to record photos or take television footage of him giving evidence.

Mr WATKINS: Thank you, madam Chair. Finally, I note that, in the outline of the rules of the estimates committee, issues in relation to policy are to be answered by the Minister and I am very pleased and happy to do that and I would ask the Committee to direct their questions about matters to me and, if it is necessary to refer to the heads of agencies, I will certainly do so, but I am here to answer questions and I will do so.

CHAIR: Thank you. We will then proceed to questions and, as was indicated, the Opposition will have the first 20 minutes for questions.

The Hon. GREG PEARCE: Thank you, madam Chair, and thank you for coming along, Minister. Minister, before you went into politics you were a teacher, weren't you?

Mr WATKINS: The relevance--

The Hon. GREG PEARCE: You're okay on maths, aren't you?

Mr WATKINS: The relevance of the question?

The Hon. GREG PEARCE: Well, you are okay on maths, aren't you?

Mr WATKINS: The relevance of the question?

The Hon. GREG PEARCE: Are you okay on maths or not?

Mr WATKINS: Madam Chair, I am perfectly happy to answer questions about police and I would love to answer questions about how good it is to be standing on top of Mount Kosciuszko, but I am not going to. I am here to answer questions about police.

CHAIR: Would the Honourable Greg Pearce please indicate in which way your line of questioning is relevant to the estimates hearing that we are having this evening?

The Hon. GREG PEARCE: I will proceed to the next question: Could you, Minister, tell us in your view whether crime in New South Wales has increased or decreased since the Carr Government came into power?

Mr WATKINS: Well, madam Chair, you should not take my view for it because I have been Minister for Police since March this year, but--

The Hon. GREG PEARCE: So you don't have a view?

CHAIR: Would you please allow the Minister to complete his answer before you come in with a supplementary question?

Mr WATKINS: Madam Chair, my view in some ways is not relevant to this. What we should be asking is the independent body that is designed to seek and publish statistics about crime in

New South Wales and, as members know, that is BOCSAR. BOCSAR's most recently reported statistics about crime were published in March this year and it shows that there is one crime in the period being reported upon which was increasing, which is steal from retail store - I think it is an increase of 7.5 percent - but that all other offence categories were either stable or declining. The BOCSAR reports annually on 16 principal types. They show that crime was either stable or going down, except for steal from retail store. Six out of the 16 showed a reduction; nine out of the 16 were steady. That compares well with last year's statistics, which showed a fall in the rates of two crime categories; the rates of four categories rose and 10 were steady. So if you compare the March figures with the year before, there has been an improvement. For example, robbery without a weapon fell by 17.9 percent. It was steady the year before. There was no part of New South Wales where there was an increase in that type of offence. Robbery with a weapon, not a firearm, fell 36.5 percent. In no part of New South Wales was there an increase in that type of offence. That is quite a dramatic drop.

The Hon. GREG PEARCE: Minister, you have mentioned robbery without a firearm. I actually have the Bureau of Crime Statistics and Research figures here. In 1995, robbery with a weapon not a firearm, there were 24 per 100,000, but in 2002 there were 42.1 per 100,000, which on my maths is an increase of 75.4 percent. Would you say that was up or down?

Mr WATKINS: There are some other statistics I would like to share with the Committee, madam Chair.

The Hon. GREG PEARCE: Well, what about answering the question, first of all?

CHAIR: Order!

The Hon. GREG PEARCE: As I said, robbery with a weapon not a firearm, when Mr Carr came to power 24 in 100,000, up to 42.1 in 100,000. Is that up or down? Since Mr Carr came into power, is it up or down?

Mr WATKINS: Madam Chair, I am happy to continue this answer. I presumed, I wasn't--

The Hon. GREG PEARCE: Well, I would like you to continue to answer the question I have just asked you.

Mr WATKINS: I know.

The Hon. GREG PEARCE: You might understand now why I was concerned as to whether you understood maths or not.

CHAIR: The Honourable Greg Pearce, I will call you to order for the first time. It is not a very good start to the Committee proceedings if you do not allow the Minister to complete the answer to the first question that you asked him. I am sure when he finishes that answer he will get on to the second question that you have asked him, so if the Minister would proceed?

Mr WATKINS: Thank you, madam Chair. Break and enter for a dwelling fell 12.9 percent. Break and enter for a non-dwelling fell 20.9 percent.

The Hon. GREG PEARCE: What period are you quoting because your figures are completely contrary to the figures that I have from when Bob Carr became Premier. What period are you quoting?

Mr WATKINS: Motor vehicle theft fell 22.2 percent.

The Hon. GREG PEARCE: What period are you quoting?

Mr WATKINS: Madam Chair, there are three questions on notice at the moment. Which one would you have me answer?

The Hon. GREG PEARCE: I just want him to clarify what he is quoting.

CHAIR: Yes, I understand what you are wanting clarified.

The Hon. GREG PEARCE: I want to know what period he is talking about.

CHAIR: You can cease asking. Minister, to satisfy the request of the Honourable Greg Pearce, would you be able to let us know the date for these figures?

Mr WATKINS: The figures that I am quoting from are those that were published in March this year and the figures that I am quoting that they compare to was the period prior to that.

The Hon. GREG PEARCE: Well, what about the period since you came into power? That is what I want you to compare. I want you to compare the period since 1995 when you, your Carr Government, came into power until now.

CHAIR: The Honourable Greg Pearce, I call you to order. If you are wanting to ask a question like that--

The Hon. GREG PEARCE: I am asking the question.

CHAIR: If the Minister does not have the information readily available--

The Hon. GREG PEARCE: Is Don Weatherburn here?

CHAIR: --then I am sure, when he has finished giving the answer to the first question, he would be more than happy to take that question on notice.

The Hon. GREG PEARCE: Well, if he can't answer a basic question on the figures - is Don Weatherburn here or not? Has he got the figures with him?

CHAIR: The Honourable Greg Pearce, I will call you to order. If you want to spend your whole time badgering the witness, that is fine, you will not get to a second question.

The Hon. GREG PEARCE: I am not badgering him, I am asking him a very straightforward question.

CHAIR: It is simply a matter that you have asked the Minister a question and the Minister is attempting to answer that question. He probably would have concluded by now, if you had not kept interrupting, so I would suggest that you wait until he has finished.

The Hon. GREG PEARCE: Well, can I make the question clear.

Mr WATKINS: I wish you would.

The Hon. GREG PEARCE: The question is whether crime in New South Wales has increased or decreased since Bob Carr came to power? That is the question. That is 1995, not 2001.

Mr WATKINS: Madam Chair, questions for Don Weatherburn actually should not be directed to me because I am not the Minister--

The Hon. GREG PEARCE: You said at the beginning that you wanted to take the questions.

Mr WATKINS: Madam Chair, I am not the Minister responsible for the Bureau of Crime Statistics and Research. I understand that is the Attorney General. If Mr Pearce wishes to go into detail about that I would suggest that he move on to the General Purpose Standing Committee that is

relevant to that one. I will continue to answer, and I am happy to, the question as to what is the state of crime in New South Wales today and--

The Hon. GREG PEARCE: That is not the question I asked you. I would like you to answer the question I just restated for you quite plainly.

Mr WATKINS: --comparing it to the previous term. I am happy to do that, madam Chair.

Steal from motor vehicle fell by 15.7 percent. They are the ones that were steady. Murder was steady. Robbery with firearm was steady. Non-domestic violence/assault was steady and domestic violence/assault was steady. Now the last three of those had risen in the previous period, so they were steady after a period of rise. These further ones were steady, 2001-02: Sexual assault, indecent assault, break and enter dwelling, steal from person, fraud and malicious damage.

The Hon. GREG PEARCE: Madam Chair, I don't really want to hear all of this. The Minister is now wasting the time of the Committee. He has deliberately chosen not to answer the question. My colleague here has some questions that I think he should move on to because clearly it is a waste of time when the Minister is not prepared to answer a basic question as to whether crime has increased or not in New South Wales since the Carr Government came into power.

CHAIR: Is the point that you are making that you are satisfied with the information provided by the Minister and you would like Mr Clarke to ask a question?

The Hon. GREG PEARCE: No, I am not satisfied with it. The Minister is wasting the time of the Committee by deliberately just trotting out figures that he knows are not the figures that we are talking about. I would like to hand over to the Honourable David Clarke.

Mr WATKINS: Madam Chair, if I could just conclude?

CHAIR: Yes, Minister.

Mr WATKINS: The remaining one was steal from retail store. I am disturbed that that has increased and there are certain measures being put in place to address that but clearly, as I said, I have been Minister since 2 April this year. I am very happy to answer for that time. I am not really prepared for an historical analysis of crime trends, but there are perhaps other persons who are responsible for the Bureau of Crime Statistics and Research where those questions could be directed. I am not that responsible Minister.

