

CORRUPTION AND CRIME COMMISSION

OF WESTERN AUSTRALIA

COMMISSIONER JOHN MCKECHNIE AO KC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 14 FEBRUARY 2024, AT 9.49 AM

COUNSEL ASSISTING:

MS KIRSTEN NELSON

COUNSEL ASSISTING THE WITNESS:

MR CHRISTIAN PORTER

COUNSEL ASSISTING A PERSON OF INTEREST:

MS CHONG

WITNESS:

CHRISTOPHER JAMES FIELD PSM

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

2

3 Yes, Ms Nelson.

4

5 **CHRISTOPHER JAMES FIELD RECALLED ON FORMER OATH AT 9.49 AM:**

6

7 **NELSON, MS:** Thank you, Commissioner.

8

9 Madam Associate, could I please have the financial
10 management manual back up on the screen? That is 0421^.

11

12 0421^

13

14 **NELSON, MS:** Page 146, please.

15

16 **THE COMMISSIONER:** Now, yesterday Mr Field had a copy.
17 We'll give Mr Field a copy.

18

19 **NELSON, MS:** Yes?---So sorry, Commissioner, I handed that
20 back. Thank you so much.

21

22 Page 146, please?---Thank you, counsel.

23

24 Now, as the screen says, this is a policy titled, 'Related
25 party disclosure policy,' and on page 147 there is a
26 definition of what a related party transaction is. If we
27 could have page 147 in the middle, thank you Madam
28 Associate. A transfer of resources, services or
29 obligations between the office and a related party
30 regardless of whether a price is charged, including
31 ordinary citizen transactions. And over the page there is
32 details about registers of related party transactions that
33 should be kept by the chief financial officer of the OWA.
34 Have you had any reason to inspect the register of related
35 party transactions over the last few years, Mr Field?
36 ---No, not to my recollection, ah, counsel.

37

38 Have you ever filled out a related party disclosure form?
39 ---Ah, not to my recollection.

40

41 Did you ever turn your mind to the proposition that
42 occupying the presidency of the International Ombudsman's
43 Institute might come within the related party transaction
44 disclosure policy?---Ah, I must say, counsel, that had not
45 occurred to me, no.

46

47 It's not something you've ever considered?---No, had not
48 been in my mind at all.

49

50 Thank you, that can be taken down. Yesterday in evidence I
51 think you said you became President of the IOI in May

1 2021?---Ah, that is - I was - I want to be precise, May
2 '21, yes, that is, ah, ah, correct. The initial election
3 was in May 2020, but due to COVID-19 - tragic COVID-19
4 pandemic, May '21 is when I, ah, was undertaking -
5 principally undertaking duties.

6
7 If you could just keep your voice up, please Mr Field?
8 ---I'm so sorry, I - I must not do that again today, I
9 apologise.

10
11 I understand it that the IOI is a not for profit
12 organisation, is that right?---That is correct.

13
14 Is it an incorporated association, or what type of entity
15 is it, how would you characterise it?---It's incorporated
16 under Austrian law, counsel. Whether it is a - I think it
17 is an incorporated association under the relevant
18 association laws of the - of Austrian - of Austria.

19
20 And it has a physical presence in Austria?---It has a
21 secretariat physical presence in Austria, correct, counsel.

22
23 And that is in Vienna?---It is in Vienna.

24
25 How big is that office?---Ah, the office of the
26 secretariat, I couldn't be precise about the FTE, but it
27 would have, I think, around, ah, four to five to six staff.

28
29 And are they full-time staff for IOI purposes?---Ah, there
30 is a secretary-general of the IOI, who is also, ah, the,
31 ah, chair of the Austrian Ombudsman Board, the
32 Volksanwaltschaft. The Ombudsman of Austria. So, she is
33 the secretary-general of the IOI.

34
35 Is she paid by the IOI for her duties as the
36 secretary-general?---She's paid as the Austrian - to be the
37 Austrian Ombudsman of the Austrian - - -

38
39 But not paid by the IOI?---No, no.

40
41 Does the IOI have any paid staff?---Ah, yes. So the paid
42 staff would be, ah, those staff, ah, that, ah, I will think
43 of them - there is an executive director, one. A
44 treasurer, a person who sits as the treasurer. Two, a
45 person who assists with other administrative services,
46 three. And then trainees. Oh, and the ombudsman has a
47 chief of cabinet - a chief of staff, so I think that would
48 be between four or five staff.

49
50 **THE COMMISSIONER:** We may be at cross purposes. Are they
51 paid by the IOI, or are they part of what you described

1 earlier, the secretariat paid by Austria?---I - I would - I
2 am actually not certain about that, it has always been my
3 understanding, I could be incorrect, Commissioner, that the
4 staff of the Austrian Ombudsman Board, who otherwise
5 undertake the services of the IOI secretariat, are paid for
6 by the Austrian government.

7
8 Well you'd know if they were paid by the IOI, presumably,
9 seeing you would have seen the financial accounts?---Yes, I
10 don't believe their salaries are actually paid for through
11 the IOI. I would have to check to be absolutely precise
12 with the details to the payments, because I don't have the
13 accounts in front of me. Um, but that is my understanding,
14 the Austrian government provides, um, the accommodation,
15 the services of one of the ombudsmen, there are three
16 ombudsmen in Austria on a rotational basis to be the
17 secretary-general, and then a number of staff to be on the
18 secretariat.

19
20 Sorry, counsel for interrupting so early, I promise to do
21 it again, I'll probably break the promise, but I just
22 wanted to understand who was paying.

23
24 **NELSON, MS:** Thank you, Commissioner.

25
26 So, the secretary-general, you said she was one of three
27 paid Austrian Ombudspeople?---Yes.

28
29 But she devotes her time exclusively to IOI work for the
30 time that she is secretary-general of the IOI?---No,
31 certainly not. She - she has undertaken an extensive
32 amount of work as an ombudsman in Austria.

33
34 And she is paid by the Ombudsman in Austria?---Well, as I
35 say, I can't speak exactly to the details of those
36 arrangements. Um, my only desire is to be exactly precise
37 with you, counsel and Commissioner. It is my understanding
38 that the Austrian government, much in the way it happens in
39 this country, there is an appropriations hearing from the
40 Austrian Parliament to the Austrian Ombudsman Board, the
41 Volksanwaltschaft, and that pays for three ombudsmen and
42 their staff. One of those staff are - she undertakes the
43 role of chair of the board, and one of those three staff
44 undertakes the role as secretary-general. At the moment,
45 that secretary-general, who is also an ombudsman of the
46 Austrian Ombudsman Board, undertakes extensive work as an
47 ombudsman, and of course work as the secretary-general of
48 the IOI. And it is my understanding, but I would have to
49 confirm this, that part of the Austrian government's
50 financial contribution to the secretariat being domiciled
51 in Vienna is that there is payment made for staff to create

1 a secretariat of the IOI.

2

3 To your understanding, there's a separate appropriation
4 from the Austrian government specifically for IOI purposes?

5 ---I don't know how those appropriations work in practice,
6 no.

7

8 The Commissioner mentioned the financial reports or budgets
9 for the IOI, how often would you see those in your role as
10 President?---Ah, not extensively. There is a treasurer who
11 has extensive purview of those - of those budgets, and the
12 treasurer would be examining those. As President, I would
13 examine them, ah, ah, certainly at the time of annual board
14 meetings, coming into annual board meetings at the IOI.

15

16 So, definitely once a year?---Certainly a minimum once a
17 year, um, and there may be times - other times from time to
18 time where I would be - when I would examine them.

19

20 And are you paid for your role as President by the IOI or
21 by the Austrian government in any capacity?---Ah, no.

22

23 Do you describe the general purpose of the IOI as creating
24 a collegiate space for ombudspeople around the world to
25 share knowledge? Would that be a good description?---I
26 think it would be part of a good description, counsel. Um,
27 it's a body that seeks to ensure, ah, inclusion of, ah,
28 ombudsmen from around the globe, of which there are 205,
29 more than, from of course, a very diverse range of, ah, of
30 cultures, political spectrum. Um, so inclusion is - is
31 important. Um, it seeks to advance the interests of
32 citizens as they are represented by ombudsmen, and that
33 includes in the promotion of the rule of law, good
34 governance and human rights.

35

36 You mentioned the wording 'inclusion' of all ombudspeople
37 around the global, so would you agree that the activities
38 of the IOI are directed to being of benefit to the entire
39 ombudspeople's role, not - - -

40

41 **THE COMMISSIONER:** You may as well call them ombudsmen.

42

43 **NELSON, MS:** Ombudsmen, sorry I'll say that again. So
44 you've mentioned inclusion, would you agree that the
45 activities of the IOI are directed towards having a global
46 outreach to all ombudsmen rather than being particularly
47 directed to areas of the globe, or particular ombudspeople?
48 ---Oh, the services of the IOI directed - my
49 characterisation of it would be they're directed to the
50 service, assistance, support, knowledge, inclusion,
51 training, capacity building, knowledge sharing, of members,

1 um, and second of all, that the IOI has a mission more
2 generally as part of the international community to promote
3 fundamental human rights, the promotion and protection of
4 the rule of law, and the promotion and protection of good
5 governance.

6
7 So, if the IOI was doing an activity to promote good
8 governance or the rule of law or human rights, would it be
9 correct to say that that activity would have a broad global
10 application? So any ombudsman could apply the principles
11 or the outcome of that activity to their work?---Yes, and
12 it - there will be a range of different ways, there may be
13 some training, other type initiatives which may be very
14 specific to a region. Ah, even a single ombudsman or
15 region, and there may be others which are intended to be of
16 application to all ombudsmen.

17
18 So, the activities, the training that you mentioned that
19 might be directed to a single ombudsman, would that be more
20 around financial aid from the IOI to that particular
21 jurisdiction?---Ah, that would be one good example,
22 counsel. So, for example, if a, um, if a particular office
23 was - perhaps from a developing nation, otherwise
24 impecunious, then the IOI may seek to provide support to it
25 to, for example, attend the quadrennial world conference of
26 the IOI.

27
28 What is expected by IOI members from the President?---Ah,
29 the President is the chair of a board of directors, of 24
30 directors. Ah, so expected obviously to chair an annual
31 world board meeting, and the executive committee meetings
32 of that board, to chair any relevant subcommittees. The
33 President is expected to, ah, with her or his colleagues,
34 ah, make interventions into states where there are
35 impermissible interventions into the independence of an
36 ombudsman's office, ones for example that would be in
37 breach of the UN Resolution or Venice Principles.

38
39 Can you keep your voice up, please?---I'm sorry. And, ah,
40 it would also be the case that the President would be
41 expected to, ah, visit ombudsman offices upon their
42 invitation.

43
44 Does the IOI direct where a President should - what areas
45 of the globe the President should visit, or is that left to
46 the President to determine?---The - the intention, ah, I
47 believe - it was established by my predecessor, but the
48 intention is that a President should, over a period of - of
49 the four-year term that they hold, attempt to visit all six
50 regions of the IOI, but a President will generally travel
51 on the basis of invitation from members as opposed to

1 necessarily identifying places that the President would go,
2 of course, not including all board meetings.

3

4 Can you tell the Commissioner what the six regions are?
5 ---Yes, of course. The Australasia and Pacific region, of
6 which we are a component. Ah, the Asia region, ah,
7 Caribbean and, ah, Latin America, North America, ah,
8 Africa, Europe. I hope that's six.

9

10 As President, do you have any decision making power in
11 terms of directing IOI activities on your own, or do you
12 have to put in recommendations to do a particular activity
13 through the board?---Um, the board is the decision making
14 body, the executive committee of the board, um, has a
15 series of decision making powers, which is given under the
16 bylaws of the, ah, of the International Ombudsman
17 Institute. So, we can make some decisions, ah, and the
18 President, ah, will make decisions in conjunction with the
19 executive committee. I mean, it could be an administrative
20 decision, for example that I might make myself, but any
21 material decisions would be made through that executive.
22 If it's enumerated in the bylaws as a decision of the
23 board, it's made by the board. If it is enumerated as a
24 decision by the executive committee, it is made by the
25 executive committee.

26

27 And I understand that you helped craft some of the bylaws
28 in about 2019?---Ah, I've had roles over a period of time
29 of assisting bylaws reform, correct.

30

31 Could I have Document 0408^?

32

33 0408^

34

35 **NELSON, MS:** This is taken from the IOI website. If we
36 could have the entire diagram on the page on the screen
37 please, Madam Associate? I'll just give you a minute to
38 look at that, Mr Field?---Thank you. Thank you.

39

40 At the top of that page, it has that box IOI
41 secretary-general, and then it lists regional presidents.
42 Would you say that those boxes - so the regional
43 President's plus the secretary-general, make up the
44 executive committee of the board?---Ah, the executive
45 committee of the board, ah, is the President, ah, the
46 President, the first vice president, the second vice
47 president, the treasurer, and then two regional presidents.
48 Those regional presidents being presidents of regions that
49 otherwise aren't represented by one of those first - first
50 four elected persons.

51

1 So, if the IOI was going to undertake an activity, would it
2 be the executive council that would - they would receive
3 that recommendation from the secretary-general plus the
4 regional presidents, is that correct? According to this
5 diagram?---Sorry, counsel, could you - I'm so sorry, could
6 you repeat that?

7
8 It appears to me the top part of the screen - this diagram
9 is saying that the secretary-general, plus the regional
10 presidents, will prepare topics that are then forwarded to
11 the IOI executive committee for consideration before going
12 to the board of directors for a final decision on action?
13 ---Ah, yes, so the process of decision making for the IOI
14 is - there is a board of 24 directors, and that board is
15 the decision making authority of the IOI. And its powers
16 are enumerated in the bylaws. There is also an executive
17 committee comprised of those offices I indicated, and they
18 have a series of powers enumerated in the, ah, bylaws as
19 well. So for example, they can make a decision about the
20 expenditure of money up to 10,000 euro. If it was more
21 than 10,000 euro, it would have to be done by the board.

22
23 And how does the board receive a recommendation to take
24 action or to make a decision on a particular matter?---It
25 would receive that, ah, request in writing, ah, which would
26 mostly, ah, be generated from the IOI secretariat.

27
28 Mostly you said?---I'm - I'm just - there may be an
29 occasion where that hasn't occurred. It's my experience
30 that decisions for the ex-com and the IOI board come from -
31 are composed from the IOI secretary-general, or
32 secretariat.

33
34 So, have you seen this particular diagram before?
35 --- (indistinct).

36
37 Thank you, that can be taken down. What about external IOI
38 communications, do you have any role in crafting those, or
39 approving them?---Yes, I do. Ah, so they would be, ah,
40 letters to ombudsmen, media releases, that sort of
41 correspondence.

42
43 Okay, so you approve all of those types of correspondence
44 before it goes out?---It wouldn't necessarily be all of
45 them, but I certainly, ah, have settled many - written many
46 personally, and have sent many.

47
48 Do you ever ask your OWA staff in the Office of the
49 President and Ombudsman to draft any of those
50 correspondences for you?---I don't have a recollection of a
51 time that I did, but I would have to say, ah, I - that

1 would have been something that I'm sure would have been
2 done. I can't recollect a single example, but I would have
3 to say the question - the answer to your question is yes.

4
5 So you're sure you would have asked one of your OWA staff
6 to draft IOI-related correspondence on your behalf?
7 ---Correct. Oh, in fact, I can think of an obvious
8 example, counsel, sorry. Where for example I will ask, ah,
9 an EA to what I would call top and tail a letter, could you
10 put the name of the person who wrote to me at the top, ah,
11 my details at the bottom, and then I will compose the
12 middle part of the letter.

13
14 And the topping and tailing of that correspondence would be
15 the extent of the OWA staff member's input?---Oh, there
16 could be others, ah, others where a staff member had been
17 asked to do a first draft of a letter, ah, and that could
18 also be the case for a media release as well, or a
19 submission. Submissions are also made too. Commissioner,
20 sincere apologies, I omitted that, it's coming to me as I'm
21 thinking. Um, the President will also sign a submission,
22 so a submission to Parliament and to other inquiries.

23
24 And that's submissions to any Parliament anywhere in the
25 world?---Yes, it could be.

26
27 Could I have 0450^?

28
29 0450^

30
31 **NELSON, MS:** This is an extract from the OWA website. And
32 page 2, thank you. You've listed four goals for your term
33 as President. I'll just give you a minute to read those?
34 ---Yes, thank you.

