

CORRUPTION AND CRIME COMMISSION  
OF WESTERN AUSTRALIA

COMMISSIONER JOHN MCKECHNIE AO KC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 10 APRIL 2024, AT 9.43 AM

COUNSEL ASSISTING:

MS KIRSTEN NELSON

COUNSEL ASSISTING THE WITNESS:

MR CHRISTIAN PORTER

WITNESS:

CHRISTOPHER JAMES FIELD PSM

1 **THE COMMISSIONER:** Please be seated. Mr Field, because  
2 it's been a while, I'll just have you re-sworn.

3  
4 **CHRISTOPHER JAMES FIELD RESWORN AT 09.43 AM:**

5  
6 **THE COMMISSIONER:** Mr Porter, you may commence whenever  
7 you are ready.

8  
9 **PORTER, MR:** Thank you, Commissioner, and Mr Field, it was  
10 a little while ago now, but we concluded the last day of  
11 public hearings with you providing some evidence regarding  
12 the papers that were tabled regarding your travel in  
13 Parliament on 13 February 2024. And that was with respect  
14 to the three months ended 7 June 2023, which was then in  
15 respect to Austria, 5 to 17 May 2023, and Slovenia and the  
16 UK, 2 to 16 June 2023. So, you remember that's where we  
17 left off on the last occasion?---I do.

18  
19 And then the next document that comes to be tabled in  
20 Parliament is your annual report for 2022/23. And do you  
21 recall that was tabled in Parliament on 21 September 2023?  
22 ---Yes, I do.

23  
24 Now, I think you've given some evidence about this process  
25 before, but that, as you've just confirmed, is the annual  
26 report for the 2022/23 year, so the year ending on 30 June  
27 2023?---That is correct.

28  
29 And it comes to be tabled on 21 September 2023?---Correct.

30  
31 And when does that document first go into the Parliamentary  
32 system, if I can describe it that way?---Ah, well, it goes  
33 into the system at the moment - as I understand at the  
34 moment, it is tabled by the Speaker of the Parliament.

35  
36 But your office, presumably, is the author of that  
37 document. You put it together, it's provided to someone at  
38 some point in time. Do you know who that is, and at what  
39 point in time?---Correct, we provide copies, ah, there are  
40 a number of regulated copies that have to be provided to  
41 the Parliament. Ah, I think in my recollection, they go  
42 down the day before, counsel, to the Parliament.

43  
44 So, unlike the quarterly reports for travel, there's not a  
45 process of significant lag where they are presented for the  
46 quarterly reports to the Department of Premier and Cabinet,  
47 sometimes months before they're eventually tabled?  
48 ---Correct, there is not a lag.

1 And I think your evidence previously was that there's an  
2 email list of people who then receive copies direct from  
3 your office?---Correct.

4

5 And how many people on that email list?---Ah, we have a  
6 stakeholder list of around - I think it's around 30 to 40,  
7 Commissioner. So, I send those after, ah, it has been  
8 tabled in Parliament, and they are to Director-Generals and  
9 Ministers and various others who I think might be  
10 interested in receiving the annual report.

11

12 And I think your evidence was, with respect to the previous  
13 annual report also, that there is some hardcopy postal, or  
14 hardcopy provision of your annual reports as well?---  
15 Correct. Historically, in fact, the majority were done by  
16 hardcopy. We have moved, as cost-saving device, to sending  
17 those as much as possible electronically.

18

19 And so for this 2022/23 annual report, it was the case, as  
20 with your previous annual report, the copies were emailed  
21 and the copies were posted?---Yes, the predominant would  
22 have been by email this particular year, as it will be  
23 going forward.

24

25 And Commissioner, I think that the first bundle of  
26 documents that was provided through Ms Espino was numbered  
27 0664^, so we're going to go to that bundle.

28

29 **THE COMMISSIONER:** Is this the annual report?

30

31 **PORTER, MR:** This is the annual report, yes. And in the  
32 bundle that we've provided, it's an excerpt of pages from  
33 the annual report. And of that large document, 0664^, this  
34 is page 80 of that document.

35

36 **THE COMMISSIONER:** Would you like page 80 displayed?

37

38 **PORTER, MR:** Yes, if we may.

39

40 0664^

41

42 **PORTER, MR:** And I presume that that's familiar to your  
43 eye?---It is.

44

45 Now, the previous occasion you were being asked questions  
46 by me, Mr Field, we covered off on the fact that the  
47 previous annual report, so that is 2012/22, had about 11  
48 pages which were devoted to covering your role as president  
49 of the IOI, that's correct?---That is correct.

50

1 And if I put to you for the sake of saving time that the  
2 '22/23 annual report had about 47 pages covering your role  
3 and travels as president of the IOI?---Yes, correct.

4  
5 And again, I'm going to go through this fairly briefly, but  
6 given the public nature of the hearings, I'll just - I'm  
7 just going to work through fairly quickly. So, if we can  
8 go to page 81, the next page. So, this is page 81 of your  
9 annual report for '22/23, and that is a picture of you  
10 somewhere in the Ukraine, is that correct?---Yes, in Kyiv,  
11 in Ukraine, correct.

12  
13 Okay, 82, we can move over, 83, if we may? Again, you in  
14 the Ukraine?---Correct.

15  
16 We see the word 'Ukraine' at the top there in the header,  
17 so that's clear?---Yes, correct.

18  
19 And at page 84?---Yes, still in Ukraine.

20  
21 And the word 'Ukraine' appears clearly at the top there?  
22 ---Correct.

23  
24 Some pictures on page 85, and again the word 'Ukraine'  
25 appears below those pictures, I think?---Ah, correct.

26  
27 So, if we go to page 86, at the top there it's a visit to  
28 Irpin, Ukraine?---Correct.

29  
30 87, the bottom of that page, Madam Associate, there's the  
31 word 'Ukraine', it's a little bit difficult to see under  
32 that picture, but - so, there you're meeting with His  
33 Excellency Mr Bruce Edwards, Australian Ambassador to  
34 Ukraine?---Correct.

35  
36 And I presume that's in Ukraine?---Ah, that was in Warsaw.  
37 So, on the right, you are quite correct, counsel. The  
38 Australian Ambassador to Ukraine, and on the left, the  
39 Australian Ambassador to Poland.

40  
41 Right, so now we've moved on to pictures of the trip to  
42 Poland, is that right, on the left?---Correct.

43  
44 Okay, 87, if we can go to 88. Then again, visiting Poland,  
45 meeting the Ambassador of Ukraine?---Correct.

46  
47 And the second heading in blue there, 'Commissioner for  
48 Human Rights at Poland, official visit to Poland'?  
49 ---Correct.

50

1 89, attending border crossing points at the Hungarian,  
2 Romanian and Hungarian-Ukrainian borders during visit to  
3 Hungary?---Correct.  
4  
5 Page 90, visiting a field office of the Commissioner of  
6 Fundamental Rights of Hungary?---Correct, and on the border  
7 crossing point, again correct.  
8  
9 Page 91, again the visit to Hungary denoted clearly at the  
10 top of the page?---Correct.  
11  
12 92, again it denotes the visit to Hungary at the top of the  
13 page, correct?---It does.  
14  
15 93, pictures pertaining to a visit to Austria?---Correct.  
16  
17 94, pictures again - now, this is the Ukrainian Ambassador  
18 to Australia, is that correct?---That is correct.  
19  
20 So, where are these pictures taken?---These are outside of  
21 my office.  
22  
23 In Perth?---Sorry, in Perth, correct.  
24  
25 95. The first heading up there in its final sentence talks  
26 about the provincial Ombudsman Sindh - into malnutrition  
27 and stunting in Thar Pakar, is that Pakistan, is it?---It  
28 is, correct, in - correct, Karachi, ah, Sindh Province,  
29 Pakistan.  
30  
31 And those pictures are of you in Pakistan, is that  
32 correct?---They are.  
33  
34 The final sentence there talks about Federal Ombudsman of  
35 Pakistan?---Yes, there were several Ombudsman, including  
36 the Federal Ombudsman of Pakistan, who had attended as  
37 well.  
38  
39 And page 96, again you're with Ombudsman Sindh?---Correct.  
40  
41 And the description under that photograph is 'Provincial  
42 Ombudsman, Sindh'?---Correct.  
43  
44 97, the first picture there depicts Provincial Ombudsman  
45 Sindh?---Correct.  
46  
47 Page 98, there's another picture - there's the laying of a  
48 wreath, the word 'Pakistan' appears in the top sentence?  
49 ---Yes, laying the wreath at the tomb of Muhammad Jinnah,  
50 the founder of Pakistan, correct.  
51

1 And then on page 99, is this Pakistan or Morocco?  
2 ---Correct, this is part of the ceremony, ah, of laying  
3 that wreath at the tomb in Pakistan.  
4  
5 This is in Pakistan?---Karachi, Pakistan.  
6  
7 Page 100, at the top there, it's the bishop of Karachi?  
8 ---Correct.  
9  
10 Page 101, the two headings in blue both mention the Federal  
11 Ombudsman of Pakistan and the National Museum of Pakistan?  
12 ---Correct, and also meeting the governor of Pakistan as  
13 well, sorry, the Sindh Province, my apologies.  
14  
15 There are further pictures on page 102, but going further  
16 over to page 103, there's a heading at the top there, which  
17 I presume refers to Morocco, is that M-a-r-o-c?---That is  
18 correct, that is correct.  
19  
20 Why is it spelt that way?---Ah, that's the spelling that is  
21 used by Morocco. Morocco is French spelling, I think, as  
22 it is.  
23  
24 Okay, and the middle paragraph on that page talks about the  
25 Academy of the Kingdom of Morocco?---Exactly correct, so  
26 speaking at the 20th anniversary of the Institution of the  
27 Ombudsman and Mediator of Morocco.  
28  
29 And then page 104, again there's some photographs under the  
30 first photograph that has 'Mediator of the Kingdom of  
31 Morocco'?---Correct.  
32  
33 Page 105, under the heading 'IOI President undertakes  
34 cultural exchange in Rabat and Fez, it talks about the  
35 visit to the Kingdom of Morocco, correct?---Correct.  
36  
37 Then page 106, the heading is 'Attending an official  
38 reception at the residence of the Australian Ambassador to  
39 Morocco'?---That is correct, at his residence, a dinner  
40 reception with a number of ambassadors.  
41  
42 And it finishes, 'in honour of his visit to the Kingdom of  
43 Morocco'?---Correct.  
44  
45 Page 107, the heading - the first heading again mentions  
46 the Kingdom of Morocco. The second heading is, 'IOI  
47 president chairs the 2023 world board meeting of the IOI in  
48 Vienna,' is that correct?---Correct.  
49  
50 And then page 108, there's pictures, you're chairing the UN  
51 working group of the world board of the IOI?---Correct.

1 That's Vienna, is it?---That is in Vienna, correct. The,  
2 ah, domicile of the IOI.

3

4 Page 109, another picture, and that text there mentions the  
5 ambassador to Austria?---Yes, correct, this was a side  
6 event to the IOI board meeting. There, I'm speaking at an  
7 event organised by the Ukraine Ambassador to Austria in  
8 relation to the, ah, charity voices for children organised  
9 by the Ukrainian Ambassador.

10

11 Okay, 101, the middle heading in blue talks about 'in  
12 Vienna'?---Correct.

13

14 Page 111, the top heading in blue states 'in Vienna'?  
15 ---Yes, that is at the Australian Embassy, correct.

16

17 Page 112, the top heading again says 'in Vienna'?  
18 ---Correct, at the board meeting.

19

20 Page 113, there's two photographs, under the first are the  
21 words 'Austrian National Council', the same words,  
22 'Austrian National Counsel' under the second, correct?  
23 ---Yes, that's His Excellency (indistinct) and myself  
24 hosting that event.

25

26 Okay, 114, the heading, 'IOI president provides the  
27 commemoration speech for the presentation of the Golden  
28 Order of Merit to former-IOI Secretary-General, Minister  
29 Werner Amon?---Correct, and that was in Graz, Austria.

30

31 115, the heading talks about, 'IOI president undertakes  
32 cultural exchange in Graz and Styria'?---Yes, following the  
33 Austrian, ah, board meeting in Austria, I was invited by  
34 the Minister for International Cultural Affairs, Werner  
35 Amon, to visit Graz.

36

37 Then page 116, the heading is, 'IOI president meets the  
38 President of the Republic of Slovenia'?---Correct.

39

40 'On the occasion of his visit to Slovenia'?---Yes, and  
41 there I'm meeting the president at her residence in, ah,  
42 Ljubljana.

43

44 Okay, and then page 117, the heading ends, 'on the occasion  
45 of his visit to Slovenia'?---Yes, I accompanied the  
46 President to a - one of her official visits.

47

48 Then on page 118, the heading includes the words 'live  
49 interview for the RTV Channel 1, Slovenia'?---Yes, I think  
50 that's the most-watched news, ah, service in Slovenia, and  
51 I was asked to, ah, attend it.

1 And then the second heading there also contains the word  
2 Slovenia, 'Republic of Slovenia', correct?---Yes, that's  
3 meeting the President of the National Assembly.

4  
5 And then page 119, the middle heading, 'IOI president meets  
6 the Minister of Justice for the Republic of Slovenia'?  
7 ---Correct.

8  
9 Page 120, the first paragraph heading again denotes the  
10 Republic of Slovenia?---Correct, and there meeting the  
11 Minister for Relations for Slovenians Abroad.

12  
13 Page 121, there's another photograph, the final words under  
14 the final pictures, 'entrance of Postojna Cave'?---Yes, a  
15 cultural site, entrance to the Postojna Cave and, ah,  
16 (indistinct) two matters of great cultural significance for  
17 the Slovenian people.

18  
19 Okay, and then page 122, it's a meeting with the Agent  
20 General for Western Australia, United Kingdom?---Correct.

21  
22 Page 123, first paragraph under the heading - mentions  
23 being in Manchester?---Yes, the principle office of the  
24 Ombudsman of the UK.

25  
26 Okay, and then the middle heading speaks to the provision  
27 of an address at the Parliament of New Zealand?---Yes, on  
28 the 60th anniversary, myself, the latter Prime Minister and  
29 Chief Ombudsman of New Zealand.

30  
31 And then page 124, there are two headings in blue. The  
32 first two headings both mention New Zealand?---Ah, correct.  
33 Our High Commissioner, and also further awardings of the  
34 Golden Order of Merit to Sir Brian Elwood and Dame Beverley  
35 Wakem, former presidents of the IOI.

36  
37 Okay, and then page 125 is a photograph with the members of  
38 the Australasian and Pacific Ombudsman region of the IOI,  
39 is that in New Zealand?---Correct, an annual meeting, and  
40 on that occasion it was held in New Zealand to coincide  
41 with the 60th anniversary.

42  
43 And then the next heading there is 'IOI president's  
44 addresses.' Now, I don't want to go through each and every  
45 one of those, but is that a mixture of addresses that were  
46 given in person and virtually, or was it all one or the  
47 other, or - - -?---Ah, my strong recollection - I'd have to  
48 walk through them, are those were the ones that were given,  
49 ah, by video conference, either live or prerecorded  
50 conference.

51



1 In addition to - - -?---In addition, of course in addition,  
2 yes.

3  
4 Okay, and during that period that is covered by the annual  
5 report '22/23, the trips, working backwards, if I can put  
6 it that way, Slovenia and the UK, 2 to 16 June, correct?  
7 ---Correct.

8  
9 Austria, 5 to 17 May?---Correct.

10  
11 Pakistan, 11 to 17 March?---Correct.

12  
13 Morocco, 26 to 4 May 2023?---Correct.

14  
15 Correct?---Correct.

16  
17 Ukraine and Poland, 3 to 14 December 2022?---Correct.

18  
19 New Zealand, 9 to 4 October 2022?---Yes.

20  
21 And Austria and Hungary, 6 to 20 September 2022?---Correct.

22  
23 And having gone through that and revisited that annual  
24 report, to the best of your estimate, are all of those  
25 trips touched upon or covered or demonstrated in that  
26 annual report?---Correct.

27  
28 Why were you including all that material in your annual  
29 report?---Oh, it was a singular reason. Ah, and that was  
30 to ensure, ah, transparency to the Parliament in relation  
31 to my travel. Um, I had done that on one level already by  
32 the provision of the quarterly travel reports that were  
33 tabled in Parliament. Um, but, um, ah, Commissioner,  
34 whether it was a matter you think is a positive or negative  
35 thing, I indicated to my staff at the time that if you  
36 approve your own travel, then you, um, then you do this.  
37 Ah, so it was about the idea of ensuring, um, I was mindful  
38 that - I had formed the view for a raft of reasons in good  
39 faith, that, um, I had approved my travel, and I felt that  
40 it was imperative and essential that if I did so, I was  
41 utterly, completely, and voluminously transparent.

42  
43 I think we've covered the point of transparency, so I won't  
44 labour the point?---Yes.

45  
46 **THE COMMISSIONER:** We know that, but if I might just ask a  
47 question. With all this travel, how does that relate to  
48 the functions of principally of investigation under the  
49 Act? After all, you are the Commissioner for  
50 Administrative Investigations. How does it relate to those  
51 functions, and in particular, how is it that monies

1 appropriated by Parliament for the purpose of those  
2 functions is used for all these functions that we have just  
3 seen?---Ah, well, I think there's - you'll stop me when I  
4 go too far, Commissioner. I think that answer has to be in  
5 two parts. First, it is true that international engagement  
6 and engagement with colleagues in the International  
7 Ombudsman Institute is about developing best practice in  
8 the way that we undertake our work, our investigations, and  
9 sharing with colleagues, I don't think there's any question  
10 about that. In fact, many of the things that have led to  
11 us being amongst the best practice Ombudsman Institution in  
12 the world is because of the things that I have learned  
13 through these travels. That's number one. But number two,  
14 it is certainly the case that, um, ah, as it is with the  
15 other 23 board directors on the IOI who travel extensively  
16 as well, that each of us see it being from time to time our  
17 turn to undertake a role with the International Ombudsman  
18 Institute. I didn't for you know, the vast majority of my  
19 time as Ombudsman, and then that term ends, and I don't  
20 after that, and my predecessor won't, and my predecessor  
21 won't. So, in this case, and in my case, in Australia's  
22 case, it's once ever 50 years is an Ombudsman asked to  
23 undertake this sort of role, and to step up and to take on  
24 these responsibilities. And that is the case for all of my  
25 predecessors. All of my predecessors have travelled  
26 extensively, all of my successors will as well. So, I think  
27 it's both, Commissioner.

28  
29 That doesn't actually - the first part might be a partial  
30 answer to my question. The second part, with respect, is  
31 not. How does it directly relate to the functions under  
32 the Act for which Parliament has appropriated money? In  
33 other words, I'll put it another way. If it was, as you  
34 say, part of the job, so to speak, of being President, why  
35 didn't you apply for a separate appropriation for that from  
36 Parliament?---Ah, well I did apply for a separate  
37 appropriation through the SBP for part of that.

38  
39 That's a year later?---I accept that, Commissioner.

40  
41 And that was for other things, which no doubt Mr Porter  
42 will get on. You didn't apply here?---Commissioner, um,  
43 and I won't repeat obviously the ones that you said could  
44 potentially go to the matters, as I say, um, those matters  
45 of - of practice. Um, and the development of our best  
46 practice by learning from international colleagues,  
47 national and international colleagues.

48  
49 Well, that was your first point?---Correct. But  
50 Commissioner, I think this gets to - and I absolutely  
51 understand that you don't accept my position.

1 I want to make this absolutely clear, I neither accept or  
2 don't accept anything at the moment. This is an  
3 investigation, and I'm taking up too much of Mr Porter's  
4 time, for which I apologise, and I frequently do?---  
5 Commissioner, if everyone held the view that you're putting  
6 to me, if I can be this blunt about it, there would be no  
7 IOI. That's the - the unintended consequence of what  
8 you're saying to me, and I need to be frank about it, is  
9 the International Ombudsman Institute would not exist. The  
10 global, ah, Human Rights Institution would not exist.  
11 Ombudsmen are asked not just under the Venice Principles  
12 but the UN Principles, but by the - by the mandate of the  
13 IOI to, um - ah, give themselves to that international  
14 body. Now, there are 23 other directors on this board who  
15 have no provisions - specific provisions in their Act. You  
16 won't be able to find any of them. You won't be able to  
17 find them. Your staff won't be able to find them. I can't  
18 find them. No ombudsman will have a provision that says,  
19 "You can be a member of the IOI. You can go and do these  
20 things". If you're searching for that, it's a search in  
21 vain. The reality is if your proposition is correct, the  
22 IOI finishes tomorrow. That is the reality of this  
23 situation. Now, that - I - I have to say, I think that  
24 would be a grave disservice to both ombudsmen and the  
25 citizens and parliaments they serve around the world. Once  
26 in 50 years this country has been expected to pay for a  
27 president, and in this case it happens to have been. Could  
28 have been any other ombudsman, just like Ireland was  
29 expected to pay, um, for their, ah, ombudsman to be, ah, my  
30 predecessor, just like Namibia before me, just like  
31 New Zealand before me, and there will be hundreds of  
32 presidents after me, Commissioner, and if every one of them  
33 is corrupt, the IOI finishes tomorrow.

34  
35 It's not a question of corruption, but we'll leave it at  
36 that. I think you've answered my question. At least,  
37 you've given the - - -?---I - - -

38  
39 - - - answer you wish - - -?--- - - - certainly trying  
40 to - - -

41  
42 - - - to give?--- - - - be respectful with it, but I think  
43 it's a very - - -

44  
45 Mr Porter?--- - - - serious ramification.

46  
47 And I promise to try not to interrupt again.

48  
49 **PORTER, MR:** Commissioner, it's led me to think of another  
50 few questions.

51

1 So the - I think part of what the Commissioner's question  
2 is going to, Mr Field, is an issue of jurisdiction we  
3 covered - - -?---Correct.

4  
5 - - - when I first questioned you. The second goes to your  
6 mindset, and I - I just want to deal with each of those  
7 very quickly - - -?---Correct.

8  
9 - - - individually, but you - you had previously spoken  
10 about your view that the role of president of the IOI was  
11 complimentary to your role as state ombudsman. Correct?  
12 ---That is correct.

13  
14 But you also confirmed that in no way when you were  
15 undertaking duties as IOI president were you conducting any  
16 investigative or jurisdictional functions that exist under  
17 your Act?---Correct. And I completely agree with that,  
18 Commissioner.

19  
20 So your position is, in effect, that it was either  
21 complimentary or not inconsistent with your functions as  
22 ombudsman of WA?---Ah, that is exactly correct, counsel.

23  
24 Now, I just want to explore the - the - the principle as to  
25 the use of your standard appropriations for that travel  
26 that you saw as complimentary or not inconsistent, but was  
27 nevertheless direct - not directly aligned to your  
28 investigative functions, which as we've discussed are your  
29 only functions - - -?---Correct.

30  
31 - - - under the Act. You mentioned previously that you had  
32 on occasions attended, I think there were meetings of the  
33 Australian New Zealand Energy and Water Ombudsman's  
34 meetings?---Correct.

35  
36 When you did that, were you undertaking any functions under  
37 your Act?---Well, it's not necessary to go to those  
38 meetings to undertake my functions in my view.

39  
40 You went to - and was that travel coming out of your  
41 general appropriations?---Yeah, well, it was coming out of  
42 the appropriations given to the industry ombudsman, so  
43 general appropriations, but ultimately paid for by the  
44 members of the scheme.

45  
46 Right. Okay. So that wasn't from your state  
47 ombudsman - - -?---No.

48  
49 - - - budget? No. You were present at conferences of the  
50 Institute of Public Affairs, that's the IPAA, they call  
51 it?---Correct.

1  
2 And was that being paid for out of your - - -?---Yes.  
3  
4 - - - ombudsman's budget? And when you were there, were  
5 you discharging your functions under the Act?---No. Put in  
6 that, ah - ah, way that has been described, no.  
7  
8 You visited Indonesia as part of a Commonwealth program  
9 with the Commonwealth ombudsman and New South Wales  
10 ombudsman to do training and capacity building. You recall  
11 that?---I do.  
12  
13 Who paid for that?---Ah, sorry, just repeat that again?  
14 Sorry - - - -  
15  
16 It was - - -?--- - - - Commissioner.  
17  
18 - - - you visited Indonesia as part of a Commonwealth  
19 program with the Commonwealth ombudsman and New South Wales  
20 ombudsman for training and capacity building for the  
21 Indonesian ombudsman. You did that in about 2013?  
22 ---Correct. The Commonwealth ombudsman.  
23  
24 The - the Commonwealth ombudsman - - -?---Correct. Yeah,  
25 made contributions to that. Correct.  
26  
27 And were you undertaking any functions pursuant to your Act  
28 over there - - -?---No.  
29  
30 - - - in Indonesia in 2013?---No.  
31  
32 Are you aware, and if you're not, you're not, but were you  
33 aware whether or not the Commonwealth ombudsman was acting  
34 pursuant to any functions of his Act or her Act - - -?---  
35 No, nor the New South Wales ombudsman who was there either.  
36  
37 So you - you - you will accept, no doubt, though that if  
38 there is a principle about travelling using your domestic  
39 budget, if I can put it this way - - -?---Mm.  
40  
41 - - - for - for national (indistinct) bodies or  
42 organisations, that the IOI travel represents a very  
43 expanded version of that principle. You would accept  
44 that?---I accept it not only is a version but an expanded  
45 version.  
46  
47 Very expanded version?---Oh, in fact, very expanded - - -  
48  
49 And - - -?--- - - - version.  
50

1 And you would have to accept, I think, that it is  
2 completely atypical in almost every regard?---Ah, not  
3 atypical if you're the ombudsman who happens to be the  
4 president of the International Ombudsman Institute at that  
5 time, but in relation to my history, atypical.

6  
7 But it seems that in your - I just want to pause very  
8 briefly and talk about your mindset. Your mindset, it  
9 seems, in your answers to the Commissioner was that as well  
10 as being complimentary or not inconsistent to your  
11 functions under the Act, you accept that you weren't  
12 discharging your functions as IOI president under your Act.  
13 Correct?---Correct.

14  
15 But that in some way you conceived of the role as IOI  
16 president, particularly in the way in which your domestic  
17 funds were being applied to it, as some sort of community  
18 service that was being provided through your budget to the  
19 international community. Is that how you would describe it  
20 or is that the answer that you would give?---Um - ah - ah,  
21 counsel, I think that's exactly the way I would describe  
22 it. Um, I was profoundly of the view that it was not the  
23 same as, say for example, the Commissioner giving a speech  
24 interstate or I giving a speech interstate, which would  
25 have a very, um, if you like, a tangential relevance for  
26 WA, ah, benefit for Western Australians. Um, this goes  
27 well beyond that, and I took the view that it was  
28 profoundly in the public interest and the Australian  
29 interest, um, that - that I could make that contribution,  
30 not as a matter of hubris. I was humble about it, but I  
31 did think I could make a contribution.