The Hon. DAVID CLARKE: Following on from that, Minister, you mentioned the category of robbery without a weapon. Are you aware that the New South Wales Bureau of Crime Statistics and Research shows that crimes involving robbery without a weapon have increased, from 1995 when your government came into power to 2002, by 37.5 percent? Do you agree that that is the figure found by the Bureau of Crime Statistics and Research?

Mr WATKINS: Madam Chair, I will repeat my answer that robbery with a weapon not a firearm fell 36.5 percent after being steady in 2000-2001 and in no part of New South Wales was there an increase in that type of offence. I have answered the other aspect of that question.

The Hon. DAVID CLARKE: I am talking about apples and you are talking about oranges. I am asking you: Do you agree that the figures produced by the Bureau of Crime Statistics and Research show that crimes involving robbery without a weapon have increased between 1995 and 2002 by 37.5 percent. Do you agree with that or do you not agree with that figure?

Mr WATKINS: Madam Chair, I have answered that question and I have also said and I repeat--

The Hon. DAVID CLARKE: Yes or no.

CHAIR: Would you please allow the Minister to finish his answer.

Mr WATKINS: - that supposedly since Don Weatherburn is the head of the Bureau of Crimes Statistics and Research, his Minister would be the relevant person to ask that question.

The Hon. DAVID CLARKE: I think he is the head of it, not "in a sense", he is the head of it in every sense. Let's move on to another category that you refer to, robbery with a weapon not a firearm. Do you agree that the figures produced by the New South Wales Bureau of Crime Statistics and Research show that those crimes have increased between 1995 to 2002 by 75.4 percent? I repeat the question, very specifically, that was put by my friend here. Do you agree that that is what the figures show?

Mr WATKINS: Thank you for your very specific question. I will give you a very specific answer. The Australian Bureau of Crime Statistics and Research surveys have supported BOCSAR's findings, and as late as this afternoon the BOCSAR director completely refuted the Opposition's recent crime spree claim and the great figures that I have given to the Committee in no way reflect my Ministry; they reflect the very hard work of police across New South Wales and, in particular, the fantastic work of the Robbery and Serious Crime Squad but also detectives and general duties police in every town and suburb of this State. We perhaps should move on to a new subject.

The Hon. DAVID CLARKE: Minister, I don't want to move on to another subject yet.

Mr WATKINS: I am happy to dwell on this.

The Hon. DAVID CLARKE: I agree with you that police are doing a very good job and are severely under-staffed to be able to do that, but coming back to this question, do you agree - I don't think it is an unfair question; it is a very specific question - do you agree that the figures produced by the Bureau of Crime Statistics and Research show that robbery with a weapon not a firearm have increased between 1995 to 2002 by 75.4 percent?

Mr WATKINS: What I can tell you in answer to your very specific question is a very specific answer, that between 2000-2001 and 2001-2002 there was a fall of 36.5 percent of robberies with a weapon not a firearm.

The Hon. DAVID CLARKE: I didn't ask you a question about 2000-2001 and 2001-2002. I asked you about the figure over the period 1995 to 2002, that is a seven year period. Do you agree that that is the figure? Can I ask you this question if you are not sure: Would you agree that if that is the figure it is a very unsatisfactory situation? Would you agree with that?

Mr WATKINS: Madam Chair, the drop in statistics of robbery with a weapon not a firearm over the period that I quoted show the great work that is being done by police across New South Wales, and in particular the specialist squad within the State Crime Command. The State Crime Command was established on 1 September last year and it merged crime agencies command, which was detectives with the information and intelligence centre, intelligence analysts. These are the detectives and analysts who are-

The Hon. DAVID CLARKE: Excuse me, Madam Chair.

CHAIR: Can I just say that it might be a lot easier if we didn't have quite as much interrupting while the Minister is giving answers simply because it will take us a lot longer to finish.

The Hon. GREG PEARCE: If he was giving answers to the questions, we wouldn't need to interrupt.

CHAIR: I am talking to Mr Clarke .

The Hon. DAVID CLARKE: With respect, Madam Chair, we might get further through this if we could get a specific answer to a specific question, rather than a generalised answer. Can I ask something else, because it seems to be an area that you are not prepared to answer on. Can I get to that area of attempted murder. Do you agree that the figures from 1995 to 2002 have increased by fifty percent? Do you agree with that figure? That is between 1995 and 2002. I am not asking you about the figures between 2001 and 2002.

Mr WATKINS: Madam Chair, I have answered very specific questions that I have been asked here. I have explained the recent changes in crime in the State. I have also explained that if there is a detailed exploration of the Bureau of Crime Statistics and Research, that the appropriate CEO is Don Weatherburn who is answerable to another Minister, not me. We are perhaps wasting the Committee's time. We should move on to something that other members of the Committee may be interested in it.

The Hon. DAVID CLARKE: Madam Chair, I don't want to move on just yet. I would like to deal with this issue of the increase of crime. It is an important issue to deal with, the massive increase in crime in some of these areas.

Mr WATKINS: That is where we differ. I am actually explaining to you that in certain areas there has been a dramatic decrease.

The Hon. DAVID CLARKE: Sure, those dramatic differences do not apply to robbery with a weapon not a firearm and certainly that is not the case with attempted murder. Let's turn to sexual assault. Do you agree that the figures put out by the bureau show that, between 1995 when your Government came to power and 2002, that sexual assault increased by 50.5 percent in New South Wales? Once again, I am putting a specific question; I am not talking about the increase or decrease between 2000 and 2001 or 2001 and 2002; I am talking about the movement in those statistics between 1995 and 2002. I am just looking at the figures put out by the Bureau of Crime Statistics. Do you agree that they are the figures?

Mr WATKINS: Madam Chair, I have really, I think, answered that question, but I am-

The Hon. DAVID CLARKE: All right.

The Hon. GREG PEARCE: You have either answered the question or you haven't.

CHAIR: The Honourable Greg Pearce, I call you to order. I am calling you to order, because the Minister had clearly not finished that answer.

The Hon. GREG PEARCE: He is not answering the question.

CHAIR: Don't be too flippant here.

The Hon. GREG PEARCE: I am not being flippant.

CHAIR: Would you please be quiet and let the Minister finish his answer.

Mr WATKINS: I think I had answered that question but-

The Hon. GREG PEARCE: Well, you had or hadn't you answered it.

Mr WATKINS: The conjunction suggests that there is a second part to the answer, and actually it is probably inappropriate for me to introduce this subject in that manner, because once you start talking about these serious crimes, and sexual assault in particular, it behoves to be serious about the impact that any level of sexual assault is having in particular on the citizens of New South Wales, and I need to make the point, and I am happy to take the opportunity to tell the Committee that the Government is committed to reducing all forms of violence against women through crime prevention, support for victims and access to an efficient and effective justice system. As part of that commitment, the police expanded the former child protection squad to undertake the investigation and management of the New South Wales Police response to serious and serial sexual assault in New South Wales, and that squad is located within the Police State Crime Command under the leadership of Superintendent Jim McKay and it also provides consultation and support to local area commands that investigate adult sexual assaults, as well as continuing to work in child sexual assault allegations. I think that probably there is no harder task to ask a policeman or woman to undertake in New South Wales than investigation and assistance in this very difficult area.

The Hon. GREG PEARCE: I think we can leave it just there, thank you, Minister. We will come back to that if we want to ask a question.

CHAIR: I think when you make a comment like that, you can't say "I think we should leave it there".

The Hon. GREG PEARCE: I am sorry. I was just asking a question.

CHAIR: Don't speak on behalf of the whole Committee when you are doing a running commentary. If you have another question for the Minister, please proceed.

The Hon. GREG PEARCE: I have one. I would like to go to page 1524 of Budget Paper No. 3. Have you got it?

Mr WATKINS: No, I do not actually.

The Hon. GREG PEARCE: Do some of your staff have it?

Mr WATKINS: Would you like to explain it?

The Hon. GREG PEARCE: Certainly I can explain it. Under the heading, "Police Service. Criminal Investigation", where the program objective is "to detect, investigate and reduce the incidence of crime."

Mr WATKINS: Sorry, can you refer me to the section?

The Hon. GREG PEARCE: 1524. Budget Paper No.3 Volume 2. I am sure you have read it.

Mr WATKINS: 1524, I lie awake at night reading it. 1524, yes.

The Hon. GREG PEARCE: Do you see "Criminal investigation. The object is to detect, investigate and reduce the incidence of crime." "Outputs", do you see "outputs"?

Mr WATKINS: I do.