35
36 Are they still true for your goals as President of the IOI
37 at the moment?---Ah, I want to keep this answer very short,
38 but I do want to be precise for you, counsel. And I should
39 be speaking up. Ah, in relation to one, yes. Ah, and
40 (indistinct) integrity and good governance is utterly
41 consistent with the United Nations principles. Access to
42 justice of course the fundamental role of ombudsmen, yes.
43 The rule of law, again the UN principles advancing human
44 rights, again the UN principles protecting minorities.
45 I've moved that focus in terms of my presidency
46 particularly to, ah, preventing men's violence against
47 women, and support for LGBTQI+ communities, and for
48 diaspora communities, refugee communities. First peoples
49 in the vulnerable communities, yes. Developing democracies,
50 yes. Emerging ombudsman institutions where they are
51 emerging/developing democracy, yes. Um, I think I've

1 already spoken to three, supporting Venice principles and
2 the United Nations resolution, and of course the Paris
3 principles, which are the principles which are akin to the
4 Venice principles but for human rights institutions. And
5 in relation to number four, yes, absolutely, from the very
6 first - today, or well before, I indicated an interest in
7 being the President, I had a very strong commitment to
8 advancing my state's interests and my country's interests
9 in relation to, um, ah, as I say here, our great friends,
10 trading and cultural partners in the Asia-Pacific region.

11
12 That quote at the bottom of the page, that would be, I
13 suggest, an incidental outcome of your presidency?---Ah, it
14 was fundamental, in my view, to my presidency.

15
16 Well, I would suggest that the four points actually are a
17 broad outlook - a global outlook, not particularly specific
18 to WA's interests?---No, I certainly - counsel, in no way
19 do I wish to be querulous, but no, I couldn't agree with
20 that characterisation. I had a view from the very
21 commencement of my role, um, that the presidency, if I was
22 to hold the presidency, I would be, ah, doing everything,
23 um, within my power, ah, insofar as I had the imprimatur to
24 do so, and it was appropriate for government for me to do
25 so, um, that I would be seeking to advance, ah, the trading
26 and cultural interests that our state, our great state, has
27 in the Asia-Pacific region.

28
29 Mr Field, can you just answer the question? Do you agree
30 that that would be incidental to you being President for
31 all ombudsmen around the world? It's not your primary
32 focus in the role of President, is it?---No, it was. It
33 was part of my primary focus. It wouldn't be the primary
34 focus of other presidents, but it was one of my primary
35 focus.

36
37 Well, I'd suggest to you that as President, you're actually
38 - your mandate is to support all ombudsmen around the
39 world?---Ah, and I was absolutely doing that. Um, and I
40 was also, um, of the view that in doing that, it was not
41 inconsistent to, whenever I could, and whatever opportunity
42 I could take to do so, I would advance Western Australia's
43 interests. It wasn't just in the Asia-Pacific region,
44 given almost all of our major trading partners are in the
45 Asia-Pacific region, that was a particular focus of my
46 attention. Um, so no counsel, I couldn't agree, that was
47 an absolute primary focus of my presidency.

48
49 **THE COMMISSIONER:** Just let me understand what the primary
50 focus is in relation to four?---So, Commissioner, the view
51 I took that if I was to be either visiting nations or

1 engaging with ombudsmen in other nations, that I would be
2 taking that opportunity as much as possible to be a
3 positive, ah, representative of our state, representative
4 of our state interests and national interests, and that,
5 for example, Western Australia was a place where people
6 could confidently trade, invest, have cultural/religious
7 safety, diaspora communities, and, ah, that - and given
8 confidence also about the safety of - this was a question
9 often asked - the safety of the diaspora communities in
10 Australia, and other matters.
11
12 But nobody ever made you a trade commissioner, did they?
13 Or a cultural commissioner?---No, and I wasn't purporting
14 to be a trade or cultural commissioner, Commissioner. What
15 I was trying to do was, as much as I possibly could, to
16 support Western Australia's interests when I was
17 undertaking my role as President.
18
19 I'm just going off what you said on your number four?
20 ---Yes, correct. So number four is what I believe.
21
22 Nobody ever asked you to advance trading and cultural
23 matters, did they?---Ah, well I - that is a matter I
24 discussed, ah - - -
25
26 Well, did they or didn't they? Did anyone ever ask you to
27 advance trading matters in the course of your job as
28 President?---My view, Commissioner - - -
29
30 That's either a yes or a no response, I would have
31 thought?---Well, my view - the answer that question would
32 be yes.
33
34 And who?---Ah, the, ah, government of Western Australia,
35 the Office of the Premier.
36
37 They asked you?---Ah, well they were aware of my travel and
38 aware of - - -
39
40 No, no, no. May or may not have been aware, but you've
41 answered yes to the question that somebody asked you, who?--
42 --Well, I'm sorry, Commissioner, I'd be aghast if I was
43 misleading you, I don't think someone wrote to me and said,
44 'Will you be a trade commissioner?' in the way that say,
45 John Langoullant as a trade commissioner. I indicated in my
46 correspondence with government this is what I would be
47 doing, and I took from those responses I received that that
48 was an appropriate thing for me to do.
49
50 All right?---And I'm sorry for the way I mischaracterised
51 it.

1
2 Back to you, Ms Nelson.
3
4 **NELSON, MS:** That can be taken down, thank you Madam
5 Associate.
6
7 Mr Field, do you intend to stand for President again?
8 ---I have stood for President again.
9
10 When is that election taking place?---Ah, I have stood
11 unopposed, but under the bylaws, there will be an election
12 process that must be undertaken, and that will be a matter
13 for the secretary-general as the returning officer.
14
15 So you don't know when that will be?---No, I don't.
16
17 But sometime this year?---It would be sometime in the next
18 one or two weeks is my - - -
19
20 The next one or two weeks?---Yes, is my guess, correct.
21
22 Can you please keep your voice up?---I'm sorry.
23
24 Thank you. Can I have 0423^?
25
26 0423^
27
28 **NELSON, MS:** And this is an email from yourself to
29 Ms Rebecca Poole on 5 January this year, and the attachment
30 is a nomination statement for President by Chris Field. If
31 we could see the attachment, which is page 2?---Correct.
32
33 Do you remember sending this to Ms Poole?---I do.
34
35 And did you draft this statement?---Personally.
36
37 The last sentence of the first paragraph says:
38
39 Very importantly, as a truly global body, I will
40 continue to make the inclusion of all members my
41 highest priority.
42
43 ?---Correct.
44
45 And in fact, in the whole of this nomination statement,
46 there is no reference to Western Australia, is there,
47 Mr Field?---Ah, not in this particular statement. I was
48 limited by 250 words, and they were a very precise word
49 limit.
50
51 At the beginning of the second paragraph:

1
2 As did my outstanding predecessor, I made a
3 commitment to visit all six regions of the IOI.

4
5 ?---Correct.

6
7 And the last paragraph:

8
9 It's been a great honour to collaborate with the
10 exceptional IOI world board colleagues and members as
11 President.

12
13 ?---Correct.

14
15 So, is your focus for your second term of presidency,
16 should you be elected, to be the global members of the IOI,
17 rather than WA?---I don't - the focus of my first term was
18 to be - - -

19
20 No, the focus of your coming term, should you be elected,
21 Mr Field?---Yes.

22
23 Is that to be all the members of the IOI rather than WA?
24 ---Both.

25
26 But you haven't made that clear to the IOI members who
27 might be voting for you in this nomination statement, have
28 you?---Well, it had a strict word limit of 250 words, I had
29 to keep within that word limit. I am confident that the
30 200 plus members of the IOI, ah, would be very aware, ah,
31 of my commitment to ombudsmen globally, and also advancing
32 the interests of my state denomination.

33
34 Mr Field, to be clear, I'm not suggesting that you're not
35 advancing WA interests by travelling, or promoting WA by
36 talking to people about it, et cetera. What I'm suggesting
37 to you is that your first priority, your primary focus of
38 being President of the IOI is all ombudsmen around the
39 world, who are those members?---And counsel, I would say
40 there are three, ah, effectively three aspects of being
41 President. One, absolutely, unambiguously, as you say, to
42 represent the members of the IOI.

43
44 It's a figurehead position, isn't it, Mr Field?---Correct.

45
46 You don't have any decision making power in your own right?
47 ---Ah, so it's a - it's a position, ah, to represent the
48 members, that's the first and foremost role. The second
49 role would be to represent the institution of the ombudsman
50 generally, and then the third role, ah, would be to be a
51 representative of my state and country. And I see all those

1 three roles as being coequally important. It certainly
2 would never be the case, um, that I would, ah, suggest that
3 I'm representing the states - my state or my country's
4 interest in a way that I am in any way not representing the
5 interests of IOI members, or - or derogating from that
6 responsibility.

7
8 Are you a member of a regional board within the IOI?---Ah,
9 I am a member of the Australasian Pacific Ombudsman Region
10 Board.

11
12 So, that's a sub board of the world - - -?---It's one of
13 the six regional boards, correct.

14
15 So, you would sit on that board in your capacity as
16 President, or are you elected separately to that board?
17 ---You're elected separately, and there is a separate
18 regional President for that board.

19
20 Are you the regional President?---No, you - you're not both
21 the regional President of the board and - and the world
22 President.

23
24 Can you be President of the IOI if you're not a serving
25 ombudsman?---Ah, no.

26
27 Did Ms Poole reply to this email, Mr Field?---Ah, I don't
28 have a photo recollection of that at all.

29
30 And did you submit this nomination statement in those
31 terms?---I'm not sure if it was exactly in those terms. I
32 would have to go back and check my records.

33
34 Do you recall corresponding with Ms Poole after this about
35 your nomination to the presidency?---Ah, I - I don't have
36 an immediate recollection, no.

37
38 Have you been corresponding with her since she's been on
39 leave?---Ah, I have corresponded with her for any matters
40 that fell within her policy of remit within the
41 organisation by forwarding emails to her.

42
43 For her to action?---Oh, no, not to action. For her
44 knowledge.

45
46 Just for noting?---Ah, for noting. I think on one or two
47 occasions she's offered to assist with an email that I have
48 sent through.

49
50 **THE COMMISSIONER:** Was she on personal leave?---She was.

51

1 Why were you sending her things?---Um, I discussed that
2 with her, Commissioner, as to whether, um, she would prefer
3 me to send absolutely no information to her whatsoever, um,
4 and whether she would prefer me to send emails that were in
5 policy areas to which she was responsible, and she
6 indicated to me, um, that she would prefer those emails to
7 be sent to her. On a number of occasions I did email
8 confirming that to - if that was still her desire.

9
10 I'm troubled by it quite frankly. She's on personal leave,
11 and as you run a pastoral office as we heard yesterday, why
12 are you as her supervisor intruding on her personal leave?
13 ---Um, no-one is more aware of me, Commissioner, the
14 situation that you're speaking about; ah, a situation which
15 is - - -

16
17 The question was why?---And, um, Commissioner, what I - I
18 did do - I'm happy to find these emails for you - um, is I
19 corresponded - - -

20
21 I know you asked her?---Yes.

22
23 And she said she'd like things forwarded. I appreciate
24 that?---Yes.

25
26 I'm just asking you and then I'll leave it. As her
27 supervisor why did you, regardless of what she thought,
28 when you knew she was on personal leave?---Well, I - I
29 thought it would be extraordinarily patronising of me, um,
30 to once she'd indicated to me that she was happy to receive
31 those emails and appreciated those emails being sent and
32 indicated to - to me very clearly she would not read them
33 if she did not wish to read them, um, and would read them
34 if she wished to read them, that I would send those
35 through. And there is extensive email correspondence
36 between, um, us about exactly that matter. I think I have
37 discharged my pastoral responsibilities, and I think all my
38 staff would be aware to Rebecca Poole in a way that is
39 exceptionally high.

40
41 Very well?---And - and I - and I will ask, um, for all of
42 those emails to be provided to you, Commissioner.

43
44 **NELSON, MS:** Mr Field, does Ms Poole have any role in the
45 IOI?---Um, ah, yes, she is the, er, chief of staff, um, and
46 to the Office of the President, and also has beyond that a
47 very extensive engagement with the IOI.

48
49 So chief of staff to the Office of the President, is that a
50 title that you have given her or is it a title that's
51 granted to her by the IOI?---Oh, no, from myself. It's a -

1 it's a title that is consistent with titles that are used
2 throughout the world - chief of cabinet, chief of staff -
3 to denote that sort of position.

4
5 So it's an appointment that you have made, not that the IOI
6 have made?---Correct.

7
8 And you said that she has other extensive matters that she
9 looks after with the IOI? Sorry, I didn't catch the end of
10 what you said?---Yeah, oh, she worked extensively in
11 relation to IOI matters, that's correct.

12
13 Is that independently of your functions and roles as
14 President?---Ah, well, she would exercise a very high
15 degree of autonomy in - in accordance with her, ah - her
16 exceptionally significant merit and seniority. Um, but of
17 course it's been done in conjunction and, ah, with me and
18 under my supervision ultimately.

19
20 So she's acting under your direction - - -?---Yes.

21
22 - - - if she's doing any IOI work?---Well, all of my staff
23 are, including Rebecca, correct. Ms Poole, sorry.

24
25 So Ms Poole has no independent ability to generate any kind
26 of activity on behalf of the IOI apart from your presidency
27 role?---No, she would obviously use her judgement and be
28 proactive and do things which she thought was advancing the
29 interests of the roles that we'd articulated, um, but of
30 course ultimately that is all under my - my supervision and
31 direction.

32
33 So she would get your approval to do something for the IOI
34 before undertaking it?---Well, she - she wouldn't get my
35 approval to, say, make a particular phone call, um, that
36 was furthering a particular matter that we were working on
37 necessarily. But would that be done overall within my
38 approval? This is what we're trying to - yes, of course.

39
40 I just want to go back to the travel policy that we were
41 talking about yesterday which mentioned the Premier's
42 Travel Circular. And I'll have that on the screen, thank
43 you, 0041^.

44
45 0041^

46
47 **NELSON, MS:** As I understood your evidence yesterday, you
48 said that the office travel policy is to be consistent with
49 this Premier's Circular on travel?---Yes.

50
51 That you do not accept that this Circular binds you in

1 anyway, is that correct?---Well, the Circular can't bind me
2 because it's an act of the executive government of the day.

3

4 And what about Ms Poole as an employee of the OWA? Does
5 this Circular bind her travel?---No, it binds - - -

6

7 **THE COMMISSIONER:** Why not?---Well, ultimately all staff
8 are delegates of my - of me, and if I cannot be bound, nor
9 can my delegates.

10

11 Are they public servants?---Ah, they're employed - - -

12

13 Public sector employees?---They're employed under the
14 Parliamentary Commissioner Act as my employees.

15

16 Public sector employees?---Ah, I'd have to check the exact
17 definitions of how they were referred to under the Public
18 Sector Management Act. Um, but I've always taken the view
19 that for these instruments, um, and instruments of their
20 like that myself and my staff are not bound by instruments
21 of the executive of the day.

22

23 **NELSON, MS:** If we could go to page 2?---Sorry,
24 Commissioner, I should say that is partly based - I'm
25 sorry, counsel - partly based on the view that it
26 effectively would make a nonsense of the independence of
27 the Ombudsman because the Ombudsman would be one person.
28 If you had 100 staff, all of these 100 staff could be
29 interfered on any given day by the Office of the Premier,
30 but not the Ombudsman. That would be an untenable
31 situation.

32

33 Yesterday in your evidence, Mr Field, you said that any
34 international travel undertaken by you - - -?---Yes.

35

36 - - - was for the purpose of IOI purposes as a President?
37 ---Correct.

38

39 And is that true for any international travel taken by
40 Ms Poole?---To the best of my recollection, yes. I only
41 say it because there's possibly something I might have
42 missed, and I certainly would never want to mislead. Um,
43 but I think the answer to that is yes.

44

45 So the primary justification for any international travel
46 would be to further the business of the IOI?---Ah, yes.
47 Well, to further the business of, ah, the presidency, as I
48 indicated, which is to further the membership of the IOI,
49 the institution of the ombudsman, and the interests of the
50 state and Australia.

51

1 Interests of the state being limited to promoting trade and
2 good relations with other regions?---Yes. So that
3 threefold reason, correct.

4
5 But when you're travelling internationally as the IOI
6 President you're not performing any of the functions under
7 your Parliamentary Commissioner Act section 5,
8 investigating administrative decision making. You're not
9 performing any function under your Act.

10
11 **THE COMMISSIONER:** When you're travelling?---I am
12 performing all the functions of my Act when I'm travelling.

13
14 **NELSON, MS:** Well, yesterday we went through the
15 functions, the primary one being that you're an
16 investigator - - -?---Yes.

17
18 - - - of maladministration by - - -?---Yes.

19
20 - - - government agencies of this jurisdiction. And are
21 you suggesting that by travelling internationally you are
22 investigating maladministration in this state?---Oh, I'm
23 sorry, counsel, I've misunderstood. I thought you were
24 suggesting when I was overseas I stopped doing that work.

25
26 I said?---Yes.

27
28 No, I'm not suggesting that - - -?---Sorry.

29
30 - - - because that is your evidence. I accept that you
31 kept continuing to do the work?---It's my fault, counsel,
32 sorry.

33
34 But you could have done that work in WA, correct?
35 ---Correct. Um, counsel, my apologies, I misunderstood
36 your question. Ah, so the answer to your question is when
37 I was undertaking, ah, these approvals it was for the
38 threefold reason that I've indicated of what I believe was
39 the role of the President.