32  
33 That conception that you've just given, if I can use  
34 loosely the phrase of it being a community service, were -  
35 were you - did you relay that conception of your role as  
36 IOI president whilst concurrently state ombudsman to any of  
37 the senior public servants in your meetings - - -?---  
38 On - - -

39  
40 - - - (indistinct)?---On - on - to the best of my  
41 recollection, Commissioner, on every single occasion. It  
42 was a critical part of what I was trying to convey, um,  
43 that I felt there was a potential benefit to Western  
44 Australia and Australia, but more particularly Western  
45 Australia through my holding of this role, and it was  
46 extensively - - -

47  
48 The question - - -?--- - - - (indistinct).

49  
50 - - - Mr Field, was different as to whether or not there  
51 was a flow on benefit to Western Australia?---Yes.

1  
2 The - the question was did you express that - that it might  
3 be the right and proper thing to do and be funded by  
4 Western Australians, in effect, even if the benefit was  
5 largely or exclusively to the international community, on  
6 the basis that you had a conception that that was a form of  
7 community service on the part of the West Australian  
8 community?---Counsel, it was in two parts. It was exactly  
9 that, but I did go one step further, um, and I did indicate  
10 that, um - and it was a - it's a - a - a variation of the  
11 free writer syndrome, um - ah, Commissioner, that, ah, if  
12 no ombudsman ever undertook this role, then the - then it  
13 would never be done, so I would say this was Western  
14 Australia's time. It'll be someone else's time the next  
15 time, but this is our turn, and we should do the best we  
16 can with it.

17  
18 That probably neatly brings us to the point which occurs at  
19 least two weeks after this annual report - this table, so  
20 annual report we just discussed, the '22, '23 annual  
21 reports table 21 September 2023. And then it's two weeks  
22 after that that the first newspaper article about the  
23 travel appears in the West Australian. That occurs on  
24 7 October 2023. You would no doubt remember that date?  
25 ---Ah, correct.

26  
27 Do you - are you able to say whether you had any advance  
28 notice, and if so, how much, to the publication of that  
29 article?---Ah, I certainly know the journalist rang me.  
30 Um, I cannot remember the exact date. I think it was a few  
31 days beforehand because there was some, ah, delay of a  
32 couple of days before the actual article in the newspaper.

33  
34 So I want to be quite careful about this timing. This is  
35 7 October?---Yes.

36  
37 Did the journalist ring you directly or someone in your  
38 organization such as a media advisor? Did you have such a  
39 thing?---Ah, we did. Um, my, uh, recollection there was  
40 contact with our media advisor, but ultimately the  
41 journalist contacted me by email directly.

42  
43 By email?---Correct.

44  
45 Is that an email that you recall you've produced to  
46 the Commission?---Ah, I don't believe I necessarily have.  
47 I must say I assumed the Commission had that email.

48  
49 **THE COMMISSIONER:** We have that, don't we?

50  
51 **PORTER, MR:** I'm not - - -

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1  
2 **THE COMMISSIONER:** I think I've seen it.

3  
4 **PORTER, MR:** Yes. I'm not sure that I recall seeing it,  
5 but in any event, the timing is what I'm getting to is that  
6 this was in the days - two days or three days before the  
7 article?---That's exactly correct.

8  
9 Okay. So at the time of what I think is fair to put a very  
10 expansive exposition of your travel in your annual report  
11 which is published widely - at that point in time, there  
12 was no hint to you of negative media around your travel?  
13 ---Oh.

14  
15 In - - -?---Until that, none.

16  
17 Okay?---No.

18  
19 So when was the first indication to you that there would be  
20 negative media around your travel?---Ah, as I recollect it  
21 there was - to the best of my recollection there was a  
22 contact with my office. I'm not sure if that was with me  
23 directly in the first instance or with my staff. It  
24 ultimately certainly - and this was all within a very short  
25 period of time - was with me as an email. Um, I was also -  
26 it was also brought to my attention that there was a second  
27 email, one that I didn't see directly, um, that had been  
28 sent to, ah, the Premier's department, and the Premier's  
29 chief of staff wrote to me and attached that email to it.

30  
31 Now, just also going to your mindset - I'm going to put  
32 this to you directly but it would appear it's a fair  
33 description to say that at least at the time at around the  
34 publication of your annual report in September 2023, you  
35 were extremely proud of your travel and role as IOI  
36 president?---Um, counsel, it's a word I use reluctantly,  
37 um, because - - -

38  
39 What word would you use - - -?---Well - - -

40  
41 - - - to describe your mindset about what you were doing by  
42 way of travel for the IOI presidency?---It - yeah. Look,  
43 this is - this is an indirect answer to say what I teach my  
44 university students is humility is the most important thing  
45 in public life. I think proud is hubris. I felt it was my  
46 duty and I felt I was executing it well. That's what I  
47 felt.

48  
49 Okay. So we'll move on now to the overseas travel that was  
50 committed to the IOI in the 23/24 period. Now, during the  
51 2023/24 period, if I can just summarise for you. There

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1 appears there were trips to Thailand, 7 to 13 July 2023?  
2 ---Correct.  
3  
4 Taiwan, 22 to 28 July 2023?---Correct.  
5  
6 Italy, 18 to 24 September 2023?---Correct.  
7  
8 And then was there also a trip to the Kingdom of Bahrain 16  
9 to 21 October 2023?---Correct, counsel.  
10  
11 And the trip that occurred after the publication of the  
12 article in the West was the trip to Bahrain, is  
13 that - - -?---That is correct, counsel.  
14  
15 And at the time that you were travelling to Thailand,  
16 Taiwan and Italy, the last of those being 18 to  
17 24 September, was there any forewarning or understanding or  
18 knowledge that there would be negative media about your  
19 travel?---No, there was not.  
20  
21 Commissioner, if I can return to the bundle that is 00 -  
22 sorry, 0664 and to what is page 127 of the (indistinct).  
23 Now - - -  
24  
25 0664^  
26  
27 **THE COMMISSIONER:** Can we - thank you.  
28  
29 **PORTER, MR:** Now, Mr Field, this previously discussed with  
30 respect to other quarterly returns on two separate  
31 (indistinct). This is the document that you and your  
32 office prepares to go into the Department of Premier and  
33 Cabinet, correct?---Ah, correct.  
34  
35 And so this summarised each of those trips that we have  
36 mentioned save for Bahrain, I think?---That is correct.  
37  
38 And the purpose of the travels described there in the  
39 narrative in that column and then the breakdown of the  
40 costs over in the second column from the left, correct?  
41 ---That is correct.  
42  
43 And these - this document is for the period ending  
44 30 September '22 but if we just - 2023 - but if we go down  
45 to the signature panel, that's your signature, is that  
46 correct?---That is correct.  
47  
48 And that - you've signed that on that date,  
49 22 November 2023?---Correct.  
50  
51 So it would have been on or around that date that this  
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1 document goes into the Department of Premier and Cabinet?  
2 ---Correct.

3  
4 And again, I think your answer to a question about whether  
5 or not you knew exactly who was the recipient of this  
6 document in the Department of Premier and Cabinet was that  
7 you did not know, is that right?---Oh, there is a  
8 particular staff member that we - is on the letter,  
9 Commissioner, when we write. And - and it's not meant to  
10 be disrespectful - I cannot remember that person's name of  
11 the top of my head.

12  
13 And because of the lag period that we discussed, this -  
14 these trips have not yet come out of the parliamentary  
15 process and been tabled in that shorter form, that's  
16 correct?---I actually looked at the parliamentary website,  
17 Commissioner, and I couldn't see them on there yet, no.

18  
19 Just with respect to the recipients of this in the  
20 Department of Premier and Cabinet, do you know anything  
21 about the size of that team or whether there is a dedicated  
22 team? Do you know anything about that process inside  
23 Premier and Cabinet?---No. It's not been - I've never had  
24 a need to ask that question. We're - we're sent a  
25 quarterly, ah, request. Ah, we send that to it. It  
26 clearly is a team form, um, of some form, but I've not had  
27 a reason to - to make a request of the - the - the size of  
28 the team or other matters.

29  
30 Commissioner, there's some further documents that we  
31 provided to the Commission this morning, and I think they  
32 have been barcoded and numbered 0745. The first several of  
33 those are simply aide-memoires which represent summaries to  
34 make the information in the quarterly inputted travel  
35 reports and then what's produced by parliament slightly  
36 more digestible and also to provide a chronology, so - - -

37  
38 **THE COMMISSIONER:** That's very helpful.

39  
40 **PORTER, MR:** Commissioner, I'll just go to the first of  
41 those which is at page 1 of 0745.

42  
43 0745^

44  
45 So I think if we start on page 3 - sorry, Madam Associate.  
46 It goes in reverse chronological order, but this is simply  
47 a summary of tabled papers that are relevant to the  
48 Ombudsman's overseas travel. So the bolded date there,  
49 31 December 2016, there will appear on the parliamentary  
50 website a report of overseas air travel undertaken by  
51 ministers, parliamentary secretaries and government

1 officers on official business for the three months ended  
2 31 December 2016. And the date of tabling for that - so  
3 the date that that document appears in parliament is  
4 23 May 2017?---Yes.

5  
6 So that's - you'd agree with that description?---Correct.

7  
8 And in that report for the three months ended  
9 31 December 2016 your travel summary appears?---Correct.

10  
11 And that was tabled on 23 May 2017?---Correct.

12  
13 And at that point in time in that three months ended  
14 31 December 2016, your role at the IOI was what?---Ah, I  
15 was at that stage the second vice-president of the IOI.

16  
17 And then moving up that list there's another three-month  
18 report for the period ended 30 June 2017 in which you  
19 appear, and that is published if you like - tabled in  
20 parliament and so becomes public on 13 February 2018?  
21 ---Yes. In fact, if I can - Commissioner, with your  
22 absolute indulgence, if I can apologise to you. It may  
23 actually be that I was the treasurer of the IOI at that  
24 stage. I'd have to double check. It was in the cusp  
25 period between the treasurer and the second vice-president.

26  
27 **THE COMMISSIONER:** Well, you were an officeholder  
28 of - - -?---I was an officeholder. I apologise.

29  
30 **PORTER, MR:** Travelling as an officeholder?---Correct.

31  
32 Okay. And then just moving up then again, you appear in  
33 that report of overseas air travel for the period ended  
34 31 March 2018?---Correct.

35  
36 And that's tabled on 23 August 2018. We might need to  
37 scroll up, Madam Associate?---Correct.

38  
39 And then there's another report for the period ended  
40 30 June 2018, and that becomes tabled in parliament  
41 29 November 2018?---Correct.

42  
43 And another one, 30 September 2018. That becomes tabled in  
44 parliament 7 May 2019?---Correct.

45  
46 31 December 2018 there's another report for the three  
47 months prior to that 31 December 2018 date. That becomes  
48 tabled on 11 June 2019.

49

1 Correct. And there's another report that you appear in for  
2 the period ended 31 March 2020, and that becomes tabled on  
3 11 August 2020?---Correct.

4  
5 And then again scrolling up, Madam Associate. There's  
6 another report for the three months ended  
7 30 September 2022?---Yes.

8  
9 And that becomes tabled on 15 June 2023?---Yes.

10  
11 And another three-month period ending on 13 December 2022  
12 as a report in which you appear. That becomes tabled on  
13 31 August 2023?---Yes.

14  
15 And then you in the present time for the three-month period  
16 ended 31 March 2023, you appear in that report?---Yes.

17  
18 And that becomes tabled on 1 February 2024?---Yes.

19  
20 And then the last to be published or tabled in parliament  
21 is for the period ending 7 June 2023?---Yes.

22  
23 And that became tabled and therefore publicly available on  
24 13 February 2024?---Yes, counsel.

25  
26 And now if, Madam Associate, we can go to the document that  
27 appears at page 4?

28  
29 And, Commissioner, again, this is an aide-memoire over  
30 pages 4 to 7. It is meant simply to place in a comparative  
31 context the full text of the description that Mr Field and  
32 his office were providing into DPC in that column which is  
33 described "Quarterly overseas travel return (what was  
34 submitted to DPC)". And then in the far right column is  
35 the text as it directly appears in the tabled document in  
36 parliament which is depicted as a brackets there "(what was  
37 tabled in parliament)".

38  
39 So I just want to run through this quickly. The trip to  
40 Austria and Hungary in the 22/23 year - - -?---Yes.

41  
42 6 September '22. That is the text that you submitted that  
43 we've seen on those tables?---And wrote personally.

44  
45 And then on the right there is the text that appears in the  
46 tabled document in parliament on 15 June 2023?---Correct.

47  
48 And it's a much shortened version, evidently?---I mean this  
49 as no criticism from anyone from parliament - and I say  
50 that as an officer of the parliament - but unfortunately,  
51 yes.

1  
2 Okay. The words, Mr Field, there where it's denoted  
3 156 words and 23 words let you know that obviously that has  
4 been inserted into this aiding document - - -?---Yes.

5  
6 - - - in its preparation by your counsel. Can I ask you  
7 this question. Are you aware is it a parliamentary officer  
8 who does the culling and reconfiguring of the text, or is  
9 that a person in DPC?---I have a - well - - -

10  
11 Well, do you know or do you not?---I do not know. I do not  
12 know.

13  
14 Okay. If we can just go over the page. This is for the  
15 New Zealand trip 9 to 14 October 2022. Again, you certify  
16 that they're the words you recall you or your office  
17 drafting and submitting?---Yes, correct.

18  
19 And then on the right hand column there, the words that  
20 appear in the tabled document on 31 August 2023?---Correct.

21  
22 Over the page - sorry, yes. That's the Ukraine and Poland  
23 trip 3 to 14 December 2022. Now, that text actually  
24 continues over to the next page and is 238 words. Now, you  
25 recall the drafting and submission of that?---I do.

26  
27 Is that again by your hand or someone - - -?---Yes.

28  
29 - - - in your office?---Yes.

30  
31 And then on the right hand column you'll see there that  
32 that text of 238 words gets reduced to eight words?---Yes.

33  
34 And those eight words become tabled on 31 August 2023?  
35 ---Yes.

36  
37 And then just over the page - yes, page 8, thank you. This  
38 is the trip to Morocco, 26 February to 4 March. 135 words.  
39 You recall those words being drafted and submitted?---I do.

40  
41 And that becomes reduced to 22 words which is then tabled  
42 on 1 February 2024?---Yes.

43  
44 And then over the page is the Pakistan trip which is 11 to  
45 17 March 2023. That description goes over the page to  
46 352 words?---Correct.

47  
48 And if scroll up again - thank you, Madam Associate. That  
49 is reduced to 18 words in the parliamentary document which  
50 is tabled on 1 February 2024?---Yes.

1 And then again over the page, Madam Associate, is the  
2 Austria trip, 5 to 17 May 2023. That's 276 words if we  
3 scroll a little further. Again, you recall those words  
4 being drafted and presented to DPC?---I do, counsel.

5  
6 And then on the right hand column, that's reduced to  
7 16 words which are tabled on 13 February 2024, is that  
8 correct?---Correct.

9  
10 And then again the next page, the trip to Slovenia and the  
11 United Kingdom which is 2 to 16 June. 192 words. You  
12 remember those words being drafted and submitted by you and  
13 your office?---I do.

14  
15 And that's reduced to seven words which is tabled on  
16 13 February 2024?---Correct.

17  
18 And then - so that was for 22/23 in green. If we can go  
19 over to the next heading in blue. And those - if I just  
20 pause. Those trips that we just had with the green  
21 heading, they were all the trips that were encapsulated and  
22 reported upon also in your annual report for 22/23,  
23 correct?---That is correct.

24  
25 And then in the blue heading there, those are the trips in  
26 23/24. Thailand 7 to 13 July 2023. So more recently you  
27 would have submitted those words, is that correct?  
28 ---Correct.

29  
30 That's not yet been tabled, not pushed out of the  
31 system - - -?---Correct.

32  
33 - - - in parliament? And over the page, again a trip to  
34 Taiwan, 22 to 28 July 2023?---Correct.

35  
36 Those words again, are they your and your office words?  
37 ---Yes, correct.

38  
39 And that has not yet been produced through the system and  
40 tabled and made public through the parliamentary system?  
41 ---Again, to the best of my understanding, Commissioner, I  
42 checked on the weekend. I couldn't find them.

43  
44 And then the final page for this aide-memoire is a trip to  
45 Italy, 18 to 24 September - - -?---Correct.

46  
47 - - - 2023. 115 words. Are they your words?---Correct.

48  
49 And again, not yet tabled?---No.

50  
51 And there was this additional trip to Bahrain. That's not  
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1 part of this aide-memoire. Why is that? Do you know?---  
2 Ah, they will be the October, November, December return.

3  
4 The answer was not yet done?---Correct.

5  
6 Just if we can go to the first of those green pages, which  
7 is page 4 on this document? And in the far right column,  
8 which is the words as they appear in the parliamentary  
9 document, we have there:

10  
11 Source of funds, consolidated funds and overseas  
12 funds -

13  
14 - so that indicates to a reader of the tabled parliamentary  
15 document that the funds were both from your domestic  
16 budget - - -?---Yes.

17  
18 - - - and some other overseas source?---That is correct.

19  
20 And that will be based on information that you have put  
21 into DPC?---Ah, correct. Ah, there will be, ah - - -

22  
23 I don't think it's captured in the narrative, but in the -  
24 the longer documents that you've seen previously, the  
25 tables, there's a description of the funding sources?  
26 ---Correct. That's exactly - well, that is my  
27 recollection, yeah.

28  
29 So the best - to the best of your understanding, the reason  
30 why parliament knows to indicate that it's both  
31 consolidated funds and overseas funds is because of the  
32 information that you put into DPC?---Counsel, that is  
33 correct.

34  
35 And if we can just scroll down to the next heading?

36  
37 So there in the New Zealand trip, 9, 14 October 2022, the  
38 source of the funds is:

39  
40 Consolidated funds.

41  
42 ?---Yes.

43  
44 If we scroll down further?

45  
46 The Ukraine and Poland Trip 3 to 14 December 2022, the  
47 source of the funds is:

48  
49 Consolidated funds.

50  
51 ?---Yes.

1  
2 Now, if we scroll down further for the Morocco trip,  
3 26 February to 4 March 2023, the source of the funds is:

4  
5 Consolidated funds and overseas funds.

6  
7 ?---Yes.

8  
9 And down to the next page.

10  
11 Pakistan, 11, 17 March 2023. The source of the funds is:

12  
13 Consolidated.

14  
15 ?---Yes.

16  
17 And if we scroll down further?

18  
19 Austria, 5 to 17 May 2023. Source of the funds is:

20  
21 Consolidated funds.

22  
23 ?---Correct.

24  
25 And if we scroll down further?

26  
27 Slovenia and the UK, 2 to 16 June, source of the funds is:

28  
29 Consolidated funds.

30  
31 ?---That is correct.

32  
33 And for the 20 - yes, if we go further to the (indistinct)  
34 for the '23, '24 trips, Thailand, 7 to 13 July 2023. Now,  
35 we don't have the parliamentary table document there and  
36 it's not in the narrative, but do you recall without us  
37 needing to go back to the longer sheet - do you recall  
38 whether that trip was all out of your budget or whether any  
39 overseas funds were allocated for that trip?---Ah,  
40 consolidated funds, um - ah, for that trip. Um, the - the  
41 - the only matter - - -

42  
43 Perhaps if I stop you there?---Yes.

44  
45 To save time, if I put it this way, whoever is considering  
46 these documents in DPC, whether they are responsible for  
47 shortening them and providing a shortened version to  
48 parliament, but whoever is receiving them would be left in  
49 no doubt, based on information for all of these trips that  
50 you and your office have provided, as to whether the source  
51 of your funds was your own budget or a mixture of your own

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24



1 budget and overseas sources?---There could be absolutely no  
2 doubt.

3

4 And that - that information becomes, ultimately, reflected  
5 in the public facing document that's published in  
6 parliament?---I have read them, and it does.

7

8 Now, I just want to put to you a couple of general  
9 questions about these narratives that are going into the  
10 Department of Premier and Cabinet. Now, I've used a word  
11 previously that is that they present a record of travel  
12 which is atypical. Would you agree with that?---Yes, I'm -  
13 I'm, ah - yes. Absolutely, Commissioner. I'm happy to  
14 accept that terminology.

15

16 Well, it is highly atypical and expansive level of travel  
17 that DPC was being informed, I'm putting that to you?---Oh,  
18 I think no question.

19

20 Now, these - these documents as they are produced in  
21 parliament, you'll see in the right-hand column, that is a  
22 direct copy of the - the title of the - of the tabled  
23 document in parliament, which is:

24

25 Report of overseas air travel undertaken by  
26 ministers, parliamentary secretaries and government  
27 officers on official business.

28

29 Now, I - I want to put it to you that that is the top of  
30 the level of travel in government, if I can put it that  
31 way? That's the most - a summary - a parliamentary tabled  
32 summary of the most senior people in government's travel?--  
33 -That is correct.

34

35 And that is - I want to put it to you in your experience  
36 over 17 years in parliament that that quarterly reporting  
37 and tabling in parliament of overseas air travel undertaken  
38 by ministers, parliamentary secretaries and government  
39 officers on official business is a heavily scrutinised  
40 document?---Ah, I - I - it absolutely is.

41

42 Commissioner, I'm just going to take Mr Field to the final  
43 of these ABNY documents, which appears at page 17 of the  
44 bundle 0745.

45

46 0745^

47

48 **PORTER, MR:** And this, Commissioner, is simply a summary  
49 of the travel descriptions that are produced in the  
50 parliamentary table documents, rather than going through

1 that more laborious process of comparing them to the  
2 inputted information.  
3  
4 But this covers a period, Mr Field, starting with a trip to  
5 Thailand in 11 to 19 November 2016?---Yes.  
6  
7 And then in the middle there is a description is it would  
8 have appeared in that table of the parliamentary report of  
9 what the travel was?---Yes.  
10  
11 And the date of tabling for that information was 23 May  
12 2017?---Yes, counsel.  
13  
14 Correct. And then Austria, 24 to 29 April 2017, the  
15 description that appears in Parliament - - -?---Correct.  
16  
17 - - - which was tabled on 13 February 2018?---(No audible  
18 reply)  
19  
20 Correct?---It is correct, counsel.  
21  
22 And Thailand 3 to 15 January 2018. The description that  
23 appears in Parliament is there in the middle column, and  
24 the date of tabling is 23 August 2018?---Is correct.  
25  
26 And Canada and the USA, 27 April, 7 May 2018. In the  
27 middle there, the description that would have appeared -  
28 does appear in the parliamentary table document, and tabled  
29 on 19 November 2018?---Yes. That is correct.  
30  
31 Then Taiwan, 12, 17 August 2018. The middle description  
32 what appears in the parliamentary document, which was  
33 tabled on 7 May 2019?---Yes. That is correct.  
34  
35 Next page, Madam Associate.  
36  
37 Belgium and Ireland, 29 September to 6 October 2018. The  
38 description in the middle there that appears in the  
39 parliamentary document?---Yes. Correct.  
40  
41 And the date of tabling was 7 May 2019. Correct?  
42 ---Correct.  
43  
44 New Zealand, 26 November to 1 December 2018. The middle  
45 description of that trip is the description of the  
46 parliamentary document, which was tabled on 11 June 2019.  
47 Correct?---Correct.  
48  
49 Thailand, 9, 16 February 2020. The middle description is  
50 as it appears in the parliamentary document tabled on  
51 11 August 2020. Correct?---Correct.

1  
2 USA 4 to 16 May 2022. The middle description is as it  
3 appears in the parliamentary document tabled on 23 February  
4 2023?---Correct.  
5  
6 And Austria and France, 2 to 17 June 2022. The middle  
7 description as it appears in the parliamentary document  
8 tabled on 23 February 2023?---Yes.  
9  
10 And that's the last of them, so that period that has just  
11 been covered there - now, I think other than - you - you  
12 correct me, but if we can go to the first of those orange  
13 pages, that is all travel prior to you becoming president  
14 but associated with the IOI?---That is correct.  
15  
16 And in each of those - - -  
17  
18 **THE COMMISSIONER:** Sorry, that is page 17?  
19  
20 **PORTER, MR:** That is - - -  
21  
22 **JOHNSTON, MS:** Yes.  
23  
24 **PORTER, MR:** Yes. Yes, Commissioner.  
25  
26 And each of those final entries that appear in the tabled  
27 document would have been the product of a longer entry that  
28 you have inputted through the quarterly report process,  
29 which was - - -?---Yes. Correct, counsel.  
30  
31 And in that period, 11 November down to 17 August - so  
32 11 November 2016 to 17 August 2018, did you have a single  
33 or changed roles in the IOI? What - what does this period  
34 cover?---Ah, I was the second vice president between, ah,  
35 2016 and 2020, so it would cover that period, and  
36 potentially a very small period in which I was the  
37 treasurer of the IOI as well, but an office bearer during  
38 that time.  
39  
40 Okay, and just there, the first trip, Thailand,  
41 consolidated funds. Second trip, Austria, consolidated  
42 funds. Third trip, Thailand, consolidated funds, fourth  
43 trip, Canada, consolidated funds?---Correct.  
44  
45 And then Taiwan is 'still funded' and overseas funds?  
46 ---Correct.  
47  
48 Does that mean that there were no consolidated funds, i.e.  
49 no WA Ombudsman budgetary funds for that trip?---Ah, I  
50 couldn't be absolutely specific, ah, but I would assume

1 that is the case. My very strong recollection of that  
2 trip, Commissioner, is that it was funded by Control Yuan.

3

4 And you've said previously in evidence that your practice  
5 was, even if there were no consolidated funds, you were  
6 going through this quarterly inputting process to DPC?  
7 ---Oh, yes, that's correct.

8

9 And Madam Associate, if we go to the next page, Belgium,  
10 Ireland, source of funds, consolidated funds, New Zealand,  
11 source of funds, consolidated funds. Thailand, source of  
12 funds, consolidated funds. USA, source of funds,  
13 consolidated funds. Austria and France, source of funds,  
14 consolidated funds. So, all of those trips were paid for  
15 out of the WA Ombudsman's domestic state budget?---Ah,  
16 correct.

17

18 The next page, Belgium, Ireland - sorry, page 18, I think  
19 it is. Belgium-Ireland, source of funds, consolidated  
20 funds?---Yes.

21 New Zealand, source of funds, consolidated funds?---Yes.

22

23 Thailand, source of funds, consolidated funds?---Yes.

24

25 USA, source of funds, consolidated funds?---Yes.

26

27 Austria and France, source of funds, consolidated funds?  
28 ---Yes.

29

30 As a general proposition, was it the case that it was more  
31 likely that you were receiving outside funding once you  
32 became President, rather than when you held positions under  
33 the presidency, treasurer and - - -?---Yes, I think that  
34 would be a correct statement, counsel.

35

36 Now, if we can go to the first of these pages again, Madam  
37 Associate. Just by trip, I'm just looking there for where  
38 IOI is mentioned. So, Thailand, IOI is mentioned,  
39 correct?---Correct.