The Hon. GREG PEARCE: And do you see under the "The Alleged Offenders" and there are two lines under that. One is "proceeded against". If I go too quickly or you have not seen it before, let me know. The other is "not proceeded against", and this is an output recording the number of thousands of proceedings-

Mr WATKINS: Madam Chair, I am happy to sit here and answer questions but I do really enjoy being patronised or insulted. I would prefer that to change-

CHAIR: You have made be difficult for Mr Pearce to alter his current attempts to be the regular way in which he addresses a Minister.

Mr WATKINS: I used to get it when I was a teacher.

The Hon. GREG PEARCE: I am just asking a question.

Mr WATKINS: I am glad I am not in the upper house, Madam Chair. Sorry, your question?

The Hon. GREG PEARCE: The question is if you go through that table, Minister, you will see that the projection for the year 2003 and 2004 is 210,000 offenders proceeded against and 150,000 not proceeded against, making a total of 360,000 offenders in the year. Do you see that?

Mr WATKINS: No, I don't. I actually see something-

The Hon. GREG PEARCE: What do you see?

Mr WATKINS: I see "alleged offenders", "alleged".

The Hon. GREG PEARCE: That is right, "proceeded against, not proceeded against".

Mr WATKINS: There is quite a difference between, Madam Chair, between an offender and an alleged offender. Before I became a school teacher, I did a law degree as well and I actually learnt the difference between "alleged" and "actual".

The Hon. GREG PEARCE: Very useful.

Mr WATKINS: It was.

The Hon. GREG PEARCE: The figures show - the figures for the projection of alleged offenders show 210,000, 150,000 - 360,000 for this year.

Mr WATKINS: Sorry, can you ask it again?

The Hon. GREG PEARCE: See the column on the right, 2003-2004, the last column?

Mr WATKINS: Yes.

The Hon. GREG PEARCE: Alleged offenders proceeded against 210,000 projection, not proceeded against 150,000. That is 360,000 all together alleged offenders.

Mr WATKINS: Yes, I can see that.

The Hon. GREG PEARCE: If you come back one column, you will see the actual for 2002-2003, and the figures there are 206,000 alleged offenders proceeded against and 149,000 alleged offenders not proceeded against, which makes a total of 355,000 alleged offenders. Is that fair?

Mr WATKINS: Yes.

The Hon. GREG PEARCE: If you go back to the previous year - I will not go through all the figures - the total is 322,000 and the previous year the total was 291,000 and if you go back to the previous year's budget you will see that for 1999-2000 there were only 258,000 alleged offenders proceeded against or not proceeded against. Do you think the trends going from 1999 to 2000 of 258,000 alleged offenders to an increase this year to 360,000 indicates that crime is increasing?

Mr WATKINS: Madam Chair, there are a few ways to read the figures. If you look at the incidence report at the outcome, do you see the one above that? Do you see that, do you see "outcomes"?

The Hon. GREG PEARCE: I am not asking you about that, Minister.

CHAIR: I must advise you that your 20 minutes for questions has been used up, so it would be best if you did not interrupt the Minister when he is answering your questions.

Mr WATKINS: Madam Chair, the interesting thing about these figures, the critical thing about these figures is in the outcomes - incidences reported, major personal and property crime, in 2000-2001, 510,000, in 2003-2004, 445,000 - a significant significant decrease. Yes, there are more offenders being proceeded against, and that is an indication that despite the fact that there are fewer offenders, there are more people being proceeded against, and that is a reflection of the very effective forensic and other investigative police work that is happening in this State. That page, those columns reflect what I was speaking about earlier, that crime has dropped in New South Wales recently, and at the heart of that is the wonderful work being done by serving police officers in this State, either criminal investigators or general duties police. This shows it to be true.

The Hon. GREG PEARCE: So you are saying 100,000 extra offenders and crime has decreased?

CHAIR: Order! Your time for questions has expired. I will turn your microphone off and ask you to leave if you are not careful. You are taking up the time of the cross-benchers and that is totally unacceptable.

The Hon. JOHN TINGLE: Minister, obviously one of my major concerns is the relationship between the New South Wales police and licensed firearm owners. I am unable to find in these budget papers the allocation for the NSW Police Firearms Registry, which is the pivotal point in the relationship between the police and licensed firearm owners, and because I am concerned about the current state of that registry I am asking you what sort of resources have been allocated to it in this budget? Are they adequate in your opinion?

Mr WATKINS: Thank you for your question. I don't blame you, it is difficult reading the budget papers. The allocation for the firearms registry in Murwillumbah is not separately shown, it is not divided from other aspects of the paper. I will come to your question as to whether it has been adequately provided for.

The registry is at Murwillumbah, for members of the Committee. It has a core staff of 50, but it has additional temporary staff that is hired during the peak licensing times and we are actually in one of those now. The demand on the registry is currently intense as a result of the five year relicensing peak, so there are firearm licences out there and this is a time when a lot of them are coming because many of the licensed firearm owners have a five year licence. That has coincided with the agreed handgun reforms and the handgun buy-back and that has placed extra pressure on the firearms registry. I am concerned about that pressure and I have spoken to the commissioner about that.

I visited Murwillumbah, the firearms registry, some time ago and spoke to the director of it. He spoke to me about his concerns over his staff. He was concerned about his staff because of the amount of work that they were being expected to do and they showed me the number of applications that were coming through. He was also concerned because a lot of the extra space in that building had been taken up with temporary workers that had moved in and that was putting certain pressures on the staff. I have to say, however, that after going around and meeting probably 90 percent of the workers in the room I was struck by how professional and happy they were and I spoke to each one about where they had come from, whether they had come from Sydney, whether they lived locally. This is my fifth portfolio as a Minister and I have spoken to a lot of public servants. I was struck by just how happy this group was, working extremely hard but happy, so that was good, but I was particularly struck by the professionalism of the manager and the work that he was doing supporting his staff. I have made clear to the commissioner that I want to find ways to ease the burden on them. Probably the peak of the five year licences will run for a period of months, but on top of that we have overlaid the six month buy-back from the Federal Government, the plan, so there is going to be ongoing pressure there. I want to make sure that that registry has the resources it needs, not just for the well-being of those workers but so that licensed firearm holders get their applications dealt with quickly.

The Hon. JOHN TINGLE: You make the point there, Minister, which is the reason I am asking the question. At the present time I am told - and I get a lot of this information as you might imagine - the application, for instance, for a permit to acquire, which is supposed to take 28 days during an off period, is taking anything up to six or seven weeks.

Mr WATKINS: Yes.

The Hon. JOHN TINGLE: Licence renewals are not being handled in the numbers that they should be monthly because of the overload. I am not sure what the figure is, somebody told me that they thought there were about 18,000 renewals a month being handled. Is the reason why the buy-back is not starting until 1 October simply because the registry cannot handle it with its present resources?

Mr WATKINS: Thank you for the question. With the buy-back we approached the Commonwealth, as you know, because I have valued your assistance and advice on this, and said that because of the State election being in the way we required extra time to get everything up and running so this could be done efficiently. I think for the licensed firearm owners out there it would not have been a good thing to proceed with that buy-back if we were not ready for it. It would have meant further delays. We wanted to get it right. The 1996 difficulties we did not want to relive. I wanted to make sure that the buy-back was as smooth as possible. Having said that, we still have this problem of licence renewal and that is something that I have spoken to the commissioner about. We are putting together a plan and I will be talking to you very shortly and seeking your advice about aspects

of that. I have spoken to the Ministerial Firearms Working Group. They have given me some advice as to how we can improve the efficiency of the registry. We have, I think, up there some of the best IT support I have seen, but there are some difficulties, say, in the forms that are filled in and the level of having to re-ask for information that we can make improvements with.

The situation is not ideal, I have acknowledged that publicly and I will do it again here, and I really acknowledge the patience and tolerance of firearm owners out there who are seeking to have their firearm licence renewed and also I seek, through this Committee, to say to them the firearm buy-back commences on 1 October. I want to make sure that that is run as smoothly as it possibly can because I know that that is a difficult time for firearm owners in the State, handgun firearm owners.

The Hon. JOHN TINGLE: Are you confident, Minister, that it will be able to start and it will proceed as it should, given the obvious shortage of resources? Can I just add to that the rider that the firearms registry obviously is responsible for the registration of firearms in this State.

Mr WATKINS: Yes.

The Hon. JOHN TINGLE: You probably would not agree with it, but it is my opinion, from talking to firearm owners, that the registry is going into meltdown.

Mr WATKINS: I have heard people say that and that is why I was very interested to go and visit and after visiting and speaking to the staff and the manager I would not agree with that description. They were people that were working hard, that had a lot of work there, but they were getting through it. They were efficiently going about their business. Yes, there were delays and that is not ideal and that is why I am in discussions with the commissioner and putting together a plan to assist them to deal with it, but I think it would be, from my personal experience, not accurate to describe it as being in meltdown, no.