40
41 Could I have page 4, please. Under the heading 'General
42 Provisions' at 2.6:

43
44 Attendance at interstate and international
45 conferences and courses is not to be approved unless
46 it is essential to the efficient performance of an
47 officer's functions and required to meet the agency's
48 outcomes.

49
50 ?---Yes, thank you.

51

1 I suggest that your international travel and Ms Poole's
2 international travel does not meet that requirement under
3 2.6 because it was not for the efficient performance of
4 your functions under the Parliamentary Commissioner Act?
5 ---Well, if we leave aside for one moment, ah, in answering
6 the question whether this is applicable to me - - -

7

8 Well, I'm asking - - -?---I will assume it is for the
9 purposes of answering the question.

10

11 **THE COMMISSIONER:** I thought it was your office's travel
12 policy?

13

14 **NELSON, MS:** This is the Premier's Circular.

15

16 **THE COMMISSIONER:** Premier's - I see?---Premier's
17 Circular.

18

19 But I thought you said you followed it even though you
20 didn't - - -?---Ah, we referred to it in terms of it being
21 a practice, that didn't mean that we necessarily followed
22 every aspect of it. It would depend on the circumstances.
23 There are parts of the Premier's Circular, Commissioner,
24 that wouldn't apply to our office at all.

25

26 I'm going to get back to counsel's questions. I just want
27 to be clear, I thought in some evidence that you said you
28 didn't follow this. I understand your reasons?---Yes.

29

30 I don't necessarily accept them, but I understand them?
31 ---Yes.

32

33 But I thought you said in your last appearance - and we'll
34 check it - that you adhered to it within your office?
35 ---And, Commissioner, I think that would be a very fair
36 summation. It would generally be viewed as a practice that
37 we thought we could adopt into the office. That doesn't
38 mean that every part of it was necessarily adopted into the
39 office in terms of it. But, counsel, please let me answer
40 your question. No, my view is my travel completely
41 complied with 2.6 of the Premier's Circular.

42

43 **NELSON, MS:** You've just agreed with me in an earlier
44 answer, Mr Field, that when you travel internationally
45 you're not performing the functions under the Parliamentary
46 Commissioner Act that couldn't otherwise have been
47 performed back here. The international activity is not for
48 the purpose of your functions under that Act, is it?---No,
49 I - I wasn't agreeing with that, counsel. I - I thought
50 you were referring to functions like - in fact, I think you
51 mentioned investigations. Um, I say it is absolutely part

1 of the office's functions to undertake the role of
2 President of the International Ombudsman Institute, and
3 that is why it was absolutely part of my functions, um, to
4 travel interstate and international conferences. So I
5 believe absolutely in good faith when I read the - read the
6 Premier's Circular as I've done many occasions, um, that I
7 was in full compliance with 2.6. You're right, it wasn't
8 for the functions of undertaking investigations, but
9 they're not the only functions of the Ombudsman. I
10 absolutely believe in good faith the ombudsmen in this
11 state, as do ombudsmen all around the world, have a
12 function, um, to be elected to be a director of the
13 International Ombudsman Institute and potentially be
14 directed - elected to be a director of the President.

15
16 That's not an express function in your Act to be President
17 of the International Ombudsman Institute, is it, Mr Field?
18 ---I believe it's a - I believe it is a function under my
19 Act.

20
21 **THE COMMISSIONER:** No, no, 'express' is what counsel said.
22 Where will we find it? Where will we find it in the
23 Parliamentary Commissioner Act?---Um, well, it's, ah - the
24 Act is to do all those matters which are for the Act in
25 incidental term. Um, there is certainly no express
26 function in the Act that disallows it to be undertaken.

27
28 Mr Field, don't split hairs. You were asked about where is
29 the express part, not where is the express power to
30 disallow. Where is the express power to be President?
31 That's what you said, and counsel asked you?---Well, I - I
32 believe it is a power that attends to, um, ah, being the
33 Parliamentary Commission of Administrative Investigations,
34 um, ah, in Western Australia. That's always been my
35 belief.

36
37 That is your belief. Counsel's question was not about your
38 belief. Counsel's question was where is the express power?
39 ---Well, as I say, the short title of the Act is to do all
40 those functions and incidental, and those matters
41 incidental to them.

42
43 **NELSON, MS:** Mr Field, even if I accepted your reasoning
44 that you expressly had a function to be President of the
45 IOI - - -?---Yes.

46
47 - - - it does not necessarily follow that you then have to
48 travel internationally, does it?---Ah, well, it - no, it
49 would, um, counsel, because the President would undertake
50 some international travel as part of their role. There
51 would be a discussion about, ah, how much, when, why, but

1 the idea that the President would undertake no travel would
2 certainly not be part of that discussion.

3

4 So your evidence is that it is essential to the efficient
5 performance of your functions as Parliamentary Commissioner
6 in this state to be President of the IOI, yes? Is that
7 your evidence?---Yes.

8

9 And then it is essential to your performance as President
10 to then travel overseas?---Yes.

11

12 2.4:

13

14 No international air travel is to be undertaken by
15 government officers unless it is demonstrated that
16 such a function could not be undertaken by existing
17 Western Australian Government overseas officers.

18

19 Do you consider that your international travel complies
20 with 2.4?---Oh, um, when I say and answer 'without
21 question', it's not intended to be arrogant, it's just
22 intended to be categorical. And I would say yes, without
23 question.

24

25 And Ms Poole's travel?---Yes, without question.

26

27 Could Ms Poole's chief of staff role have been undertaken
28 by another West Australian employee in a government office
29 overseas?---No. Well, many of the places we went there
30 wouldn't have been such an officer, um, and - - -

31

32 But we have trade officers in London and in Europe, in
33 Asia, don't we, Mr Field? Western Australia has trade
34 officers there?---We do, but there are many, many places we
35 don't have trade offices, um, and in any event, the role of
36 trade officers would not be directly analogous. Um, they
37 may have been able to do one component, part of the role.
38 They wouldn't be directly analogous to all the other
39 component parts of the role that would be undertaken by
40 President.

41

42 So what parts of the role could they not do?---Well, it'd
43 simply - ahem, sorry. It had simply never occurred to me,
44 um, that a officer in, ah, one of our overseas trade
45 offices could do that, ah, and it's certainly never been
46 suggested to me by - our trade officers overseas of which I
47 have familiarity have ever suggested to me that they
48 should.

49

50 Could they not have met you in Vienna for a world
51 conference of the IOI, to be your chief of staff whilst you

1 were travelling?---No. And, ah, sorry, I should say no,
2 counsel, because that trade officer would have, um,
3 absolutely no pre-existing relationships with any
4 ombudsman, any of their chief of staff, ah, would have no
5 understandings of the working of the IOI, would have no
6 understandings of the United Nations Principles, the Venice
7 Principles, would have no understanding of, ah, the current
8 mandate of the IOI, um, ah, would have no built
9 relationship, um, with any of the ombudsmen personally or
10 their - or their chiefs of staff. It just simply would not
11 have been a viable situation. Um, it would - it does - um,
12 I know you're not suggesting this, but it very
13 significantly undervalues the merit of Ms Poole by its
14 suggestion.

15

16 So the benefit to you of having Ms Poole accompany you is
17 all the corporate knowledge that she has gained in between
18 trips by doing the IOI work under your direction?---Yes.
19 Her knowledge is, um, ah, extensive, it is recognised that
20 by - all around the world by her colleagues, um, and it
21 could not have been substituted, um, by a trade officer.

22

23 Could we go to page 6, thank you. 'Approval Procedures'.
24 When was the last time you read the Premier's Circular,
25 Mr Field?---Oh, I've read it regularly over the years, um,
26 counsel, and the last time I read - um, as a - as a guess,
27 counsel, in the last couple of months. That would be to
28 the best of my recollection.

29

30 Do you agree that the overall effect of 6 Approval
31 Procedures is that there should be a request put in by the
32 officer to seek approval prior to any travel being booked?
33 ---(No audible response.)

34

35 Do you agree with that, Mr Field?---Counsel, my fault and
36 not yours, could you please repeat that?

37

38 Do you agree the effect of (6), and perhaps particularly
39 6.1 - - - ?---Yes.

40

41 - - - Agencies should apply timely and efficient
42 travel approval procedures to take advantage wherever
43 possible of advanced purchase discounted fares -

44

45 - and also 6.4:

46

47 Requests seeking approval to travel are to be
48 submitted in sufficient time to allow consideration
49 and approval.

50

51 The effect of this whole paragraph, but in particular 6.1

1 and 6.4, is that the travel approval must have been sighted
2 and approved prior to any travel activity being undertaken,
3 prior to purchasing flights, booking accommodation?---Well,
4 wherever that is practical or feasibly possible to do, so
5 yes.

6
7 What do you mean by 'wherever it's practical'? The first
8 step is the officer gets the approval to travel?---Yes.

9
10 Then, when it is positively approved, they then book
11 flights and accommodation?---Well, what I - it - we
12 certainly would have applied as timely and as efficient
13 procedures as we could have done so in any given
14 circumstance, um, to facilitate, ah, the cheapest fares
15 possible. Ah, 6.1.

16
17 So is your answer that yes, you agree that that is what
18 should be done, that approval should be sought prior to
19 undertaking any expenditure on travel?---Yes, counsel.
20 Yes.

21
22 6.6:

23
24 The approval should indicate whether a report is
25 required to be submitted when the officer returns.

26
27 ?---Yes.

28
29 Do you follow that?---A report is submitted in two ways.
30 There is a travel, ah, return, which is a reconciliation of
31 the travel - - -

32
33 Which is an internal OWA process?---Internal OWA document,
34 correct. Um, and I undertake, ah, a number of extensive
35 forms of public reporting about that travel as well.

36
37 If we could go over to the next page to the heading 8,
38 'Frequent Flyer Points'. Do you accumulate frequent flyer
39 points when you travel internationally, Mr Field?---Yes.
40 Yes, I do.

41
42 And what do you do with those points?---Those points are
43 then - consistent with the policy, ah, they cannot be used,
44 um, for, ah, a private advantage. Um, they are collated
45 and then used to offset the cost to the taxpayer of travel.

46
47 So you use that in subsequent international travel that you
48 take, is that what you're saying?---Correct, to
49 substantially reduce the cost of travel.

50
51 Page 9. 12.2:

1
2 To ensure proper coordination of the state's
3 interests and activities internationally, it's
4 important that the relevant Government of Western
5 Australia overseas office be kept informed of
6 activities being undertaken in their regions.
7

8 Do you follow this paragraph?---Yes, we have - ah, I can't
9 say precisely on which particular offices, but, ah, we
10 certainly keep, um, ah, ah, ah, ah, overseas offices where
11 relevant or appropriate, ah, ah, informed, un, ah, about
12 our travel - and of course, also, um, importantly DFAT.
13

14 Yes, so 13.2, you notify DFAT and you consider their
15 security travel advice?---Both, correct. I would go - our
16 - our - our engagement with DFAT is much more extensive
17 than what is in this - in this. Much, much more extensive.
18

19 **THE COMMISSIONER:** When we've finished this document, we
20 will have the morning break.
21

22 **NELSON, MS:** Yes, that's a convenient time. Thank you,
23 Commissioner.
24

25 **THE COMMISSIONER:** Very well. We will adjourn for
26 20 minutes.
27

28 (Short adjournment)
29

30 **THE COMMISSIONER:** Please be seated.
31

32 **NELSON, MS:** Could I have Document 0034^ thank you, Madam
33 Associate.
34

35 0034^
36

37 **NELSON, MS:** Mr Field, this is the OWA code of conduct.
38 If we could see the bottom of that page, please? Just to
39 see the date, thank you, from May 2020. We'll go to
40 page 5. So, we can see the conflicts of interest and gifts
41 and benefits from the hospitality section. So, under the
42 heading conflicts of interest, it says:
43

44 A conflict of interest arises when a staff member is
45 influenced, or the perception might reasonably arise
46 that a staff member may be influence, or there is
47 potential for a staff member to be influenced, by
48 personal interests in carrying out official duties.
49

50 Did you ever consider whether any aspect of performing your
51 role as President of the IOI created an actual or potential

1 conflict of interest?---No, counsel. Counsel, sounded like
2 a local government council, apologies. No, counsel, I did
3 not.

4
5 So you've never considered whether this applies to your
6 presidency?---No counsel, I have not.

7
8 Do you see at the bottom of this page under the heading
9 'examples' where conflicts, real, perceived or potential
10 may arise, include - and then the very bottom on, bottom
11 dot point:

12
13 Undertaking external employment, including voluntary
14 roles, appointments or directorships, whether
15 enumerated or not, that could conflict with your
16 duties in the office.

17
18 ?---Yes, counsel.

19
20 Does that dot point not apply to you in your role as
21 President?---Ah, no, I have never considered, um, that
22 undertaking the role of President, um, ah, would conflict
23 with my, ah, duties. One, because I thought being the
24 President was part of my duties, and was complementary with
25 the remainder of my duties.

26
27 As the result of your evidence this morning in which you've
28 said your international travel was for the purpose of
29 performing your presidency, could it not be that that could
30 be a perceived conflict in that it takes you out of the
31 office here?---No counsel, I have never, ah, not performed
32 the entirety of my duties as the Ombudsman, um, during my
33 term as President. And both in terms of my role as
34 President and all of my other roles as Ombudsman of Western
35 Australia.

36
37 So, you don't see being present in the office as an
38 essential part of being the Ombudsman of WA?---Being
39 present in the office is, ah, part of, ah, being the
40 Ombudsman of Western Australia, but being on international
41 travel for perhaps - and this is only a recollection,
42 perhaps six to seven weeks of the year, where during that
43 time, ah, I am in constant contact, um, by phone and by
44 email, ah, with all of my staff, um, in no way represented
45 a conflict at all with my duties. As I say, I never was
46 derelict in my duties as Ombudsman. In fact, quite the
47 contrary.

48
49 **THE COMMISSIONER:** No, nobody is asking you about whether
50 you're derelict. They're asking about conflicts. I'm a
51 little confused by your earlier answer?---Sorry,

1 Commissioner.

2

3 When counsel showed you the conflict of interest policy of
4 your office - - -?---Yes.

5

6 - - - is it your evidence that you never considered whether
7 you had a conflict, or is it your evidence that you did
8 fully consider and decide that you did not have a conflict?
9 ---Oh, my evidence - my apologies, Commissioner, my
10 evidence is that I did not consider I had a conflict in
11 relation to undertaking those roles.

12

13 So, you turned your mind to it and came to the positive
14 conclusion you didn't have a conflict?---No, I did not turn
15 my mind to it.

16

17 Well then is the answer to counsel's question that you did
18 not ever consider the question whether you had a conflict?
19 ---Yes, and that's what I should have said, Commissioner.
20 I was trying to say how would I view that policy applied to
21 the presidency, and that was the mistake I was making,
22 Commissioner. So, I should be clear in my evidence, I did
23 not consider whether - I did not turn my mind to the
24 concept of a conflict. I apologise, Commissioner.

25

26 **NELSON, MS:** And today, having the opportunity to turn
27 your mind to whether you had a conflict for the first time,
28 do you consider that using the revenue - the consolidated
29 revenue that was applied to OWA for the purpose of
30 international travel created in any way a potential actual
31 conflict of interest? Because you've put the hat on as
32 chief executive, accountable authority for the OWA, and say
33 yes, we'll spend the funds in a certain way, and then you -
34 you're approving it as President, and as accountable
35 authority. There would appear to be a conflict between
36 your two hats?---Now if you're asking me to turn my mind to
37 it, counsel, the answer is no, I don't believe there is a
38 conflict, and I believe the roles of Ombudsman and
39 President are complementary, not conflicting.

40

41 If we could have a look at the gifts, benefits and
42 hospitality policy, 0033^?

43

44 0033^

45

46 **NELSON, MS:** This is the policy from July 2023. Were you
47 aware, Mr Field, that it was reviewed and changed in July
48 2023 from the earlier version?---I don't have a
49 recollection of that, but, ah, all policies in the office
50 are intended to be reviewed from time to time, so it does
51 not surprise me that it was reviewed.