40

41 Austria, IOI executive committee, correct?---Yes.

42

43 Thailand?---Ah, not mentioned. That was a visit to the  
44 Office of Ombudsman, Thailand.

45

46 Was that the visit that was the precursor to the signing of  
47 your inter-office MoU, is that what that was?---Indeed,  
48 that was part of that - part of that process.

49

50 Canada and USA, International Ombudsman Institute,  
51 correct?---Correct.

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28

1  
2 Taiwan?---And Taiwan, again specifically to visit Control  
3 Yuan.  
4  
5 Okay, over the page. Belgium-Ireland?---Yes.  
6  
7 IOI in the International Ombudsman Institute, in the  
8 descriptor?---Ah, for New Zealand?  
9  
10 No, for Belgium-Ireland?---Ah, for Belgium, that was - yes,  
11 for the IOI, and for, ah, the anniversary of the Office of  
12 the Ombudsman of Belgium.  
13  
14 Now, the New Zealand trip, 26 November to 1 December 2018,  
15 source of funds, consolidated funds. That was not an IOI  
16 trip, was it?---No, that was, and I apologise, counsel,  
17 because it may seem on the face of it, it isn't. The IOI  
18 is - I think as we've mentioned, divided into six  
19 geographic regions.  
20  
21 We understand the regions, so the way in which this has  
22 come out of the Parliamentary system, it depicts the  
23 regional office?---Yes, effectively it should say,  
24 'Australasian and Pacific Ombudsman region of the IOI'.  
25  
26 Thailand, the source of funds is consolidated funds?  
27 ---Correct.  
28  
29 And was that an IOI trip?---Ah, no.  
30  
31 What was that trip?---Oh, it - an invitation from the  
32 Office of the Ombudsman, Thailand.  
33  
34 Right, but you weren't travelling in an IOI role on that  
35 trip?---Ah, I was travelling as both, I was travelling both  
36 in my IOI capacity and my capacity of the Office of the  
37 Ombudsman of Western Australia, an utterly complementary  
38 way in my view.  
39  
40 And USA, 4 to 16 May, consolidated funds?---Yes, and those  
41 - - -  
42  
43 Chair the annual meeting for the board of the IOI, so it's  
44 mentioned there, correct?---Most certainly for the IOI.  
45  
46 Now, Austria and France, 2 to 17 June, source of funds,  
47 consolidated, speaker at events for the Australian  
48 Ombudsman's Board. What is that trip?---Ah, that is a trip  
49 where I was invited by the Austrian Ombudsman Board to  
50 speak at the 45th anniversary of the Austrian Ombudsman,  
51 ah, to attend a number of side events, ah, by the Office of

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1 the Austrian Ombudsman Board. It included meeting the  
2 Prime Minister, meeting Wolfgang Sebotka - His Excellency  
3 Wolfgang Sebotka and others, ah, appearing before the  
4 Parliamentary committee for the Ombudsman, a number of  
5 other side events, ah, so it was an invitation specifically  
6 for - - -

7  
8 Okay, just - was it an IOI trip or not?---Well, it was a  
9 trip on the basis that I was both, ah, the Western  
10 Australian - - -

11  
12 **THE COMMISSIONER:** Well, the question is capable of  
13 answering yes or no, and the answer is yes?---I'm going to  
14 say yes, Commissioner.

15  
16 **PORTER, MR:** And you've not got the benefit here of the  
17 longer information that's been inputted. Do you recall,  
18 say for instance, with that Austria and France trip, where  
19 IOI is not specifically mentioned, whether it was mentioned  
20 in the inputted information to DPC?---In my view, it would  
21 have been, because it was clearly part of what I was doing  
22 there.

23  
24 Now, a trip to Uzbekistan has been mentioned, did that  
25 occur?---No, I did not go. It's been reported widely that  
26 I went, I did not.

27  
28 **THE COMMISSIONER:** Were you going to go?---Ah, I had been  
29 invited. I was originally intending on going, and for two  
30 reasons, one I won't disclose in a public hearing, and the  
31 second reason is because of out of respect for this - - -

32  
33 I'm not asking you for the reasons?---Oh, the reasons.

34  
35 I'm merely asking, there was a time when you were intending  
36 to go, and then there was a time when you changed your  
37 mind?---That is exactly correct. It has been widely  
38 reported I did go, but I didn't.

39  
40 Did you attend by Zoom or Teams?---I did indeed. I, ah,  
41 gave two speeches on that day.

42  
43 **PORTER, MR:** So, I just want to put some hopefully  
44 straightforward propositions to you. If we can go to the  
45 first of these orange pages, from as early as 23 May 2017,  
46 you were reporting into DPC, obviously before that date, it  
47 becomes tabled in Parliament on that date, 23 May 2017,  
48 that you are travelling for duties associated with the  
49 International Ombudsman Institute, usually in consolidated  
50 funds?---That is correct.

1 And that becomes a consistent process right up until the  
2 last trip that you have input information to DPC?---That is  
3 correct.

4  
5 Which would have been the trip pre-Bahrain, so Italy, 18 to  
6 24 December 2023?---That is correct.

7  
8 Okay, so between 11 November 2016 and 24 September 2023, a  
9 period of around about seven years, you have been reporting  
10 into DPC your travel, using consolidated funds, for IOI  
11 purposes?---Yes.

12  
13 For seven years?---Yes, and it could even be longer, I'd  
14 have to check the exact date, counsel.

15  
16 And for a slightly less than seven-year period, there's  
17 been a public tabling in Parliament through the report of  
18 overseas air travel undertaken by Ministers, Parliamentary  
19 Secretaries and government officers on official businesses,  
20 tabled in the Legislative Assembly?---Yes.

21 Of your travelling in a variety of positions for the  
22 purposes of the IOI positions, using consolidated funds?  
23 ---That is correct.

24  
25 And so, the last of those published documents came out in -  
26 was tabled on 13 February 2024?---Ah, that is my  
27 understanding.

28  
29 As with respect to the Austria trip, 5 to 17 May 2023, and  
30 the Slovenian - - -?---That is my understanding.

31  
32 Okay. And in that period of time, has any one of the  
33 senior civil servants that you were meeting with ever  
34 raised any issue or difficulty, or note of caution about  
35 travelling using consolidated funds for the purposes that  
36 have been indicated through the Parliamentary process?  
37 ---Commissioner, I have re-sworn today, and on that solemn  
38 oath, I tell you, never.

39  
40 And did you ever receive any raising of an issue or a  
41 difficulty or a note of caution from anyone in DPC, leaving  
42 aside the director DPC, that I'll come to in a moment?  
43 ---Yes.

44  
45 But anyone inside the Department of Premier and Cabinet in  
46 respect of any of the information about your travel that  
47 you were submitting to them that indicated IOI travel on  
48 consolidated funds?---And again, Commissioner, never.

49  
50 And I think we've covered previously it was never the  
51 subject of parliamentary questioning until a certain point

1 which we'll come to in a moment?---I am not aware of any  
2 question that has ever been asked, and those questions  
3 would have been drawn to my attention.

4

5 **THE COMMISSIONER:** When you reach a convenient point,  
6 Mr Porter.

7

8 **PORTER, MR:** I think that might be a convenient segway,  
9 Commissioner.

10

11 **THE COMMISSIONER:** We'll adjourn for 20 minutes. I'll  
12 share my concern with you soon. You may consider it over  
13 the break. Whether you deal with it now, later or at all  
14 is a matter for you. My concern is this. All of this  
15 evidence which obviously is very powerful evidence is after  
16 the travel.

17

18 Now, your client has taken the view - which may be right,  
19 might be wrong, I haven't decided yet - that he I think  
20 uniquely among senior officers and ministers does not  
21 receive the Premier's approval for travel and therefore  
22 does not comply with the Premier's circular to put in a  
23 business case.

24

25 In other words, what is being reported and what you've  
26 taken us through - which I accept completely - is after the  
27 event, and there is to my mind a difficulty in that there  
28 is no submission before the event for approval. I'll just  
29 leave that with you.

30

31 **PORTER, MR:** If I might make one brief comment?

32

33 **THE COMMISSIONER:** You could immediately if you wish.

34

35 **PORTER, MR:** Yes. I think that we'll come to Mr Field's  
36 practice of self-approval and its correctness or otherwise  
37 over the full 17 years, and I think that there are two  
38 potential stages which go to the correctness of that  
39 position.

40

41 Otherwise, to the extent that ultimate findings might be  
42 made about the matters that were made in counsel  
43 assisting's opening about whether or not the travel  
44 represents in its broadest sense the (inaudible) on this  
45 conduct, part of that is in an ultimate submission that we  
46 would make about the mindset of Mr Field.

47

48 And that mindset can be submitted upon by obviously  
49 Mr Field's direct evidence but what appears to be the  
50 mindset of everyone around who knew about the travel,



1 whether it was before or after. So, we would say the  
2 relevance of it is that secondary question about - - -

3  
4 **THE COMMISSIONER:** I appreciate entirely - my tentative  
5 view as to the law on corruption is that there has to be an  
6 improper purpose, and it may not be improper if a person  
7 truly believes that it is proper. That's one of my  
8 quandaries. And the other is section 4C of the Act and  
9 section 83(1)(b) of the Code which sort of mirrors which  
10 does not require corruption.

11  
12 **PORTER, MR:** And the position by way of the relevance of  
13 this would ultimately be in our eventual submission that  
14 if, Commissioner, you are correct - and it appears you are  
15 about the nature of corruption having for want of a better  
16 description that quasi-mental element - that there is some  
17 buttressing to a view that that mentality wasn't possessed  
18 by Mr Field if it doesn't seem to have been possessed by  
19 any other person. So, if it's a question of judgment, it  
20 seems - or misjudgement - it seems to be a misjudgement  
21 very widely shared.

22  
23 **THE COMMISSIONER:** We could hardly accuse him of covering  
24 it up.

25  
26 **PORTER, MR:** No, indeed. The most well publicised travel  
27 in state history.

28  
29 **THE COMMISSIONER:** All right. We'll adjourn for  
30 20 minutes.

31  
32 (Short adjournment)

33  
34 **THE COMMISSIONER:** Please be seated.

35  
36 **PORTER, MR:** Madam Associate, I'm going to take Mr Field  
37 to the transcript from 15 February, which I think is coded  
38 0741, and particularly - - -

39  
40 **THE COMMISSIONER:** Could you mind just keeping your voice  
41 up a bit, please?

42  
43 **PORTER, MR:** Sorry, Commissioner, yes.

44  
45 Transcript from 15 February 2024, Madam Associate, which is  
46 0741, and page 17.

47  
48 0741^

49  
50 **PORTER, MR:** Mr Field, this is your evidence from that  
51 date, 15 February, with respect to a call that came in from  
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1 Mr Pastorelli subsequent to West Australian newspaper  
2 article, which was 7 October 2023, and your evidence was:

3  
4 Mr Pastorelli had called me and told me that the  
5 Premier considered my position as president to the  
6 International Ombudsman's Institute untenable, and  
7 that he would want to be briefed on any matters that  
8 had to do with the IOI which were considered  
9 outstanding.

10  
11 And in questioning from counsel assisting, you were - had  
12 your attention drawn to an email that I think you sent to  
13 Mr Pastorelli. My question is with respect to that word  
14 "untenable". Did Mr Pastorelli provide you with an  
15 explanation or reason as to why at that point in time the  
16 view had formed that your position as IOI president had  
17 become untenable?---Ah, he did. Ah, and indeed, counsel,  
18 he was very specific about it, and I certainly do recollect  
19 the conversation. Ah, he indicated to me that, ah, since  
20 the, ah, matter had been the subject of a, ah, front page  
21 newspaper article, ah, on - in the West, ah - ah,  
22 newspaper, ah, that, ah, there would be - likely be, ah,  
23 further newspaper articles that would follow from that.  
24 Ah, in fact, he made a specific reference to Mr, ah, Harvey  
25 - Ben Harvey, the journalist, um, that he wasn't the sort  
26 of journalist that would let something go, ah, and I think,  
27 "Dog with a bone" might have been mentioned, but it was  
28 certainly he wouldn't let something go, ah, and that we  
29 could expect further, ah - ah - ah, stories regarding this,  
30 ah, and on that basis, me continuing on as the IOI  
31 president was untenable.

32  
33 And that conversation with Mr Pastorelli - so the article  
34 came out on 7 October 2023. Do you recall the exact date  
35 of that conversation?---I don't. It was very - it was  
36 very, um, proximate timing.

37  
38 The people that you'd been having regular meetings with,  
39 which meetings we're going to come to in a moment, but  
40 Ms Emily Roper, Ms Sharyn O'Neill, Michael Barnes and  
41 Rebecca Brown, at about this time - so about the time that  
42 the article was published, did any of them contact you  
43 about your position as IOI president?---Ah, the only other  
44 contact I had with, ah, was with Sharyn O'Neill, um, who  
45 contacted me, ah, once again, approximately at the - the  
46 day of or the day after the, ah, the newspaper article  
47 front page story.

48  
49 And by phone or email, how did that contact occur?---Ah,  
50 she phoned me, ah, and she phoned me to indicate that, ah,  
51 the - the words were that the Premier and - or the Premier

1 was, I think the words exactly were - were 'very unhappy'.  
2 Um, and, ah, that - and obviously that there'd be an  
3 expectation that I couldn't continue on that role, because  
4 there would be ongoing media coverage.

5  
6 And did Ms O'Neill say why there was unhappiness?---Oh,  
7 there was unhappiness because it was on the front page of  
8 the newspaper. Ms O'Neill also did - I do absolutely  
9 recollect her, ah, speaking to me about the amount of  
10 travel, um, that had occurred over the period of time, ah,  
11 and she particularly referred to the quantum that was  
12 raised, of \$270,000. Of course, that number was very  
13 substantially incorrect, it was \$170,000, ah, not \$270,000.  
14 But, ah, I think I'd also mentioned to Ms O'Neill during  
15 that conversation that in fact all of that travel had been  
16 briefed, and I had provided that travel.

17  
18 So, in that conversation with Ms O'Neill, when you say she  
19 raised the quantum of travel?---Yes.

20  
21 Did she raise that positively or negatively? What did she  
22 say about the quantum of travel, if you recall?---Oh, it  
23 was - it wasn't exactly - I do recollect the conversation,  
24 it wasn't exactly negative or positive. What she  
25 effectively said to me was, that seems like a lot of  
26 travel, ah, and I said, 'Well, it's travel I'd obviously  
27 discussed,' and then she said - and then there was a  
28 discussion about the fact that presidents travel as part of  
29 the IOI, ah, and that it was over, in my case, a confined  
30 period, so instead of a four-year term, it had been  
31 undertaken over two years because of COVID-19, and that was  
32 the extent of our conversation. She was working from a  
33 number that was incorrect, she was repeating to me the 270  
34 number, and of course, the number was actually 170.

35  
36 Madam Associate, I just now want to take Mr Field to a  
37 document which is in our first bundle, 0664^ at page 128.

38  
39 0664^  
40

41 **PORTER, MR:** Now, this is - - -  
42

43 **THE COMMISSIONER:** Before you proceed further - - -  
44

45 **PORTER, MR:** The question is simply about timing,  
46 Commissioner.  
47

48 **THE COMMISSIONER:** Very well, I will allow that question.  
49

1 **PORTER, MR:** This is obviously a record from Hansard of a  
2 question they asked to the Speaker, you would agree with  
3 that?---Yes.

4

5 And you would have been aware of that question being  
6 asked?---I was.

7

8 All I'm seeking to ask is, is this the first occasion that  
9 you recall any form of query or question being asked in  
10 Parliament with respect to these travel issues?---Ah, yes,  
11 and given the Commissioner's concern, I will say nothing  
12 other than yes.

13

14 And that date is 12 March 2024?---Yes.

15

16 And then to avoid further risk, Commissioner, we'll take  
17 that down. Now, Mr Field, I want to take you now to a  
18 series of meetings it appears that you engaged in during  
19 your time as president. So, when you were holding the  
20 Office of the Presidency of the IOI. Before I do that, I  
21 might - I've asked the question about whether or not anyone  
22 else contacted you after the article in The West Australian  
23 on 7 October. You've nominated a telephone call from  
24 Sharyn O'Neill?---Yes.

25

26 Was there anyone inside your office who spoke to you after  
27 that article on 7 October about the travel?---Ah, well, I  
28 certainly don't have any recollection. Of course, at that  
29 point, um, ah, it wouldn't have - I would have been subject  
30 - I well know I would have been subject to matters where I  
31 would have (indistinct) from wanting to speak about  
32 anything at all.

33

34 Right. Now, during the period of your holding of the  
35 position of the president of the IOI, you had these  
36 regular, which appears to be quarterly, meetings with a  
37 range of senior public servants, correct?---Correct.

38

39 And I'm going to now take you to a period between about  
40 13 July 2021 and 13 September 2023?---Correct.

41

42 And you were president during the entirety of that time?  
43 ---Yes.

44

45 And you had a series of meetings with Mr Pastorelli?  
46 ---Correct.

47 Ms Roper?---Correct.

48

49 That's Emily Roper, who is the Director-General of the  
50 Department of Premier and Cabinet?---Correct.

51

1 You've mentioned Sharyn O'Neill, who was the Public Sector  
2 Commissioner during that period?---Correct.

3

4 Michael Barnes, who was the under treasurer during that  
5 period?---Correct.

6

7 And these were - did you meet Ms Rebecca Brown on a  
8 quarterly basis during that period?---No, not during a  
9 quarterly basis. During the period that she was, ah,  
10 Director-General of the Department of Premier and Cabinet,  
11 that was during the COVID period, or an aspect of - some  
12 time of the COVID period, um, but I didn't otherwise have a  
13 quarterly meeting with Rebecca Brown, no.

14

15 Madam Associate, if I can draw Mr Field's attention in the  
16 first bundle, 0664^, to the pages starting at page 129.

17

18 0664^

19

20 **PORTER, MR:** Now, we're going to go through and make this  
21 as quick as possible, to give some summary propositions to  
22 you. For the purpose of these quarterly meetings, you've  
23 discussed that you would prepare a short dot form or  
24 numbered agendas?---Yes.

25

26 And they were your aide, to remind you to talk about  
27 certain things in each of these meetings?---That's exactly  
28 what they were.

29

30 And for the purposes of this inquiry, you've searched your  
31 records to locate those?---I've done my absolute best to  
32 personally search those records and - and ensure that I've  
33 been able to provide all.

34

35 And during this period from about 13 July 2021 to 13  
36 September 2023, there have been 28 relevant - so 17  
37 relevant agendas of the type that we're seeing on the  
38 screen located by you, does that sound right?---Yes, I  
39 accept that.

40

41 **THE COMMISSIONER:** Could I just ask, when you say agenda,  
42 is there something sort of sent in advance of - - -?---No,  
43 Commissioner, let me be very clear. Aide-memoire for  
44 myself, not provided.

45

46 An aide-memoire, thank you.

47 **PORTER, MR:** I may have miscounted, it may be 16, but  
48 we'll work with that. Now, the first of these is on  
49 screen. That indicates a meeting at 1 pm on Tuesday,  
50 13 July 2021 with Mr Daniel Pastorelli, who was then the  
51 Premier's chief of staff?---Yes.

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1  
2 Did that meeting occur?---To the best of my recollection,  
3 each you will show me did occur, according to my records.  
4  
5 And the items for discussion there, which are these - this  
6 is a document that you would have physically taken with you  
7 to the meeting?---Yes, I would take, as a single A4 sheet  
8 of paper to the meeting.  
9  
10 And these meetings were at Mr Pastorelli's office?---Always  
11 at his office, correct.  
12  
13 And where was that?---Dumas House.  
14  
15 And there are the agenda items there, and the fifth of  
16 those is IOI president?---Correct.  
17  
18 (May '21, Argentina; Mexico; UK; Israel, Africa). Do you  
19 now know what that was meant to prompt you to speak to  
20 Mr Pastorelli about?---Yes, I do. Um, May 21 was a  
21 reference to the time that I would be commencing, ah, as  
22 the president of the IOI, so this is obviously shortly  
23 after that time. Ah, references to Argentina, Mexico, UK,  
24 Israel and Africa are all in relation to, uh, matters where  
25 I have had, um, speaking, ah, arrangements - speaking, ah -  
26 attended conferences and other matters of course at that  
27 time, Commissioner, almost exclusively by, ah, uh, video  
28 conference due to COVID-19.  
29  
30 Do you recall speaking to that agenda item 5 in this  
31 meeting on 13 July - - -?---Yes. Yes. Ah, to - to  
32 specifically, um - well, those agenda items there were - as  
33 I say were an aide-memoire to specifically remind me of the  
34 matters which I wanted to bring to his attention.  
35  
36 And if we can move to the next of these documents which is  
37 on page 130. And this indicates a meeting on 11 am  
38 Tuesday, 10 August 2021 with Ms Emily Roper who was then  
39 the Director General of the Department of Premier - - -?  
40 ---She was.  
41  
42 - - - and Cabinet?---She was.  
43  
44 And there's a very similar agenda item at (5) there:  
45  
46 IOI presidency 25/5 Argentina, Mexico, OECD UN,  
47 Israel, UK.  
48  
49 Do you recall whether this meeting occurred?---Ah, yes, I  
50 do. Ah, ah, uh, and, uh, all of those items, uh, were to  
51 discuss the OECD in particular because at that stage I  
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1 don't believe I had actually given Emily, ah, a  
2 understanding of that particular project. I think that was  
3 when I was making sure she was briefed.

4  
5 A range of variance of that project. Do you recall at this  
6 point in time - 10 August 2021 - what you discussed with  
7 her about the OECD?---Meeting with, ah, the Secretary  
8 General of the OECD Mathias Cormann, uh, and my plans for  
9 that to be a project, ah, that would be undertaken by my  
10 office or by - sorry - the office of the Ombudsman of  
11 Western Australia, um, for the benefit of  
12 Western Australians. Uh, when I spoke about that, I always  
13 spoke about the benefit of the Asia-Pacific region and of  
14 course also my aspiration there would be some funding also  
15 from the IOI to expand the project.

16  
17 And those other items, "Presidency 25/5" - do you know what  
18 that was meant to prompt you to talk about?---It would have  
19 been in relation to the commencement of the - of the  
20 presidency of the IOI.

21  
22 And those places - Argentina, Mexico, UN, Israel. Again,  
23 were they meant to prompt you to informing Ms Roper about  
24 speeches that you were giving to - - -?---That's exactly  
25 correct. Speeches that I had been given. Ah, Israel - an  
26 anniversary of, ah, uh, ah - of that office, speaking with  
27 the president of the - - -

28  
29 Is there anything else notable - - -?--- - - - Knesset, for  
30 example.

31  
32 Is there anything else notable about that meeting that  
33 springs to mind?---Ah, no. Um, I don't think anything  
34 particularly other than that.

35  
36 If we can go to the next document, Madam Associate, at 131.  
37 This indicates that a meeting occurred 10 am Tuesday,  
38 16 November 2021 with Ms Sharyn O'Neill, then and now the  
39 public sector commissioner?---Yes.

40  
41 Do you recall whether that meeting occurred?---Yes. To the  
42 best of my recollection, it did.

43  
44 And I think you previously give evidence that when you met  
45 with Ms O'Neill, you would go into her office to meet?  
46 ---Ah, at Hale House at her office.

47  
48 Hale House?---Correct.

49

1 And again there, agenda item 3. I take it is meant to  
2 prompt you to talk about the matters listed there?---That's  
3 correct.

4  
5 Do you remember talking about the matters listed there with  
6 Ms O'Neill on 16 November 2021?---I do. And, Commissioner,  
7 that is an example of where I've -for example, uh, in other  
8 of the agendas that are contemporaneous, I've mentioned UK.  
9 I've been more specific there with, ah, Ms Sharyn O'Neill  
10 because that UK meeting was actually in Manchester and it  
11 was to do with peer reviews and capability reviews, and  
12 that was something that was of real interest to, um - to  
13 the public sector commissioner. So, what I wanted to  
14 actually say is what's occurred in the UK was around  
15 capability reviews, and I wanted to make sure she was -  
16 that was brought to her attention.

17  
18 What is a capability review, Mr Field?---This was around,  
19 ah, review of officers, peer review and how they might be  
20 measured benchmark against both each other - but you would  
21 also have peer reviewers, reviewers from another  
22 organisation that would come in and test your capability.  
23 And of course, subsequently the Commissioner has introduced  
24 capability reviews into the state.

25  
26 And the places nominated there under agenda item 3,  
27 Russia Federation, Ukraine, South Africa, Mexico, Israel -  
28 are they about virtual presentations that - - -?  
29 ---Virtual - - -

30  
31 - - - you're giving?--- - - - presentations still at that  
32 stage, correct.

33  
34 Do you remember speaking about those virtual presentations  
35 in this meeting?---I do. I do.

36  
37 And what is AOMC, CAROA?---AOMC, CAROA are - are regional  
38 bodies of - of Ombudsman. So, the AOMC, for example, the  
39 Mediterranean Ombudsman. And CAROA, Caribbean Ombudsman  
40 Association. The - the places where I'd given speeches.

41  
42 Again, virtual speeches?---Virtual speeches, yes.

43  
44 If we go onto the next - I think your previous evidence was  
45 that these quarterly meetings as between different senior  
46 ranking public servants generally went for about  
47 30 minutes, is that - - -?---Uh, they would vary in time,  
48 counsel. Uh, they could be as short as 20 to 30. They  
49 could be longer than an hour.

50  
51 But that flexibility as the timing applies to these



1 meetings now that we're discussing, we've discussed three  
2 so far?---Yes.

3

4 And the next one, Madam Associate, page 132, is  
5 Mr Pastorelli again and the Premier's chief of staff. It  
6 indicates that the meeting occurred on 7 December 2021?  
7 ---Yes.

8

9 At 2 pm?---Correct.

10

11 Did that meeting occur?---It did as - to the best of my  
12 recollection.

13

14 And at (3) there is an item meant to prompt you to speak  
15 about the following things?

16

17 IOI President, Manchester Capability reviews, Russia  
18 Federation, Mexico, Israel, AOMC, OECD and UN.

19

20 Now, you've covered off on all of those which are very  
21 similar to the meeting that we just discussed with Ms  
22 O'Neill. OECD, that was meant to speak to prompt you to  
23 speak to Mr Pastorelli about the OECD. Do you recall  
24 whether you did speak to Mr Pastorelli about the OECD in  
25 this meeting?---Yes. I - I - I, uh, do. And that was, uh,  
26 to expand upon the discussions I'd had about the OECD  
27 project not just with the secretary general of the OECD  
28 Mathias Cormann but, um, becoming more specific about how I  
29 felt that was part of the overall benefit, um, that my role  
30 as president could bring to Western Australia, um, by my  
31 office doing that project and, uh, it being connected with  
32 our near Asian friends and trading partners - corporate  
33 trading partners.