The Hon. JOHN TINGLE: Can I just ask: Can you give this Committee any indication of what you will be able to do to increase the resources available to the registry to make sure that some of this load is lifted from them and stress leave and things do not become a major factor in the operation of the registry?

Mr WATKINS: With regard to the buy-back, we are ready to go on 1 October. I have had no advice to me that we will not be ready. I am getting a further update on that this week and I will be able to discuss with you in detail, hopefully within a week or two, about extra support we can give to the firearms registry so that it can get through this time.

The Hon. JOHN TINGLE: But you do agree that it does need that extra support?

Mr WATKINS: I think it does, yes, it does. It is an efficient well-run agency within NSW Police, well managed, but it is striking a large amount of work at the moment, which will pass.

The Hon. JOHN TINGLE: Will any of its resources be diverted to the buy-back?

Mr WATKINS: Sorry?

The Hon. JOHN TINGLE: Will any of its resources - personnel or anything like that - be diverted to the buy-back?

Mr WATKINS: No, we have received extra funding to operate the buy-back. We will make sure that the buy-back goes as smoothly as it can and we are putting together a plan to make sure that the firearms registry is able to handle the influx of work that it is currently doing.

The Hon. JOHN TINGLE: So you can tell me that no staff/personnel of the registry will be diverted to it?

Mr WATKINS: I am fairly certain that is not the case, but again I will check that and I will be discussing these matters with you in the near future anyway.

The Hon. JOHN TINGLE: Thank you, Minister, no further questions.

The Hon. PETER BREEN: Minister, I wanted to ask about the Innocence Panel, but I assume that will be in the section to do with the ministry rather than the section to do with the police?

Mr WATKINS: I think it would be appropriate to deal with it here. I am happy to.

The Hon. PETER BREEN: Will the legislation to implement the new form of the Innocence Panel which you foreshadowed provide for any involvement outside the police? In other words, the current Innocence Panel that was suspended was administered entirely, as I understand it, by the police. Will there be any input from other agencies other than the police in the new panel?

Mr WATKINS: I should just give a little bit of background - it will not be long - about the Innocence Panel because I know it is very close to the heart of Mr Breen but a lot of people do not understand the workings of it.

The Innocence Panel was established in October 2001. It was designed to facilitate DNA testing for people who had been convicted of crimes and who believed that DNA evidence may assist them to prove their innocence. The panel provided an independent process by which persons can apply for post-conviction comparison of their DNA with any DNA that may have been found at the crime scene and it received its first application in November last year. It has received 13 applications since then.

On 11 August just gone I instructed that the panel should not accept any more new applications pending a review of the panel's operations by the chairman, the Honourable Mervyn Finlay QC. The review will be completed by October 2003 to determine a number of things and the terms of reference looked at the need for it; the membership structure and functions of it; the legislative and administrative arrangements to support the body; the safeguards of victim interests; persons eligible to apply; the relationship between it and the Crimes (Forensic Procedures) Act; the relationship between the review provisions of section 13A of the Crimes Act; whether the body should be able to refer matters directly to the Court of Criminal Appeal; the information that should be disclosed by the body and the persons that information should be disclosed to, and the impact on the panel or other appropriate body on the retention and storage of crime scene exhibits.

Innocence Panels have a history. In the States, I understand, they tend to be non-legislative. I think some have begun through university law schools. In the United Kingdom it has a legislative base. I do not want to preempt the review done by Mervyn Finlay, so the answer to your question as to who would be on it or who would be responsible for it, really I will be directed by the review. I have made it very clear that I believe there should be an Innocence Panel. I think the changes in DNA technology make it very clear that we need something like the Innocence Panel. I would encourage you, Mr Breen - I know you have an interest in it - to make a submission to the review, and indeed other members of the Committee.

The Hon. PETER BREEN: On another matter, today I spoke with the police at Byron Bay. There is a problem - I think it has been the subject of an industrial dispute - at Byron Bay accommodating prisoners because of either the state of disrepair of the local cells or the new construction work that is under way and prisoners are being taken to neighbouring areas such as Ballina and Lismore. I wonder if this is a widespread problem through the State, the disrepair in local police stations and shortages of staff, which mean that prisoners cannot be accommodated and have to be transported around the place, which of course takes a police car off the road while that is happening.

Mr WATKINS: The shortage of staff is not an issue, but you have identified a central problem that I face - we all face - in New South Wales, which is the condition of our police stations. I have visited about 50 since I became Minister and I have said very clearly that probably a third of them are not up to scratch. I will just leave aside for a moment the custody areas for prisoners, but, if we are talking about the general status of the police station for our serving officers, we have too many police stations that are overcrowded, that are too small to accept new technology, such as Live Scan, the new fingerprinting machine, and the new PhotoTrack technology. We have police working in conditions that I have said very clearly do not come up to the standard of the fine work that is being

done within them and I think we are paying for many years of under-investment in our capital in our police and I really think that goes back 30 or 40 years.

Many of our police are working out of heritage items, working out of - in Wagga, for example - three locations in the town. The main station is a heritage item, the numbers have outgrown it and are now colonising other buildings in the town. That is not ideal for good policing. We also find that too many of our police stations have not had or do not have prisoner holding facilities. We have decommissioned many cells in New South Wales. The Aboriginal Deaths in Custody royal commission led to the decommissioning of many cells. Byron specifically has a problem with its holding capacity. It is not a place where you can hold prisoners for a long period of time, and extra money has been set aside to upgrade Byron, but we are facing problems in other parts of the State. I have been very clear on that. We are putting together a co-ordinated plan, which was based on an election commitment; we have established a working party; we have an audit happening of all our police properties, what we hold, what we use, what we rent. I also, through the Ministry, took on a private sector company, which was Sinclair Knight Mertz. They have been working for about three weeks or a month now. They were the body that was used in Victoria, which led to an upgrade of Victorian police stations in the last four years and they have put together a plan to do 64 over the next four years. That working party has met twice. The police association union has been involved in it. They will be continually reporting. They will reporting back to me towards the end of the year, and I will then go out and discuss those findings with the communities that those police stations serve, so that we can get a clear indication of how and when we are going to upgrade our police stations for our police, for the efficient charging and holding of prisoners, and it is also clear that we can have some efficiencies in dealing with other Government departments, the Attorney General's Department, the Department of Corrective Services. So we are working on that through a couple of working parties. We will know more towards the end of the year and that is going to be made public.

The Hon. PETER BREEN: One further question, Madam Chair, on another matter - charge bargaining. The Government has contemplated or foreshadowed legislation on charge bargaining and I think it primarily may involve two agendas, but there is one aspect to it which I have been trying to get information about unsuccessfully. So I will ask you, Minister, if you could help me with that, and that is the question of police negotiating charges with offenders and that certain offences will be dropped or certain charges will be dropped in return for a plea of guilty to other charges. This is often a matter that is the responsibility of the Director of Public Prosecutions, but more often than not the question of charge bargaining has been resolved long before it gets to the Director of Public Prosecutions' office, and, as a matter of practice, any serving police officer, I think, would confirm that there are discussions with offenders about the evidence against them, about the offences and the charges and often in return for pleas of guilty police officers will make arrangements with offenders. I would be interested to know whether there is any guideline published by the Ministry or by the Police Service which indicates the policy of the Police Service in relation to this question of charge bargaining.

Mr WATKINS: I am advised that the guidelines that we follow are the DPP's guidelines. We do not charge bargain. We follow the guidelines. But probably your questions will be answered by the legislative package that you referred to and I am not the Minister responsible for that, so probably those questions would be better directed towards the Attorney. The police follow the DPP guidelines which is appropriate.

The Hon. PETER BREEN: I must say, if I may, Minister, that the question has been put to Mr Holmes, who is from the police legal branch, and he indicated in the same way, that the police do follow the DPP guidelines, but there is no other document that is available for inspection. It is apparent that the police do exercise certain plea responsibility on the question of charge bargaining, and it seems to me that that is outside the ambit of the legislation. The legislation focuses almost entirely, as I understand it, on the Director of Public Prosecutions, and it leaves a big hole, if you like, with regard to the current practice and conduct of police officers.

Mr WATKINS: Yes, I mean this is an interesting but contentious area. We can have a long debate about the role of the Ministry in the operation of the Police Commissioner and the special role of the constable. I have no role in respect to the role of the constable. They exercise discretion with regard to whether they lay charges, depending upon the evidence that they see and that they have. Once that occurs, my understanding is that the police will then follow the guidelines provided by the DPP, as is appropriate. It is probably better to explore that issue further with the

Attorney.

CHAIR: The time for the cross bench questions has expired. Government members, the Hon. Christine Robertson?

The Hon. CHRISTINE ROBERTSON: I have a question for either Mr Moroney or the Minister, whoever is appropriate. I understand that the rural crime investigators have been very effective, not only in starting to address some of the issues in rural crime, but actually increasing the intelligence base on rural crimes. There is a small section on page 1506, but I am just wondering if we could have a little bit more information, and on notice if necessary, on why it is so unlike the old stock squads that we used to have, which were proven not to be terribly effective in the olden days.