1
2 Have you seen this July 2023 version prior to today?---I'm
3 not sure that I recollect having seen that particular
4 version, but I have seen the gifts, benefit and hospitality
5 policy before.
6
7 Which was a version from May 2021. From my reading of both
8 policies, it would appear that the difference is on page 2.
9 The dot point token gift, benefit or hospitality, and the
10 nominal value of usually less than \$250 is there on the
11 screen, can you see that? You're nodding, Mr Field?---Oh,
12 yes. I apologise, counsel, can I go back to the previous
13 page just to see the heading?
14
15 Certainly?---I apologise.
16
17 If we could have the whole of the page on the screen, thank
18 you?---Oh, thank you, it was under - thank you, counsel.
19
20 You can see - sorry, perhaps before we go back, if we look
21 at the definitions. So, a gift is anything of value, and
22 it talks about gifts can be of a token value. And over the
23 page, the token value that has been nominated is \$250?
24 ---Yes.
25
26 Whereas in the previous version of this policy, it was \$50?
27 ---Yes.
28
29 You agree with that?---Ah, I'm absolutely prepared to
30 accept that, counsel, yes.
31
32 Did you know that prior to me raising this with you today?
33 ---That it was changed?
34
35 What the nominal value of gifts were at any particular
36 time?---Ah, both the 50 and the 250 don't immediately spark
37 a recollection for me, but I was certainly aware of a gifts
38 policy, hospitality policy, um, and amounts that were
39 associated with that.
40
41 If we could go back to page 1. Is the purpose of this
42 policy to ensure that all staff of the office, including
43 yourself, declare any gifts, benefits or hospitality that
44 has been provided or received?---Yes, it is.
45
46 And you can see in the definitions that a benefit relates
47 to preferential treatment, privileged access, favours or
48 other advantages, and includes invitations to sporting or
49 other events?---Yes.
50
51 So, I take it that this policy requires an officer at the

1 OWA to make a declaration if they are receiving a benefit
2 in the form of an invitation to an event?---Yes.
3
4 If they received a gift, like an item, you agree?---Yes,
5 sorry, counsel, yes.
6
7 And then the last dot point, hospitality, needs to be
8 disclosed as well, is that correct?---Yes.
9
10 And it has a helpful definition of:
11
12 Examples of hospitality may include offers of meals,
13 invitation to events, sponsored travel or
14 accommodation.
15
16 ?---Yes.
17
18 Do you make declarations in accordance with this policy,
19 Mr Field?---Ah, I make, ah, declarations in accordance with
20 this policy, and - yes, yes, counsel, yes.
21
22 How do you make those declarations, what's the process that
23 you undertake?---Ah, so there are entries made onto a gifts
24 received and gifts given register.
25
26 Do you make those entries yourself?---Oh, not personally,
27 they would be made by a staff member. Um, but I would
28 certainly be involved in the process of settling the
29 relevant material to go into that.
30
31 So, the staff member would obtain any details of the value
32 of a gift, benefit or hospitality that you've either
33 provided or received?---Yes.
34
35 And on your behalf, they would put those details into a
36 register?---Yes.
37
38 Would you sign the register?---Ah, yes is my recollection.
39 I would certainly sign the relevant forms, because there
40 would be a form that would be completed, yes.
41
42 I see, so the information initially goes onto a form that
43 you would sign?---Correct, correct.
44
45 And approve?---Correct.
46
47 And then that form would be the basis of information
48 appearing on a gifts provided or received register?
49 ---Correct.
50
51 And what happens to those registers?---Oh, those registers

1 are retained in the office as a record, ah, and they are
2 available for audit from the office - by the Office of the
3 Auditor-General.

4
5 May I have page 5, thank you. At the top of the page, the
6 last sentence in the very top paragraph, gifts or benefits
7 that are more than token gifts or benefits. So, more than
8 \$250 that would be, are retained by the office. Is that
9 the situation, if you're offered gifts when you're
10 overseas, are they retained in the office of the OWA,
11 Mr Field?---I'm sorry, counsel, which - - -

12
13 Page 5, just on the screen?---Yes.

14
15 The very top paragraph, the last sentence. It says:

16
17 Gifts or benefits that are more than token gifts or
18 benefits are retained by the office.

19
20 ?---Ah, yes, that would be correct if it was more than a
21 token gift or, ah, benefit. Otherwise personalised to a
22 staff member, for example, the general rule would be for
23 those to be retained by the office.

24
25 What do you mean, 'personalised to a staff member'?---Well,
26 if a plaque was given that said - was engraved in a
27 person's name, for example.

28
29 So you follow that practice that's outlined in the policy?
30 If you're given a gift over \$250, that is retained, that
31 gift is retained in the office?---It's one of the policies
32 which is considered, um, by the office. There are other
33 policies.

34
35 Mr Field, do you follow that direction that's in this
36 policy?---Well, I follow this direction and other relevant
37 policies.

38
39 Is there another relevant gift policy?---Oh, yes, the
40 Western Australian government has gift policies as well, as
41 does the Federal government.

42
43 But surely you would abide by your own Ombudsman Western
44 Australia gifts, benefits and hospitality policy?---Ah,
45 this gift policy, counsel, was written for the purposes,
46 ah, almost exclusively of intrastate gifts and policies.

47
48 **THE COMMISSIONER:** Where does it say that?---Well, that
49 was its intention, um, Commissioner, and if it doesn't say
50 that specifically, it's remiss.

1 Well, let's just look at the policy, it appears to be the
2 gifts policy for the Ombudsman's Office, would you agree
3 with that?---Yes, yes.
4
5 And you've agreed that you follow it?---Yes.
6
7 So, it's the policy, the words are the words, whatever the
8 words say?---Correct, but there are also other relevant
9 guidance in relation to gifts which public servants
10 should - - -
11
12 Yes, well counsel is just asking you about this one?
13 ---Okay. Um, well in relation to this one, I follow this
14 and other relevant policies, correct.
15
16 **NELSON, MS:** This policy applies even if someone is not
17 travelling, if they're offered a gift just in the normal
18 course of performing their duties in the Perth office,
19 correct?---Yes, correct.
20
21 So, it's not limited by travel in any respect, this policy,
22 is it? It applies regardless?---No, the genesis of this
23 policy was very much not around travel, it was around say,
24 giving a conference speech at a Western Australian event
25 and being given a gift at the end of it.
26
27 **THE COMMISSIONER:** Sorry, your voice is dropping?---Oh,
28 I'm sorry. The genesis of this policy was, for example,
29 staff would go to, um, I subsequently banned them, so that
30 solved the problem, but they would go to something like a
31 IPA event - I can't remember their name, commercial
32 conference providers, they would get a bottle of wine, it
33 was that sort of policy, it was - it was trying to regulate
34 that sort of gift, yes.
35
36 **NELSON, MS:** So, you were involved in the drafting, or in
37 setting the intent of the initial gifts policy in the
38 office?---I think it would have been my deputy and her team
39 principally who would have put that together. Um, but of
40 course I take responsibility for the policy, and that is a
41 policy to which I, ah, absolutely give complete, ah - it
42 assists in my decision making about gifts, as are the other
43 policies that are applicable in the state.
44
45 If you received during your international travel a gift of
46 a value over \$250, do you always declare it through using
47 the form you described?---They would be declared on those
48 forms, correct.
49
50 And do those gifts then - are they retained by the office?
51 ---Ah, some of those gifts will be retained by the office

1 in the sense that they are immediately in the office. Some
2 of those gifts will be retained, um, in a series of
3 cabinets that I have established in my house, cabinets
4 purchased with my own money, which are used as a backdrop
5 for international events.

6
7 So, some of the gifts you received internationally are not
8 retained within the OWA office, they're at your house?
9 ---Well, they're retained in a home office environment,
10 correct.

11
12 **THE COMMISSIONER:** Your home, they're retained at your
13 home?---Correct, Commissioner.

14
15 No, I don't want a description, I just want to know that
16 they're retained in your home, they're not retained in
17 Albert Facey House?---No, they're retained for the purposes
18 of my role as President of the International Ombudsman
19 Institute.

20
21 **NELSON, MS:** If we go back to page 1, thank you. And down
22 to the bottom, to the definitions. The hospitality.
23 During your international travels, have you received
24 hospitality from anyone in the form of meals or
25 accommodation paid, or an invitation to events?---Yes. I'm
26 very sorry, as a matter of completeness, Commissioner, I
27 should have said, I don't have any recollection of actually
28 receiving gifts above \$250 at any stage, but I could be
29 wrong about that. Um, and the answer to your question,
30 counsel, is yes.

31
32 This version of the policy has - was put into effect in
33 July 2023. So prior to that the gifts, benefits and
34 hospitality policy in place since May 2021 required
35 declarations of gifts of \$50 or - sorry, less than \$50.
36 Have you received during your international travel any
37 gifts worth \$50 or above?---I just could not be precise
38 about that. I would need to check the gift register. The
39 vast bulk - what I can say, ah, is the vast bulk of gifts
40 are - I must be careful, this is a public hearing, um,
41 there is a critical importance to diplomacy. They are
42 gifts, ah, that are extremely well intended by the giver,
43 but that does not necessarily mean they have any
44 significant monetary value.

45
46 If they had a monetary value of \$50 or more up until July
47 2023 you would have to enter that into the gift register
48 and follow the process under the policy, correct?---Yes,
49 gifts would be entered into the gift register.

50
51 Did you ask Ms Morgan Marsh to change the gift policy in

1 April of last year?---I may well have.

2

3 Do you recall that you might have asked her to change the
4 nominal value to raise it to \$250?---Yes, and my, ah - so I
5 don't have a specific recollection of the timing. What I
6 did do at that time is I looked at both the Western
7 Australian Government's, ah, guidance on hospitality, and I
8 also looked at the Federal Government's guidance on
9 hospitality, ah, and realised that the \$50 amount we had in
10 our amount was very low compared to other jurisdictions.

11

12 So the answer is yes, you did direct Ms Marsh to change the
13 policy?---I - I don't have a photo recollection of
14 directing anyone to do anything. But, um, there was a - I
15 do recollect a discussion about that.

16

17 And you recollect looking at the policies of other
18 jurisdictions to determine what nominal value they placed
19 on gifts?---Correct.

20

21 And that was in the first quarter of last year?---I - I
22 don't have a recollection about the timing of that.

23

24 Was it last year?---I honestly don't have a - it wasn't a
25 particularly significant issue at the time. I don't have a
26 recollection about it.

27

28 Could I have 0466^, page 1, thank you.

29

30 0466^

31

32 **NELSON, MS:** Can we scroll to the bottom of the page,
33 thank you, so we can see the whole of the email of
34 20 April, please?---Yes, counsel, thank you.

35

36 Does that refresh your memory?---Ah, yes, I - I remember
37 this email.

38

39 And if we could just scroll up, please. Do you agree that
40 you directed Ms Marsh to change the nominal value of the
41 gift in the gift policy in April 2023?---Yes, correct.

42

43 So that gifts only needed to be declared if they were of a
44 value of \$250 and up, correct?---Oh, no, that wasn't my
45 intention, and I don't believe that is what happened. It
46 was my intention that gifts would be declared. It was
47 about whether they were retained by officers and the
48 appropriate value for that, and that is indeed exactly what
49 the email says. And indeed, it goes on to say, with the
50 greatest respect to the Commonwealth Government, I think
51 theirs is too generous to their employees, and I think the

1 Western Australian taxpayers should not - should have a
2 lower amount. So that's in paragraph 3 and 4. It's not
3 quite on the screen:

4
5 I propose to set the - with the greatest respect to
6 the Commonwealth Government, in my view this is a
7 significant - - -

8
9 **THE COMMISSIONER:** Well, it doesn't matter about the
10 Commonwealth. We're just dealing with this email?---Well,
11 so the answer to your question, counsel, is, no, that
12 wasn't about not declaring gifts; that was about, um,
13 whether - the concept of retention and the value to which
14 something should be retained. And that was changing
15 previous categories, which was zero to 50, 50 to 1000.

16
17 **NELSON, MS:** So you say in this email that because you
18 have dramatically changed circumstances due to being the
19 President of an international organisation that you have
20 reviewed the policy on gifts?---Yes.

21
22 And as a result of that review you'd like the direction in
23 relation to retention of a gift to be determined by the
24 value of \$250 and up?---Well, I said the commonwealth was
25 750 and I thought that was significantly too high, and so I
26 changed it from 750 to 250.

27
28 Was your intention, Mr Field, that gifts between \$50 and
29 \$250 had to still be declared in the gift register, but
30 they could be retained by the officer? Was that the
31 intention that you wanted to convey?---Yes. So my
32 understanding is they are still being so recorded in the
33 gift register. I would have to check that, but that was
34 certainly my understanding. It wasn't an intention that
35 they weren't declared in the gift register. I - I don't
36 think that email says that anywhere, but I would have to
37 read it through.

38
39 Right. We're going to move on to some specific instances
40 of travel. Could I have 0251^.

41
42 0251^

43
44 **NELSON, MS:** This is a proposal business case for official
45 overseas travel in accordance with the Premier's
46 Circular - - -?---Yes.

47
48 - - - for Ms Rebecca Poole. And if we go to page 3 so we
49 can see when the date of travel was to take place, 11 May
50 2019 to 20 May 2019. And this was to be travel to Mexico,
51 I believe. Do you recall this particular trip, Mr Field?

1 ---I do, counsel.
2
3 You went as well?---Went on the trip?
4
5 You went on the trip as well?---The trip didn't occur,
6 counsel.
7
8 Why did the trip not occur?---Because it was too expensive.
9 And I don't - and I considered it to be too expensive for
10 the taxpayers so I - I didn't allow the travel to occur.
11 And there's a very, very clear email that's sent to Mexico
12 saying exactly that.
13
14 So what was the purpose of this document then?---Well, it
15 was a business case. It was put together on the basis that
16 we would go. Once I determined the total costs I sent, ah,
17 an email to, um, my dear colleague and friend, the regional
18 President of the - of the Caribbean/Latin American region,
19 Ms Ramirez saying, um, that the travel was unaffordable and
20 we could not go.
21
22 We could go to the last page, page 6. Is that your
23 signature?---It is.
24
25 And are you signing this to approve this particular
26 business case?---Correct.
27
28 So you're in effect signing it to approve that Ms Poole
29 undertakes this travel in May 2019?---Correct.
30
31 And the date of the signature is 28 June 2019, Mr Field?
32 ---Yes.
33
34 Can you explain why you were signing the business case for
35 her to undertake travel in May well after the event, and in
36 any event you say it did not occur - the travel did not
37 occur?---I'm so sorry, could we go back to the document
38 itself?
39
40 Which page?---Oh, perhaps the whole document.
41
42 We can go to page 1 and just scroll slowly through the
43 document.
44
45 **THE COMMISSIONER:** Just tell the associate when you want
46 the screen moved?---Thank you. If we could please go down,
47 and further down, and further down, and further down, and
48 further down, and further down, and then to the end,
49 please, thank you. Oh, this is June 2019.
50
51 **NELSON, MS:** Correct. That's when you - - -?---I'm - - -

1
2 - - - approved the business case?---I'm so sorry, that's
3 entirely my fault. Um, there was a proposed trip to Mexico
4 in, um, ah - in 2023 and I was confused between the two,
5 Commissioner.

6
7 **THE COMMISSIONER:** So you did go on this trip?---No.

8
9 The 2019?---No. Ah, no, I was unwell. I did not travel on
10 the trip and - - -

11
12 Did Ms Poole go?---My recollection is she - I would have to
13 check that. My - I - my recollection is she did not, but I
14 would have to check. But I can say that I didn't go.

15
16 So counsel's question was why did you sign it on 28 June?
17 ---Ah - - -

18
19 **NELSON, MS:** It's six weeks after the stated dates of
20 travel in the business case, Mr Field?---I would have to -
21 yes, I would have to check, ah, whether Ms Poole actually
22 went on that travel. It could simply be an error. Um, if
23 she did go on the travel it is absolutely possible, um,
24 that I had given approval for that travel, ah, and there
25 would be a very large amount of documents evidencing that
26 approval. And this was - and this was, ah, simply
27 completing the actual - or, um, reducing (indistinct) in
28 the actual business case at that time.

29
30 Mr Field, is this document the approval that you have given
31 for Ms Poole to travel?---So can I also just go back to the
32 top again and for - - -

33
34 Mr Field, is this document the approval for your staff
35 member to travel internationally?---Oh, sorry, I just need
36 to go back to the top of the document again one more time.

37
38 Page 1, thank you, Madam Associate?---Sorry. Yes, that is
39 the travel approval. I will need to check.

40
41 What do you need to check, Mr Field?---Well, I'm not sure
42 that that travel went ahead and there may be an error.

43
44 **THE COMMISSIONER:** Well, if it didn't go ahead why would
45 you have signed it six weeks later, which was counsel's
46 question?---And - and, Commissioner, um, I cannot give you
47 an immediate answer to that. There is obviously an error
48 there and I need to - I need to find out what that error
49 is.