34

35 **THE COMMISSIONER:** Sorry, I'm just confused about dates.  
36 Had you at this stage met Mr Cormann?---Uh, well, perhaps -  
37 now, I'm going to have to be very careful about that  
38 timing, um - - -

39

40 Well, this is the seventh Pearl Harbour Day 2021. My  
41 understanding is the meeting with Mr Cormann didn't take  
42 place until some months later?---Well, I don't want to be  
43 confused about that timing, Commissioner. I certainly  
44 don't want to mislead you inadvertently. Um, yes. In  
45 fact, I think that might be correct. Of course, I wouldn't  
46 have been travelling at that point in any event I think is  
47 the answer.

48

49 **PORTER, MR:** Do you remember at this meeting with  
50 Mr Pastorelli whether there was any discussion about the  
51 parties that would be the parties of the OECD agreement or

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41

Epiq

(Public Hearing)

1 how it was to be funded? Was it too early? What was - do  
2 you recall anything else about the discussion about the  
3 OECD?---Uh, well, perhaps to - well, in two parts to  
4 respond. My sincere apologies, Commissioner. Uh, I've  
5 been looking at this date and not really realising it was  
6 '21 because you were quite correct it was '22. Um - um -  
7 ah - - -

8  
9 I - if - if the meeting with Mr Cormann occurred in 2022 in  
10 the OECD, just this is the second time that you've had OECD  
11 as an agenda item on meetings. One with Ms Roper and now  
12 with Mr Pastorelli. If it is prior to the Cormann meeting  
13 which appears, why are you talking about it? What is in  
14 your - - -?---Oh, it's - it's - there's - - -

15  
16 - - - conversation?---There's a very clear reason for that,  
17 and I - I sincerely apologise, ah - ah - - -

18  
19 **THE COMMISSIONER:** Well, not a question of apology. It's  
20 a question of how reliable is your recollection of these  
21 meetings. That - that's the issue?---Indeed, and I won't  
22 comment upon that unless this hearing is potentially closed  
23 as to why that might be something you wish to keep in mind,  
24 Commissioner. If you wish to close the meeting, I'm happy  
25 to disclose that to you.

26  
27 No, I don't want to close the meeting. I'm just saying  
28 that you need to answer counsel's question - - -?---Yes.

29  
30 - - - about why this says OECD at this and the other  
31 meeting?---Yes. Well, I - that - I can certainly answer  
32 that, um - ah, Commissioner, and what I can say is that, ah  
33 - ah, I had flagged and wished to flag and did flag, um,  
34 with key people in government, um, my desire to do the OECD  
35 project, which is consistent with every piece of evidence  
36 I've given, Commissioner, um, back from when this project  
37 was first conceived, ah - first known to our office. I  
38 think that was in 2018, um, and, ah, when I'd also asked to  
39 see a copy of the final OECD report, which also was, my  
40 recollection, prior to this time. Um, so it was a report  
41 that I'd intended to undertake, I wanted to undertake. It  
42 is true, Commissioner, the exact scoping of that project at  
43 that stage had not been finalised. Um, certainly, um, my  
44 understanding is that - - -

45  
46 Well, it hadn't been commenced?---No, that's - well, that -  
47 correct.

48  
49 Not finalised. It hadn't been commenced?---No, no.  
50 Finalised in what I conceived it to be, as opposed to  
51 actually - - -

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In your - - -?--- - - - (indistinct) project.

- - - head?---Correct. That's exactly correct.

Right?---So I had a - I had a conception of the project, um, and that conception was the same as the project that had been undertaken by the European ombudsman, which I was obviously well aware of before these discussions were occurring. Um, but, ah - ah, certainly, um, it's not just not a surprise that they were discussed here. They were discussed here for an obvious reason, cos I was flagging those matters as matters that would come out of the presidency. Much of this time and these meetings were about what the presidency could achieve for Western Australia, um, and our near cultural trading nations, so, um, this was before the travel had substantively started, um, and it was, um, very much about this is what the benefit might be, um, and the OECD was certainly one of - this was before I knew about Styria, and that's why Styria's not mentioned in these meetings, because that came more latterly.

**PORTER, MR:** We'll - we'll - - -?---Yeah.

We'll come to that?---Yes.

We'll keep on track with the meeting - - -?---Sorry.

- - - agendas.

So the next meeting, Madam Associate, appears at 133, next page over.

That indicates that there's a meeting potentially with Michael Barnes, the under treasurer on 9 December 2021. Do you recall - - -?---Correct.

- - - whether that meeting occurred?---Yes. Best of my recollection it did, yes.

And the agenda item 6 there reads:

President: 27\5\21; UN.

That was meant to prompt you to talk about what?---Ah, the commencement date of the presidency, um - ah, and in relation to the UN, ah, it was meant to prompt me to talk about, um, the, ah, proposed relationship, ah, that the, ah, IOI would have with the UN and that I, as president, ah, could promote, um - ah, and that that would have

1 benefits to Western Australia, um, because much of that UN  
2 work would be about good governance capacity building for  
3 nations in our, ah - trading nations within our region.

4  
5 And your earlier evidence when we went through an earlier  
6 run of meeting agendas we've seen with public servants was  
7 that you - you recall speaking to the under treasurer,  
8 perhaps not unsurprisingly about funding and money. Do you  
9 recall whether you spoke about funding and money at this  
10 meeting, 9 December 2021?---Yes. So what I also flagged  
11 for the under treasurer was that there would be, um, some  
12 costs from the travels, ah, that would arise, um - ah, as  
13 president, ah, and I do recollect, um, saying to the under  
14 treasurer, as I said to others, that that would not be  
15 exclusively from consolidated revenue. That would be from  
16 consolidated revenue, from fundings that would be provided  
17 by the IOI and from funding that would be provided from the  
18 members who invited me to visit them, so it wasn't  
19 exclusively consolidated revenue, but that would be a  
20 component part of it.

21  
22 And do you recall if there was any response about potential  
23 costs of presidential travel?---No. Um, I remember Michael  
24 being very supportive of the concept of - of - of the  
25 benefit and value, particularly for our new trading - our  
26 new trading nation partners.

27  
28 Madam Associate, next page over, 134.

29  
30 This indicates another meeting with Ms Emily Roper,  
31 Director General of Department of Premier and Cabinet.  
32 1 pm, 22 February 2022. Do you recall if that meeting  
33 occurred?---Ah, best of my recollection, it did, yes.

34  
35 And agenda item 3 is meant to prompt you to speak about  
36 these things:

37  
38 IOI president, Manchester memorandum, Russian  
39 Federation, Latin America, CAROA -

40  
41 - an acronym -

42  
43 - Israel AORC and South Africa.

44  
45 ?---Correct.

46  
47 Okay. Well, what are - do you recall speaking about things  
48 in that list?---I do. Um, so Manchester memorandum, as  
49 we've previously discussed, ah, with some more detail for,  
50 ah - ah - ah, Sharyn O'Neill and Daniel Pastorelli. Um -  
51 ah - ah, the others are where I had spoken, ah, at remote,

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44

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(Public Hearing)

1 ah - spoken by video conference, as of course was the case,  
2 um, and then item 4 is flagging, um, that there will be  
3 meetings. I'm - I'm sorry, Commissioner, I was looking at  
4 the early agendas as '22 not '21. Entirely my fault, um,  
5 but - and hence my apparent confusion. Um, but, ah, where  
6 I'm flagging New York then, ah, parenthetically UN, that  
7 was on the basis that the first, ah, meeting of the IOI  
8 world board, um, would be in, um - ah, shortly after that  
9 in - in early 20,000 - ah - ah, 2022, of course with the  
10 lifting of the COVID restriction. Ah - ah, that would be  
11 followed by a meeting in Vienna, um, which is the course  
12 after a world conference meeting, ah, and of course I'm  
13 also speaking to her there about the OECD as well.

14  
15 Well, again this appears to be before the (indistinct).  
16 What, if anything, do you recall about what was discussed  
17 under that heading:

18  
19 OECD -  
20

21 - with Ms Roper, 22 February 2022?---It - we both - that  
22 meeting and other meetings, it was, um - ah, I mean, I have  
23 a very clear, ah, recollection of that period, and as I  
24 say, I apologise for confusing the dates, Commissioner, um,  
25 but, um, this continued on my excitement and wanting to  
26 share, um, what I thought was the - that that was an  
27 exciting project with value to Western Australians, ah,  
28 and, um - ah, as I say, the genesis of that was in 2018  
29 when I first became aware of it, um - ah, and I was very,  
30 very - - -

31  
32 We're - - -?--- - - - keen - - -  
33

34 We're retreading ground?---Oh, okay. We are retreading  
35 ground, and I apologise. I'm repeating myself.

36  
37 Then we move over to the next meeting agenda, which is at  
38 135. This is another meeting that indicates, as  
39 indicative, occurred with Mr Daniel Pastorelli, 12 pm  
40 Tuesday, 22 March 2022. Do you recall if that meeting  
41 occurred?---Best of my recollection it did.

42  
43 And agenda item 3 there:

44  
45 IOI president visit of Werner Amon, New York, New  
46 Natar(?) permanent ambassadors, Austrian cultural  
47 forum, Vienna, 45th and (indistinct) OECD.

48  
49 Now, this is 22 March 2022. Are you travelling again at  
50 this point? Are those places that you're mentioning about  
51 travel, or are they about - - -?---That is a combination,  
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1 counsel. The visit of Werner Amon, who was then the  
2 Secretary-General of the International Ombudsman Institute,  
3 and he had visited Perth, um, to - to - to visit me, and  
4 ah, as the President of the IOI. Um, New York, I am then  
5 foreshadowing meetings in New York, which was for the 2022  
6 world board meeting of the IOI, and the various people that  
7 I would be meeting, and my responsibilities while I was  
8 there. I'm also foreshadowing for him that I've been  
9 invited, um, by  
10 Mr Werner Amon, to visit Vienna to speak at the 45th  
11 anniversary of their office, and also the 10th anniversary  
12 of them holding the OPCAT role, the Optional Protocol of  
13 Cruelty and Torture, counter cruelty and torture. And I'm  
14 also flagging for Daniel that, um, ah, that I was trying to  
15 organise a meeting with Mathias Cormann to discuss and  
16 pursue the OECD matter.

17  
18 I think your previous evidence is that you said something  
19 about the other side, or made some remark about Mathias  
20 Cormann in one of these meetings with Mr Pastorelli. Was  
21 that this meeting?---It was either at this meeting or the  
22 meeting immediately after. Because what I said to Mr  
23 Pastorelli was that, um, am I allowed to raise this, I hope  
24 you don't mind, he's on the other side. Of course, it was  
25 the various discussions about the clan that were in the  
26 newspaper, and it was a somewhat sensitive issue, so - and  
27 he joked, I recall him saying, 'We're all friends now.'

28  
29 So you don't recall whether that was this meeting or - - -  
30 ?---Either this meeting or the meeting after I met with  
31 Mathias Cormann. Commissioner, I would lie to you if I  
32 said I knew it was this meeting, I had that conversation  
33 - - -

34  
35 I think you've answered that question?---Yes, thank you.

36  
37 **THE COMMISSIONER:** In fact, a piece of advice, Mr Field.  
38 Mr Porter is doing a very good job for you?---He's doing an  
39 excellent job.

40  
41 But it would be wise, and save time, if you just listened  
42 carefully to his questions, which are quite specific,  
43 answer those questions, and if he wants to ask more, he  
44 undoubtedly will?---It's a misapprehension, and I was  
45 trying to assist you Commissioner, I apologise for it.

46  
47 Well, my advise is put yourself in the hands of your  
48 counsel?---Ah, and I will now heed that advice carefully.

49  
50 **PORTER, MR:** Madam Associate, the next meeting agenda  
51 appears at page 136, which is indicative of a meeting

1 occurring with Ms Sharyn O'Neill, 2 pm, Tuesday 5 April  
2 2022, do you recall if that meeting occurred?---Yes, to the  
3 best of my recollection, it did.

4  
5 And agenda item 3 there is IOI president, visit Werner  
6 Amon, New York, UNITAR, permanent ambassadors, Austrian  
7 Cultural Forum, Vienna, 45th an, OPCAT and then OECD. Now,  
8 that is a very similar agenda item to the one that we've  
9 just discussed previously?---Correct.

10  
11 Is there anything about this meeting which you can add  
12 about what you may have discussed under that heading that  
13 you haven't already indicated to the previous meeting?

14 ---Not that I've already indicated, it was my desire to  
15 give her as much information as I'd given to Daniel -  
16 Mr Pastorelli.

17  
18 And this is (indistinct) of 2022, so it's shortly before  
19 you meet Mr Cormann. Have you foreshadowed that meeting  
20 under the OECD heading with Ms O'Neill?---Ah, yes,  
21 certainly foreshadowed that I was wishing and attempting to  
22 arrange a meeting with him.

23  
24 And Madam Associate, the next page, 137. This is a further  
25 meeting with Sharyn O'Neill which indicates occurred on  
26 23 June 2022?---Correct.

27  
28 3 pm?---Yes.

29  
30 Do you recall whether this meeting occurred?---Ah, to best  
31 of my recollection it did.

32  
33 Now, this is the first of the meeting agendas that doesn't  
34 have the year. It appears logical that this is 2022, do  
35 you recall whether that would be correct?---Ah, that would  
36 be my understanding, to be correct.

37  
38 And there, there's an agenda item 4, 'IOI president, visit  
39 to New York (UNITAR permanent ambassadors, USA, Canada, New  
40 Zealand and Australia, and Receptions Australia, and  
41 Austrian Consul General) and to Graz, Vienna, and Paris  
42 (45th, OPCAT and committee), Prime Minister, Governor and  
43 Federal President OECD ambassadors.' Now, is it a fair  
44 general description that under this banner, you are  
45 starting to talk about physical travel with Ms O'Neill?  
46 ---That is completely correct, counsel.

47  
48 And is there anything specific that you can say was spoken  
49 with respect to that heading OECD, about this meeting,  
50 without unnecessary repetition of things that have been

1 previously raised?---Oh, I think, Commissioner, it would be  
2 unnecessary repetition.

3

4 Now, this, on my reckoning, occurs - if it is 2022, after  
5 the meeting with Mr Cormann. Do you specifically recall  
6 whether you discussed that meeting at this meeting with  
7 Sharyn O'Neill, 23 June?---Yes, in fact, it was an  
8 important item, as I recollect it.

9

10 Well, what was discussed at the meeting?---Ah, that I had  
11 met with him, um, that, ah, ah, that I considered this to  
12 be a very positive opportunity for our state.

13

14 (indistinct)?---Oh, the opportunity of doing a - the Office  
15 of the Western Australia Ombudsman, that is obviously our  
16 office, my office, that I had for some considerable period  
17 of time, had desired to do a project which would look at  
18 matters that have been similar that had been done by the  
19 European Ombudsman. I discussed the fact that I felt it  
20 was particularly a confluence of interest and timing that  
21 Mathias Cormann was Western Australian, I felt that this  
22 was an excellent opportunity for that to proceed, and I  
23 discussed those matters with her.

24

25 Now, did Ms O'Neill ask any questions about your meeting  
26 with Mr Cormann at the OECD?---I only ever recollect her  
27 response to the ideas of, um, ah, of meeting with  
28 Mathias Cormann as - actually, two things. It was exactly  
29 the same for Rebecca Brown. They were both impressed that  
30 I'd achieved the meeting with him, and second of all, that  
31 they felt it was a very positive opportunity for the state.

32

33 Now, there was some propositions put to you that Ms O'Neill  
34 may have communicated with your office about particular  
35 staff with skills in surveys at the OECD. Do you remember  
36 whether or not such matters were discussed at this  
37 meeting?---I'm sorry counsel, can you just - - -

38

39 There was a proposition put to you earlier by counsel  
40 assisting that Ms O'Neill may have said that - or did say,  
41 that she had asked you some questions about people with  
42 skills in surveys, or similar skills, at the OECD, or asked  
43 such a question of your office. Do you recall whether  
44 there was any question like that put my Ms O'Neill at this  
45 meeting?---I don't recall any question like that.

46

47 The next page, Madam Associate, 138, indicates that a  
48 meeting with Emily Roper, the Director of the Department of  
49 Premier and Cabinet, likely occurred on 5 July 2022, we  
50 think is the date. Would that accord with your  
51 recollection?---Ah, yes.



1  
2 Then we see the first agenda item there is FDV by suicide,  
3 July 2022. Is that indicative of the timeframe, is that  
4 correct?---Correct.  
5  
6 And did this meeting occur?---Ah, to the best of my  
7 recollection it did.  
8  
9 And then there's an agenda item there at 4, which is very  
10 similar to the one in your previous meeting with  
11 Ms O'Neill?---Yes.  
12  
13 Is there anything additional to what you've described  
14 previously with respect to Ms O'Neill that you recall being  
15 discussed at this meeting?---No. I do remember Ms Roper  
16 being, ah, I think, impressed is the word, but particularly  
17 enthusiastic about the work that was being done.  
18  
19 What work?---Ah, all of the work as IOI president, that  
20 included the work with the OECD, ah, but the work  
21 generally, ah, and there was a real enthusiasm about the  
22 fact that I had an opportunity to advance Western Australia  
23 interests as well, I have a very good recollection of her  
24 enthusiasm and excitement about that.  
25 In terms of specifics though, if you can't recall, you  
26 can't recall, but when you say, "She was enthusiastic about  
27 the work with the OECD", at this point, you've met with  
28 Mr Cormann around about 17 June 2022. There's no actual  
29 project with the OECD concluded or contracted for?---No.  
30  
31 What was she enthusiastic about?---Oh, but I'd certainly  
32 flagged that there would be or proposed to be a project  
33 with the OECD, and what I had in mind for that project.  
34 That certainly was flagged. Um, you're absolutely right.  
35 There wasn't a contracted project. There wasn't a  
36 finalised project at that stage. It hadn't commenced. Um,  
37 it still hasn't, but, um - ah, there was clear enthusiasm  
38 about what the project could be and from my articulation of  
39 what it might be.  
40  
41 We'll move onto the next meeting agenda, 139. This  
42 indicates a meeting with Daniel Pastorelli, Premier's then  
43 chief of staff, 14 July where - I'm putting to you that by  
44 the other dates on that, it appears again to be 14 July  
45 2022 at 1 pm?---Correct.  
46  
47 Do you recall whether such a meeting did occur on 14 July  
48 2022?---To the best of my recollection, it did.  
49  
50 And there again is a very similar agenda item to the  
51 previous two meetings. Agenda item 3?---Yes.  
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1  
2 Now, I want to ask you about Graz. Do you remember what,  
3 if anything, was discussed under the heading of Graz at  
4 this meeting with Daniel Pastorelli?---Ah, yes. We were  
5 discussing, ah, one that I had, ah, attended, ah - ah, Graz  
6 and the potential for, ah, the development of my  
7 relationship, um - ah, with Graz, um - ah - ah, potentially  
8 similar to something like, ah - well, what would now be  
9 called MoUs. Historically, they're called sister state  
10 relationships.

11  
12 And is this the first time that you've spoken with  
13 Mr Pastorelli about a sister state relationship - - -?---I  
14 would - - -

15  
16 - - - or an MoU?--- - - - have thought that was the first  
17 time, correct.

18  
19 Well, do you have an independent recollection or  
20 you - - -?---I - I don't have any independent recollection  
21 of discussing it with him before this time.

22  
23 And then you've got a second agenda item there at:

24  
25 For presidents and OECD.

26  
27 So that's the first time that it's appeared together as  
28 single agenda item president OECD. What is that meant to  
29 prompt you to talk about?---Ah, it was very much about the  
30 - and I do recollect what I was - ah - ah, once again  
31 endeavouring to indicate was that I felt, um, that, um - ah  
32 - ah - - -

33  
34 Mr Field, you're taking this in. It's meant to prompt you  
35 to talk about something. It has a prompt there:

36  
37 President and OECD -

38  
39 - and president is next to OECD. What was it meant to  
40 prompt you to talk about?---Well, it was prompting me to  
41 talk about the OECD. It was prompting me to talk about the  
42 OECD, ah - the presidency in two ways, as I always did, and  
43 I did on this occasion, that, ah, I felt the presidency had  
44 a value in and of itself, but I also thought it was vital  
45 that the presidency made a contribution to Western  
46 Australian interests, and part of the contribution it could  
47 make to Western Australian interests was this OECD project.

48  
49 And this is after the meeting with Mr Cormann. Do you  
50 recall raising that meeting under that agenda item here  
51 with Mr Pastorelli, 14 July - - -?---I - - -

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50

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1  
2 - - - 2022?--- - - - do, and - and I suspect it's this  
3 meeting where I indicated to him about, um, the - the aside  
4 comment I made about working with Mathias Cormann, but I  
5 cannot be certain of that.  
6  
7 And where you are talking about Graz, Vienna, Paris, USA,  
8 Canada, New Zealand, the - these are real places that you  
9 had travelled to and - was that clear in this meeting to  
10 Mr Pastorelli?---Oh, yes. Oh, abundantly clear.  
11  
12 Next agenda, Madam Associate, is at page 140.  
13  
14 And Emily Roper, Director General of Department of Premier  
15 and Cabinet, 6 October, likely 2022. Would you agree it  
16 was 2022?---Ah, yes.  
17  
18 And did that meeting occur?---Ah, to the best of my  
19 recollection, yes.  
20  
21 And again there at agenda 3:  
22  
23       IOI president 2022: sister state; visit to Vienna,  
24       Hungary; New Zealand and Ukraine.  
25  
26 That generally aligns with your travel in that period?  
27 ---That's correct.  
28  
29 And:  
30  
31       Sister state.  
32  
33 Was this again about the sister state relationship with the  
34 Austrian province of Styria where the capital is Graz? Is  
35 that what it was meant to prompt you to talk about?---That  
36 is exactly correct.  
37  
38 And do you recall talking about that?---I do.  
39  
40 And what was the - - -?---The - so the discussion was, ah -  
41 ah, both, ah, that - that - that proposition or project  
42 existed, um, a sister state relationship between Styria and  
43 Western Australia, the benefit for Western Australia, and  
44 then practicalities about how it would be achieved.  
45  
46 And at - at that point in time again Vienna and Hungary are  
47 real physical places and physical visits?---Yes.  
48  
49 And I think New Zealand and Ukraine, they were visits that  
50 were about to happen?---Foreshadowed, correct.  
51

1 I just pause there for a moment. Was there any discussion  
2 at this meeting with the head of the Department of Premier  
3 and Cabinet as to where the funding for the trips and  
4 travel was coming from?---Um, well, not just in this  
5 meeting, counsel, but never in any meeting was that raised  
6 with me.

7  
8 And the concept of you attempting to broker a sister state  
9 relationship with an Austrian province, was there any  
10 response by Ms Roper as the head of the Department of  
11 Premier and Cabinet to that?---Enthusiastic and positive.

12  
13 Next agenda item is at 141, and this indicates a meeting  
14 with Sharyn O'Neill, 19 October, and by the further dates  
15 down there, '22, it's likely 2022. Would that accord with  
16 your recollection?---Ah, yes.

17  
18 And did such a meeting occur on 19 October 2022?---To the  
19 best of my recollection it did.

20  
21 Agenda item 3:

22  
23 IOI president 2022: visit to Vienna\Hungary: New  
24 Zealand and Ukraine: sister states.

25  
26 And again New Zealand and Ukraine were foreshadowed trips.  
27 Correct?---Ah, correct.

28  
29 Vienna and Hungary had been physical trips that had  
30 occurred?---Correct.

31  
32 And again the sister state language there is meant to  
33 indicate that you were to speak about the potential  
34 brokering by you of a sister state relationship with an  
35 Austrian province?---That is correct.

36  
37 Did you speak about all those things in agenda item 3?  
38 ---Yes, I did.

39  
40 And what was Ms O'Neill's response to your informing her  
41 that you were in the attempting process of negotiating a  
42 sister state relationship with an Austrian province?---Ah,  
43 enthusiastic and - and positive. Impressed.

44  
45 And, Madam Associate, the next document, 142.

46  
47 Indicates another meeting with Ms Sharyn O'Neill. Now,  
48 this appears at 9 March at 10 am. By the further date down  
49 there under 2, I'm putting to you, it appears that most  
50 likely that is 9 March 2023?---Yes.

51

1 Do you agree? Do you recall whether a meeting on 9 March  
2 2023 occurred with - - -?---To the best - - -

3  
4 - - - Ms O'Neill?--- - - - of my recollection it did.

5  
6 And agenda item 2:

7  
8 IOI president 2023: Styria MoU OECD: Vienna\Hungary:  
9 New Zealand, Poland\Ukraine; Morocco; Pakistan.

10  
11 It seems to accord with your physical travel around this  
12 time?---That's correct.

13  
14 And did you - you recall talking to her - Ms O'Neill about  
15 those things under agenda item 2?---Yes, I do.

16  
17 Now, with respect to OECD, is there anything that you can  
18 specifically recall about what was spoken about at this  
19 point in time, 9 March 2023, under that agenda item?---Ah,  
20 only that I had, ah, further developed, um, what was a  
21 fairly clear view about the process that would be  
22 undertaken, that I would be procuring a service from the  
23 OECD, um - ah, to undertake work which would be similar to  
24 work that was undertaken, ah, which would be similar to  
25 work that was undertaken, um, by the European Ombudsman.  
26 Um, but once again, my focus in that conversation was  
27 around - talking around the benefit beyond - so yes,  
28 there's a benefit to the Office of the Western Australia  
29 Ombudsman, and the citizens and Parliament that we serve.  
30 But it was - would have been, again, speaking more  
31 generally around the benefits to, um, trading and cultural  
32 partners of Western Australia.

33  
34 You used the words 'I was going to engage with the OECD,'  
35 do you recall, and if you don't, you can just say that you  
36 don't, but do you recall whether or not you were expressing  
37 to Ms O'Neill in this meeting that the 'I' was to be you in  
38 your capacity as head of the Ombudsman's office in WA, or  
39 you in your capacity as President of the IOI?---Oh, no. My  
40 recollection is I was clear it was about me as the, ah,  
41 Ombudsman of Western Australia, but, um, that there was a  
42 concomitant benefit, because the IOI was to be involved in  
43 the project as well.

44  
45 This is 9 March 2023, at this point, where you again, it  
46 appears, raise with Ms O'Neill you're advancing attempts to  
47 negotiate a sister state relationship with the Austrian  
48 province of Styria and Western Australia by managing an  
49 MoU, what is her response to that?---Um, extremely  
50 positive, and I do recollect also the reason - I mean, it  
51 is - it is obviously well-known, and it particularly was at

1 this time, that Ms O'Neill was exceptionally close to the  
2 Premier, and one of the reasons I was raising this with her  
3 is because the Premier was absolutely essential to that  
4 sister state relationship. Um, and I was raising it with  
5 her to make sure that she was aligned, um, with  
6 conversations that I was having with Daniel and the  
7 Premier's office.

8  
9 We'll come to those in a moment. Next agenda item, Madam  
10 Associate, is 143.