Mr WATKINS: Thank you for your question. The rural crime investigators really arose after members of the New South Wales public living in rural and regional New South Wales made it clear that they wanted the police and the Government to respond, but the police to specialise in investigating rural crime.

The Hon. PETER BREEN: Excuse me, Madam Chair, I hesitate to interrupt but the honourable member directed her question to the police commissioner, I am sure.

CHAIR: No, the Honourable member has directed the question to the commissioner or the Minister, whoever was the most appropriate.

Mr WATKINS: And I am happy to answer the question, thank you. The Government established a pastoral and agricultural crime working party in 2000 to investigate what could be done to address rural crime in the bush. The representation on that working party included the New South Wales Farmers' Association, the Rural Lands Protection Boards, New South Wales Agriculture and New South Wales Police. That working party made recommendations regarding stock identification, police powers, training, specialist rural crime investigators and regulations for wool, hide and skin dealers - a fascinating group of people. A number of important reforms have come as a result of that working party. Firstly, in answer to your question as to rural crime investigators, in 2002 we created 32 rural crime investigators in 25 local area commands across rural New South Wales and now 32 have been appointed, so 25 up to 32. Rural crime investigators have undertaken specialist training in livestock issues and all have access to vehicles. We will ensure that all 32 have access to four wheel drive vehicles by March 2004, and New South Wales Police have allocated additional resources to local areas area commands for the purchase of specialist equipment for rural crime investigators, depending what they are, things such as clippers, digital cameras, binoculars and animal handling equipment.

I am advised that the stock squad was based at Flemington. The comprehensive rural police package we worked out with the Department of Agriculture and the Farmers Association meant that there would be rural crime investigators across the whole State. I am trying to tee up a meeting with the pastoral working party in the not too distant future. I can report to you in my travels around rural New South Wales - and you would know this coming from the country - that the rural crime investigators have been warmly welcomed. It is a recognition that rural crime is sometimes different. I remember one example, I am trying to remember the detail, but the loss of three or four bales of wool, which a city person would think, "What is that", but it was thousands of dollars and could mean the difference between profit and loss to farmers. In another example, half a dozen bales of hay, which in the drought was particularly significant. Our rural crime investigators have enabled the police to concentrate on rural based crime and that has been welcomed wherever it has been done in New South Wales. We will continue our commitment to those rural crime investigators.

CHAIR: There being no other questions from Government members, I propose that we now have a ten minute adjournment and we will return in ten minutes time promptly.

Mr WATKINS: Madam Chair, just before we break, just so I can indicate to my CEOs, what would the Committee like to do afterwards? There are three other CEOs willing to assist.

CHAIR: The Government members have no other questions on the specific Police portfolio. Does Mr Breen or-

Mr WATKINS: Can I suggest we go to the Crime Commission?

The Hon. PETER BREEN: Madam Chair, the Opposition may have a question for the Police Integrity Commission prior to the break, otherwise we will proceed with questions to the Minister and Police.

CHAIR: Is that a satisfactory response?

Mr WATKINS: So should I –

CHAIR: So you do have questions for the Police, would that come up first?

The Hon. PETER BREEN: We don't have any questions for the Crime Commission tonight, nor the Ministry.

Mr WATKINS: If it is okay with you I might indicate then that they can leave.

CHAIR: I don't understand why they don't want to stay. We will go for a ten minute break.

[Short adjournment]

CHAIR: We will now resume the estimates hearing and we are up to time for questioning for the Coalition members again.

The Hon. GREG PEARCE: For the benefit of one or two of the other officers here, given the unsatisfactory nature of the answers we have received so far, we will not be able to move on to questioning other people so, if the representatives of the PIC and others would like to leave, feel free to do so.

CHAIR: Except that other Committee members may well want to ask some questions.

The Hon. GREG PEARCE: Subject to whether other Committee members want to ask them questions.

CHAIR: You might like to proceed.

The Hon. GREG PEARCE: Minister, before the break you indicated that there were 16 categories of crime that had decreased in the last year. I quickly totted up the categories from 1995 when Mr Carr became Premier to 2002. Are you aware that 42 categories of crime increased in that period?

Mr WATKINS: Madam Chair, we have been through this debate and I think it took about 25 minutes--

The Hon. GREG PEARCE: Well, are you aware of that or not? Are you aware that assault increased by 69 percent since Mr Carr became Premier.

CHAIR: The Honourable Greg Pearce, would you please allow the Minister to complete his response.

Mr WATKINS: I am happy to again, madam Chair, and I am happy to table the most recent BOCSAR statistics if the Committee would like. Again, for the record, in these offence categories there was no significant trend: Murder, assault, sexual assault, indecent assault, steal from dwelling, steal from person, fraud, malicious damage to property. There was an increase in one offence category, steal from retail store, which should concern us all. There was a decrease in robbery without a weapon, robbery with a weapon not a firearm, break and enter dwelling, break and enter non-dwelling, motor vehicle theft--

The Hon. GREG PEARCE: Would you like me to list the 42 categories in which there was an increase?

CHAIR: No, would you like to let the Minister complete his response, please?

The Hon. GREG PEARCE: Well, I would like him to deal with the 42 categories in which there was an increase.

Mr WATKINS: Steal from--

The Hon. GREG PEARCE: Are you going to deal with the 42 categories in which there was an increase?

CHAIR: The Honourable Greg Pearce, would you please allow the Minister to finish his response?

Mr WATKINS: Steal from motor vehicle and, sorry, there is one I missed I think, robbery with a firearm. There is no significant trend there. Again I say this is a clear indication, independent Bureau of Crime Statistics and Research's most recent publication shows that in all major categories crime in this State is either stable or falling, except for steal from retail store.

The Hon. GREG PEARCE: Except for the 42 categories including attempted murder, manslaughter, assault, sexual assault, indecent assault, abduction and kidnapping--

CHAIR: The Honourable Greg Pearce, would you please allow the Minister to finish his response.

The Hon. GREG PEARCE: --robbery without a weapon. I mean do you want me to go through them all?

Mr WATKINS: And that is a result of those fine--

The Hon. GREG PEARCE: 42 categories increased since Mr Carr became Premier.

Mr WATKINS: Those fine results are because of the good work of New South Wales serving police.

I should, for completeness, also refer to the Australian Bureau of Statistics. The Australian Bureau of Statistics releases reports on crime levels nationally and there are two different reports using two different approaches to data collection. This is always one of the difficulties when it comes to reporting statistics - the data collection, what is collected, how it is reported - but in one of theirs, one of their approaches is recorded crime victims. This uses data supplied by each Australian State and Territory police force of crimes reported to it. The latest of the reports was on 29 May this year. The report covers the calendar year 2002. The report supports the findings released in March 2003 by the Bureau of Crime Statistics and Research, which are that crime in New South Wales is generally stable or falling. The ABS report notes significant falls in robbery, motor vehicle theft and break and enter in New South Wales.

The Hon. GREG PEARCE: I think this is the same answer you gave before, Minister. What we are still trying to get to is your view and how you explain the fact that in 42 categories since Bob Carr became Premier crime has increased.

Mr WATKINS: I am perfectly happy to give my view based on this statistical analysis and the ABS - and I haven't referred to it in detail in the past - report states that those falls may be due in part--

The Hon. GREG PEARCE: Well, you did refer to it in your earlier answer.

CHAIR: Would you please stop interrupting the Minister's response?

The Hon. GREG PEARCE: Well, I don't think I am interrupting the Minister's response.

CHAIR: Well, you are.

Mr WATKINS: --to recent Carr Government initiatives. Those initiatives are the re-establishment of specialised squads; the introduction of high visibility policing operations such as Vikings; the removal of the presumption in favour of bail for persons who reoffend while on bail or parole, and I would like to outline some of the key findings of the ABS report. Robbery showed a big reduction. In 2002 the rate was 175, the lowest since 1996. BOCSAR states that over 2001-2002 robbery without a weapon fell by 17.9 percent.

The Hon. GREG PEARCE: 75 percent since 1995.

CHAIR: Order!

The Hon. GREG PEARCE: Well, if you are going to quote the figures, quote the correct figures.

CHAIR: Order!

Mr WATKINS: And robbery with a weapon not a firearm fell 36.5 percent. Break and enter showed a big reduction, so did motor vehicle theft, and other theft showed a big reduction as well. So we have BOCSAR's most recent statistics showing steady or a fall in all but one category. That is backed up--

The Hon. GREG PEARCE: Other than the 42 categories that you cannot answer on.

CHAIR: Order!

Mr WATKINS: --by the ABS statistics that also show--

The Hon. GREG PEARCE: The 42 categories where crime has increased since 1995 when Bob Carr became Premier.

CHAIR: Order! I have warned the honourable member before. If you keep interrupting while the Minister is answering his questions, I will have to ask you to leave.

Mr WATKINS: Madam Chair, the second type of crime statistics reported by ABS is the crime and safety survey. This does not use police data but is based on a survey of persons who are asked whether they have been a victim of crime during the survey period, so that it is a victim of crime survey. The latest such report covered the 12 months to April 2002. Obviously these statistics are now out of date, but the ABS report makes a number of statements. It states the victimisation rate for break and enter in New South Wales fell comparing 1998 to 2002. That is consistent with BOCSAR. The ABS also states the level of motor vehicle theft was steady comparing 1998 to 2002, and so on.

There is probably not a lot of point in me going on in detail about the statistics that we have before us, these are publicly released, ABS and BOCSAR showing a drop in crime or a maintenance in the level of crime over recent years. That is a good outcome for New South Wales. It means that New South Wales communities are safer and it is a fine reflection of the excellent work being done in every village, town and suburb across New South Wales by our New South Wales police. The Opposition may not like these figures, but they cannot argue with the accuracy of them. It is a credit to--

The Hon. GREG PEARCE: We do not argue with the accuracy. There are 42 categories that have increased since Bob Carr became Premier.

CHAIR: Order!

Mr WATKINS: These statistics published this year by BOCSAR and ABS are a fine reflection of the great work being done by New South Wales police and also the great leadership being given to this fine police force by Commissioner Moroney.

The Hon. GREG PEARCE: Minister, we will come back to that.

Mr WATKINS: Well, I am happy to.

The Hon. GREG PEARCE: Is former Assistant Commissioner Lola Scott currently serving in any capacity within NSW Police?

Mr WATKINS: Sorry, could you just repeat that question?

The Hon. GREG PEARCE: Is former Assistant Commissioner Lola Scott currently serving in any capacity within NSW Police?

Mr WATKINS: I understand that the matter in relation to Lola Scott is currently before the court. She was dismissed on 9 December 2002 in accordance with the provisions of the Police Act 1990. It is currently before the court and it would be inappropriate for me to comment further about that matter because it is with the court, but she was dismissed from NSW Police on 9 December last year.

The Hon. GREG PEARCE: Has she been reinstated to NSW Police?

Mr WATKINS: I have answered the question and I do not intend to go into any further detail.

The Hon. GREG PEARCE: Well, the simple question is: Is she currently employed by NSW Police?

Mr WATKINS: There are court proceedings under way with regard to Lola Scott and most members of Parliament and members of the media, when I explain to them that a matter is before the court and I do not want to jeopardise actions before the court by commenting on them, would accept that and stop asking foolish questions.

The Hon. GREG PEARCE: Minister, I am not asking about the court case. My question is quite clear, and that is whether Assistant Commissioner Lola Scott is currently employed by NSW Police. I do not want to go anywhere near the court case. I want to know whether she is currently employed by NSW Police.

Mr WATKINS: You asked me this evening what I did in a previous career. What did you do in a previous career? Are you a lawyer?

The Hon. GREG PEARCE: We're here to ask the questions. Are you having a bit of trouble? You have had a lot of trouble all evening answering--

Mr WATKINS: "We're here to ask the questions." What did you do in a previous career? You're a lawyer.

The Hon. GREG PEARCE: You cannot answer on the 42 categories--

Mr WATKINS: You're a lawyer. You're a lawyer, but you sit there and you ask a question which you know--

The Hon. GREG PEARCE: I am a lawyer.

Mr WATKINS: Thank you, and what sort of lawyer would ask and continue to ask a question like that? Not a very good one.

The Hon. GREG PEARCE: I am asking a question which I know is a very good one. Now you are not prepared to answer it. Is Lola Scott currently employed by the NSW Police or not?

Mr WATKINS: I have answered the question.

CHAIR: Order! The Minister has indicated that he has given an answer to that question and he is not going to provide any further detail. Do you have any other questions?

The Hon. DAVID CLARKE: I was going to ask, Minister, the question of why abduction and kidnapping had increased by 50 percent between 1995 and 2002, but I will leave that for another time. You were going to table some statistics there. I was also going to ask you whether you could table the statistics of BOCSAR showing 42 categories, showing that between 1995 and 2002 crime had increased, quite horrifically in some areas, but I will leave that for another time too. Getting on to this question of Assistant Commissioner Lola Scott, you have said that she was terminated in December 2002. Would you like me to wait--

Mr WATKINS: Thanks. I understand, just on--

The Hon. DAVID CLARKE: I have not finished the question.

Mr WATKINS: Well, the previous one I am happy to answer.

The Hon. DAVID CLARKE: Well, no, I didn't ask it, I said I had decided not to ask it.

Mr WATKINS: You're just leading me on.

The Hon. DAVID CLARKE: Can I ask, Minister, following your answer to the last question, you indicated that Lola Scott was terminated in December last year. Can we take from that that she has therefore not been re-employed since that time? Now I do not want to comment on anything relating to any court proceedings and that is why I have asked the question in that way because it does not affect those court proceedings in any way.

Mr WATKINS: Are you a lawyer?

The Hon. GREG PEARCE: Madam Chair, would you ask the Minister to show a little decorum and actually respond to the questions?

Mr WATKINS: Are you a lawyer? I won't hold it against you if you are.

The Hon. DAVID CLARKE: Well, thank you very much. At the moment I am a member of this--

Mr WATKINS: --august chamber, yes.

The Hon. DAVID CLARKE: Indeed, august chamber, and I am asking you some questions relating to your portfolio.

Mr WATKINS: Thank you. I have answered these questions.

The Hon. DAVID CLARKE: I am asking a very specific question. You say that she was terminated in December 2002. Can we take from that that she has not been re-employed by the police department since that time? It is a simple yes or no.

Mr WATKINS: I have answered that question.

The Hon. DAVID CLARKE: Well, can you answer it for me? I did not hear that. Can you answer, is it yes or no?

Mr WATKINS: Well, you will be able to check Hansard shortly probably, certainly tomorrow. I have answered that question and again I just think it is foolish to keep going down this box canyon.

CHAIR: Do you have any other questions?

The Hon. DAVID CLARKE: Well, can I ask: What is the status of any legal action initiated by Ms Scott following her widely publicised termination in December last year?

Mr WATKINS: It is not completed, her matter is before the court.

The Hon. GREG PEARCE: Can I take you, Minister, to the fairly disgraceful episode before the election in which a number of Labor Party members used serving policemen in their publicity for the election. Fortunately, it was stopped by the commissioner. I note that in response to a letter from Michael Richardson MP you indicated that the code of conduct was reinforced on 10 March and emphasised that police officers should not have photographs taken with political identities except in discharging official duty. Do you recall that, Minister?

Mr WATKINS: Yes, if that is the question, yes, I did, I wrote back to the honourable member.

The Hon. GREG PEARCE: Minister, could you explain why this ad appeared on 20 March, just before the election, which not only features a number of Labor members with serving policemen but in fact features you as well.

The Hon. IAN WEST: Point of order.

The Hon. GREG PEARCE: Does that mean that on 20 March you condoned this?

The Hon. IAN WEST: Point of order, madam Chair.

CHAIR: Order! The Honourable Greg Pearce, a point of order has been taken by the Honourable Ian West.

The Hon. IAN WEST: First of all, I think there is a necessity for you to explain the relevance of this question to the budget estimates. Secondly, I do not think it is appropriate in these budget estimates to be asking questions on the basis of using props and value judgments. I would ask that the member ask his question with some decorum and a question that is relevant to the budget estimates. I mean we have had a laugh so far, but it is getting a bit beyond a joke.

The Hon. GREG PEARCE: The Chair knows the rules for these committee meetings and I am entitled to ask that question. It relates to the administration of the police service.

Mr WATKINS: I am happy to answer the question, madam Chair.

CHAIR: In terms of the document that the Honourable Greg Pearce was showing us, I am not either a Chinese or Korean speaking person and I do not know the value of showing that document because the newspaper article is not in English. In any case, Minister, please proceed.

Mr WATKINS: And that is partly it, madam Chair. I do not know the advertising deadline for that newspaper or when it was lodged, whether it was before that date--

The Hon. GREG PEARCE: But you were prepared to be in it and condoned it.

CHAIR: Order! The Minister is giving his answer.

The Hon. GREG PEARCE: You were prepared to be part--

CHAIR: Order! I am not going to warn you again. Stop interrupting the Minister when he is giving his answers.