50
51 **NELSON, MS:** Can we go back to page - we're on page 1,

1 thank you. We can see the whole of page 1. In the 'Reason
2 for Travel' - can we see the whole of that text box, thank
3 you. The first paragraph says where the Ombudsman/Ms Poole
4 is going to go and who she will accompany. Correct?---Yes.
5
6 The second paragraph then details more particularly where
7 she would travel and says that she will attend an executive
8 committee meeting of the world board of the IOI?---Yes.
9
10 And then a meeting of the Australasian and Pacific
11 Ombudsman Region of the IOI, and then another meeting of
12 the world board of the IOI?---Yes.
13
14 So it says what she is going to do when she's there - - -?
15 ---Yes, yes.
16
17 - - - in terms of - - -?---Yes.
18
19 - - - planned activity, correct?---Correct.
20
21 And then the third paragraph details more specifically when
22 she will arrive, when she will leave. Correct?---Yes.
23
24 And it notes that there are days either side of the events
25 that are specified in the second paragraph?---Yes.
26
27 Dates of travel?---Yes.
28
29 And then the fourth paragraph talks about Ombudsman -
30 meaning you - being accompanied to IOI world board meetings
31 usually. You're talking generally, is that the practice?
32 ---Yes.
33
34 And then the last sentence says, 'The Ombudsman' - meaning
35 you given your role as second vice president - 'will be
36 accompanied by the Assistant Ombudsman.' Out of that whole
37 text box it would appear that the only reason given for her
38 travel is to accompany you because most other ombudsmen
39 have someone accompanying them when they attend IOI world
40 board meetings?---Ah, well, the reason why the chief of
41 staff travels would - that would be one that, ah - correct,
42 counsel, that ombudsmen - not all, but many, ah, travel
43 with a chief of staff, chief of cabinet, however they are
44 named.
45
46 **THE COMMISSIONER:** She wasn't a chief of staff at this
47 point?---Ah, she would have been undertaking a role that
48 would be very similar to that in terms of assisting me in
49 my role as - as, um - as a director of the IOI world board.
50 Ah, and it is true that some directors of the IOI world
51 board travel alone. Some directors travel with four or

1 five staff. Um, but, no, the - the work goes well beyond
2 attending, ah, the executive committee meetings, the board
3 meetings, um, and that will include consular engagement, it
4 will include, ah, significant engagement with the host
5 nation in relation to travel arrangements, ah, other
6 relevant activities, the signing of memorandum of
7 understanding, all the sorts of matters that a chief of
8 staff when they are travelling - or so named when they are
9 travelling - - -

10

11 **NELSON, MS:** Mr Field, I don't want to cut you off
12 but - - -?---Yes.

13

14 - - - talking about what's in black and white on the page
15 as the reason for travel is only that she's accompanying
16 you because other ombudsmen normally have someone accompany
17 them?---And, well, I think that's a shorthand way of saying
18 people accompany you to do all of that work.

19

20 We go over the page, there's a big text box identifying the
21 statement of purpose and value to the Office of the WA
22 Ombudsman - - -?---Yes.

23

24 - - - in Western Australia. And it says:

25

26 Please include whether the benefits to the Office in
27 WA outweigh the costs.

28

29 So the first paragraph talks about the IOI and the work
30 that it does generally when it was established?---Yes.

31

32 And that it holds world conferences every four years. And
33 then the second paragraph talks about the fact that you had
34 been elected to the Australasian and Pacific Ombudsman
35 Region as President to that board, correct?---Correct.

36

37 And then the third paragraph talks about Australia being
38 part of a leading democracies in the world?---Correct.

39

40 And that you're one of the longest-serving ombudsmen in
41 Australia?---Correct.

42

43 And the Office of Western Australian Ombudsman is by size
44 the third largest ombudsman in Australia. Where in this
45 text box does it say the purpose and value for Ms Poole
46 attending in Mexico aligned with her functions as an OWA
47 employee?---Well, it is, ah, part of all of the work that
48 she was doing to promote all of the matters that are set
49 out in that statement of purpose of value. That is not all
50 undertaken just by one person. That is undertaken by one
51 person and a very, very senior officer who assist doing

1 that.

2

3 It doesn't actually say in this text box, does it,
4 Mr Field, where the value is to the OWA of the attendance
5 of Ms Poole in Mexico?---Well, I can say as also for those
6 officers who accompany, ah, other ombudsman around the
7 world who are a part of the International Ombudsmen
8 Institute, Ms Poole did provide that value and service to
9 her state and to the office.

10

11 **THE COMMISSIONER:** Counsel's question can be answered with
12 a yes or no?---I - I think the answer was in - oh, I'm
13 sorry. Counsel, I'd have to ask - be asked the question
14 again.

15

16 **NELSON, MS:** Perhaps if we could have the whole text box
17 on the screen, thank you, Madam Associate.

18

19 My question was, the text box does not state where Ms Poole
20 - the benefit to the OWA from Ms Poole's attendance in
21 Mexico, what it is? It doesn't state what it is?---Yes, I
22 think it does.

23

24 At the bottom, the last paragraph, you have repeated the
25 paragraph from the previous page about how most ombudsmen
26 in their capacity as members of the board have someone
27 accompany them. That is word for word in the paragraph
28 that we're looking at under the 'Reason for travel' text
29 box on page 1. And that's a benefit to you in your role as
30 vice president, second vice president?---Yes.

31

32 It's not a benefit to the Office of the Ombudsman of WA?
33 ---Oh, no, I think it absolutely is a benefit to the Office
34 of the Ombudsman WA. Ah, (1), insofar as it's a benefit to
35 one of the roles that I hold, ah, as the Ombudsman WA,
36 which is as the President - at that stage, the vice
37 president of the IOI, so I think it's fundamental to that
38 role. Um, but also, um, ah, the opportunities for, um, ah,
39 engagement, um, continuous, ah, learning. Ah, the office
40 is deeply committed to women in leadership and excellence.
41 All of those matters would go to benefit to the Office of
42 the Ombudsman WA as well, so no, counsel, I would - that
43 characterisation would not be correct. I would say that
44 that - now I've read it, that statement of purpose
45 absolutely, um, speaks to the value that Ms Poole would be
46 providing, um, to the office, ah, to the vice presidency,
47 all of which I see as the one concept.

48

49 If we could go over to the next page, thank you. Another
50 text box at the top of the screen, also addressing purpose
51 and value to the office. In the second-last sentence:

1
2 It's also a high-level development opportunity for
3 the assistant ombudsman who's been identified by the
4 ombudsman as a future CEO-level leader.

5
6 Do you say that that is ultimately the benefit to Ms Poole
7 and to the Office of the OWA, her attendance?---Oh, it's -
8 it's - it's one of the benefits, and I - I wouldn't even
9 call it the principal benefit, um, but certainly, ah, it
10 would be, ah, one of the benefits, um, um, and I - I cannot
11 give a speech - my office has a very profound commitment
12 to, ah, women in leadership. Um, and so it would be one of
13 the benefits but it's not the - it's not the - it's not the
14 exclusive one, or even the principal one. The principal
15 one would be to assist, um, ah, on that occasion, myself as
16 vice president executing my role as vice president, um, and
17 to represent and, ah, and, ah, perform functions of the
18 Office of Ombudsman Western Australia.

19
20 Could I have Document 0230^, please.

21
22 0230^

23
24 **NELSON, MS:** If we could just scroll slowly through that,
25 thank you, Madam Associate.

26
27 This is a business case for the same travel, for yourself?
28 ---Correct.

29
30 If we could just stop there. So the travel is for the same
31 dates, 11 May to 20 May?---Correct.

32
33 The row:

34
35 Should a report be submitted upon return?

36
37 The box that has been crossed is 'No'?---Correct.

38
39 Why is that?---Oh, because the return that I do is, ah, an
40 - ah, I provide extensive, ah, information, ah, to, ah, the
41 Western Australian Parliament as a report to Parliament.

42
43 So what's the report that's being referenced in this line,
44 then?---I - my recollection, um, is that the Premier's
45 Circular indicates that ministers, when they travel, should
46 do a return which is tabled in Parliament on their travel.
47 That is my recollection. Um, and I think the position on
48 that film is that it's - the default position is no. I - I
49 can be absolutely clear, though, um, that, ah, our position
50 in relation to travel has - has been to be utterly
51 transparent about that travel and to do extensive reporting

1 on it.

2

3 So as far as you're aware, this travel would have been
4 reported to Parliament by your office?---Well, I didn't go
5 on this trip so it wouldn't have been.

6

7 Okay, if we keep scrolling through to get to the last page,
8 page 5. So the estimated cost to be paid by the Office of
9 the Ombudsman is \$14,094.54?---Yes.

10

11 And that is your signature?---Correct.

12

13 And it's chief executive officer?---Correct.

14

15 And similarly to Ms Poole's, you've signed this business
16 case to approve your own travel well after the travel was
17 meant to have been taken, correct?---Correct.

18

19 Can you explain why that would be, Mr Field?---No. So I
20 can say that I didn't go on that travel, um, and now the
21 thing that I - I must, ah, explain to the Commission to the
22 very best of my ability is why it was signed in a
23 post-dated way, ah, and counsel, at the moment, I cannot do
24 that, but I will reflect on every record I have and any
25 recollection I can have as to why that is the case. But as
26 of now, I cannot give that answer. I can say I did not
27 take that travel.

28

29 And it's also been signed by the then-deputy ombudsman,
30 Mary White, the day after you've signed it, correct?---Yes.

31

32 And it says that she's signed it in a capacity of
33 considering and noting it?---Correct.

34

35 Not an approval capacity?---Oh, absolutely not intended to
36 be or purported to be an approval, no.

37

38 Would you have given her any additional information other
39 than what appears in this business case form?---Well, to
40 the best of my recollection she would have received the
41 business case form and then the standing position with
42 staff would have been - I can't recollect that particular
43 conversation - is, 'If you believe there is any anomaly in
44 this form, anything that I have missed in terms of things
45 that should be in there, could you please bring those to my
46 attention', because - - -

47

48 So her role is effectively as a quality assurance - - -?
49 ---I think that's an excellent description, counsel. It's
50 certainly not intended to be an approver. That would not
51 be appropriate.

1
2 **THE COMMISSIONER:** Why does she have to be the quality
3 assurance?---I - I chose the officer who was the most
4 senior officer who wasn't myself, um, which was the deputy,
5 um, and she, ah, ah, had an outstanding reputation for
6 having excellent quality assurance, um, capacity.

7
8 It just seems odd to have - as you've said, the person who
9 countersigns has no authority to approve or disapprove. I
10 don't quite understand why they have to sign it, and why
11 her as opposed to someone in accounts?---Oh, she was also
12 the CFO as well, at that time. So that was another reason.

13
14 Would you agree that this form is a state record?---Yes.

15
16 And that one day it might be read by a grumpy old person
17 like me and I would be justified in confining my
18 consideration of it to the four corners of the form?---I'm
19 not - if it was me, Commissioner, ah, so yes, state record.
20 Would I be justified in confining it to those four corners?
21 Um, I'm not necessarily sure that I personally would share
22 that view. I - I might look at other extraneous materials,
23 but that would obviously be just different views about a
24 matter.

25
26 But you wouldn't expect somebody later on looking to have
27 to go looking for extraneous materials for a form like
28 this, would you?---Well, no - - -

29
30 You'd expect to find all the detail there?---Commissioner,
31 I - I - I, um, could not agree more with counsel and
32 yourself. There needs to be an explanation for that - for
33 that date, and I intend to find it.

34
35 Very well.

36
37 **NELSON, MS:** If we could go to page 1, thank you, and the
38 'Reason for travel' text box - well, there are two of them,
39 but if I could just give you a minute to look at that. The
40 first paragraph talks about your appointment to the role of
41 second vice president of the IOI?---Perhaps the one thing I
42 should say, um, counsel, and it's only to follow up on
43 Commissioner's question, is to say, um, it - I can say this
44 as a matter of certainty: it wasn't done with any form of
45 bad faith or dishonesty to retrospectively approve the
46 travel, because I didn't go on the travel in any event, but
47 I will - I will look at the date. I'm sorry, counsel.

48
49 We were looking at the first paragraph of the 'Reason for
50 travel'. Do you agree that the first paragraph states your
51 current role in the IOI and then gives your historical role

1 as treasurer, so you were at this time currently second
2 vice president to the IOI?---Yes.
3
4 And then you had previously held the treasurer position?
5 ---Yes. Ah, err, sorry. Yes, counsel.
6
7 And then the second paragraph says where you are proposing
8 to travel to, and that you'll be received by the Australian
9 ambassador?---Yes, counsel.
10
11 But that's not the reason to travel to Mexico, is it, to be
12 received by the Australian ambassador? The primary - - -?
13 ---Oh, no - no - oh, sorry. Exactly, counsel. That is
14 something we do as part of the - of the, ah, visit, ah -
15 oh, look, there could be a reason why a - ah, an ombudsman
16 or a President may actually travel to a country exclusively
17 to meet an ambassador. Such a thing could occur. I could
18 imagine a circumstance where that could occur. But - - -
19
20 Well, if so in this case, it would be articulated in this
21 text box?---Correct. That would not have been the case in
22 this case.
23
24 Because the next paragraph says why you're going there is
25 to attend an executive committee meeting of the world
26 board, a meeting of the more regional - the APOR of the
27 IOI, the Australasian and Pacific Ombudsman Region, and
28 then you also discuss that you'll be going on an informal
29 excursion?---Counsel, the - the, ah, reason for the travel
30 of this in a nutshell is every 12 months the IOI has a
31 world board meeting. It is held in different parts of the
32 world. This meeting was held in Merida. So this was
33 principally for the 24 directors of the IOI world board to
34 meet in Merida for their multiple-day world board meeting,
35 of which, at that stage, I was the vice president.
36
37 If we go over the page to page 2, and I'll just give you a
38 minute to look at that whole text box on the statement of
39 purpose and value?---Thank you, counsel.
40
41 Do you agree that it's in extremely similar terms to what
42 we saw as the statement of purpose and value articulated in
43 Ms Poole's business case?---Yes, ah, it is.
44
45 Of course without the reference to other ombudsmen having
46 senior staff accompany them. That's been removed,
47 correct?---Yes, correct.
48
49 Thank you, that can be taken down. I'm now going to jump
50 to 2022, to May in 2022. Can I have 0240^.
51

1 0240^

2

3 **NELSON, MS:** This is a six-page document. If we could
4 just scroll slowly through so we can see what's largely in
5 the document, thank you.

6

7 **THE COMMISSIONER:** If at any time you wanted to go more
8 slowly, just ask?---Thank you, Commissioner.

9

10 **NELSON, MS:** Do you agree the travel was to take place
11 between 4 May and 16 May in 2022?---Yes, counsel.

12

13 And similarly to the last business case, the 'No' box has
14 been crossed for the question, 'Should a report be
15 submitted upon return?'?---Yes, counsel.

16

17 Why would that have been?---Oh, for the same reason I
18 explained, um, before. Um, it had been my understand that
19 that report, ah, submission was a specific ministerial
20 report to Parliament. Um, ah, I, of course, am an officer
21 of the Parliament and I had taken the view that it was
22 appropriate for me, ah, to report my travel to Parliament,
23 ah, and - - -

24

25 Well, why does that not apply, then? Why would you not
26 tick 'Yes'?---I could have ticked 'Yes', correct, and it
27 certainly was - I can say about my travel, um, that itself,
28 if it - be exceptionally transparent, um, so I - I -
29 perhaps I should have ticked 'Yes' on that box. I - I - I
30 did tick it 'No' in good faith because, and I might be
31 wrong about this, counsel, I'd had in my mind that that was
32 a box - um, because it's a pro forma form, I had in my mind
33 that was the box which is if you're a minister undertaking
34 travel, ah - there is a certain number of days, I think,
35 and then you must go into Parliament and table a report on
36 - on what you did while you were overseas, so I think
37 that's the reason why, as a general rule, I - I ticked
38 'No'.

39

40 So you didn't take that box to be a reference to the
41 parliamentary report that you submit?---Oh, I - I did not
42 take it as a reference to - that I would not be providing
43 elaborate details about my travel.

44

45 If we could keep scrolling, thank you?---In fact, I
46 considered it essential that I provided those elaborate
47 details.

48

49 So it's expected this travel would cost \$18,174.52?
50 ---Correct, counsel.

51

1 If we could stop on this page. It's the last page. You
2 have approved this travel on - I think that's 24 March
3 2022?---Yes.

4
5 So you have approved it in advance of the travel, and also
6 Ms White, the deputy ombudsman, has approved - or, sorry,
7 has noted and considered the business case on the same day,
8 correct?---Correct.

9
10 And in the text box above, under the heading, 'Approvals'
11 in the second paragraph, you say:

12
13 In these circumstances, the Ombudsman CEO (1),
14 considers and approves with the deputy ombudsman
15 considering, noting and counter-signing the approval,
16 the need for the international travel, and that its
17 benefits to Western Australians outweigh its costs.

18
19 If we go back to the statement of the benefits, which is on
20 page 2. Do you agree this is normally where you would set
21 out the benefit to the Office of the Ombudsman of WA?
22 ---Yes, counsel.

23
24 The first paragraph in that text box gives a bit of an
25 understanding to the reader of what the IOI does and when
26 it was established?---Yes, counsel.

27
28 It makes reference to it having three working languages and
29 the various regional chapters, and generally its purpose?
30 ---Yes.

31
32 Then the second paragraph is a summary of your role at the
33 IOI?---Yes.

34
35 When you commenced your presidency?---Yes, counsel.

36
37 And historically what other roles you have performed for
38 the IOI?---Yes, counsel.

39
40 And then the third paragraph, I'll just give you a moment
41 to read that?---Thank you, counsel, I've read that.

42
43 It refers to the OWA in terms of a history as well, when it
44 was commenced in 1973 and its size relative to other
45 Australian ombudsmen?---Yes, counsel.