11  
12 **THE COMMISSIONER:** Can I ask, apart from these aide-  
13 memoires, is there any contemporaneous document to which  
14 reference can be made that supports your oral testimony as  
15 to these meetings?---No, Commissioner. Well, I can simply  
16 say no.

17  
18 Well, that answers my question, thank you, Mr Porter.

19  
20 **PORTER, MR:** Mr Field?---Sorry, sorry Commissioner.

21  
22 Do you recall whether any of these people - and I'm now  
23 talking about the period of meetings 13 July 2021 - and  
24 we're up to 19 April 2023, did any of the people that you  
25 were meeting with take notes that you saw?---Ah, my  
26 recollection is that some took notes, um, that might have  
27 been both, ah, Emily, ah, possibly Sharyn, possibly Daniel.  
28 The notetaking wasn't - I don't have a - I don't have a  
29 photo recollection. I think on some occasions they might  
30 have, and some occasions they didn't. I mean, I in 17  
31 years have never taken notes of meetings. Um, ah - - -

32  
33 You can't be any more certain than that - - -?

34 ---Commissioner, I wish I had, but I didn't.

35  
36 Now, again the OECD appears, is there anything that you can  
37 specifically add by way of advance to your other answers  
38 about what you recall being discussed under that banner?  
39 ---Ah, no, no. I think I've answered that in relation to  
40 the other meeting agendas.

41  
42 And then the next and final document, is it 144? And so  
43 this is 13 September. Now, there's nothing on that that  
44 indicates the year, but I'm putting to you it appears that  
45 that's 13 September 2023?---That's my recollection,  
46 counsel.

47  
48 So more recently - sorry, two weeks of IOI president, 2023.  
49 And there again it has 'Styria MoU and OECD, Haiti and  
50 Ukraine.' Now, that's meant to prompt you to talk about

1 those things, did this meeting occur?---My recollection is  
2 it did.

3

4 And what's Haiti about?---Ah, that was an invitation from  
5 my Latin American colleagues to visit Haiti and Dominican  
6 Republic and Mexico City.

7

8 And was that a trip that eventuated, do you know?---No, it  
9 did not.

10

11 Ukraine was one of the trips that we've traversed in the  
12 quarterly reports?---Oh, no, that was an additional trip,  
13 so that was the 2023 trip to Ukraine, not the 2022 trip, so  
14 a second trip. Which also did not occur.

15

16 This is the most recent meeting agenda that I'm going to  
17 put to you. This is 13 September of last year, not too  
18 long before the article in The West Australian, which I  
19 think was 7 October 2023, came out. At this particular  
20 meeting, were any queries or cautionary notes raised by  
21 Ms O'Neill about prospective travel to Haiti and the  
22 Ukraine?---None whatsoever.

23

24 And do you recall what was discussed under the banner of  
25 Styria MoU?---Yes, that was around the fact that there was,  
26 ah, we got to the point of a locked-in time for the signing  
27 of the MoU, and ah, obviously looking for, um, that to be  
28 brought to a conclusion, and the OECD similarly, that that  
29 had substantially advanced, and we were at the point of now  
30 - ready to progress that project.

31

32 Now, just - I'll pause there for a moment. Just by way of  
33 summary and without getting into the detail of what was  
34 discussed, but at least based on the meeting agendas and  
35 their existence and what they depict, so I'll put to you as  
36 a raw summary, that during this period, which is starting  
37 13 July 2021 to 13 September 2023, so just over two years,  
38 there were 16 meetings, four with Daniel Pastorelli, five  
39 with Emily Roper, six with Sharyn O'Neill and one with  
40 Michael Barnes. Now, you would agree, I take it, with that  
41 proposition?---Yes.

42

43 That there was indicated as an agenda item reference to the  
44 OECD in 11 of those 16 meetings?---Yes.

45

46 Three with Daniel Pastorelli, four with Emily Roper, four  
47 with Sharyn O'Neill?---Yes.

48

49 At all 16 meetings, there was reference to the IOI  
50 presidency?---Yes.

51

1 And a mixture of discussions between travel real and  
2 presentations virtual at all 16 meetings?---Yes.

3  
4 And there are five mentions of sister state or Styria from  
5 about October 2022, does that accord with your  
6 recollection?---Yes, yes.

7  
8 And before the use of the term 'sister state with Styria',  
9 there were three mentions of Graz?---Correct.

10  
11 And when you were discussing Graz in those meetings,  
12 pursuant to those three agenda items of Graz, which is the  
13 city of Styria, I take it, is it?---Correct.

14  
15 Is that about, in your recollection, the sister state  
16 relationship?---Yes, it would have been in the first  
17 instance, counsel, that I had been invited to an event at  
18 Graz, and then subsequent to that, that as a precursor and  
19 commencement of the discussion of a sister state.

20  
21 I just want to move now away from those specific meeting  
22 agendas to the issue of this negotiation of a sister state  
23 relationship or an MoU between Western Australia and  
24 Styria.

25  
26 Now, it would appear based on those meeting agendas that  
27 this side project occurs and starts to be attempted to be  
28 negotiated by you in around mid or early 2022, is that a  
29 fair summary?---Yes, ah, the - correct, counsel, and it  
30 arose around the time that I, ah, had a discussion with the  
31 Australian Ambassador to Austria.

32  
33 So, the Australian Ambassador to Austria?---Correct.

34  
35 Can you say what was the genesis of this concept of yours?  
36 ---Ah, the genesis of concept was he contacted me, and -  
37 and indicated whether, um - he indicated that there'd been  
38 an aspiration for Styria to have a, uh - an MoU or sister  
39 state relationship with, uh - with Australia. Um,  
40 obviously without getting into the - perhaps the DFAT  
41 sensitivities, they were very keen for that to happen, um,  
42 and he asked whether I might be - - -

43  
44 **THE COMMISSIONER:** Well, it wasn't just DFAT  
45 sensitivities. There's legislation (inaudible) level about  
46 this?---Ah, correct. Um, that's correct, Commissioner.

47  
48 **PORTER, MR:** Why is he contacting you, Mr Field?---Well,  
49 he's contacting me because he was aware that, um, I was not  
50 just the president of the IOI, but the president of the IOI  
51 deals with the secretary general of the, uh - who was also

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1 a member of the Austrian Ombudsman Board who is domiciled  
2 in Vienna, ah, and that I had, um, obviously a relationship  
3 with my Austrian colleagues, and he considered that that  
4 might be of some, uh, potential value to pursue.

5  
6 And when - when did this contact occur?---There was a phone  
7 call. I don't recollect the specific time of that phone  
8 call, but it would have been I think at around mid-22  
9 because subsequent to that there was an organised - a  
10 luncheon organised, um, ah, with, um, the Austrian  
11 ambassador. And in fact, there was multiple interactions  
12 from that point onwards.

13  
14 Now, I've used the expression previously about as an  
15 ombudsman with a statutory office in Western Australia and  
16 even as president of a peak body, the negotiation of MoUs  
17 between subnational government as being outside of your  
18 lane. Do you recall I put that to you?---Yes.

19  
20 And your response to that?---Uh, well, I agree that that  
21 would on the face of it appear to be unorthodox, and that  
22 is exactly the reason why I sought, um, the, uh - and  
23 discussed at some considerable length, um, whether I should  
24 be involved in this with all relevant people.

25  
26 When you say all relevant people, are we talking now about  
27 these people that we have had quarterly meetings with over  
28 this two-year period?---Not just those people. Um, with  
29 Rebecca Brown from JTSI, um, extensively. Um, with the  
30 Deputy Premier's chief of staff. Um, so it's all of the  
31 people you put to me and more again.

32  
33 Now, for the uninitiated, these MoUs or sister state  
34 relationships between provinces or states of subnational  
35 governments overseas and - - -?---Yes.

36  
37 - - - a state like Western Australia, they occur from time  
38 to time. So you I understand were aware that there was one  
39 signed between a Vietnamese province and Western Australia  
40 in September 2020. You were aware of that?---Yes. I was  
41 aware that we had signed those. Correct.

42  
43 Now, as part of a state government's Asian engagement  
44 strategy?---Correct.

45  
46 And I'll come to that document in a moment, but do you  
47 recall the MoU - that MoU was signed so the signatory on  
48 behalf of Western Australia was Minister Peter Tinley as  
49 the minister for Asian engagement?---Yes.

50  
51 And more recently I think in September 2023 you were aware

1 that there was a sister state agreement between  
2 Western Australia and East Java?---Yes.  
3  
4 Now, in your experience, these sister state relationships  
5 are negotiated in their early stages by departmental  
6 officers of JTSI, is that right?---Correct.  
7  
8 What's JTSI?---Department of Employment, Trade - I would  
9 have to remember the rest of the acronym.  
10  
11 Jobs, Science and - - -?---Jobs, Science and - - -  
12  
13 - - - Industry?---That's exactly correct, yes.  
14

15 **THE COMMISSIONER:** Just take a wild stab.  
16

17 **PORTER, MR:** Yes, you can always have a good guess. And  
18 that's headed by Rebecca Brown who's - - -?---That's  
19 exactly correct.  
20

21 - - - the director general of the Department of Jobs,  
22 Trade, Science and Industry. Now, I want to draw your  
23 attention to an email chain which commences in 0064 at  
24 page 145.  
25

26 0064^  
27

28 Now, if we look at the middle panel there, that indicates  
29 that there's an email from Rebecca Brown who heads up  
30 JTSI?---Yes.  
31

32 Second Wednesday, 14 December 2022 at 6.15 pm to you,  
33 chrisfield@ombudsmanwa.gov.au?---Correct.  
34

35 And then a range of people are cc'd into that. Now, they  
36 appear to be people at JTSI?---Yes, they are.  
37

38 Just without naming them, did you know any of those staff  
39 at JTSI personally?---Not personally. I knew of them.  
40

41 And then the subject is proposed, "MoU with Austria". So  
42 this is 14 December 2022. And if we can just scroll up to  
43 take in some of that text. There's an apology for a delay  
44 in getting back to you and then there's:  
45

46 Please find attached three examples of MoUs. The  
47 most recent is WA BRVT.  
48

49 Is that the Vietnamese - it's Ba Ria-Vung Tau Province?  
50 ---Correct.  
51

1 Now, it then goes on to say that there are key contacts  
2 which are nominated there. I presume that they were  
3 contacts for you and for your office?---Correct.

4  
5 And then it says the issue that the Commissioner raised:

6  
7 According to the Foreign Relations (States and  
8 Territories Arrangements) Act 2020, if the foreign  
9 partner is the national government, the arrangement  
10 would be considered core.

11  
12 ?---Correct.

13  
14 The WA agency would need to seek approval from the  
15 Australian Minister for Foreign Affairs. The  
16 minister may take up to 30 days to approve to  
17 negotiate the agreement and seek approval to sign the  
18 agreement. The minister may take up to 30 days to  
19 approve which means the WA agency would need to seek  
20 approval in the first instance before entering into  
21 any discussion with the foreign partner. If the  
22 foreign partner is a state government, the  
23 arrangement would be considered non-core. The  
24 WA agency would need to notify DFAT two weeks before  
25 the signing and submit the signed document a week  
26 after the signing. If the foreign partner is  
27 non-government, there will be no FRA implications.

28  
29 The last of those things, if it's a - I take it that you  
30 were getting advice that if it was an agreement between two  
31 departments if you like - - -?---Yes.

32  
33 - - - then there's no FRA, which is Foreign Relations Act  
34 implications?---Correct.

35  
36 Now, this is in December of 2022. Are you able to say what  
37 was the genesis of you receiving this response from  
38 Rebecca Brown at JTSI?---Ah, it commenced, um, genesis when  
39 I returned from, ah, Austria. And I rang Rebecca Brown and  
40 I indicated to her that, uh, the Australian Ambassador to  
41 Austria had indicated to me an interest in an MoU being  
42 undertaken between, uh, Austria - sorry - Styria and  
43 Western Australia. And I indicated to Rebecca Brown at  
44 that stage that I didn't necessarily think that was  
45 something that came within my jurisdiction and would she  
46 like to take over the process from that point. And the  
47 actual date of that conversation has been produced to you  
48 and the notices in the - in the - through the appropriate  
49 process, Commissioner. Um, um, and during that  
50 conversation Rebecca was emphatically clear, um, that her  
51 view is that since I built the relationships and I had

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1 relationships that it would actually be in the interests  
2 for me to pursue that matter through. So we had that  
3 conversation, um, about the fact that it seemed much more  
4 appropriately a JTSI issue but that I could and would  
5 pursue the issue in consultation with JTSI. So that was  
6 the genesis of the process, and then from that point  
7 onwards there was extensive engagement with JTSI to ensure  
8 that the process was being done in accordance with, for  
9 example, the FRA and a range of other processes as well.

10

11 If we could just scroll down that email a little further,  
12 it says there on the next page which is page 140 - sorry,  
13 146. Just if we could have the top of that text.

14

15 Please do not hesitate to reach out to Amanda or  
16 Nicole for assistance. I hope you have a relaxing  
17 break over the holiday season.

18

19 So was your understanding that in your attempts to  
20 negotiate and finalise an MoU with the Austrian province of  
21 Styria that you could utilise the assistance of these  
22 nominated staff member at JTSI?---Ah - ah, not just my  
23 understanding. We did.

24

25 And if we could scroll up to the previous page? Did you  
26 give any further consideration to the Foreign Relations  
27 (State And Territory Agreements[sic]) Act after this time  
28 in 14 December 2022 based on that precis of advice there?  
29 ---I did. I personally read the Act and I considered it at  
30 length, um, and it was clear that it was a non-COAR, ah,  
31 arrangement, which was, um, somewhat particularly less  
32 onerous in terms of its approvals than if it had been a  
33 COAR arrangement - - -

34

35 So just for - - -?--- - - - and that was the view of the  
36 DFAT - ah - ah, JTSI as well.

37

38 So just for clarity, as the WA state ombudsman holding the  
39 concurrent office of president of the IOI - - -?---Yes.

40

41 - - - you'd taken it upon yourself to go out and negotiate a  
42 sister state MoU relationship between the state of Western  
43 Australia and an Austrian province. That's correct?  
44 ---Correct.

45

46 You'd received this advice about how that might interplay  
47 with the Foreign Relations (State and Territory  
48 Arrangements) Act from JTSI. Correct?---Correct.

49

50 You were going to proceed, I take it, on the basis that you  
51 would simply notify DFAT or that someone from WA would

1 notify DFAT two weeks before the signing and submit a  
2 signed document a week after the signing?---Correct.

3

4 And this as - as appears to be the case, and based on your  
5 evidence, was a process that you had discussed at some  
6 length in these meetings that we have gone through the  
7 agendas of?---Ah, not in those - yes. Correct. In all of  
8 those meetings and specifically with Rebecca Brown on  
9 multiple occasions.

10

11 And it is Rebecca Brown's state department that is tasked  
12 with negotiating and drafting and formalising and  
13 finalising MoUs or sister state relations?---That - ah,  
14 that is exactly correct. The relevant minister at the time  
15 was the Deputy Premier, and for that, just as a  
16 completeness of answer, I also briefed Neil Fergus, the  
17 Deputy Premier's chief of staff, about this matter, and  
18 asked whether he or the Deputy Premier had any concerns  
19 about what I was doing, and the answer was, "If Rebecca's  
20 happy, we're happy".

21

22 So but at this point in - in time, so this is 14 December  
23 2022 - - -?---Correct.

24

25 - - - where are you at with the negotiating process with  
26 the Austrian province of Styria?---Ah, at that stage, it  
27 was advanced. There was numerous discussions with, um,  
28 Austrian counterparts, um, with the, ah, Austrian  
29 ambassador to Australia, um, to the - with the Australian  
30 ambassador to Austria, ah, and the office of both  
31 Governor Drexler, who was the governor of Styria, and also  
32 Minister Amon as the minister for Styria.

33

34 At this point, 14 December 2022, any - has - has Rebecca  
35 Brown indicated - and I'm talking about around this time of  
36 this email - - -?---Yes.

37

38 - - - any reticence to your negotiating or being - believed  
39 negotiating and presumably drafting this agreement?---No.  
40 And - and - and - and, counsel, I need to be much clearer  
41 and much stronger than that. I specifically - specifically  
42 rang Rebecca Brown, um, to say to her that I was happy not  
43 to do this and to hand over all of this work to JTISI, and  
44 she specifically said to me that I should continue this  
45 work, and gave it her absolute support.

46

47 So if I can scroll down to what appear to be the  
48 attachments to this email?

49

1 They start there, so I - you recall receiving the - the  
2 attachments with the email?---Ah, I actually don't have a  
3 photo recollection of that. (Indistinct), counsel.

4  
5 They appear to be, first of all, a precedent, if I can put  
6 it that way, of the sister state affiliation between the  
7 state of Western Australia and Hyogo Prefec Church, which  
8 is in Japan?---I can actually - well, what I can say is  
9 this, I don't have a photo recollection of that document.  
10 I have a photo recollection of Rebecca and I discussing the  
11 recent documents, and in fact, she corrected me quite  
12 properly, because I was referring to them as sister states,  
13 and she said, "No, the new (indistinct) is MoU".

14  
15 If we just scroll down, there's a signature panel here, so  
16 this indicates that the relevant MoU was concluded by  
17 signature of the then Premier, the Honourable Mark  
18 McGowan - - -?---Correct.

19  
20 - - - and by then president of the legislative council,  
21 Barry House, that was. Do you know when that agreement was  
22 concluded?---Ah, well, I can see a date there, but that  
23 would be the only - the only basis - I was aware we had  
24 one. I wasn't aware of the date of it.

25  
26 Right. So that goes back to 24 April 2017?---Correct.

27  
28 So it's been provided to you as a precedent to assist you  
29 in your endeavours?---That's correct.

30  
31 All right. If we can just scroll further down?

32  
33 Then there's another one here. I think this is the  
34 memorandum with the Vietnamese province?---Correct.

35  
36 If we can go over to the signature panel there?

37  
38 This MoU or sister state relationship's concluded by Peter  
39 Tinley, the minister for Asian engagement - - -?---That's  
40 correct.

41  
42 - - - and the vice chairman of the Peoples' Committee of  
43 Quang Tri Province(?) in Vietnam on 16 September 2020?  
44 ---That's correct.

45  
46 And then if we scroll further down?

47  
48 This is a memorandum of understanding between an agency, it  
49 appears, and another agency?---Yes.

50

1 So this was provided to you as another precedent but of a  
2 different type of - - -?---Ah, typology, correct. Yes.  
3 Under the FRO.

4  
5 And if we could scroll back up to the - to the top?

6  
7 Did you use these precedents? Did you go about drafting  
8 for the purposes of concluding an agreement with Styria?  
9 ---Yes. My staff were delegated that, ah - ah, and a full,  
10 um, draft was put together. As I recollect it, counsel,  
11 the second of the three, um, with, ah, the relevant  
12 Vietnamese province was, I think, the most helpful of the  
13 three we considered at the time.

14  
15 Okay. I'm just going to take, if I may, Mr Field's  
16 attention, Madam Associate, to page number 158 on 0664.

17  
18 **THE COMMISSIONER:** 158?

19  
20 **PORTER, MR:** Yes. 158, Commissioner.

21  
22 So we're now jumping ahead to 17 May 2023. And at 158  
23 appears another email, and again the last email we're  
24 looking at was 14 December 2022. This was an email from  
25 you, Mr Field, to Rebecca Brown, who heads JTSI. It's  
26 dated 17 May 2023?---Yes.

27  
28 And you say:

29  
30 It was lovely to see you again at the investiture  
31 ceremony.

32  
33 What was that about?---Ah, both she and I had been awarded  
34 public service medals.

35  
36 All right. Then you say you've just spent the week in  
37 Vienna, and you go on - you talk about a reception at the  
38 Ukraine Embassy. And then in the second paragraph you say:

39  
40 I write to let you know that the invitation of his  
41 excellency Governor Christopher Drexler and minister  
42 for European International Affairs Werner Amon -

43  
44 - your good friend -

45  
46 - I spent the weekend in the state of Styria as a  
47 guest of the state.

48  
49 That weekend, that's proximate in time to 17 May, the  
50 sending of the email, is it?---Yes. It was after I'd  
51 returned from - from Austria. Correct.

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Epiq

(Public Hearing)

1  
2 And this week in Styria, is this where further negotiations  
3 for the MoU occurred?---Yeah, ah - it, ah - ah, indeed.  
4 There was further - that - that - that's exactly correct.  
5 There was, ah, further discussions and indeed some of that  
6 time in Styria was actually being shown a range of the  
7 matters that were, um, germane to the - to the sister, ah -  
8 to the MoU relationship.

9  
10 Are you - are you supported by staff over the course of  
11 this weekend?---Ah, my chief of, ah, staff accompanied me  
12 to - - -

13  
14 Ms Poole was there?--- - - - this meeting, um, Ms Poole.

15  
16 And at this point in time, are you talking to the senior  
17 people in the Austrian province and Austrian Government  
18 around an actual draft of an MoU document or - - -?---Yes.  
19 Talking about the development of the MoU with both - - -

20  
21 Just listen to the question. Are you talking to a physical  
22 document on this weekend?---Oh - ah, to a physical  
23 document, um, I - I would have to check as to whether the  
24 physical document at that stage was, ah, prepared. I don't  
25 - there was a physical document that was exchanged, ah,  
26 with multiple iterations between Perth and Styria. Whether  
27 we spoke to that document on that weekend, I am not sure.

28  
29 I take it from the tenor of this email that you are very  
30 confident that you are going to land or succeed in  
31 concluding this MoU with Styria by this point in time,  
32 17 May 2023?---Yes, that confidence was based on my  
33 conversations with Mr Pastorelli.

34  
35 And you've also put there to Ms Brown in this email that  
36 your office now has strong experience in delegation  
37 management, and that you will liaise with the Premier's  
38 office?---Correct.

39  
40 Do you recall what, if any, response came from this email  
41 to Rebecca Brown?---I actually don't.

42  
43 You don't recall whether there was an email in response or  
44 a phone call?---Not a photo recollection.

45  
46 Now, I'm going to take you to a number of emails that  
47 occurred in respect of Mr Pastorelli, but often through  
48 Ms Filipa Robinson. They start on page 159 of the first  
49 bundle, 0664^. So, this is 31 January 2023, so it's  
50 earlier than this exchange - this workaround that we've  
51 just spoken to?---Yes.



1  
2 But it appears that Ms Robinson is the executive assistant  
3 to the chief of staff, deputy chief of staff policy  
4 director of the Office of the Honourable Mark McGowan MLA  
5 in or about 31 January 2023?---Yes.

6  
7 So, what did you understand that meant her position was?  
8 ---I'm sorry counsel?

9  
10 What did you understand Ms Robinson's position to be?---Oh,  
11 she was, ah, the executive assistant to Mr Pastorelli.

12  
13 And if we can just scroll down the page, thank you.  
14 There's an exchange that commences, 'Dear Pip,' it's just -  
15 it's over the page, but this appears to occur on 29 January  
16 2023 at 12.37 pm. You send an email to Filipa Robinson,  
17 and it reads:

18  
19 Dear Pip, I hope this email finds you well. I would  
20 be very grateful if you could bring the email below  
21 to Daniel's attention, thank you so much.

22  
23 So, you then have some text that says, 'Dear Daniel,' you  
24 weren't emailing Daniel directly, you were doing that  
25 through Ms Robinson?---As a courtesy, I went through his  
26 executive assistant, yes.

27  
28 You say:

29  
30 Thank you again for our meeting on Wednesday.

31  
32 I presume that was one of your quarterly meetings with  
33 Daniel Pastorelli?---Yes.

34  
35 I'm delighted to provide a quick update for you  
36 regarding the cooperation arrangement between the  
37 state of Western Australia and Das Landa Steiermark.

38  
39 What is Das Landa Steiermark?---Oh, Styria.

40  
41 I spoke at length on Friday with the Austrian  
42 Ambassador to Australia, His Excellency Wolfgang  
43 Strohmeier. I've developed an excellent relationship  
44 with Wolfgang. He informs me that his good friend,  
45 Governor Christopher Drexler, whom I have not yet  
46 met, and that his predecessor will meet the Governor  
47 Drexler when I'm in Graz in May, is deeply  
48 enthusiastic about the arrangement, and also  
49 personally very fond of Western Australia (and  
50 Australia).

1 You then say:

2

3 In order to best accommodate the Styrian Parliament  
4 summer recess period, Governor Drexler has inquired  
5 as to whether the signing ceremony could be done in  
6 either July or, subject of course to your view, I  
7 think this is much preferred to the previous  
8 suggested time. It gives us a considerably better  
9 window of eight weeks for the Premier's diary, and  
10 more lead time to organise the event. Once I've  
11 heard from your office, my team will contact the  
12 Governor's office, and I will ask for a series of  
13 dates that the Governor could undertake his official  
14 visit, which I will provide to you.

15

16 Where you say there, 'I think this is much preferred to the  
17 previous suggested time,' do you know what that is a  
18 reference to?---I recollect when we were - yes, I recollect  
19 that the original suggested time is, I think, around March  
20 or April or something like that.

21

22 And do you recall where you would have suggested that time  
23 for the signature ceremony for the MoU?---Oh, it was - I  
24 think it was a timeframe that was suggested to me, it was  
25 suggested to me, as I recollect - - -  
26 By who? Mr Pastorelli, are you talking about?---Oh, no,  
27 this was - that timeframe, as I recollect it, was suggested  
28 by His Excellency Wolfgang Strohmeier, and also Minister  
29 Werner Amon in Styria.

30

31 But it appears that you have communicated, the Styrian's  
32 originally desired timeframe to someone in Western  
33 Australia?---I'm sorry, counsel. Yes, of course I had  
34 conveyed that to Mr Pastorelli that early in time.

35

36 When?---When, I don't have a recollection.

37

38 By email, or meeting, or telephone, or - - -?---Um, it  
39 would have either been one of the meetings or an email.

40

41 If we could just scroll back up, Madam Associate?  
42 Ms Robinson then responds on 31 January 2023, so this is  
43 after the text which is sent by email 29 January:

44

45 Thank you very much for your email below. Daniel  
46 asked me to pass on that the July-August time is  
47 fine, we just need to find the right dates. We're  
48 checking these at the moment, and we'll come back to  
49 you with a suitable date as soon as we can.

50

51 And then you respond to Ms Robinson on an even date,

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66

Epiq

(Public Hearing)

1 31 January 2023:

2

3 I really appreciate this update, thank you so much.

4

5 So, is it a fair summary to say that in late January, you  
6 are engaged in communications with the Premier's chief of  
7 staff to have a date set aside for the Premier to sign a  
8 subnational agreement between Western Australia and the  
9 Austrian state of Styria that you have negotiated, which  
10 would include a full visit of Styrian dignitaries to  
11 Western Australia for that purpose?---That is exactly  
12 correct.

13

14 At this point in time, did Daniel Pastorelli ever  
15 communicate to you in any way that your position as  
16 president of the IOI was untenable?---Absolutely not.

17

18 Madam Associate, the next document is 161 of the bundle  
19 0664^.

20

21 **THE COMMISSIONER:** After this one, we'll take the break.

22

23 **PORTER, MR:** Thank you, Commissioner. And this is an  
24 email from you, Mr Field, to Filipa Robinson on Thursday,  
25 16 February 2023. You say:

26 Dear Pip, I hope this email finds both of you and  
27 Daniel very well. When you're able, I'd be grateful  
28 if you could bring the attached to Daniel's  
29 attention. As always, I sincerely appreciate your  
30 assistance.

31

32 If we scroll down, the attached appears to be a letter.  
33 And that letter has this dual letterhead of Office of the  
34 President - sorry, has the letterhead, 'Office of the  
35 President, International Ombudsman Institute', so there's  
36 no mention of WA Ombudsman's position in this letter?---No.

37

38 It reads for itself, but some critical passages:

39

40 I hope you're well. I have had further  
41 correspondence with the Austrian Ambassador to  
42 Australia and the Styrian Minister for International  
43 Affairs in relation to the state cooperation  
44 arrangement, which is defined as 'the arrangement'.

45

46 Further down that paragraph:

47

48 I will meet the governor in Graz in May, and I will  
49 indicate my complete understanding of this decision  
50 (the Governor remains deeply committed to the long-  
51 term relationship between us). The result is that

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1 the Governor has asked the Styrian Minister for  
2 International Relations, Werner Amon, to travel to  
3 Perth to sign the arrangement. The Minister has  
4 provided me the following date range that he and his  
5 accompanying officers could come to Perth, namely 10-  
6 30 July -

7  
8 which must be 2023, is that right?---Ah, yes.

9  
10 It says:

11  
12 In terms of whether the Premier should continue to be  
13 our signatory, I would suggest that this is still the  
14 preferred outcome regarding this decision.

15  
16 Then you talk about the power of the Austrian provinces.  
17 Then the second to last paragraph:

18  
19 Nevertheless, this decision is of course a matter for  
20 you and the Premier. As you would expect of me, I  
21 have made absolutely no commitment as to the personal  
22 availability of the Premier. More generally, I  
23 appreciate your support and the support of the  
24 Premier for my term as president (and, of course, as  
25 Ombudsman). Particularly in trying to find  
26 additional value for our state arising from my role  
27 as president.

28  
29 And that email with the letter attached was sent?---Yes, it  
30 was.

31  
32 And do you recall what if any response was received to  
33 that?---I do think we received an email response from that.  
34 I don't have a photo recollection of the exact wording.

35  
36 That might be an appropriate moment, Commissioner.

37  
38 **THE COMMISSIONER:** Thank you. We'll adjourn until 2 pm.

39  
40 (THE WITNESS WITHDREW)

41  
42 (LUNCHEON ADJOURNMENT)

43  
44 **CHRISTOPHER JAMES FIELD RECALLED AT 02.21 PM:**

45  
46 **THE COMMISSIONER:** Please be seated. I apologise to  
47 everybody for the delay caused by technical issues. Will  
48 it cause anybody any difficulty if we sit until 4.30, try  
49 make up some time? We will have a break at about quarter  
50 past three for five minutes.

51

1 **PORTER, MR:** Thank you, Commissioner.

2

3 Mr Field, before the break - Commissioner, I might just  
4 note I think that we have emailed another aide-memoire. It  
5 pertains to the agenda document. And in questioning, I've  
6 moved through them in three batches. Pre-election as  
7 president of the IOI, then president elect, and then as  
8 president.

9

10 I'm not going to go through thankfully those again, but  
11 this is 0746 on your numbers now. But it's simply a  
12 summary of all those three batches by date, the person with  
13 whom the meeting is indicated to be and the topics of  
14 relevance under discussion in the final column.

15

16 **THE COMMISSIONER:** That will be helpful. So it's  
17 effectively a table or summary?

18

19 **PORTER, MR:** The chronology, yes.

20

21 So, Mr Field, before the lunch break, I had taken you to  
22 that email from yourself to Philippa Robinson dated  
23 16 February 2023 which enclosed a letter upon IOI  
24 letterhead which was to be provided to and was marked "Dear  
25 Daniel" as in Daniel Pastorelli. I asked you whether or  
26 not you received any response. I think your answer is you  
27 do receive - you recall receiving some form of response  
28 like an email. I'm going to direct you now to page 163 on  
29 the first bundle of documents, 0664.

30

31 0664^

32

33 Now, this is an email from you to Philippa Robinson on  
34 3 May 2023, so just over two weeks after the previous  
35 emailed letter, 16 February 2023. And it says at the  
36 outset:

37

38 Thank you so much for letting Vicky know about the  
39 change of time for my meeting with Daniel this  
40 morning.

41

42 This is 3 May 2023. Do you recall what that change of  
43 meeting time was about?---Uh, excuse me, counsel and  
44 Commissioner. I, uh, think that was my regular meeting  
45 with, uh, Mr Pastorelli that had been, um, moved.

46

47 And you then say:

48

49 Of course, this is never an issue. However, I do  
50 have one matter that has become more pressing. I'm  
51 travelling this Friday to Vienna to chair the annual

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(Public Hearing)

1 world board meeting of the International Ombudsman  
2 Institute and will also be travelling to Graz on  
3 Thursday 11/5 to meet with the Governor of Styria and  
4 the Minister of International Affairs who is coming  
5 to Perth to sign the cooperation arrangement between  
6 Western Australia and Styria.

7  
8 I would very much like to share a date for the  
9 Premier's availability with my Graz friends and  
10 colleagues (I am certain to be asked the dates). I  
11 was looking to confirm either Friday 14, Saturday  
12 15 July, Sunday 16 July, Monday 17 July).

13  
14 Said you'd be grateful if this could be brought to Daniel's  
15 attention. And you sent that email?---Yes. I wrote it and  
16 sent it.

17  
18 And then if I can take you through, Madam Associate, to  
19 page 164 of the bundle. The response is the bottom of that  
20 page which is from Philippa Robinson to you by email dated  
21 3 May 2023:

22  
23 Good afternoon Chris,

24  
25 I can now confirm the Premier would be available on  
26 Monday, 17 July 2023. Time to be confirmed. We will  
27 note in his calendar and look forward to receiving  
28 further details from you closer to the time. I hope  
29 you have a successful trip.

30  
31 And you respond on the same date:

32  
33 Dear Pip,

34  
35 I'm deeply grateful for this confirmation. My  
36 sincere thanks to you and also of course to Daniel.  
37 I'll be delighted to share this information with  
38 Governor Drexler and Minister Amon next week.

39  
40 Did you share that information with Governor Drexler and  
41 Minister Amon?---Yes, I did.

42  
43 And what did you say to them?---I indicated, uh, what, uh -  
44 or how exciting it was that that which we'd worked on for  
45 some considerable period of time was not being  
46 crystallised, um, that there was a date, that the Premier  
47 of Western Australia was available, that he would be the  
48 signatory and that it was intended that signing ceremony by  
49 in Parliament House.

50

1 And so who was coming or planned - who was it planned would  
2 attend Perth for this signing ceremony?---It was intended  
3 that it be Minister Amon who was the minister for  
4 international affairs in the government of Styria, his  
5 chief of cabinet, at least one or two other staff from his  
6 office, ah, uh, heads of chamber of commerce, one or two  
7 vice-chancellors of Styrian universities, members of the  
8 press who would travel with that travelling party, ah, and  
9 potentially one or two others.

10  
11 I'll take you to document 165 in that bundle 0664. Now, in  
12 the middle of the page there it's Friday, May 19th. And  
13 this is an email from Daniel Pastorelli to you,  
14 Chris Field, CC-ing in John Langoulant who was the agent  
15 general to the UK?---To, uh - to the UK and Europe.  
16 Correct.

17  
18 CCs in Rebecca Poole, Philippa Robinson and Neil Fergus at  
19 DPC. You'd mentioned that you had briefed Mr Fergus. What  
20 was his role at DPC?---Ah, Neil Fergus was the chief of  
21 staff to the Deputy Premier, and I did brief him and  
22 specifically about this arrangement.

23  
24 And I'm coming to the email it's in response to, but it  
25 says:

26  
27 Dear Chris,

28  
29 Thank you for your email and the update. The time  
30 remains held in both the Premier and Deputy Premier's  
31 diary pending any changes due to travel or other  
32 necessary commitments. As things progress and the  
33 visit gets closer, I suggest you continue to work  
34 with JTISI on the finer details of the proposed visit.  
35 I have cc'd Neil Fergus into the email for that  
36 reason.

37  
38 So, now the Deputy Premier has come into the signing as  
39 well?---Um, the discussions that - I can explain that  
40 exactly, counsel. It was the Premier who was intended to  
41 be the signatory on behalf of the state, but on the basis  
42 that there potentially could be a reason why the Premier  
43 wasn't available - some urgent travel or another matter,  
44 COAG or something, some reason why he might not be able to  
45 - they also placed it in the Deputy Premier's diary as a  
46 backup, so if the Premier wasn't available, the Deputy  
47 Premier could enter into the arrangement.

48  
49 Madam Associate, if I could have you scroll down on that  
50 page there? Just stop there. And so the email that I've  
51 just read from is in response to this email that you sent

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1 to Daniel Pastorelli, and this is sent on 17 May 2023 in  
2 the evening. And again, it is cc'd into John Langoulant,  
3 Rebecca Poole, Filipa Robinson, head of WA/Styria, and just  
4 further down, Madam Associate:

5  
6 As I write to you from a plane high over the Indian  
7 Ocean.

8  
9 And it goes on:

10  
11 I've just spent a week in Vienna chairing the annual  
12 world board meeting of the International Ombudsman  
13 Institute.

14  
15 The next paragraph:

16  
17 I'd like to let you [so this is you, Daniel  
18 Pastorelli] know that at the invitation of His  
19 Excellency Governor Christopher Drexler and Minister  
20 of the International Affairs, Werner Amon, and a good  
21 friend (I spent the weekend in the state of Styria as  
22 a guest of the state). It's very clear to me that  
23 Styria is very committed to the formal relationship  
24 with Western Australia. They have a large and  
25 sophisticated industry and semiconductors, new energy  
26 sources, pharmaceuticals et cetera). Minister Amon  
27 will be bringing a delegation to Perth in July, it  
28 includes four members of his Cabinet, heads of  
29 industry chambers, vice chancellors and two  
30 journalists. My office now has strong experience in  
31 delegation management, and I being received overseas,  
32 but of course we will liaise thoroughly with the  
33 Premier's Office about all matters.

34  
35 So, this is the same weekend that you've spoken about  
36 before the break in Styria?---Yes, correct.

37  
38 So, you're very confident at this point that this is all  
39 happening?---Oh, not just confident, certain.

40  
41 And then if we can scroll to the very top, so the other  
42 way, apologies, Madam Associate. And the final part in  
43 this chain of emails is from you, Chris Field, to Daniel  
44 Pastorelli, Sunday, 21 May 2023:

45  
46 Dear Daniel, thank you very much for your email. I'm  
47 pleased that we have a meeting with JTISI on Tuesday  
48 to commence detailed planning, and I personally will  
49 continue to keep Neil and Rebecca briefed. My  
50 sincere thanks again for your support with this  
51 initiative, best regards, Chris.

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(Public Hearing)



1  
2 So, that meeting with JTSI on Tuesday, did that occur?  
3 ---Ah, to the best of my recollection it occurred with my  
4 staff, correct.  
5  
6 And the point of that meeting was discussing what?---Oh,  
7 that was at the detailed stage of, ah, literally the  
8 practicalities, like meetings, allocation at the airport,  
9 where would dinners be held, um, there was coordination  
10 required with both the Chamber of Commerce of Industry and  
11 the Chamber of Commerce of (indistinct) and Energy, because  
12 they were also providing, ah, the vice chancellor of the  
13 University of Western Australia and others. So, it was  
14 around coordinating, ah, a range of meetings, Minister  
15 Temple to give them a tour of the museum, there was a whole  
16 raft of things that needed to be organised. So, we were  
17 down to the itinerary stage and making sure that those  
18 matters were lined up correctly.  
19  
20 So, this wasn't a sort of (indistinct) event, this was  
21 actually happening, everyone had every expectation that it  
22 was happening?---Absolutely expectation that it was  
23 happening, um, and we had got down to the, ah, level of  
24 detail of, ah, ah, who was coming, ah, that it would  
25 commence with a - a visit down south to energy  
26 infrastructure, because energy was a significant part of  
27 this MoU, ah, to the signing in Parliament. A luncheon  
28 hosted very generously by the Chamber of Commerce and  
29 Industry, then a range of other meetings and events, a tour  
30 of the museum, because cultural exchange. Exchange of  
31 Aboriginal art to Styria was another part of the agreement.  
32 So, all of these matters were very well advanced.  
33  
34 But it was to be 17 July 2023?---Yes, the date that was  
35 aligned with the Premier's availability and that had been  
36 given to me.  
37  
38 And it didn't go ahead on that date?---No, it did not.  
39  
40 And why was that?---Ah, there was a change of Premier, um,  
41 and, ah, then, ah, so that was for the particular date.  
42 And, ah, so that was the specific reason why that date  
43 didn't go ahead.  
44  
45 If I could just take you to, Madam Associate, 167, that's  
46 the page number again in 0664^. The next piece of  
47 correspondence in it is 9 June 2023, from you, Chris Field,  
48 to Filipa Robinson again. And it's a quick note from  
49 Ljubljana, where's that?---It's the capital of Slovenia.  
50

1 the Premier's Office. In fact, I would not even  
2 think of asking you at a time it is exceptionally  
3 busy.  
4

5 But in reference to that, there's a new Premier, is there?  
6 ---That's exactly correct.  
7

8 One of my wonderful new staff members, Nat Fisher,  
9 was just checking for me with DPC protocol. A good  
10 month to move the MoU signing before I went back to  
11 Styria to know that there is a complete commitment to  
12 the MoU signing, but given recent events, we will  
13 move it to later in 2023. We will talk to Melanie  
14 from DPC protocol on Monday to discuss a month for  
15 the signing.  
16

17 What is DPC protocol?---Ah, that section of DPC that does  
18 things like, ah, organise transfers from airports, hotel  
19 arrangements, restaurants, dinners, for visiting  
20 dignitaries.  
21

22 So at this point, 9 June 2023, notwithstanding the change  
23 of Premier that occurred some time in May 2023, is that  
24 correct?---Correct.  
25

26 The expectation, certainly on your part, is that the  
27 agreement is simply rescheduled for its signing and  
28 conclusion?---Not just the expectation, counsel, but the  
29 indication to me that that was exactly the case.  
30

31 Well, who was indicating that to you?---Um, ah, Daniel  
32 Pastorelli's office.  
33

34 And how was that indication provided?---Ah, it was  
35 indicated through these email exchanges, but also, um,  
36 through engagement with Rebecca Brown, because I did speak  
37 to Rebecca Brown at around this time. Um, about the  
38 continuity and continuation of the MoU. Ah, and the view  
39 was that it was going ahead, um, and that we would simply  
40 now need to make a new time that would fit with the Deputy  
41 Premier's - now Premier's - calendar. And there was a  
42 further, ah, discussion that that should be a more easy  
43 task, because the Deputy Premier and his chief of staff,  
44 and the head of his department, had been briefed about  
45 these matters and been in the loop of those matters, as you  
46 saw, Commissioner, from earlier emails.  
47

48 This is the last piece of correspondence that you've  
49 provided to me as your counsel, and has been put before the  
50 Commission on the Styrian agreement with Filipa Robinson,  
51 or anyone in the Premier's office. Do you recall whether

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1 there was any further email or written correspondence about  
2 the Styrian agreement after this date, 9 June 2023?---I  
3 don't have a recollection. What I do know is that we were  
4 continuing - my best recollection is that at an office  
5 level, we were continuing to examine dates, ah, ah, such  
6 that the MoU could be signed, but I was obviously very  
7 mindful that the change of Premier was a significant event,  
8 and I wanted to ensure that the Premier's office, and  
9 including the Premier's chief of staff, had time to attend  
10 to the most urgent matters that would normally be attended  
11 to at a time like that.

12  
13 Now, at any time leading up to this point of 9 June 2023,  
14 did anyone make any negative comment about your concurrent  
15 holding of the roles of president IOI and WA Ombudsman as  
16 you were dealing with them around the negotiation of the  
17 Styrian agreement?---Counsel, not just did they not, but  
18 there was an ongoing significant level of enthusiasm and a  
19 suggestion of the complementarity of the roles.

20  
21 And I'm going to put to you a proposition. Could you have  
22 gotten to the - the open door of a subnational MoU without  
23 the travel that you engaged in?---Oh, absolutely not.

24  
25 And of the trips that you had undertaken over this period  
26 in '21, '22, '22, '23, how many of them related to the  
27 negotiation and furtherance of this Styrian MoU?---Um,  
28 multiple trips. Um, certainly the trips to Vienna in '22  
29 and '23, ah, and to, ah, Graz and other parts of Styria  
30 were all directly relevant to this.

31  
32 Now, obviously, there's a - an article in negative terms  
33 that comes out on 7 October 2023 about the travel  
34 generally, and at some point close in time after that -  
35 that date, 7 October 2023, you receive instructions, and  
36 it's in the subject of evidence to cease and desist with  
37 respect to the conclusion of the contract or the payment of  
38 the funds for the contract with the OECD. That's correct?  
39 ---Correct.

40  
41 After that date of the article, 7 October 2023, did anyone  
42 senior in the Premier's office or the Department of Premier  
43 and Cabinet ever contact you again about the Styrian  
44 agreement?---No. No, they did not.

45  
46 And between this last email correspondence, 9 June 2023 and  
47 that article on 7 October 2023, were you still trying to  
48 conclude that agreement by way of having it signed in  
49 Western Australia?---Yes, I was, and it was a - it - it -  
50 it was a cause of substantial embarrassment that it wasn't  
51 continuing.

1  
2 For whom?---Ah, I - I felt it was a cause of substantial  
3 embarrassment for the state of Western Australia.  
4  
5 What, if anything, did you say to the senior officials on  
6 the Styrian side of this agreement as to what had happened  
7 to them?---I said there'd been a change of Premier, and  
8 that had put an inevitable delay, and then subsequently  
9 there was - I - my recollection - I would actually have a  
10 WhatsApp message, and of course I would provide it to you,  
11 Commissioner, but, um, I think it was along the lines, ah,  
12 of there being a newspaper article, and I didn't think that  
13 the MoU, ah, would necessarily find, ah, favour, ah, with  
14 the - with the, ah - with the Deputy Premier, now Premier,  
15 going forward.  
16  
17 But that was an assumption that you had made. No one had  
18 specifically communicated - - -?---I made - - -  
19  
20 - - - that to you?--- - - - assumption, but that assumption  
21 had not been communicated to me whatsoever. And, in fact,  
22 I will say this, I still even at that stage had hope it  
23 might come to fruition.  
24  
25 I think we went earlier to the topic of your conversation  
26 with Mr Pastorelli after that article appeared, and that  
27 you had followed up with an email with respect to  
28 information about the Styria agreement and the OECD  
29 arrangement. Did you ever receive any follow up about the  
30 Styrian agreement from Mr Pastorelli after that date?---Ah,  
31 no. He made an inquiry of, ah, any other matters that were  
32 related to the IOI, ones that had been in evidence and -  
33 and - and, Commissioner, you're aware of that one email,  
34 ah, after the date of the West Australian article, but none  
35 whatsoever otherwise.  
36  
37 Madam Associate, if I can just finalise this series of  
38 questions by taking Mr Field to page 168?  
39  
40 It's a letter, Mr Field, from the Australian Embassy in  
41 Austria, if we go down to the signature panel, signed by  
42 Richard Sadleir, and dated 30 January 2023. Who - Richard  
43 Sadleir, he was the Australian Ambassador to Austria?  
44 ---Austria. Correct. He was.  
45  
46 And - so he is the person that you've described as  
47 meeting?---Ah, we had both spoken and he also, ah, very  
48 kindly hosted a lunch in my honour on my visit to Austria.  
49  
50 And I think your evidence was that it was this ambassador,  
51 Mr Sadleir, who had first phoned you about the prospect or  
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1 possibility of you being engaged in the process of  
2 concluding a - - -?---Yes.

3  
4 - - - subnational MoU?---To the very best of my  
5 recollection, and on - on this occasion, strong  
6 recollection, ah, Commissioner, that I think it was  
7 Ambassador Sadleir was the first person who raised this  
8 matter with me.

9  
10 Okay. And it starts with:

11  
12 Thank you for your warm letter of 25 January 2023.

13  
14 Now, I - I don't think that that's something that you've  
15 been able to locate?---Ah, no, um - - -

16  
17 That is your letter to Mr Sadleir?---That's right.

18  
19 Do you remember what was in that letter or if there was  
20 such a letter?---Ah - ah, there was such a letter and, ah,  
21 I more than likely was writing to him, um - ah - ah, as a -  
22 as a courtesy in engagement, as I did with all of our, ah,  
23 ambassadorial core for all countries that I visited or had  
24 some relationship.

25  
26 Then the third paragraph, he says:

27  
28 The proposed visit to Perth by Styrian Governor  
29 Drexler and International Affairs Minister Amon to  
30 sign the joint declaration is a testament to the hard  
31 work of you and your colleagues in forging strong  
32 relationships and building institutional connections  
33 these past few years. Particularly in the face of a  
34 global pandemic, it is a remarkable outcome, and my  
35 sincere congratulations to everyone who has played a  
36 role in bringing this about -

37  
38 - and then he then goes on to apologise that he will be  
39 unable to travel to Perth for the signing because he is  
40 close to the expiry of his role in Austria?---That is  
41 correct.

42  
43 And then he then says that he's looking forward to your  
44 visit to Austria in May. So, Mr Field, I just want to put  
45 to you the proposition that for someone outside the high  
46 bureaucracy in Western Australian, the idea, the concept,  
47 that you in a role totally unrelated as WA ombudsman to any  
48 form of international engagement, even wearing your  
49 president of the IOI hat, if I can put it that way, that  
50 your role in negotiating through to the very last stage a  
51 full subnational MoU is extraordinary or perhaps

1   astonishing to an outside observer?---Oh, I - I don't think  
2   there's any other way to describe it than to agree with  
3   you.

4  
5   Did no one else in government that you were dealing with at  
6   senior levels, with respect to your role in taking this  
7   agreement to the - to the very end of the process, ever  
8   express to you that it was extraordinary or something that  
9   shouldn't be done?---Ah, counsel, not only did no one at  
10   any stage say such a thing to me, but I was at every point  
11   strongly encouraged to continue. Indeed I queried whether  
12   I should do so, and I was strongly encouraged to continue  
13   to do so.

14  
15   Can I just ask you a - a very straightforward question? In  
16   your mind, what did that tell you or what did it - what did  
17   it set in your mind in respect of your dealings with the  
18   OECD agreement? I know that the Styrian MoU and the OECD  
19   are completely different things, but at the time that you  
20   are at the near completion of the Styrian agreement, in  
21   your mind, how did peoples' response to that play out in  
22   terms of your approach to the OECD deal?---Ah, that it too  
23   was, ah - ah - ah, completely and totally supported by  
24   every relevant senior member of government, and I did not  
25   see them in my own mind as completely different things, nor  
26   did I ever explain them to anyone as completely different.  
27   I explained them as potential benefits - positives that  
28   arose - - -

29  
30   I think you're - - -?--- - - - around my role.

31  
32   You're missing the point of my question?---Oh, sorry.

33  
34   It's about your state of mind, Mr Field?---Yes.

35  
36   I think at one point in time in evidence-in-chief, you used  
37   the word "imprimatur", which I understand to mean licence  
38   or - - -?---Yes.

39  
40   - - - authority. You are out there taking on the role of a  
41   roving, good will ambassador, as holding the official  
42   position of WA Ombudsman but not exercising any delegated  
43   function in that position overseas and also holding the  
44   role of president of the IOI. You are roving at large and  
45   doing things that it seems are very unorthodox?---Yes.

46  
47   And that unorthodox nature of these things appears to be  
48   thoroughly - - -

49  
50   **THE COMMISSIONER:**   There should be a question somewhere in  
51   this, Mr Porter.

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1  
2 **PORTER, MR:** There is.

3  
4 Did this create a state of mind for you about other things  
5 that you might do or were seeking to do?---I can be  
6 unambiguous in answer to say yes, it did. Um, in good  
7 faith at all times in my mind, I believed I had not just  
8 the imprimatur to pursue the Styria matter but also the  
9 OECD matter, and both of them were constantly parts of  
10 those discussions, Styria only more so because there were  
11 so many more chess pieces to move on the board. But it  
12 absolutely gave me in my mind a sense of clear imprimatur  
13 to pursue those matters.

14  
15 If I put to you now with hindsight that it may appear  
16 something of a mistake to have confused the clear licence  
17 that you had with Styria as extending to the OECD, what  
18 would you say in response to that proposition?---Well, I  
19 wouldn't - I wouldn't agree with that proposition. Um,  
20 uh - - -

21  
22 Well, if you don't think that's a mistake, then that's your  
23 answer?---Yeah. No, I don't think - I - I - I don't  
24 believe it was a mistake. I believe I had a very clear  
25 imprimatur to pursue both of those matters.

26  
27 Why were you dealing so closely with JTISI in the Premier's  
28 office in respect of the Styria agreement but - if I put  
29 this to you - less closely in a comparative sense with  
30 respect to the OECD contract?---Oh, that's very simple.  
31 Because the OECD was ultimately only, uh, free  
32 stakeholders. Uh, principally the Ombudsman of the Western  
33 Australia, second to the OECD and thirdly the IOI. The  
34 stakeholders involved with the Styria agreement were  
35 numerous and included those, um, which would have to be  
36 co-organised with JTISI and the Premier's office. Um, and  
37 the Premier wasn't involved personally in the OECD project  
38 but of course he was in - in Styria, ah, organising a raft  
39 of meetings for, uh - and protocol matters, um, for the  
40 visiting delegation. Of course, I had to discuss that with  
41 DFAT - sorry - DPC protocol and those matters. So it was  
42 simply so many more stakeholders, ah, and matters to attend  
43 to for Styria than there was for OECD. The OECD was much,  
44 much simpler and therefore did not require all of those  
45 further engagements.

46  
47 I'm just going to move on now to the issue of your leave  
48 authorisation, and I want to try and provide some summary  
49 propositions to you. But you had - you have been the  
50 WA Ombudsman for a period of 17 years?---Correct.

1 And so that has involved four notice of acting documents?  
2 ---Correct.  
3  
4 2007 was the first?---Yes.  
5  
6 And then 2012 was the second?---Yes.  
7  
8 And then 2017?---Yes.  
9  
10 And the most recent was 2022?---Correct.  
11  
12 Now, it's been pointed out at length - and I don't intend  
13 to traverse this territory in detail again - but the final  
14 two notice of acting documents had a provision in it which  
15 spoke to going to the Premier for approval of leave?---That  
16 is correct.  
17  
18 However that is interpreted, that is the general context?  
19 ---That is correct.  
20  
21 And you accept that it was a mistake to not have considered  
22 those two provisions in those two final notice of actings  
23 more thoroughly - in fact, I think your evidence is that  
24 you didn't know that they were - had been inserted into  
25 your notices of acting, and you should have?---  
26 Commissioner, I unambiguously accept it was a mistake and I  
27 should have looked at them.  
28  
29 And just - I just want to place in this public hearing some  
30 context around that error for the second two notices of  
31 acting. In an earlier private hearing you gave evidence  
32 about when you had first commenced in the role of  
33 WA Ombudsman that because it was the case that you were  
34 responsible to parliament and didn't have a responsible  
35 minister that you had gone to the then speaker of the  
36 legislative assembly because you had understood that that  
37 was the person who would approve your travel?---That is  
38 correct.  
39  
40 And that was Mr Riebeling at the time?---That is correct.  
41  
42 And just - can you recount again in this public hearing  
43 what you recall occurred when you went to Mr Riebeling  
44 about his role or potential role in approving your travel?  
45 ---Yeah, I can. Um, the honourable speaker was utterly  
46 delightful to me but he did indicate that it had been, ah,  
47 a practice, um, that he had been asked to approve the  
48 travel of, uh, my predecessor, and he asked me whether I  
49 would - could discontinue that process because he did not  
50 wish to be signing, um, those approvals.  
51



1 And that - what year is that?---When I commenced, 2007.

2

3 And if I, Madam Associate, could have up on the screen page  
4 169 of the bundle 0664? So this is the first notice of  
5 acting document - if we scroll down a bit,  
6 27 February 2007?---Yes, counsel.

7

8 **THE COMMISSIONER:** A bit confusing when you use the word  
9 "acting" because there is in fact provision for an acting  
10 parliamentary - - -

11

12 **PORTER, MR:** Appointment I should be saying.

13

14 **THE COMMISSIONER:** Yes. Appointment, I think.

15

16 **PORTER, MR:** Apologies, Commissioner. Notice of  
17 appointment documents.

18

19 So this first notice of appointment, 27 February 2007. For  
20 swiftness, I'll just scroll through it. But there is  
21 nothing in this - I don't think it's a matter of dispute -  
22 that resembles the two Premier's approval provisions that  
23 are in the last two notices of appointment?---Yeah. There  
24 is nothing - excuse me, counsel. There is nothing in this  
25 term - there is nothing in these terms of appointments that  
26 requires an approval from the Premier.

27

28 And how - for what term length did this notice of  
29 appointment appoint you for?---For five years, counsel.

30

31 Five years. So at this point, there is still a Premier's  
32 circular about travel in existence?---Yes.

33

34 You have been appointed under this notice of appointment.  
35 It does not stipulate any person such as the Premier or  
36 otherwise that you need to have travel approved from?---No.

37

38 You understood that there had been a convention of having  
39 the speaker approve the travel of the Ombudsman?---Correct.

40

41 That did not eventuate for the reasons that you've  
42 described?---Correct.

43

44 And so the first term of your appointment under this NOA,  
45 you were self-approving travel?---And, counsel, that was  
46 also in the context of the fact that I was well aware, um,  
47 that for a number of independent officers at least at that  
48 time, they were also self-approving travel.

49

1 And then the next notice of appointment in 2012 - which I  
2 think, Madam Associate, is on your document referencing  
3 system 0468.  
4  
5 0468^  
6  
7 Does that document look familiar to you? 12 March 2012?  
8 ---Yes, it does.  
9  
10 From the Public Sector Commission. And if we scroll  
11 through, Madam Associate, a very similar front page to the  
12 notice of appointment as in 2007. If we scroll through,  
13 signed by the then Premier Barnett on 7 March 2012?---Yes,  
14 correct.  
15  
16 And was scheduled to the terms and conditions?---Yes.  
17  
18 If we just scroll through, Madam Associate. Now, again by  
19 way of a summary proposition to you, this second notice of  
20 appointment equally did not have a Premier's approval  
21 provision as was the case in the final two notices?---That  
22 is correct. There was no requirement to seek, ah, approval  
23 from the Premier.  
24  
25 And so during this period again in the circumstances that  
26 you've described, you were self-approving your travel  
27 pursuant to the second term of your appointment which again  
28 was five years, is that right?---Yes. In the context of  
29 this, in the context of my conversation with the Speaker,  
30 and in the context of the fact that I was aware a number of  
31 other officers were self-approving travel.  
32  
33 Well, at this point in time, so 2017, were you aware of any  
34 other officers, civil servants, self-approving travel?  
35 ---Ah, I had been informed that there were other officers.  
36 I was aware of some officers who had done so and were doing  
37 so.  
38  
39 Who was that?---Ah, I - there was three or four I remember  
40 being told at the time, who were considered independent  
41 officers, who were approving their own travel. In fact,  
42 the system - - -  
43  
44 **THE COMMISSIONER:** Well, the question was who?---Well,  
45 Commissioner, I have to say, the exact names now escape me  
46 of who they were, it does go back some time.  
47  
48 All right, well that's answered counsel's question?---Thank  
49 you. Thank you, Commissioner.  
50

1 **PORTER, MR:** Now, Madam Associate, if I could bring up  
2 page 172 of bundle 0664^. You then come up for  
3 reappointment again in 2017. That's correct?---Yes,  
4 correct.

5  
6 And prior to that, you're sent an email by Imogen Blair?  
7 ---Yes.

8  
9 From Imogen Blair to Chris Field, confidential, and that's  
10 dated Tuesday, 13 December 2016?---Correct.

11  
12 In preparation for progressing your reappointment  
13 through executive council for appointment by the  
14 Governor on a date to still be determined, the  
15 following schedule has been drafted to accompany it.

16  
17 And there's a schedule attached that I'll go to in a  
18 moment. So, this is leading up to your potential third  
19 term. Very briefly, were you sure you were going to get  
20 the job at this time, was there an interview process, had  
21 you been spoken to by a Minister to say that you're being  
22 reappointed and - - -?---Ah, there was no interview  
23 process. I would have spoken to, ah, at that time it  
24 either would have been Mal - sorry, um, Mr Wauchope or  
25 Ms O'Neill. I'd have to refresh my memory as to which one.  
26 Um, indicating that the government was proposing to  
27 reappoint me.

28  
29 And so you receive an email about some of the mechanics of  
30 that reappointment from Imogen Blair. Who was that  
31 person?---Ah, a person who worked in the Public Sector  
32 Commission, who assisted with, ah, the recruitment of, ah,  
33 as it says, EXCOs, but also did things like worked on and  
34 assisted with reappointments.

35  
36 And do you remember receiving this email?---Yes.

37  
38 And there's an attachment, Madam Associate, if we run down,  
39 which is what's described in the email:

40  
41 The following schedule has been drafted to accompany  
42 it.

43  
44 I'm reading from the face email, but I'll leave this on the  
45 screen. The face email says:

46  
47 Your previous appointment and specific allowances as  
48 part of that have been considered in the drafting of  
49 it. Any addition, more contemporary wording in  
50 relation to leave entitlements has been included. I  
51 provide this to you confidentially to ensure you are

1 satisfied with it. Please note that it should not be  
2 considered any commitment to the appointment.

3

4 So, you were being asked to look over, in effect, the  
5 document that would become your notice of appointment for  
6 your third term of appointment?---That is correct.

7

8 And did you look over this document?---I did.

9 And I think it's not a matter that would be in dispute, but  
10 there is, in this document, no provision for Premier's  
11 approval of your leave, similar to - - -?---No, there was  
12 none.

13

14 - - - what manifests in the third and fourth notices of  
15 appointment?---That's right.

16

17 Which we'll come to in a moment. There are some not  
18 insignificant changes between this document and what had  
19 gone before?---Correct.

20

21 Can you recall reading over this document?---I do.

22

23 And you are then ultimately appointed in a notice of  
24 appointment in 2017, is that right?---That's correct,  
25 sorry, yes.

26

27 Did you ever respond to this email?---I recollect I sent  
28 back a response saying I was comfortable, or happy, or  
29 approved of those things, is my recollection.

30

31 And prior to your actual third notice of appointment being  
32 finalised and signed through XCO, it would have been?---  
33 Yes.

34

35 Did you ever receive any further correspondence about the  
36 terms that would be in that third notice of appointment?  
37 ---Ah, I have no recollection of ever having received such  
38 a document, and I have scoured through every email within  
39 my system, and otherwise in my office, and I can't find  
40 evidence that I did.

41

42 Now, Madam Associate, if I can now go to page 175 of the  
43 bundle 0664^. So, this is 19 January 2017?---Correct.

44

45 (indistinct) Mr Field?---Yes.

46

47 Signed by Mr Wauchope, who was the Public Sector  
48 Commissioner at the time?---Yes, correct.

49

50 Noting that you'd been reappointed as Parliamentary  
51 Commissioner for Investigations for a period of five years.

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1 And then this document, as we scroll down, Madam Associate,  
2 is then signed by the Premier, and the date of the meeting  
3 that it's signed at with the Governor, the executive  
4 council, is 17 January 2017. And then over on page 178,  
5 these are the provisions of the notice of appointment  
6 dealing with leave of absence?---Yes.

7  
8 And this is where - it's not a matter that is in dispute,  
9 but at clause 3 there:

10  
11 The period of leave referred to in clause 2 may be  
12 taken with the approval of the Minister.

13  
14 ?---That's right.

15  
16 And again, not in dispute, that's the first time in your  
17 notices of appointment, this being the third of four, that  
18 that appears?---That is correct.

19  
20 And you cannot recall looking at this document?---No, ah,  
21 well, I can put it even more strongly than that. I, ah,  
22 obviously incorrectly, Commissioner, but because of the  
23 fact that terms had been sent to me in the same terms of  
24 the previous appointment, I must admit I didn't then turn  
25 my mind to that particular schedule, I'd assumed it was the  
26 same. And I can certainly say if I had turned my mind to  
27 it at the time, I would have immediately asked for item 3  
28 to be removed.

29  
30 The email where the draft for this notice of appointment  
31 was sent to you, as I've read, said that:

32  
33 Please note, it should not be considered any  
34 commitment to the appointment.

35  
36 But the best of your recollection is that you didn't  
37 receive any follow up emails from Mr Wauchope's office  
38 about a change in that document that had been sent to you  
39 under the email 13 December 2016?---I have no recollection  
40 of it, and I cannot find any email that I received to that  
41 end.

42  
43 Madam Associate, if I can just take the Commissioner and  
44 Mr Field to the document, page 179. And Mr Field, this is  
45 again by nature of an aide-memoire, but it's a tracked  
46 changes version, which attempts to show that the changes  
47 that exist between the document that was sent to you as a  
48 draft and the schedule in the email 13 December 2016, and  
49 then what is actually approved by executive council on  
50 17 January 2017. And there are obviously quite a few  
51 changes, the red strikethroughs are things that have been

1 removed between the draft sent by email and what eventually  
2 is approved at EXCO?---Yes.

3

4 **THE COMMISSIONER:** Mr Porter, just so I understand, this  
5 is a document that you have prepared?

6

7 **PORTER, MR:** Yes.

8

9 **THE COMMISSIONER:** I understand, it's very helpful, but I  
10 just wanted to be clear, it's a document that you have  
11 prepared.

12

13 **PORTER, MR:** And with every effort at word processing  
14 accuracy, but it is precisely that, and meant to depict the  
15 changes between the draft that you had received, and what  
16 eventually is approved at executive council.  
17 Strikethroughs in red are things that have been removed  
18 from the draft, and underlined red and highlighted in  
19 yellow are things that are additions to what was in the  
20 draft. Now, obviously quite a few changes, Mr Field, based  
21 on this aide-memoire, if I get Madam Associate to scroll  
22 through, including quite a few removals and obviously the  
23 addition of that Premier's approval clause, if I can call  
24 it that, but you acknowledge both that you did not look at  
25 the final document for the reasons that you've put, and  
26 also - - -?---Yes.

27

28 - - - you acknowledge that was an error on your part?---Ah  
29 - ah, I would (indistinct) to say anything other than it  
30 was an error.

31

32 And then the final notice of appointment, which is  
33 Commission document 0470 - Madam Associate, I won't trouble  
34 you to bring it up, but that final notice of appointment,  
35 which occurs in 2022, again that had that Premier's  
36 approval clause in it - - -?---Correct.

37

38 - - - but again you did not direct your attention to - did  
39 not look at that document?---No, ah, counsel, as I'd  
40 indicated, um, I had, ah, looked very carefully, ah, in  
41 2007, um - ah, subsequently again in 2000 - - -

42

43 **THE COMMISSIONER:** Well, I think the answer to - - -?---  
44 Ah, well - - -

45

46 - - - the question - - -?--- - - - I've - I've given - - -

47

48 - - - you've already - - -?--- - - - given that - - -

49

50 - - - answered?--- - - - answer, Commissioner.

51

1 Was no?---Yes. Ah, the answer's no, and I've already given  
2 the context for it.

3

4 **PORTER, MR:** I just want to very briefly now move onto the  
5 budget estimates process.

6

7 **THE COMMISSIONER:** If you're going to move to a different  
8 topic, we'll take a short break.

9

10 **PORTER, MR:** Thank you, Commissioner. Thank you,  
11 Commissioner.

12

13

14 **THE COMMISSIONER:** Take a break for 10 minutes.

15

16 (Short adjournment)

17

18 **THE COMMISSIONER:** Please be seated.

19

20 **PORTER, MR:** Mr Field, just before I move on to budgetary  
21 processes, you had mentioned an interaction with the  
22 auditor general's office about your self-approval in  
23 previous evidence that you've provided. Do you recall  
24 that?---Correct. I do.

25

26 And if I just - Madam Associate, if I can just draw  
27 Mr Field's attention to page 181 of the bundle 0664.

28

29 0664^

30

31 I do want to try and deal with this quickly, but what it  
32 appears - and I put to you a summary that in September of  
33 2023, Nicola Jamieson - who's in your office, is that  
34 correct?---Was my executive assistant at that time.

35

36 She is emailing you to inform you of a query that had come  
37 in from an audit director, Carly Marr?---Yes.

38

39 Do you recall having this drawn to your attention?---Yes, I  
40 do.

41

42 And, Madam Associate, if you scroll down to the last of  
43 these emails, it indicates what the query was. So this is  
44 from Carly Marr to Leyla Nowbakht who - she had a financial  
45 role in your office?---Yes, as the CFO. Correct.

46

47 5 September 2023:

48

49 Hi Leyla,

50

51 Hope that you are well. I just wanted to clarify

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1 something with you. When the Ombudsman travels  
2 internationally, is his travel approved by the  
3 premier or by a parliamentary committee, as you don't  
4 have a minister? I just wanted to confirm.

5  
6 So this is in September of 2023 and this request for  
7 information or query that has been raised by Ms Marr is  
8 brought to your attention. And the request is from "Our  
9 audit director, Carly Marr". Does that mean Carly Marr as  
10 in your office, or she's in the auditor general's office  
11 and is attached to or - - -?---Correct. So a - - -

12  
13 - - - assigned to you?---Yes, correct. Um, as part of the  
14 annual audit, uh, auditors within the office of the auditor  
15 general are assigned to us. And Carly Marr - who I don't  
16 know - is a director of financial audits in the office of  
17 the auditor general.

18  
19 Okay. Now, Madam Associate, if I can draw Mr Field's  
20 attention at page 183 in that same bundle, 0664. So this  
21 seems to be later on that same day, Mr Field, 5 September.  
22 And there's this email in the middle of that page from  
23 Belinda West to Nicola Jamieson. And the subject is  
24 "Request for information related to travel approval". It  
25 says:

26  
27 Could you please provide this email to the Ombudsman?

28  
29 Dear Ombudsman,

30  
31 I have spoken to Carly Marr.

32  
33 So this is Belinda West. Is that the person you took to  
34 mean had spoken to Carly Marr?---Yes, correct.

35  
36 Carly indicated that she remembered a discussion in  
37 21/22 about the approval process but I just wanted to  
38 clarify. I discussed premier's circular 21 -

39  
40 Sorry, 2021 should be '22 -

41  
42 - with Carly and outlined that my understanding is  
43 that the circular was silent on any approval process  
44 for international travel by yourself. She then  
45 stated that she remembered -

46  
47 Which I take to mean and did you take to mean that is "she"  
48 as in Carly Marr remembered or - - -?---That is correct.

49  
50 - - - is said to have remembered the discussion from 21/22  
51 and confirmed that the circular was signed on this - she

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1 just - she stated that she was just checking if anything  
2 had changed since 21/22. And so that - the in queries or  
3 queries from the auditor general's office in the past - so  
4 earlier than this email chain which is September 2023 - is  
5 that a reference to this checking whether anything had  
6 changed since 21/22, i.e. had the auditor general's office  
7 or someone from the auditor general's office contacted your  
8 office in 21/22?---Yes. So in 21/22 there had been a query  
9 as to who was signing my travel approvals. There was a  
10 discussion that the premier's circular was in our view,  
11 Commissioner - I'm not saying it as objective fact but in  
12 our view was silent on that matter, uh, uh, of approval by  
13 myself and other officers of my type. Uh, and, uh, that  
14 question was again raised for the most recent financial  
15 audit 22/23. And on this occasion as indicated there, it  
16 was asked at the direct request of the auditor-general  
17 herself.

18

19 But as we've gone through, your notice of appointment in  
20 2017 contains for the first time the premier's approval  
21 clause?---Yes.

22

23 And so this query being raised to the best of your  
24 recollection in 21/22 by the - someone from the auditor  
25 general's office had missed that point but was going to the  
26 point about the premier's circular and what it might say  
27 about approval processes for you?---Yes. It was  
28 exclusively focused on the issue of the premier's circular  
29 on travel.

30

31 And did that query resolve itself in any way? What  
32 happened to that?---Oh, it was resolved by - both in 21/22  
33 and in relation to the, uh, query before you there in  
34 September '23 that the office of the auditor general agreed  
35 with my point. As I understand, the auditor general did  
36 personally because it certainly was not pursued as being a  
37 manner that wasn't compliant.

38

39 Thank you. Now, if - I'm just going to direct you to some  
40 budgetary process - - -?---Oh, and I should say, counsel,  
41 as a matter of completeness, um, in the formal, uh,  
42 financial audit for that year - which is of course  
43 published by the auditor general and in our own reporting -  
44 no matter regarding compliance with the premier's circular  
45 was raised.

46

47 Commissioner, I'm intending now to put before Mr Field some  
48 budget papers which are part of the parliamentary record.  
49 Again, it's just to demonstrate some matters of process.  
50 If there's territory, Commissioner, that (inaudible)

1 straight into. I'll desist from that. But the first of  
2 those pages is a page 185 from the bundle 0664.

3  
4 Now, you like any agency or department of government have a  
5 budget, obviously?---Correct.

6  
7 And part of parliamentary process is a budget estimates  
8 process. You're very familiar with that?---That is  
9 correct.

10  
11 And what I'm showing you there is the Parliamentary  
12 Commissioner for Administrative Investigations. So that is  
13 in effect your part of the budget papers for the last  
14 financial year?---That is correct.

15  
16 And these having headings in them. Without going through  
17 every heading, there are - there's a section on  
18 appropriations, expenses and cash assets which we see at  
19 the front there. There's a section on resource agreements,  
20 a section on asset investment programs, and critically a  
21 section on financial statements?---Correct.

22  
23 And if we can go through to page 190, Madam Associate.  
24 Now, just - that's the financial statements section. At  
25 the very bottom there you'll see:

26  
27 (a) Full audited financial statements are published  
28 in the office's annual reports.

29  
30 Now - - -?---Yes.

31  
32 - - - I just put to you that's a fairly routine statement  
33 in agency and departmental budget papers directing readers'  
34 attention to further information that they might get from  
35 annual reports?---That is correct.

36  
37 And the budget estimates process - if I can take Mr Field,  
38 Madam Associate, to page 194 of 0664. And this is the  
39 timetable for the 2023 Legislative Assembly Budget  
40 Estimates Committee. So we'll see that you're in committee  
41 A up there at division 2, Parliamentary Commissioner for  
42 Administrative Investigations?---Correct.

43  
44 And just essentially by way of confirming the process, what  
45 happens is you and one or two members of your staff will  
46 sit on the floor of parliament and you'll have what is  
47 known as committee A of the budget estimates committee  
48 which is going to be made up of the membership you - we see  
49 there?---That is correct.

50

1 Usually that's three members of the government, three  
2 members of the opposition and then a chair?---Correct.

3

4 And the purpose of that process is that you can be asked  
5 any normal questions in any way relating to your budget?  
6 ---That is exactly correct.

7

8 And - - -

9

10 **THE COMMISSIONER:** With a very expansive view as to how it  
11 relates to the budget?---That is also exactly correct.

12

13 **PORTER, MR:** If I put it to you that the questions are  
14 close to a free for all in terms of their breadth - - -?  
15 ---I would say that that's exactly correct, without being  
16 in any way disrespectful as an officer of the parliament.

17

18 And just exemplary of your unusual position, most or almost  
19 all agency and department heads as well as their staff  
20 sitting with them will have sitting next to them their  
21 minister, the minister for whom they are responsible?---All  
22 is my understanding.

23

24 And I've looked on the website myself and refreshed myself  
25 as to the process, but you will sit - sitting next to you  
26 will not be a minister but will actually be the Speaker of  
27 the Legislative Assembly?---That is correct.

28

29 So it was Ms Michelle Roberts who was sitting next to you  
30 at this particular - - -?---That is correct.

31

32 And for you, your division 2 will usually last about  
33 30 minutes or so or - - -?---Correct. That's correct.  
34 30 minutes for the speaker, 30 minutes for myself.

35

36 And generally speaking, the way in which members will  
37 inform themselves about the questions to ask - which as  
38 we've said could be very wide ranging. The budget papers  
39 and other documents including annual reports - - -?---That  
40 is correct.

41

42 - - - that they may ask literally anything. And we've  
43 confirmed that up until that question from Mr Shane Love,  
44 you've never been asked a question on your travel in any  
45 parliamentary setting, including budget estimates?---That  
46 is exactly correct.

47

48 And I put out - just taking you to it, I understand that  
49 the streamlined budget process of incentive funding is  
50 included in that document that I showed you which is your

1 budget papers for that year?---Absolutely. It was  
2 specifically included and notated as such.

3  
4 In fact, we might just go back to page 185,  
5 Madam Associate. Is that this 203,000 second from the  
6 bottom?---That is completely correct.

7  
8 Is that correct? Was it 203,000 that was approved?---Ah, I  
9 think that is the - well, it - it was - certainly is the  
10 correct, ah, number.

11  
12 **UNIDENTIFIED SPEAKER:** It's rounded to the nearest - - -

13  
14 **PORTER, MR:** It's rounded.

15  
16 Okay. I just want to take you now - - -

17  
18 **THE COMMISSIONER:** The - - -

19  
20 **PORTER, MR:** Thank you, Madam Associate - - -

21  
22 **THE COMMISSIONER:** I may be reading the wrong thing, but  
23 the streamline budget process on the screen seems to say  
24 203,000.

25  
26 **PORTER, MR:** Yes. That's why I asked the - the question,  
27 Commissioner, because my recollection is the document that  
28 I'm now going to go to has - well, it might have been 230  
29 from recollection. It was slightly different.

30  
31 **THE COMMISSIONER:** Yes. Well, this was for the '22, '23  
32 budget, but you're going to take me to another document?

33  
34 **PORTER, MR:** No, I think that, Commissioner, it is 203  
35 that was approved for the process, so I'll say in all  
36 likelihood that's the - the indicator?---Ah - ah, if it's  
37 of assistance to you, Commissioner, I'm sorry, cos it  
38 wasn't directly from a question, but my understanding is  
39 that is the amount, and of course it's for the 3, 4 budget  
40 year, and hence it appears in that line.

41  
42 **PORTER, MR:** So I've just taken you to the streamlined  
43 budget process that you went through, and that's from the  
44 subject of previous questioning. Without bringing up the  
45 transcript, you were - on 14 February at transcript  
46 page 45, you were asked whether the streamlined budget  
47 process was the only submission that you had made directly  
48 related to IOI presidency travel, and it seems that that is  
49 the case, that otherwise outside of that 203,000, your  
50 funding for president's travel was coming from your  
51 domestic budget?---That is correct.

1  
2 And then I'm hoping, Madam Associate, to have on screen  
3 some transcripts from 15 February, which I think is 0402.

4  
5 **UNIDENTIFIED SPEAKER:** What's the (indistinct)?

6  
7 **PORTER, MR:** 0041.

8  
9 **THE ASSOCIATE:** 074 - - -

10  
11 **PORTER, MR:** 0741. My apologies. 0741.

12  
13 **THE COMMISSIONER:** Sorry, are we looking for something?

14  
15 **PORTER, MR:** I - I - yes. I am, not very well. 0741 is  
16 your document designation. It's transcript from  
17 15 February.

18  
19 **THE COMMISSIONER:** Right. Do you want that up?

20  
21 **PORTER, MR:** I - I do - if I can, Madam Associate?

22  
23 0741^

24  
25 **PORTER, MR:** And page 22 of that transcript. Now, if we  
26 can just scroll down a bit further? And if we can scroll  
27 down further still? Okay. Stop. I'm just looking for a  
28 paragraph that begins:

29  
30 Would you agree that streamline budget process for  
31 all agencies is - - -

32  
33 **THE ASSOCIATE:** 22 (indistinct) - - -

34  
35 **THE WITNESS:** I thought it was the immediate - just  
36 immediately above that page.

37  
38 **PORTER, MR:** Page 22, line - - -

39  
40 **THE ASSOCIATE:** 43.

41  
42 **PORTER, MR:** Line 43. Thank you.

43  
44 So I'm just - I'm - if you bear with me, Mr Field, I'm  
45 going to read four or five paragraphs because I want to put  
46 some alternative propositions to you, but you'll recall  
47 this line of questioning and answering where counsel  
48 assisting said:

49  
50 Would you agree that the streamline budget process  
51 for all agencies is - the purpose of it is for more

1 certain financial management in the state rather than  
2 as a procurement exercise for a particular project or  
3 financial expenditure?---I can't say what's in the  
4 mind of the state government in relation to why they  
5 undertake the streamline budget process, and that is  
6 a matter of policy not for the ombudsman. Um, as to  
7 the second proposition, I do see it as part of a -  
8 absolutely not. No. This is an absolutely  
9 appropriate mechanism for which you could seek moneys  
10 for procurement.

11  
12 Then it's put to you:

13  
14 So the streamline budget process, in your evidence,  
15 is an appropriate mechanism for you to get approval  
16 for a particular procurement exercise?---Ah, well, it  
17 is - it is an appropriate process for me to seek  
18 money for a service to which I - to which the  
19 ombudsman was going to procure. Absolutely, yes.

20  
21 It's then put to you:

22  
23 But they're different things, aren't they, Mr Field?  
24 This is a process for the agency to get some  
25 finances?---Yes. It's not a process for the agency  
26 to get approval to undertake a particular procurement  
27 exercise, is it?

28  
29 That's a question:

30  
31 Ah, I think the best way to answer that question is  
32 to say an agency including the OWA - I should only  
33 speak for the OWA, procures services under the  
34 Parliamentary Commissioner Act 1971, the Procurement  
35 Act and the Procurement Rules. It can then use, as  
36 an utterly appropriate mechanism to fund such a  
37 procurement, the streamline budget process.

38  
39 Then another question:

40  
41 Did the streamline budget process, in also -

42  
43 - no, you answer:

44  
45 Did the streamline budget process, in also providing  
46 that funding to me, provide knowledge to the cabinet  
47 government of this state an understanding of the, ah,  
48 OECD project? And, in my view, it's imprimatur -

49  
50 - that word -

51

1           - yes, it did all those things.

2

3   And a question:

4

5           I'm just putting to you clearly just for the last for  
6           the last time that the streamline budget process is  
7           about obtaining some finances for the OWA, not about  
8           getting approval for a particular procurement  
9           exercise. It's an incentive scheme for the agency  
10          not to go back and ask for more money from  
11          government, isn't it, Mr Field?---Ah, so that is  
12          correct. The scheme itself, as I understand it - and  
13          as I say, it's a matter for government as to what  
14          their motivation is for that process, but as I  
15          understand it, it is a process that incentives you to  
16          seek a certain amount of money. It's a percentage of  
17          appropriation so you - you don't then go back and  
18          seek further moneys unless it's a new project.

19

20   Now, in - in a later point in - in questioning, Ms Nelson,  
21   counsel assisting, put to you at transcript 20 - page 25 -  
22   I don't need to go to it, but at page 25 Ms Nelson put to  
23   you:

24

25           It's not part of the SBP process to do that because  
26           it's not a merits-based review process of particular  
27           projects undertaken by agencies?---That's not my  
28           understanding at all. That's you - you're saying  
29           that.

30

31   Now, the streamline budget process, in that - those  
32   passages I've read to you are quite a few concepts I want  
33   to put to you first. And I - I just want to understand  
34   what is your understanding in your mind about the process  
35   and what you understood the process you were engaging in  
36   did or did not do, but you'll see one proposition that's  
37   been put to you by counsel assisting is that the streamline  
38   budget process is about obtaining some finances - or some  
39   finances for OWA. It's not about getting approval for a  
40   particular procurement exercise. Now, it seems that it's  
41   not in dispute from you that part of the streamline budget  
42   process is, as counsel assisting put, about obtaining  
43   finances for the office of Western Australia Ombudsman?---  
44   That is correct.

45

46   Okay. Now, it seems that you were also, ultimately,  
47   agreeing with the proposition that the streamline budget  
48   process is not about getting approval for a particular  
49   procurement exercise in the sense of it's not a process  
50   designed to give intimate detail of a particular

1 procurement exercise, that that is something that occurs  
2 inside the procurement process itself?---That is correct.

3

4 Then you also put a proposition. I suggest you probably  
5 still agree with that proposition though that - that  
6 streamline budget process does provide information and  
7 knowledge to government about what it is the money is being  
8 sought for and what it is the money is being approved for?--  
9 --Ah, yes. Not only do I agree with that process, but  
10 that's a fundamental part of the SBP, from my perspective.

11

12 So I'm just trying to explore what middle ground there  
13 might be between your language of it being an imprimatur or  
14 licence and another proposition, which might be described  
15 as it being a fairly routine process for the yearly  
16 appropriation of minor amounts of funding.

17

18 What do you say about the proposition that it's not a  
19 merits-based review process of particular projects?---Ah,  
20 well, it's not my understanding that for the SBP process  
21 that Treasury undertake a substantial, substantive merit-  
22 based assessment of a particular project.

23

24 **THE COMMISSIONER:** Sorry, could we have that answer again,  
25 please, Mr Porter?---The answer? Sorry, Commissioner.

26

27 I just got a bit confused, so I want to be very clear what  
28 your position is.

29

30 **PORTER, MR:** Why don't I put the question more clearly?  
31 ---Okay.

32

33 It was put to you by counsel assisting that the SBP  
34 process, to do that - and it's not part of the SBP process  
35 to do that, because it's not a merits-based review process  
36 of particular projects undertaken by agencies. Your  
37 initial response to that - your response previously, was  
38 that is not my understanding at all, that's you, you're  
39 saying that. I'm asking you to expand, if you can, about  
40 what your response to a proposition that it's not a merits-  
41 based process is?---Ah, so my - my understanding - and I  
42 can only go on what my understanding is, is that the, ah,  
43 I'm not aware that Treasury undertake a month-long exercise  
44 of going through a particular project as put by an agency.  
45 But I'm certainly of the understanding, um, that there is  
46 absolutely no chance whatsoever that Treasury in their work  
47 and advice to the SBP, nor - and SBP just being a  
48 subcommittee of Cabinet, would approve a project that isn't  
49 merited, they would simply disallow it.

50



1 **THE COMMISSIONER:** It isn't - - -?---They would simply  
2 disallow the project.  
3  
4 No, I missed the word, that isn't - - -  
5  
6 **PORTER, MR:** Merited?---That isn't merited.  
7  
8 **THE COMMISSIONER:** Merited, thank you?---I'm sorry  
9 Commissioner, isn't merited, yes.  
10  
11 Thank you?---And that's what I meant by that answer, and  
12 I'm sorry.  
13  
14 **PORTER, MR:** Perhaps if I can put this more simply. Can  
15 you just answer anything in your description to the  
16 streamlined budget process, and expect that you will be  
17 successful?---Oh, no, absolutely not. If you ask for  
18 anything, you can expect to be unsuccessful.  
19  
20 And I'll come to this in a moment, but there are certain  
21 procedural prohibitions and things that you cannot ask for,  
22 and that funding won't be granted for, you're aware of  
23 that?---Correct.  
24  
25 And what are they?---Ah, such matters as recurrent funding,  
26 if a matter is - is going to go over multiple fiscal years,  
27 that is something that isn't included in the SBP process.  
28  
29 And I don't want to be flippant about this, but if you put  
30 in a generic description of money for ongoing operations,  
31 what would your expectation be the response?---That that  
32 would be rejected.  
33  
34 So, your understanding is that you are required to describe  
35 what it is that the money you seek is to be spent upon?  
36 ---Ah, you are required to describe, ah, that which the  
37 money would be spent upon. It has to be discrete,  
38 understandable, achievable, and of merit. And if it isn't,  
39 it's rejected, that's my understanding.  
40  
41 When you say 'of merit', I think counsel assisting was  
42 putting to you that this is not a procurement exercise,  
43 where you are going through a range of qualitative  
44 evaluations of a project, including things such as need,  
45 value for money and so forth?---Correct.  
46  
47 Now, you would accept it's not that sort of a process?  
48 ---No, it's obtaining the money so you may potentially go  
49 through a procurement process.  
50

1 But as a first gateway, if the description is something  
2 that the decision-maker does not at first instance consider  
3 is an appropriate spend of money, you might expect that you  
4 will not be approved that money?---Oh, not only might  
5 expect, I believe it certainly would be rejected.  
6  
7 Are you aware of streamlined budget proposals that don't  
8 hit a state of prohibition nevertheless being rejected?  
9 ---Ah, to my understand it's - I don't know how typical,  
10 but it's certainly the case that SBPs are rejected.  
11  
12 And so with that transcript, Madam Associate, if we could  
13 go to page 29?  
14  
15 **THE ASSOCIATE:** Sorry, 29?  
16  
17 **PORTER, MR:** Yes, thank you. So, you'll see there that -  
18 is it clear, is it, around about lines 28 and 29:  
19  
20 The submission that was made and approved was funding  
21 for, well, in my mind, funding for an OECD project,  
22 ah, the sister state, and my travel as president.  
23  
24 Air travel that you took internationally as  
25 president?---Yes, in that SBP that was, ah, provided  
26 to Parliament - sorry, Cabinet, correct.  
27  
28 So, is it your evidence that you considered that you were  
29 providing that information as to what the money would be  
30 spent on, and that there was at least an approval for the  
31 expenditure of the allocated funds on those things?---Oh, I  
32 took that as a very clear approval.  
33  
34 But you also accept the proposition that appropriation and  
35 procurement are two very different things?---Ah, yes  
36 counsel, and to be very specific about that, um, ah, ah,  
37 the procurement process, which is an entirely separate  
38 process to the SBP, could not have been undertaken unless  
39 there'd been an allocation of funding which allowed the  
40 procurement to take place.  
41  
42 If we could go to transcript page 68 of this same day, line  
43 50 and on.  
44  
45 **THE COMMISSIONER:** Sorry?  
46  
47 **PORTER, MR:** Line 50.  
48 **THE COMMISSIONER:** 5-0?  
49

1 **PORTER, MR:** Yes, transcript page 68. There was this  
2 exchange, this is with the Commissioner. The Commissioner  
3 put to you:

4  
5 It doesn't tell whoever is reading it anything about  
6 this project?---Well - - -

7  
8 Which is why I suspect counsel is putting to you -  
9 and you're free to object, that appropriation and  
10 procurement are two different things?---Sorry,  
11 Commissioner. The SBP was attempting to do - well,  
12 it was my intention in those SBP wording, um, to do  
13 those things. First of all, that it was a finite  
14 project, and travel costs for my role as president in  
15 the International Ombudsman Institute, so the travel  
16 costs, the one component of the SBP. Ah, the second  
17 was costs associated with the sister state, but as an  
18 MoU, by proper terminology, um, with - and it  
19 shouldn't be Graz, that of course is the capital city  
20 of Styria, ah, and Western Australia. Um, third,  
21 (indistinct) advanced negotiation of a major OECD  
22 project. So, what this is saying to Cabinet is,  
23 'Could you please give us 203,000, of which that will  
24 be apportioned to a major OECD project and those two  
25 other components.'

26  
27 Now, you recall that exchange?---I do.

28  
29 The first part of that exchange, where the Commissioner put  
30 to you:

31  
32 It doesn't - well, tell whoever is reading it  
33 anything about this project.

34  
35 Now, this was all questioning in the context of the OECD  
36 project?---Yes.

37  
38 Now, you would accept, I think, that it provides the SBP  
39 description limited - very limited, information about the  
40 nature of the OECD project?---Yes.

41  
42 I'll just pause there and take you to, briefly, some  
43 documents about the streamlined budget process itself. And  
44 this is the streamlined budget process agency guide October  
45 2022. So, this is at page 195, Madam Associate, of 0664^.

46  
47 0664^

48  
49 **PORTER, MR:** Now, at page 199, it's said there that the  
50 intent of the streamlined budget process is to focus the  
51 expenditure of you, committee and Cabinet throughout the

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1 budget process on considerations that materially impact  
2 the State's finances. You see that?---Yes, I do.

3  
4 Were you aware of this handbook or - - -?---Yes, I am.

5  
6 Then it says - - -

7  
8 **THE COMMISSIONER:** Sorry, just for precision, the question  
9 is "Were you aware of it" and you say, "Yes, I am"?---Yes,  
10 I was.

11  
12 Thank you?---I'm sorry, Commissioner. I should have at  
13 least learned tenses in law school.

14  
15 **PORTER, MR:** Now, on page - sorry, I'll just stay there.

16  
17 Agencies participating in the SBP that subsequently  
18 raise a funding request during the budget process or  
19 budget year with the exception of an election  
20 commitment will be required to return all incentives  
21 received as part of the SBP. This occurs  
22 irrespective of whether the request is approved or  
23 not, consistent with the intent of the SBP to reduce  
24 the volume of funding requests.

25  
26 So I just put to you that generally speaking, what the  
27 process is designed to do and what is meant by focusing the  
28 expenditure review committee of Cabinet on - throughout the  
29 budget process on considerations that materially impact the  
30 budget is that they are trying to have fewer applications  
31 for new funding from agencies and department throughout the  
32 budget process in the lead-up to a state budget. Would you  
33 agree?---That is exactly my understanding.

34  
35 And one of the mechanisms that has been engaged in to focus  
36 that attention is the - your inability to receive this  
37 streamline budget funding, but then if you later go back  
38 and ask for separate line items of funding in addition to  
39 that, you're required to give back what you got during the  
40 streamline budget process whether or not your new request  
41 is acceded to?---Yes. The - the streamline budget process  
42 is predicated on the fact that you will not make, ah,  
43 other, uh, budgetary submissions unless it was a, uh, new  
44 policy, ah, requirement, um, from government which they'd  
45 otherwise asked you to incur costs to achieve.

46  
47 And then at page 200 of these documents, Madam Associate,  
48 there's the - at the bottom there there are three dot  
49 points which effectively set out what you can't receive or  
50 ask for money in regards to. Cannot be allocated to  
51 expenses that create ongoing commitments and must be

1 committed to expenditure in the budget year. Will not be  
2 utilised to create ongoing expenditure obligations. Will  
3 have an expense allocation attached to the funding  
4 request?---Correct.

5  
6 And I think from recollection, the initial version of your  
7 SBP request for this year had a request for FTEs, for  
8 salaries in that - - -?---Yes, correct. That's correct.

9  
10 Which would have been outside - - -?---Yes. And - and -  
11 and these criteria do change from year to year. In  
12 previous years, FTV - FTEs had been allowable, but for this  
13 particular fiscal year FTEs were not included.

14  
15 Can I just pause there? The purpose of the process is to  
16 allow greater focus on a lesser number of applications for  
17 funding during the budget process proper, so in the lead up  
18 to the actual delivery of a state budget. You agree?---  
19 That is my understanding.

20  
21 But it's not therefore the case that applications through  
22 the streamline budget process are not scrutinised?---It has  
23 always been my understanding, uh, and I could be wrong.  
24 It's what's been my understanding, um, is that streamlined  
25 budget process applications are properly and fully  
26 scrutinised. I mean, Treasury doesn't give you money for  
27 nothing.

28  
29 Now, if I can just take Mr Field, Madam Associate, to the  
30 expenditure review committee handbook which commences at  
31 page 204 of the documents in bundle 0664. Now, this is the  
32 handbook from March 2021. So on my assessment of the  
33 websites, this is the handbook as it was relevant to the  
34 period that we're now discussing?---Correct.

35  
36 It notes there at the front that - were you familiar with  
37 this handbook at the time?---I was.

38  
39 It states that the fund - that high standards are  
40 maintained?---Yes.

41  
42 Submissions that do not comply with the required standards  
43 outlined in the handbook will not be accepted?---Correct.

44  
45 And at page 5 of this document which is page 207 of the  
46 bundle, Madam Associate - this - this handbook sets out the  
47 entire ERC process but it's - - -?---It does. It's  
48 voluminous, yes.

49  
50 It nominates who the voting members of the ERC are. It  
51 says that they can vary but currently comprise as the

1 premier and treasurer, minister for public sector  
2 management who is the chair, and it goes down the list  
3 there. Deputy premier?---Yes, counsel. Correct.

4  
5 And then at page 15 of the document - 218, Madam Associate,  
6 of the bundle - there's a provision there about the  
7 treasurer's delegated authority.

8  
9 Where Cabinet has delegated authority to the  
10 treasurer to make decisions on submissions that have  
11 maintained a net debt - that have a net debt impact  
12 across the forward estimates of five million or less  
13 or contain genuine parameter adjustments.

14  
15 Sorry, we need to scroll down there to 3.4,  
16 Madam Associate. There it is there. And that indicates  
17 that the process in place at the time was that if moneys  
18 are being approved for less than five million that there  
19 was a delegated authority to the treasurer so the treasurer  
20 could appoint that without a full meeting of ERC. Would  
21 you agree with that proposal?---That is correct. And  
22 indeed, my office has utilised that process over the years.

23  
24 And then 3.7, which is on page 220, Madam Associate. It  
25 talks about ERC meetings. Consistent with that treasurer's  
26 delegated authority amount of five million, the streamline  
27 budget process application that you provided would not  
28 necessarily have - or likely did not go to a full ERC  
29 meeting because it could be determined by the treasurer  
30 alone. Is that your understanding?---It could be is my  
31 understanding.

32  
33 Did you know whether your - - -?---I - - -

34  
35 - - - SBP went to a full ERC?---No, I do not know that.

36  
37 But based on this process, at least would have required the  
38 consideration or determination of decision making by the  
39 treasurer under their delegated authority at the time?  
40 ---That is correct. Well, that is my understanding.

41  
42 And ERC is a subcommittee of Cabinet. That is correct?  
43 ---That is correct.

44  
45 And so whether it was approved in a full ERC meeting or  
46 under the treasurer's delegated authority by the treasurer  
47 alone, it ultimately is an approval that is made by  
48 Cabinet?---That is absolutely correct.

49  
50 And ERC meetings occur monthly. (Inaudible) indicated that  
51 3.6 of this document. No need to go through it but does

1 that accord with your understanding?---That accords with my  
2 understanding.

3  
4 And the treasurer at the time, Mr McGowan, was premier and  
5 treasurer at the time?---Ah, yes. Correct.

6  
7 So, Madam Associate, if we could go here now to Commission  
8 document reference 0156, which should be the SBP document  
9 itself.

10  
11 0156^

12  
13 All right. Now, I want to go through this in some broken  
14 down steps. That is a certification dated 1 February 2023  
15 that contains your signature, Mr Field?---Correct.

16  
17 And that certifies that you are seeking to participate in  
18 the 23/24 streamline budget process?---Correct.

19  
20 And that you are making that promise that is set out in the  
21 SBP manual that you're not going to raise further funding  
22 requests during the 23/34 budget process?---That is also  
23 correct.

24  
25 And then it says:

26  
27 Through undertaking, this commitment is understood.

28  
29 That's you are understanding the treasury will receive on  
30 the agency's behalf an increase in cash service  
31 appropriation of 2 per cent?---Correct.

32  
33 And that this incentive funding is to be allocated to non-  
34 salaries recurrent expenditure in 23/24?---Correct.

35  
36 It will not be utilised to create ongoing spending  
37 obligations in recognition of its finite nature, correct?  
38 ---Correct.

39  
40 As the expense allocation attached. So, something has to  
41 be attached to this document to get your 2 per cent of cash  
42 service appropriation, which in this case totals \$203,000?  
43 ---That's correct.

44  
45 So, you can't just hand in this form and just get 2 per  
46 cent as a figure, because it is 2 per cent, if I put it  
47 that way?---Oh, absolutely not.

48  
49 And then it's agreed that where a funding request is  
50 submitted in the 23/24 - after incentive funding has been  
51 provided to and allocated by the agency, all incentive

10/04/24

FIELD, C.J.

103

Epiq

(Public Hearing)

1 funding will be required to be returned to the consolidated  
2 account, and any whole of government savings measures  
3 retrospectively apply. Which is an undertaking that you are  
4 signing to note that you understand that if you then go and  
5 make a budget submission, that you will have to hand back  
6 your 2 per cent if you have been allocated?---That is  
7 correct.

8  
9 And then if we could just scroll down. Now, there is our  
10 \$203,000 figure in the right column. Now, this is the  
11 attached document that we've just had referred to in your  
12 certification?---That is correct, counsel.

13  
14 And if you handed in the streamlined budget process without  
15 this attached document and you simply were seeking 2 per  
16 cent of your cash appropriations, what would you expect  
17 would happen?---Oh, well, it wouldn't even be accepted, it  
18 certainly would be rejected.

19  
20 Because high standards need to be maintained procedurally?  
21 ---Correct.

22  
23 So, we'll see there that the Parliamentary Commissioner -  
24 so first of all, there's the Parliamentary Commissioner for  
25 Administrative Investigations. There is Ministerial  
26 consideration of the expenditure items related to the 23/24  
27 streamlined budget process incentive funding is requested  
28 for the financial adjustment listed below as entered into  
29 the Strategic Information Management System (SIMS). And  
30 then you're allocated a SIMS number. Do you know what that  
31 is?---Ah, it's the whole of government financial database  
32 system that we and other agencies use.

33  
34 And then we have the Parliamentary Commissioner for  
35 Administrative Investigations (Ombudsman), incentive  
36 funding of \$203,000 is proposed to be allocated to the  
37 expenditure items listed in the table below. So, that is  
38 you informing the decision maker that you are proposing to  
39 spend, if allocated \$203,000, on the expenditure items  
40 listed in the table below, correct?---That is correct.

41  
42 And the name of the expenditure in the left-hand column is  
43 designated as services and contracts expenses?---Correct.

44  
45 So, by this point, reading down, the decision maker knows  
46 that you are seeking \$203,000 for expenditure which is  
47 named 'services and contracts expenses', correct?---Ah,  
48 correct.

49  
50 And then we go into the text of the description of the  
51 expenditure, and it starts with finite project and travel



1 costs. So, the decision maker is now possessing knowledge  
2 that you are seeking services and contract expenses for  
3 project and travel expenses?---Correct.

4  
5 For that year, 23/24, and that it's finite, correct?  
6 ---Correct.

7  
8 Then we read down further:

9  
10 Arising from the Ombudsman's election as President of  
11 the International Ombudsman Institute (IOI).

12  
13 Yes?---Correct.

14  
15 So at this point, reading downwards, the decision maker is  
16 now aware that you are seeking \$203,000 for services and  
17 contracts expenses, for project and travel expenses arising  
18 from the OWA election as president of the IOI, correct?  
19 ---That is correct.

20  
21 It then goes on to describe the fixed term which expires in  
22 May '24, that it's a global organisation, and so forth. It  
23 then describes the role, which is the president of the IOI,  
24 involves engagement with presidents and speakers, and the  
25 OECD and so forth. It says there that the Ombudsman is  
26 highly focused on advancing Western Australia's trade and  
27 other bilateral and multilateral interests, particularly in  
28 the Asian region, correct?---Correct.

29  
30 So, reading down, the decision maker now has knowledge and  
31 understanding that services and contract expenses of  
32 \$203,000 are being sought for project and travel expenses,  
33 specifically arising from the Western Australian  
34 Ombudsman's election as president of the IOI, in  
35 circumstances where the IOI president is also the Ombudsman  
36 of Western Australia, is travelling.

37  
38 Travelling as president of a global organisation for  
39 cooperation of more than 205 institutions for more  
40 than 100 countries, and is travelling to meet people  
41 such as presidents, prime ministers, speaker of  
42 parliament, secretary-generals of organisations like  
43 the OECD, ambassadors to the UN. And as part of that  
44 travel, has a focus on advancing WA's trade and other  
45 bilateral and multilateral interests.

46  
47 That's what the decision maker is necessarily, by plain  
48 English, aware of at this point in time, reading  
49 downwards?---That was my intention, and that is correct.

50  
51 And then finally it says:

1  
2 The presidency has already resulted in well advanced  
3 negotiations for a major OECD project in the Asian  
4 region, and a sister state relationship with Graz  
5 targeted towards new energy technology, a current and  
6 future imperative for Western Australia.

7  
8 That's what it says?---Yes.

9  
10 Now, you would accept, as has been put to you, I take it,  
11 by counsel assisting, that that does not provide in depth  
12 information about an OECD project, whether complete or  
13 nascent, which you would expect in a procurement document,  
14 you would accept that?---Ah, I would exactly accept that.

15  
16 And you would accept that it only provides the barest  
17 information about a sister state relationship, and indeed  
18 nominates the capital city rather than the province that it  
19 was envisaged would be the subject of the sister state  
20 relationship?---Ah, correct, and - - -

21  
22 So, it actually contains a mistake?---And in fact, it -  
23 that reference there is an error, and it's my error alone.

24  
25 But ultimately, as a matter of plain English, at the very  
26 minimum, the decision maker, having read the name of the  
27 expenditure and the description of the expenditure, and the  
28 amount, is aware that they are about to approve \$203,000  
29 for services and contracts expenses, which are specifically  
30 for projects and travel expenses, that these projects and  
31 travel expenses will arise from the Ombudsman's election as  
32 president of the IOI, in circumstances where the IOI  
33 president, who is also concurrently the Ombudsman of  
34 Western Australia, is travelling, as president of a global  
35 organisation for cooperation of more than 205 institutions  
36 from more than 100 countries, is travelling to meet people  
37 such as presidents, prime ministers, speakers of  
38 parliament, secretary-generals of organisations such as the  
39 OECD, UN and ambassadors, and as part of the travel has a  
40 focus on advancing WA's trade and other bilateral and  
41 multilateral interests, and that at least they are aware  
42 that two projects related to that travel, and ongoing  
43 travel are well advanced in a negotiation phase, one for a  
44 major OECD project in the Asian region, and one for a  
45 sister state relationship, which is nominated there as  
46 being with Graz, which is a city, not a state. So, that is  
47 what is in front of the decision maker at that point?---It  
48 is what I intended to put before the decision maker, and it  
49 is what was at that time before the decision-maker.

50  
51 And we know from the SBP handbook and from the ERC - the

1 expenditure review committee handbook, that the minimum  
2 decision maker here under delegated authority must have  
3 been the Treasurer?---At a minimum.

4  
5 Who was also the Premier at the time, Mark McGown?  
6 ---Correct. That is correct.

7  
8 So, for this money to be approved, Mark McGowan, the  
9 Premier and Treasurer at the time, knew all of these things  
10 that I have just put to you and made the positive decision  
11 to provide that money?---That is exactly correct. And of  
12 course, coincidentally, I had also been informing his  
13 Director-General, chief of staff, and a multitude of others  
14 of exactly those matters.

15  
16 When you say 'exactly those matters', certainly the sister  
17 state relationship was the subject of a great deal of  
18 information?---Yes, and there were discussions about the  
19 OECD project. For reasons I've indicated, they simply  
20 weren't as voluminous because they didn't need to be.

21  
22 And in your experience of 17 years in the senior echelons  
23 of the public sector, if the decision maker, in this case,  
24 the Premier and treasurer, did not think that it was a good  
25 idea or in the interest of the public finances of Western  
26 Australia to approve \$203,000 for the purposes set out in  
27 that description of expenditure, what would have been the  
28 response to your application for those funds?---No.

29  
30 Now, with respect to the - I'm just going to go to the OECD  
31 agreement in particular now, and I'm - Madam Associate, if  
32 you're - - -

33  
34 **THE COMMISSIONER:** Well, if the - if you're going to that,  
35 we might do that in the morning, because I imagine that  
36 will take a while.

37  
38 **PORTER, MR:** I probably have an hour to an  
39 hour-and-a-half, possibly in the (indistinct) two hours to  
40 go, I'd say, Commissioner.

41  
42 **THE COMMISSIONER:** Well, we can stop here, but I will see  
43 counsel briefly outside just to talk about that very thing.  
44 Well, as you're about to move onto a significant topic, we  
45 will adjourn till tomorrow morning at 9.45.

46  
47 (THE WITNESS WITHDREW)

48  
49 AT 4.20 PM THE MATTER WAS ADJOURNED UNTIL  
50 THURSDAY, 11 APRIL 2024

**Certificate Made Under Section 50A of the  
*Evidence Act 1906***

The transcript of CHRISTOPHER JAMES FIELD heard on Wednesday,  
10 April 2024:

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