Mr WATKINS: This issue had currency and was given a great deal of publicity at the time. Certainly the commissioner and I think - I can't recall, I had my mind on other things, winning the seat of Ryde with a 15 percent margin - but the clearly appropriate thing was made clear at that time with regard to the code and that was published and I think both political parties listened to that - not just both, probably most, but certainly both sides of politics had photos with local police. It was an issue

that had publicity and currency at the time, it was dealt with appropriately and I think that is where it should stay.

I remind the honourable members about the glossy brochures all the National Party members issued before the election, but the important thing is that this was prior to the election, the matter was dealt with, I think it was dealt with appropriately, where the commissioner and others reminded police and candidates of the appropriate way to behave and I think it was accepted by all political parties, conservative and non-conservative. That is where the matter should end.

The Hon. GREG PEARCE: Just on Lola Scott, you said there were legal proceedings. Are they civil or criminal and are they pending or have they concluded?

Mr WATKINS: I am not aware of any criminal charges in that matter, I am aware of civil proceedings, but again the honourable member shows his foolishness with trying to continue to comment on this case which is before the court and I really try my utmost not to do that as Minister.

The Hon. GREG PEARCE: Has Assistant Commissioner Clive Small's contract with NSW Police expired or been renewed?

Mr WATKINS: Madam Chair, Commander Clive Small is currently on secondment from the NSW Police to the Premier's Department. He is a member of the police senior executive service with a contract of employment that expires on 30 September this year, at the end of this month. Commissioner Moroney has advised me that he has informed Commander Small that he does not intend to renew his contract. The commissioner is responsible for matters relating to the employment of members of the police senior executive service. The outstanding matters are being resolved between the Commissioner of Police and the Premier's Department. Commissioner Small is still employed; his contract runs to the end of this month.

The Hon. DAVID CLARKE: Minister, getting back to this scandal involving the use of police--

The Hon. CHRISTINE ROBERTSON: Is this the National Party scandal with the glossy pamphlets?

The Hon. DAVID CLARKE: --in ALP advertising, it is in Chinese but the date is in English, 20 March 2003. That is 10 or 12 days after this scandal broke publicly. Your name is clearly in English, as is Cherie Burton, Virginia Judge and so forth. Seeing as there was a period of 10 or 12 days that passed from the time when this outrageous thing became public, did you take any action to pull this advertisement?

The Hon. IAN WEST: What is the relevance of this to the budget estimates?

The Hon. DAVID CLARKE: If you do not have the information, can you get that information?

Mr WATKINS: Does it say when the photo was taken?

The Hon. DAVID CLARKE: Well, the advertisement was published on 20 March.

Mr WATKINS: But does it say when the photo was taken?

The Hon. GREG PEARCE: Whenever it was taken, you condoned it.

CHAIR: Order! Order! The Honourable Greg Pearce, I am calling you to order. You did not ask the question. The discussion is between the Honourable David Clarke and the Minister.

The Hon. GREG PEARCE: I was responding to the Minister's question, madam Chair.

CHAIR: It is not your role to interject whenever there is a question going on. You are driving me to exasperation. You are the one who raised the issue of decorum before and you are the

one who has shown throughout the whole proceedings that you do not understand what that is and that you are certainly not capable of acting with it, so the Minister may proceed along with the Honourable David Clarke.

The Hon. DAVID CLARKE: Minister, the important date is the date that it was published, not the date that the photograph was taken. I am just asking: Were any attempts made to pull this advertisement after this scandal reached the public?

Mr WATKINS: I cannot recall the exact date the photo was taken, but it was certainly several months before the election and, from my observance of the photo, it actually is a photo of me talking to a senior citizen.

The Hon. DAVID CLARKE: With police in the background.

Mr WATKINS: Are they identified?

The Hon. DAVID CLARKE: And Virginia Judge. There are three members of the police force.

CHAIR: Order! The time for Opposition questions has expired. We will now move on to the Honourable John Tingle.

The Hon. DAVID CLARKE: I put that question on notice, madam Chair.

CHAIR: Well, there is a procedure for doing that.

Mr WATKINS: I have answered that question.

CHAIR: Yes.

Mr WATKINS: I have nothing to add.

The Hon. JOHN TINGLE: Minister, do you mind if we now move to the Crime Commission?

Mr WATKINS: I am happy to. I do apologise, I did suggest to the commissioner that he could leave, as was the indication, but I am happy to take questions. I am sorry that the commissioner is not here, but go ahead.

The Hon. JOHN TINGLE: It is not a very complicated question.

Mr WATKINS: Okay, you may get a very non-complicated answer.

The Hon. JOHN TINGLE: Looking at the program objective and program description as described in the budget, it mentioned the furnishing of reports relating to illegal drugs trafficking in organised crime and the dissemination of intelligence and so on. Has the commission been able to establish what the link is between drug trafficking and what I believe to be a rise in crime involving illegal firearms, specifically handguns? The reason I ask the question is that there is a perception in the community that the use of illegal handguns is closely related to illegal drug activities and I think it would be interesting to know - because some people sometimes get blamed for this - exactly what the levels of relationship are. If the question is outside of the scope of the budget papers I apologise, but I think it is important when the commission is there and when we have the figures on what it is doing that we try to establish whether it has been able to establish what the links are.

Mr WATKINS: Thank you for the question, and please forgive me with regard to the generality of the response because it would be inappropriate for me to be anything other than that in relation to this matter because there are ongoing investigations by the Crime Commission in certainly both those areas that you speak of, illegal handgun crime, illegal trafficking of weapons and also the trafficking of drugs, and you are correct that often those two crimes overlap and are interrelated.

I am kept up to date with the Crime Commission, I chair the management committee of the Crime Commission, about ongoing work by that body. Certainly the issue of gun trade is something that is causing me concern, grave concern, and I have said - I said yesterday - that the thought of the growth of a gun culture, and especially a handgun culture, I mean illegal handgun culture, in this State is something that would cause all of us to be disturbed, something we need to avoid at all costs, and that is why we have undertaken a number of initiatives in recent times to address the issue of illegal handguns.

I do not want to go into - and it would be inappropriate of me to - any details about Crime Commission work, but certainly the commissioner keeps me informed of trends in relation to illegal handgun crime. Certainly the recent reference to the Australian Crime Commission, which seeks to target illegal firearms, was something that grew out of our experience in New South Wales and our knowledge in New South Wales of this problem. I am pleased that because New South Wales put that matter forward it was adopted as one of the earliest references by the newly formed Australian Crime Commission and there is a serving New South Wales police officer that is heading up that aspect of the ACC's work and certainly Commissioner Moroney has been tireless in his advocacy of the need to take effective steps in that regard.

In the last 12 months New South Wales police have seized 2,600 illegal firearms. That is good work, but it has been suggested to me that the trade in illegal firearms, or handguns in particular, has a mark-up profit to those involved in that awful trade that matches or in some cases exceeds the mark-up that heroin traders are able to achieve.

At the recent Australian Police Ministers Conference in Melbourne I made it very clear to the Federal Minister, Senator Ellison, that the issue of the trade of illegal firearms into this nation through the customs barrier is something that disturbs all State Ministers and I hope disturbs the Federal Government as well. I am disturbed by the fact that I think there are only three ports in Australia where there are x-ray facilities where a certain number of containers are x-rayed for illegal handguns. There are certain ports where that just does not happen. That cannot continue. We have to be much tighter about our customs barrier. That is going to be forced on us in some ways I think by the increased security that has been demanded by the United States. They are moving to a new regime where to trade with the United States will mean that any country is going to have to come up to very stringent standards with regard to customs and load-on facilities and I hope that will also lead to much more stringent conditions with regard to material coming into this country.

We have undertaken some initiatives with regard to handguns. We have the strictest firearm laws in Australia. We implemented the 1996 National Firearms Agreement and most recently - there are a number of initiatives that I could outline but I will not go through the whole detail - just last month we announced a new 46 officer mobile team to crack down on illegal handguns under the Vikings banner in Sydney and also in country New South Wales. It is something that will continue to be of concern. Commissioner Bradley does suggest that generally these criminals are multi-skilled and are involved in more than one crime. We have to be vigilant in our continuing efforts against drug trade but also against illegal handgun trade.

The Hon. PETER BREEN: Minister, can I ask a question concerning the Police Integrity Commission?

Mr WATKINS: Yes.

The Hon. PETER BREEN: There has been some concern expressed about a warrant that was issued and it included, I think, more than 100 prospective targets of a listening device. That warrant was then subsequently investigated, I think by the Police Service, not the Police Integrity Commission. I am interested to know whether there are any proposals to review procedures for listening device warrants as a result of that incident, and I am also interested to know why the investigation into the incident is being undertaken by the Police Service not the Police Integrity Commission.

Mr WATKINS: Thank you. I think the listening device warrant that you refer to arose during the Police Integrity Commission's Operation Florida investigation and certain listening device material was admitted into evidence. The warrant was issued on the application of an officer attached to the Special Crime Unit of New South Wales Police Special Crime and Internal Affairs,

who was assisting the New South Wales Crime Commission with its investigations under the Mascot reference. At the time the warrant was sought, New South Wales Police, the Crime Commission and the PIC were working closely together in investigating matters that subsequently became the subject of Operation Florida. There were many persons named on the warrant, and in light of the concerns that were raised, and given the PIC's involvement in the matter, the former Minister of Police, Mr Costa, asked the then Inspector of the Police Integrity Commission, Mervyn Finlay, to report on the appropriateness of the warrant and its use. The inspector's report was received on 1 May last year. It advised that the warrant was justifiably sought, the seeking of the warrant complied with relevant legislation and the material obtained by the warrant was used appropriately. There remains a significant number of complaints that revolve around the issuing of the warrant and the police involvement in Mascot. The police association has also expressed its strong concerns about that matter. Commissioner Moroney has therefore tasked Assistant Commissioner Garry Dobson to investigate those complaints under Part 8A of the Police Act, as the warrant was sought by a police officer. I support that move by the Commissioner of Police and I await that report from the Commissioner as to whether other action needs to arise.

The Hon. PETER BREEN: Could I ask, Madam Chair, whether it would not be more appropriate for the Police Integrity Commission to undertake the investigation? I am curious to know why it was undertaken by the Police Service and not the Police Integrity Commission.

Mr WATKINS: I think the answer to that is that there was a complaint against the Police Integrity Commission in relation to this matter and it was felt that therefore it would be appropriate for it to be done by another body.

The Hon. PETER BREEN: Would not the Inspector General of the Police Integrity Commission be the person to undertake it?

Mr WATKINS: He undertook that report about the appropriateness of the warrant, but I think it is appropriate that the police undertake - the inspector's report looked at these things, and actually the inspector's report made it very clear, as I have just said, that the warrant was justifiably sought, that it complied with legislation and the warrant was used appropriately. So the inspector said that; the matter was about the PIC, but because there was ongoing complaints and concerns, further investigation is to be done, and because the inspector has come to his conclusion, because the PIC was involved, the police is the appropriate body to do that further investigation and I support that and I look forward to the conclusion of that inquiry.

The Hon. PETER BREEN: Through Madam Chair, is it likely that the procedures for issuing these warrants will be reviewed as a result of this investigation?

Mr WATKINS: There is an investigation ongoing. There are certain recommendations that are going to come out of that, and I should really await that report to the commission and through the commissioner to me. I will await to see what the report comes up with.

The Hon. PETER BREEN: Thank you, Madam Chair.

The Hon. CHRISTINE ROBERTSON: Minister, I am referring to an earlier question from The Hon. Greg Pearce and The Hon. David Clarke. Did you, or to your knowledge the previous Minister, receive complaints from members of the community about the glossy law and order pamphlet that was sent across the electorate by National Party candidates during the last election campaign?

Mr WATKINS: I am advised that-

The Hon. GREG PEARCE: Point of order, Madam Chair. I didn't ask and nor did my colleague ask any questions about National Party glossy brochures. I do not believe the question is in order.

The Hon. CHRISTINE ROBERTSON: The question is well in order. I am talking about pamphlets with pictures of candidates with police.

Mr WATKINS: I understand that there were complaints lodged about that and I think the appropriate-

The Hon. GREG PEARCE: Madam Chair, are you going to move on the point of order?

CHAIR: I have been asked to rule on a point of order. The question clearly was in order. It was referring to a similar line of questioning put by Opposition members.

Mr WATKINS: Madam Chair, I think the appropriate actions were taken at the time.

The Hon. IAN WEST: Minister, in relation to alcohol related crime - obviously a significant expenditure item each year in the budget - do you have any response to the comments of the New South Wales leader of the Opposition, John Brogden, at the alcohol summit last Friday when he said, I understand, that he was concerned about giving police more powers?

Mr WATKINS: Those comments were reported to me. I had to leave the alcohol summit slightly early because the commissioner and I had to attend an attestation parade at Goulburn where there were 423 new probationary constables sworn in, and it was a happy day and a significant day for those probationary constables, and every police man or woman that I have spoken to tells me that they remember the day that they were attested. It is a special day in their lives. Those probationary constables would have been horrified and depressed by what Mr Brogden said at the conclusion of the alcohol summit. He labelled our force as corrupt. Mr Brogden used his speech at the conclusion of the alcohol summit to slander the hard-working men and women of the New South Wales Police. The Government suggested that giving police more power to act against licensees that were doing the wrong thing repeatedly was necessary, and I do not know why at the time he attacked police as he did. He said, "We give them a power that some will abuse, a few corrupt police using this system to feather their own pockets." Now, that is a distressing note that the leader of the Opposition uttered, a cavalier, foolish, slanderous comment against all serving men and women police in this State. John Brogden believes that giving police more power cannot be done because they cannot be trusted. He would, therefore, I presume, restrict the powers of our police because he does not trust them. This is from the man who believes he should be Premier of this State. It is outrageous. Any member can go to the Hansard and see what the leader of the Opposition said. He should not have said it; it was insulting to all serving police men and women in this State. It was especially distressing that he made those comments on the day when 423 new police were attested as probationary constables.

The Hon. CHRISTINE ROBERTSON: Can the Minister actually give an update on the movement of police to the new headquarters at Parramatta, which of course will make a lot of difference to the operations in the future and in the budget estimates paper is a major initiative?

Mr WATKINS: Yes. Again, I cannot take credit for this, but I am very happy I am the Minister at the time that police are moving into the new building at Parramatta. I am very pleased to announce that the first of the 2,200 New South Wales police officers and civilian staff have moved into the new police headquarters at Parramatta in a transfer from the Darlinghurst Avery Building, and that will continue until half way through next year. About 800 staff have used the past three weekends to transfer into their new workplace. Staff have moved into the state of the art complex at 1 Charles Street in recent weeks, coming together from the Avery Building and other locations in Sydney. The move to the tower 1 complex is complete and the gradual transfer of police into tower 2 should begin in November. The new building has been specifically designed for the New South Wales Police force. It includes streamlined security access for staff and separate security check-in for visitors. The building's ground floor lobby has a concierge, a cafe and gymnasium and leads to a mezzanine level for seminars and conferences, with office levels above. The divisions transferring to the new headquarters include the State Crime Command, the forensic services group, the business and technology services, financial services, human resources, administration and the audit group. Whilst it is the end of an era for the Avery Building, that building has served New South Wales and New South Wales Police well for three decades. It became the home of the force in November 1973 and was renamed after the former commissioner John Avery in 1991. Parramatta is Australia's third largest CBD and New South Wales Police will continue its high visibility frontline policing, supported by intelligence and high tech resources from its specialist units. I wish those officers moving into Parramatta all the best. I know that they will continue to provide first class policing from their new home.

The Hon. CHRISTINE ROBERTSON: Thank you, Minister.

CHAIR: That brings us to a close, as the time allocated for questions-

The Hon. GREG PEARCE: A point of clarification, if I may, Madam Chair. Earlier on the Minister indicated that he had studied law and he did not indicate whether he graduated, but clearly he does not understand the sub judge rule.

CHAIR: Order!

The Hon. GREG PEARCE: He indicated that Lola Scott was involved in-

CHAIR: Order!

The Hon. GREG PEARCE: -I therefore ask why she has not been-

CHAIR: The time for questions has expired.

The Hon. GREG PEARCE: -re-employed by the Police Service, and if not, why are you hiding that information?

Mr WATKINS: I have answered the question. Thank you for your attention this evening, Committee members.

CHAIR: I would like to thank the Minister and his departmental staff and the commissioner and his staff for attending tonight's hearing. As you are aware the time for questions has expired and I would like to thank you for your assistance. There is one issue I wish to clarify with the Minister. Earlier on you indicated that you had some statistics that you might like to table.

Moved that Bureau of Crime Statistics and Research crime statistics released March 2003 be tabled; carried.

The Hon. DAVID CLARKE: A point of clarification. Is the Minister also tabling the crime statistics put out by the Bureau of Crime Statistics and Research for the period of 1995 to 2002?

Mr WATKINS: Madam Chair, that was the only document I offered to table.

The Hon. DAVID CLARKE: We wish you to table them, Minister.

The Hon. GREG PEARCE: We had 42 categories.

CHAIR: Order! You should well know, The Hon. Greg Pearce should well know, you have been involved in estimates proceedings before, we have to have a short deliberative before we vacate the room, so I will please ask you to stop wasting our time and wasting the Minister's time.

Mr WATKINS: Could I also take the opportunity to thank the CEOs that have attended here this evening and all other staff of the agencies that I am responsible for and their continuing hard work and also my personal staff. Thank you for your attention this evening.

The Committee proceeded to deliberate.