46
47 It seems to me that many of the words in that paragraph are
48 similar to the one, the business case, we saw for Mexico
49 for 2019. Would you agree with that?---Yep - well, there
50 will certainly be similarities to the benefits of, ah,
51 travel for the International Ombudsman Institute.

1
2 Near the end of that paragraph, the third-last line, you
3 say:

4
5 It is appropriate that Australia make a contribution
6 to the work of the IOI, and this contribution is
7 properly and fairly shared over time across
8 Australian jurisdictions.

9
10 ?---Correct.

11
12 What did you mean by that statement?---Oh, that's a very -
13 has a very specific, ah, intent. Ah, ah, the IOI, ah, as
14 an institution, ah, ah, relies upon, ah, individual
15 ombudsmen to undertake, ah, it - its executive roles,
16 President, first vice president, second vice president,
17 treasurer particularly, um, and over any given time, um,
18 ah, countries, ah, will obviously take a turn, if you like,
19 of, um, ah, providing resources for a person to be a
20 President. So immediately before me, um, Ireland, ah,
21 supported the travel of its President. Ah, immediately
22 before that, ah, Namibia; immediately before that, New
23 Zealand - in fact, New Zealand's done that on three
24 occasions; ah, Sweden; ah, USA - - -

25
26 If I could just stop you there?---Yep.

27
28 So by using the word 'contribution' on page 2, do you mean
29 financial contribution as well as in-kind resources
30 contribution?---Yes. What it's trying to - yes, counsel.
31 What it's trying to say is this. If, ah, a country,
32 nationals or sub-national jurisdictions did not support
33 presidents, vice presidents, first and second vice
34 president, there would of course be no IOI. So say every
35 50 years Australia takes a turn, and every 50 years Ireland
36 takes a turn. That is - that is what is intended by that
37 statement.

38
39 When you took the presidency role on, or before you were
40 elected, did you discuss with anyone at senior levels of
41 government what it entailed and what the financial and
42 resource commitment or contribution would be that would be
43 expected from WA?---Yes. I wrote letters to, ah, ah, key
44 stakeholders. I also had conversations about those
45 financial contributions, and also at, um, ah, at an
46 appropriate time, made, ah, a budget submission to the
47 expenditure review committee to support the travel as well.

48
49 You're referring to the budget submission that Mr Porter
50 raised at the last occasion you were - - - ?---Indeed, the
51 one that Mr Porter raised at the last - - -

1
2 Is that the only budget submission that you have made
3 directly related to IOI presidency travel?---That was the
4 only budget in - ah, specifically to the budget of the
5 travel, um, but it was not intended to be, ah, ah, all of
6 the budget for the travel. That was specific to one
7 streamlined budget process amount and process.
8
9 That took place in January, February 2023?---Mm.
10
11 So that's well into your presidency, isn't it?---Oh, I can
12 say to you certainly, counsel, that I wrote to a number of,
13 ah, ah, stakeholders.
14
15 **THE COMMISSIONER:** Who?---The Premier. Ah,
16 Minister Tinley who had - had a relevant portfolio at the
17 time. Ah, to the Secretary of the Department of Foreign
18 Affairs and Trade who at the time was Frances Adamson. Ah,
19 I wrote - ah, I also had discussions with a number of the
20 most senior members of the West Australian Government
21 including the Premier's chief of staff, ah, with the Public
22 Sector Commissioner, with the Director General of the
23 Department of Premier and Cabinet, ah, with Rebecca Brown,
24 who was the Director General of, um, the Jobs - - -
25
26 JTSI?---JTSI, of course, thank you, Commissioner. I - I -
27 I always get that acronym wrong. So, um - and there were
28 others. So, yep.
29
30 So, because we want to do right and fair by you, there will
31 be letters in existence from you to key government agencies
32 or officers detailing the financial impost to the state of
33 your presidency, is that, as I understand it?---I - the
34 actual letters themselves talk about, um, what I was
35 proposing - or the vision for the presidency, um, and - - -
36
37 Well, my question was quite specific?---Okay.
38
39 Did the letters, which we will try and find - - -?---Yes.
40
41 Did the letters include, say to the Premier, whom you
42 wrote, the expected financial cost of the presidency?---No,
43 I certainly didn't say, 'This would be a specific cost'.
44 Um, the view I would have had - well, two things,
45 Commissioner. I - - -
46
47 Well, you've answered the question?---Oh, okay. I - - -
48
49 Thank you?---I think it would have been - - -
50
51 Counsel.

1
2 **THE WITNESS:** Oh, okay. Thank you.
3

4 **NELSON, MS:** Would the letters have stated that there
5 would be a contribution of some kind without necessarily
6 being specific about the cost?---Um, the letters I think,
7 um, from my perspective would have very strongly inferred,
8 um, that to do the things I was saying I was going to do in
9 the letters, that would cost money. Um, I would have - it
10 was certainly my assumption writing those letters that that
11 very obvious inference from those people would be that that
12 would be money spent, um, ah, from the budget of the Office
13 of the West Australian Ombudsman, um, and as it has been by
14 all over presidents before me and as it will be for all
15 other presidents after me. Um, and I also made specific
16 references in conversations with those relevant public
17 senior officers about the fact that there were multiple
18 sources of funding for, um, travel for the IOI. One was
19 where a member who invited you to visit their country, that
20 they would pay all or some of the travel costs. Second,
21 the IOI itself had a longstanding practice of contributing
22 up to €10,000 per year to the travel of the President. And
23 third, that the money would come from the budget of the
24 Office of the Ombudsman to support the travel. And they
25 were conversations I had with the most senior members of
26 government.
27

28 These conversations, did they take place before you took up
29 the presidency in May 2021?---Ah, they would have been on
30 or around, before, during, and after.
31

32 The letters that you wrote to stakeholders - and you
33 mentioned one being the Premier - was that a letter written
34 prior to you taking the presidency in 2021?---It would have
35 been broadly coincidental. Um, I - I don't have an
36 immediate recollection of the date.
37

38 So it might have been after you took the presidency role?
39 ---Ah, I can't remember if it was after I took the
40 presidency role. What - what I can say, um - and I do have
41 a recollection of this counsel - is when I was the second
42 vice president I had made it known to all of those - to
43 relevant people in senior government that it was my
44 intention to stand for the presidency of the IOI.
45

46 And in stating it was your intention, did you also state
47 that the Office of the OWA was expected to make a
48 contribution financial and in kind?---I - well, I must say
49 I - I don't know if any particular letter indicated this
50 would be an amount of money or that - I certainly would
51 have taken it as utterly inferred, um, that this would be a

1 contribution that would in part be made through the budget
2 of the Office of the West Australian Ombudsman.

3

4 So you might not have been express about that obligation to
5 make a contribution?---No.

6

7 Your evidence on the last occasion was that you had not met
8 with the Premier, whether it was Premier McGowan or the
9 current Premier, face to face about your work as Ombudsman
10 or IOI President, but rather you met with the chief of
11 staff Daniel Pastorelli?---Yes, yes. I - no, I can say for
12 certain, um, that I have not met, ah, the Office of the
13 Premier - sorry, Premier McGowan personally about this
14 matter.

15

16 Or about any matter?---Ah - - -

17

18 **THE COMMISSIONER:** Well, I suppose if he's not met
19 personally, it doesn't matter how many matters?---Yes, I -
20 I certainly met the former Premier on a few occasions. Um,
21 I considered myself to have an excellent relationship with
22 that Premier but - yeah.

23

24 Sorry, now I am confused?---Yeah.

25

26 Have you personally met with Mr McGowan?---No. I should
27 just give a very clear answer, no.

28

29 Right. No. Thank you. Did you meet with Premier Barnett?
30 ---Oh, about, ah - no.

31

32 Did you meet? No?---Oh, sorry, did I meet with Premier
33 Barnett at all? Yes. About IOI? No.

34

35 Thank you?---Yes. Sorry, Commissioner.

36

37 And just to complete it, and Premier Cook - have you met
38 with Premier Cook?---Ah, no.

39

40 Thank you?---About nothing.

41

42 **NELSON, MS:** But you have met with both Premier's chief of
43 staff Daniel Pastorelli, correct?---Oh, yes, I've met with
44 every Premier's chief of staffs since I commenced office,
45 including Daniel Pastorelli.

46

47 Could I have Document 0426^.

48

49 0426^

50

1 **NELSON, MS:** On the last occasion you referred to meetings
2 with Daniel Pastorelli?---Yes.

3
4 And you said that you would take an agenda which was a
5 one-page document. And I'm just going to show you - we'll
6 go to page 2 quickly. The next page, sorry, page 3. This
7 is attached to an email from your executive assistant
8 Ms Jamieson to yourself on 12 April 2021?---Correct.

9
10 So this is a month before you took up the presidency of the
11 IOI?---Correct.

12
13 And it refers to a proposed meeting with Daniel Pastorelli
14 on 13 April 2021, so the following day?---Yes.

15
16 And it refers to this being an introductory meeting?---Yes.

17
18 Do you recall whether in fact this was the first time that
19 you met Mr Pastorelli?---Ah, he was the media advisor in
20 Premier McGowan's office. I don't ever recollect meeting
21 him in that capacity, so I think the answer to that would
22 be yes.

23
24 **THE COMMISSIONER:** Sorry, I am confused. Had you met with
25 him before this? Had you met with Daniel Pastorelli before
26 this proposed meeting?---I've been unhelpful. No.

27
28 **NELSON, MS:** Is this the agenda document that you were
29 referring to in your previous examination that you would
30 use as a basis for your discussions with the chief of
31 staff?---So, yes, my practice when meeting with, um - - -

32
33 **THE COMMISSIONER:** Well, could you listen to the question?
34 Because the question either admits of a yes or a no answer?
35 ---Ah, yes.

36
37 **NELSON, MS:** And is this an agenda that was for your
38 personal use during the meeting in that you didn't give
39 Mr Pastorelli a copy?---An aide-memoire, correct.

40
41 Only for yourself?---Correct.

42
43 Who would have put the tracked changes - the red track
44 changes into this document?---Me.

45
46 You can see at point 5, 'IOI presidency, UN Resolution'?
47 ---Correct.

48
49 Do you recall now what you would have discussed with
50 Mr Pastorelli in April 2021?---Ah, the conversation - well,
51 on that item the conversation would have been, ah, to

1 inform the chief of - Mr Pastorelli of the United Nations
2 Resolution that has been discussed during the hearings, um,
3 and the importance of that for Western Australia and
4 Australia in terms of the ombudsman institution. Ah, and
5 it also would have been to inform him of my proposal to be
6 a candidate for the President of the International
7 Ombudsman Institute. I also would have inquired of him,
8 um, did he see any difficulties in me undertaking such a
9 role.

10
11 What did he say to that?---Oh, I've never been informed by
12 - sorry, I don't have a specific recollection of that
13 meeting, but I have never been informed by Mr Pastorelli
14 that, ah - well, I'm sorry, that would be a lie. Prior to
15 the story that appeared in the newspaper I have never been
16 informed by Mr Pastorelli, um, of anything other than
17 support for my presidency.

18
19 What information would Mr Pastorelli have had in April 2021
20 as to what the IOI mandate was and what being a President
21 entailed?---I would have discussed with him, ah, a few
22 things would be my recollection. One that it - it was a
23 historic opportunity; that this was the first Australian,
24 um, to be elected in the nearly 50-year history of the IOI;
25 ah, that it would involve - it was domiciled in Vienna, it
26 would involve travel engagement with senior-level officers
27 around the world; um, that I would do that in conjunction
28 with JTISI, I would do that in conjunction with DFAT; um,
29 and I would use it also as an opportunity, ah, to advance
30 Western Australia's cultural trade, tourism, social, and
31 diaspora interests. Those are the - those are the matters
32 I would have discussed with him.

33
34 So Mr Pastorelli didn't have any other information other
35 than the information you conveyed with him in the
36 face-to-face meeting?---No, there would have not been a
37 sheet of paper or other information given to him.

38
39 And in April 2021 had you already organised the travel for
40 the following month to take up the presidency?---Ah, well,
41 I would have been organising the travel for the world board
42 meeting, correct.

43
44 So in April 2021 would it have already been known by the
45 IOI members that you were the one that was going to take up
46 the presidency at the next board meeting?---Oh, the dates I
47 would have to check on that. I'm not in any way being
48 evasive of that because I just have to check those dates.

49
50 Do you have a recollection of following up this meeting
51 with any written communication with Mr Pastorelli or with

1 the Premier?---Yes, and I don't know the exact date but I
2 certainly wrote to the Premier about my presidency, ah, and
3 as I say, to a number of others at that time. And of
4 course this is not the only time I met with Daniel
5 Pastorelli, nor the only time I discussed the presidency.
6 And indeed, counsel, there was elaborate discussions about
7 the presidency that occurred with Mr Pastorelli after this
8 time.

9
10 And were those discussions predominantly about the travel
11 that you had undertaken and the activities that you did?
12 ---Correct.

13
14 Were any of those discussions about how that travel was
15 being financed?---Ah, I - I - to the best of my
16 recollection, I would not have put that in there. I must
17 say, counsel, I would have absolutely inferred the
18 assumption would be, um, that that travel would have been
19 funded, um, by - or at least in part by, as it was, the
20 Office of the Western Australian Ombudsman.

21
22 And when you asked Mr Pastorelli if he saw any difficulties
23 with you taking up the presidency of the IOI were you
24 seeking his advice or his approval for you to do that role?
25 ---I was seeking feedback about, ah - I absolutely was - I
26 was not seeking approval. Ah, it could be classed as
27 advice. What I wanted to seek from him at the time as I
28 recollect it, that he was comfortable with me undertaking
29 the additional roles that I envisaged for the presidency
30 which was to be part of advancing, um, Western Australian
31 state interests, particularly in the Southeast Asian
32 region. But it wasn't to seek his approval, no.

33
34 What potential difficulties did you have in mind that
35 Mr Pastorelli might have raised that caused you to ask him
36 that question?---Oh, if he'd said to me, um, 'Chris, we
37 think you're a terrible diplomat and you'll do a terrible
38 job of that,' I might not have agreed to do it.

39
40 Then the track changes at the top appear to indicate that
41 previously or the month previously in February you had met
42 with Sharyn O'Neill, the then Public Sector Commissioner?
43 ---Correct.

44
45 Do you have any recollection whether you spoke to her about
46 the IOI presidency?---I - I certainly would have briefed,
47 um, our outstanding Public Sector Commissioner about, um,
48 matters in relation to all aspects of my role, and one of
49 those would have been the presidency of International
50 Ombudsman Institute.

1 **THE COMMISSIONER:** Why would you brief her?---Why would I
2 brief - - -
3
4 Why would you brief a person who has no jurisdiction over
5 you?---Ah, well, I'm in a public hearing so I want to put
6 it this way: ah, I considered the three most powerful
7 public servants in the state to be the Premier's chief of
8 staff, the Under Treasurer, and other Public Sector
9 Commissioner. I considered her to have a very close,
10 outstanding, and effective relationship with the Premier.
11 Um, and in - I'll - to be frank, ah, Commissioner, the way
12 I described her to my staff in the old Yes, Minister terms
13 was she was 'God calls me God'. I considered her to be the
14 most senior public servant in the state, and I would keep -
15 - -
16
17 Well, she is?---Yes, and I would keep her briefed
18 accordingly.
19
20 She is?---Yeah.
21
22 I'll let counsel go, but so far you say it to the Premier's
23 chief of staff - - -?---Yes.
24
25 - - - and the person who you think had an outstanding
26 relationship with the Premier - - -?---Yes.
27
28 - - - but not the Premier?---Ah, no, I thought speaking to
29 the Premier's chief of - chief of staff was - was
30 sufficient.
31
32 Right. Back to you.
33
34 **NELSON, MS:** Did you tell either the Public Sector
35 Commissioner or Mr Pastorelli that any international travel
36 would not be sent to the Premier for approval because you
37 did not consider that the Premier's Circular applied to you
38 in that respect?---Oh, I - that matter never arose. I - I
39 didn't raise that, and it wasn't raised with me.
40
41 Did you tell the Public Sector Commissioner or
42 Mr Pastorelli that Ms Poole would be accompanying you in
43 any travel that you undertook as President?---Ah, that
44 matter wouldn't have arisen and, ah - - -
45
46 That's no?---No, no. Sorry, no. Ms Poole or any other
47 staff member.
48
49 When you wrote to the Premier to tell him about taking up
50 the presidency of the IOI - - -?---Yes.
51

1 - - - did the Premier write back to you to acknowledge that
2 letter?---Ah, he did.

3
4 And what did he say?---I don't have a photo recollection of
5 that. Um, I'm hoping my counsel at the appropriate time
6 might be able to refresh my memory.

7
8 If we could go to 0240^, thank you.

9
10 0240^

11
12 **NELSON, MS:** So this is back to the business case and
13 proposal for official overseas travel in respect of a trip
14 to New York in May 2022 - - -?---Yes.

15
16 - - - which we looked at briefly before. May 4 to 16. And
17 if we could go to page 5, I'm just reminding you that that
18 was signed by yourself and Ms White in March 2022?---Yes.

19
20 Go back to the first page. The events in the first text
21 box, you've articulated numerous meetings?---Yes.

22
23 Would you agree that they're all directly related to your
24 role as President of the IOI?---Well, they're all related
25 to my role as the Ombudsman of Western Australia which
26 includes being President of the IOI, correct.

27
28 **THE COMMISSIONER:** Well, that all depends on making good
29 the assertion in due course that they are one and the same?
30 ---I - on the basis I am making that assertion and it is
31 not a fact accepted at this stage, I - um, or may never be,
32 I - yeah, I - - -

33
34 I haven't formed any view whatever. I'm just putting it on
35 record for when I later look at it - - -?---Yeah.

36
37 - - - that this view of yours about the co-mingling, I'll
38 call it - - -?---Yes.

39
40 - - - of the two roles may or may not be right?
41 ---Commissioner, completely accept that. So I would say it
42 was part of the co-mingling.

43
44 **NELSON, MS:** Well, in the 'Reason for Travel' box
45 underneath that, the very first sentence says that you're
46 President of the International Ombudsman Institute and a
47 member of the executive committee of the world board of the
48 IOI. Is that not the bold statement is the reason for your
49 travel?---Yes. So I was travelling - the principal reason
50 for the travel, counsel, was to attend the world board
51 meeting of the International Ombudsman Institute. So this

1 was the 12-monthly world board meeting, ah, on this
2 occasion held in New York. Um, and so I was travelling,
3 ah, as - in my capacity as ombudsman, ah, in my capacity as
4 President. I was travelling in both capacities.

5
6 Well, the meetings are either directly related to IOI
7 governance structures such as the world board - - -?---Yes.

8
9 - - - and the Australasian and Pacific Ombudsman Region
10 board of the IOI, or they're related to people who have
11 some role in the United Nations, aren't they?---Correct,
12 counsel.

13
14 And then halfway down the 'Reason for Travel' text box,
15 right at the very bottom of the screen - there we go - it
16 says:

17
18 The official visit is also an essential component
19 part of the IOI's application for observer status at
20 the General Assembly of the UN.

21
22 ?---Correct.

23
24 So you were there in New York to try and prosecute the case
25 for the IOI having observer status and to attend IOI
26 governance committees, board meetings?---Yes, and that
27 prosecutorial function was one of the reasons I was there,
28 correct. I mean, the principal reason was - that was the
29 annual world board meeting that was that year held in New
30 York, and all of the other matters adjacent to it are - are
31 exactly as you say, counsel.

32
33 And at the bottom of the page you note that the Assistant
34 Ombudsman Strategic Policy and Projects National and
35 International Relations will accompany you, and that was
36 Ms Poole at that time?---Correct.

37
38 And again, you say as justification that most ombudsman in
39 their capacity as members of the board are accompanied by
40 senior officers as a delegation?---The majority, um,
41 delegations between one to four to five staff. Um, and
42 there was a - that was a - an elaborately extensive trip in
43 terms of work. Um, the - - -

44
45 Well, work for the IOI. Work for your presidency?
46 ---Correct. And, er - and Ms Poole was essential in
47 ensuring, um, that that could be undertaken professionally,
48 effectively, and efficiently. Ah, she - yeah.

49
50 Well, the last sentence says:
51

1 The Ombudsman, particularly given his role as
2 President, will be accompanied by the Assistant
3 Ombudsman in her international relations capacity.
4

5 'International relations capacity', is that referring to
6 your role as the President of the IOI solely?---Correct.
7 So in fact, that - thank you, counsel, for drawing me to
8 that. Ah, in her international (indistinct words) the
9 maximum benefit can be (indistinct) from this travel - a
10 practical example of that might be, um, that I've been
11 asked to have a side meeting, um, with ombudsmen - certain
12 ombudsmen. Other ombudsmen will also want to meet with me,
13 and then I would ask Rebecca to actually hold that meeting
14 with other ombudsmen. So she would not just meet with
15 chiefs of staff, she would actually meet with ombudsmen
16 themselves and go through their issues, 'What would you
17 like raised?' et cetera.
18

19 And she's doing that for IOI purposes. There's no other
20 function that she performs in the Office of the Ombudsman
21 of WA that's related to an international capacity, is
22 there?---Ah, no, she's doing that as part of her IOI role,
23 correct.
24

25 What qualifications did Ms Poole have, tertiary
26 qualifications?---Ah, tertiary qualifications in - in - - -
27
28 In 2022?---Err, I - look, I - I cannot recollect.
29 Management communications. She was tertiary qualified with
30 multiple degrees as I recollect it.
31

32 Did she have an international relations degree in any form?
33 ---Don't recollect that she did. She was bilingual and had
34 a profound interest in those matters, um, and presented as
35 someone who could represent the office at the highest
36 level, um, and engage with confidence, um, members from
37 around the globe. You're talking about obviously 200 and -
38 plus ombudsman, 100-plus countries, cultures, religions,
39 languages. And, um, ah, she presented as someone who could
40 do that with an imminent level of skill, um, which by
41 subsequent, ah, egress at times she has proven to do so
42 exceptionally well.
43

44 So she represented the Office of the President?---Correct.
45

46 We'll go to page 2. The statement of purpose and value, if
47 we could see that text box, please. I'll give you a minute
48 to look at that?---And so I'm sorry, counsel, which box am
49 I looking at? The - - -
50

1 The text box of the statement of purpose and value to the
2 Office of the WA Ombudsman?---Oh, sorry, counsel. I'm so
3 sorry, yes.
4
5 We could have the entire text box on the screen?---Yes,
6 thank you, counsel.
7
8 It appears to me, but correct me if I'm wrong, that this is
9 very similar to the earlier business case that we've
10 seen - - -?---Yeah.
11
12 - - - in terms of wording?---Correct. Well, the -
13 certainly the purpose and value to the Office of Western
14 Australia, um, I think not unexpectedly was consistent, um,
15 over a period of time with the work of the IOI.
16
17 Was this business case a template document that was created
18 by you, Mr Field?---It was a - oh, I don't know when it was
19 originally created and by whom. I can certainly say I was
20 involved in the template document, and from time to time I
21 made further amendments to the template document, um, to
22 make it as - I thought, um, as helpful as possible to a
23 third-party reader about why that travel was being
24 undertaken.
25
26 And in particular are the words in the text box for the
27 statement of purpose and value to the Office of the WA
28 Ombudsman a template wording that was replicated in most of
29 your business cases?---Ah, it would have been. And as I
30 say, not unsurprisingly because the statement of purpose
31 and value on most occasions would have been very similar,
32 ah, either for an attendance in a board meeting. Ah, of
33 course mindful that many of these are for attendance at a
34 board meeting, um, and also whether attended the
35 conferences, the purpose and value would be very consistent
36 across those.
37
38 Were you proposing to go to New York in October of last
39 year, Mr Field?---Yes, I was.
40
41 Could I have 0213^.
42
43 0213^
44
45 **THE COMMISSIONER:** You can sort of have it for about a
46 minute.
47
48 **NELSON, MS:** Thank you, Commissioner.
49
50 So we can see there's a business case for yourself. The
51 event:

1
2 Official Visit to New York on the occasion
3 (indistinct) sidelines of the work of the Third
4 Committee related to the UN General Assembly.
5
6 We could go to page 3, the second paragraph which starts in
7 2021 that you're elected President?---Yes.
8
9 Is that paragraph largely the same paragraph giving the
10 history of the IOI that we've seen in other business cases?
11 ---It would be similar I would have thought, counsel,
12 correct.
13
14 Down the bottom of that page, the very last sentence refers
15 to the IOI contributing €10,000 each year to the cost of
16 the President's travel?---Correct.
17
18 So that's a one-off payment for which you get authority
19 from the world board?---Exactly.
20
21 And you get authority for that payment to come to the
22 Office of the Ombudsman of WA - - -?---Yes.
23
24 - - - to reimburse the office for a particular travel that
25 has been undertaken or going to be undertaken?---Correct.
26
27 So you can't apply it generally to any travel budget for
28 the Office of WA?---You are completely correct, counsel.
29 Um, there would be an application made citing the travel,
30 reason for the travel. Ah, because it is \$10,000 it - - -
31
32 €10,000?---Sorry, €10,000. Ah, I think that amount may be
33 able to be approved by the ExCom. But it makes no
34 difference to the point you're making, you are correct.
35
36 So do you do a written business case?---Oh, sorry, what was
37 that?
38
39 You do a written business case to support the application
40 to the ExCo for that amount of money?---Oh, that would - it
41 would be a relatively short email, not - not a business
42 case that looks like this, no.
43
44 This travel was going to take place, if we go to page 4,
45 3 to 14 October 2023. Can you see that?---Yes.
46
47 We can see there's a comment box?---Yes.
48
49 'EIS1'. Do you know who that is?---I think that would be
50 Ella Italiano-Schmidt, who was a policy officer working in
51 the team.

1
2 And she refers to 'Dear Vicky', is that a reference to your
3 executive assistant?---Correct.
4
5 Do I take it from the fact that there's that comment box in
6 the document that Ms Italiano-Schmidt has tried to populate
7 this document?---Correct.
8
9 She would have used a template previously prepared by you
10 for other business cases?---Would have commenced with a
11 template, correct.
12
13 If we could go to page 6. The highlighted words there, in
14 fact, refer to another trip to Rome, don't they?---Yes.
15
16 It would appear that she's reused a previous business case?
17 ---That is possible.
18
19 Did you travel to Rome in 2023?---I did.
20
21 If we could go to the second-last page, 2.2.
22
23 **THE COMMISSIONER:** We might explore that at 2 o'clock,
24 because I'm conscious we're livestreaming.
25
26 **NELSON, MS:** Thank you, Commissioner.
27
28 **THE COMMISSIONER:** We need to keep the time. So we will
29 adjourn until 2 o'clock.
30
31 (THE WITNESS WITHDREW)
32
33 (LUNCHEON ADJOURNMENT)
34
35 **THE COMMISSIONER:** Please be seated.
36
37 **CHRISTOPHER JAMES FIELD RECALLED ON FORMER OATH AT 2.00 PM:**
38
39 **NELSON, MS:** Madam Associate, could I have Document 0213^
40 back up on the screen.
41
42 0213^
43
44 **NELSON, MS:** Mr Field, this was the draft business case
45 for your travel to New York in October 2023. And I was
46 asking you about the comment box that was on page 4, and
47 you agreed that that seemed to be a comment from one of the
48 officers in the Office of the Ombudsman and President at
49 the OWA, Ms Ella Italiano-Schmidt, do you recall that
50 before lunch?---Oh, I'm just so sorry, it's not on the
51 screen.

1
2 Page 4, thank you, Madam Associate?---Thank you, counsel,
3 thank you, associate.
4
5 And we were discussing that you had settled a template for
6 business cases that was then amended by your staff, is that
7 correct, and settled by you, is that the process?---Yes,
8 counsel, correct. Developed by my staff, settled by me,
9 ah, used as a template, ah, for future cases with
10 appropriate additional materials, and over a period of time
11 - and then it's made to ensure that it was appropriate
12 practice, yes.
13
14 Thank you, if we could go to page 9. So, this is a
15 signature page, but there are some declarations, 2.1 to
16 2.7. Is that part of the template document?---Yes,
17 counsel.
18
19 So, they would appear in each business case, which would
20 then be amended as required?---Yes, so I used a process,
21 counsel, of continuous improvement of the business cases,
22 and at some point, I took the view it was improved that I
23 actually signed a declaration about certain matter.
24
25 I'm interested in particular in 2.6, in which you are
26 declaring that you have considered whether teleconferencing
27 or videoconferencing, or other advances in communications
28 were an alternative to international air travel?---Yes.
29
30 Do you turn your mind to that before you sign each business
31 case?---Yes, I do counsel.
32
33 And you would remove it from the declaration if it wasn't -
34 or you wouldn't approve the business case, I suppose, if it
35 wasn't applicable in a particular case?---Well, if I hadn't
36 considered it, I would remove it, yes.
37
38 Well, by its mere presence in the template, are you not
39 presuming that teleconferencing or videoconferencing is not
40 a viable alternative? You are presuming that you are not
41 going to do a teleconference or a videoconference when you
42 are considering a business case?---Correct, counsel. I
43 cannot recollect a time to the best of my recollection
44 where I had not considered whether teleconferencing or
45 videoconferencing was an alternative to interstate or
46 international air travel which (indistinct) before I made a
47 decision.
48
49 **THE COMMISSIONER:** Do you keep a record of the number of
50 videoconferences and teleconferences you have had in
51 relation to the IOI?---Yes, and there has been many.

1
2 **NELSON, MS:** Where would that record be?---Ah, the records
3 would be in multiple places. Public-facing documents, but
4 also in my annual report to Parliament.
5
6 **THE COMMISSIONER:** Where would we go and look for them?
7 ---In the annual report would, I think, be the most
8 obviously available place, Commissioner. Of course I could
9 provide them to you.
10
11 **NELSON, MS:** And if we look at 2.2, as part of the
12 template, there is a declaration that Ms Poole will
13 accompany you, do you see that at 2.2?---Yes. Yes, I do,
14 thank you, counsel.
15
16 So, that declaration as it is expressed would presume that
17 you had already considered Ms Poole's business case and
18 approved it before approving your own?---Ah, I would have
19 considered whether Ms Poole or any officer - I would have
20 considered these things, ah, in accordance with our - using
21 the Premier's circular as guidance. Um, the assisting
22 officers ought to be kept to a minimum. If you were to be
23 assisted, and only if it was appropriate to do so, one
24 officer, and one officer (indistinct) may travel business
25 class, um, and that, ah, on this occasion, Ms Poole would
26 be accompanying me for the - - -
27
28 Well Mr Field, it's not on this occasion, you said in an
29 answer two or three back that this whole declaration was
30 part of a template that was then amended as required?
31 ---Yes.
32
33 As part of the template, there is a sentence that says that
34 you have signed and already approved Ms Poole's business
35 case for the particular travel. See? You can see the
36 sentence there. 2.2:
37
38 Ms Poole's business case for travel has been signed
39 by her and approved by the Ombudsman.
40
41 ?---Sorry, counsel, yes.
42
43 So, if you are signing your business case to say you are
44 going on a particular travel - - -?---Yes.
45
46 - - - then we would assume, if that sentence is in there,
47 that you have already signed and approved Ms Poole's
48 business case?---Yes, counsel.
49
50 Otherwise that declaration would not be correct, would it?
51 ---Ah, no, it would - correct, counsel.

1
2 The next travel that you went on was 2 June to the 17th in
3 2022 to Vienna, and to Paris. Do you recall that trip?
4 ---Ah, yes, counsel.

5
6 Could I have 0355^?

7
8 0355^

9
10 **NELSON, MS:** This is an eight-page document that details
11 the biographies and history, political landscape, of
12 Austria and Styria. If we could just quickly scroll
13 through please, Madam Associate.

14
15 Do you recall seeing this document before, Mr Field?---I
16 don't recollect this document, but that doesn't mean I
17 haven't seen it. It's just not to my immediate
18 recollection.

19
20 **THE COMMISSIONER:** It would be prepared for you, wouldn't
21 it?---Ah, sorry, Commissioner, it would be absolutely
22 standard practice for my staff to prepare for me
23 biographies and matters relevant to my travel, I'm just not
24 immediately recollecting that particular document. But I'm
25 not doubting that is the case.

26
27 **NELSON, MS:** So, is the usual practice that you would ask
28 staff to prepare such a document as this prior to going on
29 travel to a country?---Yes, correct.

30
31 Could I have Document 0269^?

32
33 0269^

34
35 **NELSON, MS:** This is an OWA document, as you can see it's
36 called 'pre-travel checklist', and it is about eight pages
37 long. Have you seen this document before?---No, that
38 document doesn't ring a bell with me.

39
40 The information available to the Commission is that this
41 was a document that staff within the OWA Office of the
42 President and Ombudsman would use to keep track of the
43 tasks they had to do prior to you and Ms Poole going on
44 international travel. You're nodding your head?---That
45 would seem to me to be a very sensible explanation of that
46 document. I don't recollect seeing it personally.

47
48 And it assigns, as you can see, a column of responsibility,
49 so NF is Natalie Fisher?---Correct.

50
51 She would create a particular travel folder for the

1 country, and then VCS is Ms Sharp, who was your executive
2 assistant?---Correct.

3
4 And she would do all the tasks in each line item, starting
5 with the flights and accommodation bookings, transfers.
6 You're nodding your head?---Oh, I'm - apologies, yes,
7 counsel.

8
9 You're aware that Ms Sharp was responsible and took those
10 actions?---Yes, counsel.

11
12 This is obviously one for a particular travel to Taiwan on
13 the 22nd to 28 July 2023. The information the Commission
14 has is that these tasks were undertaken for each lot of
15 travel that was done by you and Ms Poole last year?---So,
16 I, ah, don't have a recollection of seeing this document
17 before, but its existence in no way surprises me as a
18 document my excellent staff would have put together as a
19 checklist.

20
21 Now, in reference to transfers under accommodation, is that
22 transfers for you and Ms Poole from your homes to the
23 airport, to Perth Airport?---Yes.

24
25 And also in country transfers at the destination when
26 required?---Yes.

27
28 And for that purpose, would you use a luxury limousine
29 service called Blacklane?---Ah, yes.

30
31 And was Ms Sharp also tasked with obtaining hard currency
32 for you prior to you leaving Perth?---Ah, yes.

33
34 And you would give her that direction?---Ah, yes.

35
36 She was tasked with notifying your banks that you were
37 going to be overseas?---That I don't recollect.

38
39 Do you recall her being tasked with obtaining travel
40 adapters for you?---Yes.

41
42 And over the page, thank you. Security was also organised
43 if necessary?---Yes.

44
45 And the third row down, creating a programme for yourself?
46 ---Yes.

47
48 So, that would be a hardcopy document of each event that
49 you were to attend?---Correct, in a packet, correct,
50 counsel.

51

1 And in that pack was there also maps of where to go, all
2 your booking details. You're nodding your head?---Correct,
3 counsel.

4
5 Your COVID immunisation status, yes, you're nodding your
6 head?---Correct, counsel.

7
8 And you can see what's on the bottom of the screen at the
9 moment, develop a briefing pack in relation not the
10 relevant countries with details from DFAT. And Ms Fisher,
11 NF, was responsible for that in relation to the Taiwan
12 visit?---Ah, I absolutely believe that would be correct, as
13 I said, I haven't seen that particular document, but I
14 would be happy to say yes.

15
16 And above that, for Taiwan at least, the person
17 responsible, EL, had to prepare biographies for relevant
18 dignitaries from the information received from other
19 conference speakers, former meetings, per the programme,
20 et cetera?---Yes.

21
22 And they were also tasked with producing a pronunciation
23 guide for yourself for names?---Yes, counsel.

24
25 Including at the bottom of the page a language
26 pronunciation guide?---Yes.

27
28 Is EI Ms Ella Italiano-Schmidt?---Ah, yes, counsel.

29
30 And over the next page, your staff also undertook relevant
31 tasks related to getting visas?---Yes, counsel.

32
33 And then at the bottom of the page, were they also tasked
34 with buying gifts for you to take with you?---Yes, counsel.

35
36 And would you give direction to them as to what gift to
37 purchase?---Ah, yes, either in general or specific, it
38 would depend on the circumstances. But I think the very -
39 the correct way to answer that question is yes, counsel.

40
41 And to pay for the gifts, did they use their corporate
42 credit cards issued - the OWA-issued corporate credit
43 cards?---They would have, counsel, correct.

44
45 If we can go over to the next page, you can see at the top
46 of the page in relation to the gifts, there's a reference
47 to TG/BS. TG, is that Theresa Gartland?---Correct.

48
49 So, prior to even going on this trip to Taiwan, the
50 relevant staff who had been involved in preparing you had
51 been Natalie Fisher, Vicky Sharp - you're nodding your

1 head?---Yes, sorry. Yes, ah, yes to both.

2

3 Ms Italiano-Schmidt?---Yes.

4

5 And Ms Gartland?---Yes.

6

7 There were then relevant tasks related to what's called
8 diplomatic engagement. Is that touching base with the
9 embassy in the country of origin and DFAT?---Yes, correct.

10

11 The bottom of that page, social media, LinkedIn, were your
12 staff also tasked with identifying and drafting stories for
13 LinkedIn related to your international travel?---Yes,
14 correct.

15

16 And that's your personal LinkedIn account?---It's the
17 LinkedIn account of the Ombudsman Western Australia and the
18 President of the International Ombudsman Institute. I
19 don't have a personal LinkedIn account.

20

21 Is your LinkedIn account not under the name of Chris Field?
22 ---Chris Field, President of the International Ombudsman
23 Institute and Ombudsman Western Australia.

24

25 **THE COMMISSIONER:** Sorry, your voice is dropping again?
26 ---I'm sorry, Commissioner, Chris Field, President of the
27 International Ombudsman Institute, Ombudsman of Western
28 Australia.

29

30 **NELSON, MS:** And does the OWA pay for that LinkedIn
31 account, or does IOI pay for that?---The OWA pays for that.

32

33 And then if we could go to the next page, page 5. Is it
34 correct that Ms Poole would review and approve each of
35 those LinkedIn stories?---If time permitted. Sometimes
36 they would be approved by her, sometimes they would need to
37 come to me directly, it'd simply be a matter of workloads
38 at any given time.

39

40 It was my understanding that your evidence yesterday was
41 that you drafted your LinkedIn stories and posted them?
42 ---Yes.

43

44 For Taiwan, it appears that Ms Schmidt actually drafted the
45 stories?---No, what staff would do is provide, ah, drafts
46 to me of materials, ah, and obviously this is said with no
47 disrespect to staff, they would do the same for speeches.
48 But that which appears on LinkedIn and that which appears
49 in speeches were almost exclusively my words and my words
50 alone, drafted by me personally.

51

1 So, the speeches, you say, the first draft was by
2 Ms Schmidt for Taiwan, you can see here, is that right, and
3 you would settle the draft?---I don't even think that's a
4 fair assumption. I do not mean this with disrespect to
5 what is of course a relatively junior staff member, no, the
6 speech for Taiwan was a speech I wrote almost exclusively,
7 word for word, for myself, as I have every speech through
8 my whole career.

9
10 Did Mr Heritage ever write speeches for you?---Um, there
11 would be assistance provided. Principally that assistance
12 was in relation to identifying who would be present at a
13 conference, so there would be names in there. Um, but if
14 you actually look at the speeches themselves, the speeches,
15 um, are - were, ah, written by me, ah, in the great
16 substance of those speeches. So, there would be a
17 contribution from staff, but the only proper way to
18 characterise the speeches is they were written by me
19 personally. There would be very extensive records of me
20 doing that, um, and LinkedIn posts were usually done, ah,
21 overseas, and I would be writing those personally in hotel
22 rooms. Say I'd got back for dinner, and I would write the
23 LinkedIn entry then and post it then.

24
25 Could I have 0271^, please?

26
27 0271^

28
29 **NELSON, MS:** On 16 July, which is a Sunday, it appears
30 from this email that Ms Poole is tasking Mr Heritage with
31 writing six stories?---Yes.

32
33 To go on LinkedIn?---Yes.

34
35 On your behalf?---Yes.

36
37 I don't understand how you can also give the evidence that
38 you drafted the LinkedIn stories?---Well, I think the best
39 way to explicate that would be if we had Mr Heritage's
40 stories, and then we compared them to the stories that were
41 posted on LinkedIn, and you compared them, you would see
42 the very obvious difference between the two stories. So,
43 these were stories provided by excellent staff members, um,
44 but at the end of the day, they were written - settled by
45 me, and largely written by me. There could be very easily
46 evidence provided on those drafts and what you've actually
47 seen being posted on LinkedIn, and that would be the same
48 for speeches as well. I mean, it's not uncommon for a
49 staff member to write a speech, and then the actual
50 president, chair, will largely rewrite that speech, and
51 that is what occurred.

1
2 So, the linked in stories were written by Mr Heritage, and
3 then sent to Ms Poole for review and approval in relation
4 to Taiwan?---Yes, yes.

5
6 And then sent on to you for further approval?---Not
7 approval, to substantially rewrite them, counsel. Where I
8 would - what the advantage was of asking for those things
9 to be drafted is that they would then have references to
10 names and dates and those sorts of things, I wouldn't need
11 to look up. But if you actually look at the narrative
12 words, which is the vast bulk of it, those words are mine
13 and mine alone, and mine personally, and you will not see
14 them in the, um, drafts that come from staff.

15
16 Could I have 0272^, please?

17
18 0272^

19
20 **NELSON, MS:** Can we just scroll down so we can see the
21 entirety of the email? So, in May of 2023, when you were
22 going to Vienna for an official visit - which I think was a
23 world board meeting for the IOI?---Yes, counsel.

24
25 Mr Heritage was tasked also with drafting LinkedIn posts
26 for your visit?---Yes. And - and those LinkedIn posts, in
27 their great substance, would have been written by me while
28 I was in Austria.

29
30 Well, he has sent those to Ms Poole?---Yes.

31
32 She would have reviewed them?---Yes.

33
34 And then you would have substantially rewritten them, is
35 that your evidence?---She may or may not have reviewed
36 them, counsel, and I only say that on the basis of whether
37 at that time, she had - within her - she was exceptionally
38 busy, whether she in that particular time had a chance to
39 review them. She may have, I cannot speak to that with a
40 photo recollection. But, um, I'm trying to be very
41 diplomatic here to say that I respected the work of my
42 staff, but speeches and LinkedIn were very substantially
43 written by - by me, they were my words.

44
45 Well, why did you not write them from scratch then, if you
46 had to rewrite them?---Well, because what I would ask, um,
47 staff to do is to, ah, top and tail, um, so it might have
48 say, for example, the event, and so those details would -
49 it would stop me having to type that in. It would have
50 references to phonetic spellings of languages, it would
51 have names of people, and then there would be an attempt to

1 write a speech, and I would rewrite that speech.

2

3 What about the LinkedIn posts? Would it not just have been
4 quicker and more efficient for you to have done your own
5 LinkedIn posts?---No, because if I have to search up names
6 and details of particular ministers' names, ah, ah, events
7 that are attended, it was very useful for those to be in a,
8 ah, draft that would have been sent through to me. But the
9 actual narrative words themselves, and my experience of
10 that, would have been written by me.

11

12 Could I go back to 0269^, to page 7 now?

13

14 0269^

15

16 **NELSON, MS:** So, all the tasks that we've discussed up
17 until this point were pre-travel tasks on this checklist.
18 Now, during travel, there's reference to social media. And
19 as well as LinkedIn, did you ask your staff to draft
20 Twitter posts?---Yes. Now, that is a good example,
21 counsel, of one where I didn't wrote those personally. Ah,
22 the Twitter posts would have been written by staff and
23 posted by them, because that was very, very small.

24

25 Did you ask your staff to draft IOI newsletter articles on
26 your travel?---Ah, well, yes, but when I asked them to do
27 that, the email would be, 'Dear staff member, please take
28 my LinkedIn post, change the first and third personing, and
29 send that to the IOI.'

30

31 So, they would send that to the secretariat over in
32 Vienna?---Correct.

33

34 And there was a weekly IOI newsletter that you would
35 contribute to in that way?---Correct, correct.

36

37 And then page 9, thank you, to the post travel checklist.
38 After travel, you would task as necessary staff members to
39 draft letters and to do more social media posts in draft
40 for you? If we can just see the whole of the page, thank
41 you?---Yes, counsel.

42

43 And any letters that were sent, for example, it's got here,
44 'to the relevant ambassador', would they go under your hand
45 or Ms Poole's signature?---Ah, it would depend on to which
46 level we were writing, um, of person. If it was going to
47 an ambassador, it would have been written by me personally
48 and signed by me personally. Now, that is not to say that
49 a staff member wouldn't have assisted, um, in preparing,
50 ah, for example topping and tailing that letter, and
51 potentially doing a first draft of text, which I would then

1 settle.

2

3 And prior to you getting the document to settle, would it
4 have been sent to the chief of staff for review as it says
5 on the top half of the page?---That would be the standard
6 practice, and the only reason that wouldn't have occurred
7 is because of other exigencies in the office. There wasn't
8 physically the time to do so, but yes, that was the
9 practice.

10

11 And over on page 10, you have spoken about the IOI
12 newsletter task that your staff had to do. What is the PS
13 news item?---I think that may be referring to one of the
14 public sector, ah, publications in the country, possible a
15 Commonwealth one, where we would send news items. That I
16 would have to check. I think there is a - sorry, counsel,
17 I think there is a, to my recollection, an internet-based
18 public sector news, and we would send items, ah, to that
19 public sector news items (indistinct) desk.

20

21 And so that's an Australian publication?---That's my
22 recollection, yes.

23

24 Could I have 0270^, please?

25

26 0270^

27

28 **NELSON, MS:** Did you ask Ms Poole to like your LinkedIn
29 posts, Mr Field?---Sorry, I'm reading - I'm so sorry,
30 counsel, I was reading the - the email.

31

32 In the email, Ms Poole is directing Kyle Heritage to
33 systematically like your posts from Thailand and Taiwan.
34 Did you have a conversation with Ms Poole asking her to do
35 this?---And thank you counsel, I've now read it. Ah, yes I
36 did, and that's the standard practice for all chiefs of
37 staff.

38

39 So, it's a standard practice for all chiefs of staff to
40 like their direct report's LinkedIn posts?---For the IOI,
41 IOI directors, um, their chiefs of cabinet, chiefs of
42 staff, will, ah, put like on their LinkedIn posts, they
43 will share it with other networks, they will comment upon
44 it. And Ms Poole, exceptional staff member she was, was
45 possible a slight luddite, and I think I reminded her
46 that's something she should do. And I mean that with
47 affection.

48

49 So, we're looking back to your trip to Austria, 2 June to
50 the 17th of 2022. Was that for the purpose of a world
51 board meeting, or what was the purpose of that trip?

1 ---Well, there's nothing on my screen.

2

3 **THE COMMISSIONER:** There shouldn't be?---I'm sorry, I'm so
4 sorry, could you repeat the question, please?

5

6 **NELSON, MS:** What was the purpose of the trip to Austria,
7 to Vienna, in June 2022?---Austria, Vienna, 2022. Ah, what
8 month in 2022, sorry?

9

10 **THE COMMISSIONER:** June?---Oh, June.

11

12 **NELSON, MS:** 2 June to the 17th?---I'm so sorry. Um, ah,
13 that was a visit, ah, I'm so sorry if I'm confusing this,
14 that - my recollection was a visit, ah, at the invitation
15 of the, um, ah, Ombudsman - Austrian Ombudsman Board and
16 Austrian government to visit Austria and Styria.

17

18 And I showed you the briefing note that was prepared for
19 that trip, that you got one of your staff members to
20 prepare, that had the biographies of the relevant office
21 holders of Austria?---In that case, that is exactly that
22 trip, and I want to then confirm my answer to you, yes,
23 correct.

24

25 Could I have 0354^?

26

27 0354^

28

29 **NELSON, MS:** This is a 17-page document, which is a
30 briefing note enclosing the material that we'd already
31 seen, plus some additional material about a conversation
32 between your office at the OWA and DFAT in relation to your
33 travel?---Yes, counsel.

34

35 Was this prepared for your benefit?---I don't have a
36 recollection seeing that document, um, but that would be
37 absolutely the assumption I would make about the document.

38

39 If we could go to page 2, do you recall seeing this page?
40 ---No, I don't recollect this document, but, ah, as I said,
41 it was the case that documents would be prepared for me in
42 relation to my preparation for travel to other Ombudsmen
43 and nations.

44

45 So, this was a standard type of briefing note that you
46 would receive?---Yes, I think this one is somewhat more
47 detailed than others, but yes.

48

49 Why was that?---I think it was the nature of the trip, that
50 I was meeting the Prime Minister of the country, that I was
51 meeting also - I was meeting extremely senior stakeholders

1 in that country. That's not in any way to be arrogant, I'm
2 sorry, it's just to speak a fact. Um, and I think it was -
3 it was the view that I - I must be properly briefed about
4 that.

5
6 If we could go over to the next page to see the other
7 portion of the conversation with DFAT, your staff member
8 has written there, the first black dot point, that DFAT
9 agreed that there was aligned between the goals of the IOI
10 and Austria?---Correct.

11
12 Of course, you were taking this trip in your role as the
13 president of the IOI?---Ah, yes, correct.

14
15 There's no reference on that page to Western Australia, is
16 there?---No, part of this trip had a very substantial
17 relationship.

18
19 **THE COMMISSIONER:** The question was whether there was a
20 reference on the page to Western Australia?---Oh, well, um,
21 yes, there is, and that is the reference to overall DFAT
22 advice that the strategic cooperation arrangement was a
23 very useful framework, so there is, Commissioner - yes
24 there is a reference to that.

25
26 **NELSON, MS:** The strategic cooperation arrangement was an
27 Australian Federal Government arrangement with Austria,
28 wasn't it?---Correct, correct.

29
30 Not a West Australian arrangement?---Ah, it's - that's
31 correct, although subnational, and in this case, Western
32 Australia, make arrangements that are otherwise
33 coincidentally and complementary, and fall within those
34 strategic cooperation arrangements.

35
36 It doesn't say that on the page though, does it, Mr Field?
37 ---Well, it says overall DFAT advice that the strategic
38 cooperation arrangement was a very useful framework for
39 discussion, and we should look at it for opportunities, and
40 I did. Including the parenthetical references as well.

41
42 **THE COMMISSIONER:** