

4.13 Deputy T.M. Pitman of the Minister for Home Affairs regarding the authenticity and accuracy of unsigned statements provided as part of the disciplinary investigation relating to the Curtis Warren case:

Further to the unauthorised publication of the judgment relating to 3 police officers involved in the Curtis Warren case, has the Minister asked for a criminal investigation to be undertaken into the issue raised in paragraph 29, namely the authenticity and accuracy of unsigned statements, a matter that was called into question by a witness?

Senator B.I. Le Marquand (The Minister for Home Affairs):

On the Ministerial scale for outrageousness this question is probably a 9 out of 10 because, on an entirely speculative basis, it implies criminal actions on the part of police officers. In fact, this is what happened: The Hampshire Police Force - the investigating force - loaded the relevant statements into the Holmes computer system as part of the investigation. Unfortunately, it was the printout of the statements rather than the original statements which were presented to the presiding officer as part of the agreed bundle. Therefore, that is what was presented to him and that is what he commented on. I am informed, however, that the original signed statements were available at the hearing but that the presiding Chief Constable did not refer to them. It would appear that one officer raised a question as to whether the Holmes version of his statement was accurate. That is the nub of the matter.

4.13.1 Deputy T.M. Pitman:

I thank the Minister for reading written question 13. Could the Minister just clarify for us, however, is it not a fact that the Holmes computer system needs someone to enter that manually? Does the Holmes computer system need a third party to type that question in or is it scanned? How did that inaccuracy happen? Surely the Minister agrees it is quite outrageous that someone in such a serious case should be confronted with a statement that he said was not what he said.

Senator B.I. Le Marquand:

I do not know the answer to the first part of the question as to whether things are retyped or scanned in. I do not know, but I suspect they are scanned. But I agree that a presentational mistake was made here. The original statement should have been in the bundle as opposed to the Holmes version.

4.13.2 Deputy M.R. Higgins:

I must say that I consider the Minister for Home Affairs written answer to question 13 and his answer today to be most unsatisfactory. The reason being that we are told that one officer questioned whether the Holmes version of his statement was accurate. Basically, I believe, from the information that I have, a number of things: (1) Mr. McCrae, the advocate who was acting for the police, was asked to produce the signed statements and could not do so; he could not find them (so they were asked for them and they were not produced); and (2) when it came to the statement and he questioned whether the Holmes version was correct, basically they were told that the statement had a number of question marks and dots and dots and dots and other things indicating missing words. When the particular person was questioned in the hearing as to why they were there, the answer was given: "Oh, the person who was transcribing it could not make out the writing." Well, the truth of the matter is that original written statement was typed and therefore there was no question of misinterpreting what was stated. I am afraid, Minister, it is time you went back and asked some further questions of the people who were involved in this action and get up to date because, I tell you, shortly there will be a motion of no confidence coming to you unless you can do so.

The Deputy Bailiff:

Is there a question?

Deputy M.R. Higgins:

Yes, the question is: does he agree with the statements I am making, that the signed statements that were asked for could not be produced by the advocate and, secondly, that the original statements made by the officers were typed not handwritten and therefore could not have been incorrectly transposed?

Senator B.I. Le Marquand:

It is perfectly possible that the version that Deputy Higgins has just put in relation to them being asked for but not being found is correct. The information that I had was that they were there. Now, whether they were there and the presenting advocate could not find them at the time, I cannot tell. But I have not inquired into that level of detail.

[11:15]

I have, as Members will note, in relation to other matters which I thought somewhat weightier from that point of view, said that it is good practice; the statements should have been in the bundle originally. It is not satisfactory that some other version was there. I accept that. It is a presentational mistake.

4.13.3 Deputy M.R. Higgins:

With what has been raised today, does the Minister for Home Affairs see that there are some genuine concerns about the whole process of the disciplinary hearing and the Hampshire police investigation and will the Minister go away and ascertain the facts and come back and give the House a definitive account and not just based on hearsay of conversations officers have had with the former presiding officer, Mr. Barton?

Senator B.I. Le Marquand:

No, I will not. I think this matter is a side issue upon a side issue. I think it is a tremendous waste of my own time, a waste of those who are questioning me and a waste of the time of this Assembly.

4.13.4 Deputy T.M. Pitman:

I think it is an absolutely outrageous statement that the Minister has just made: "A waste of time." Justice: what does that say? My information is exactly the same as Deputy Higgins. So could I ask the Minister not just to go away and come back with the actual facts but to go away and try and get an investigation implemented, because clearly there are completely conflicting versions? The Minister has admitted he does not know. He is just going on trust, which I accept to a degree. Would he not undertake to launch a proper investigation into this and, in line with that, does he not think Senator Farnham's proposal for a Justice Minister has just been made?

Senator B.I. Le Marquand:

I am not sure I can see the connection there. No, I am not going to spend any more time on this matter unless Members wish to ask me specific questions on specific details; in which case I will, of course, endeavour to do my best to answer those.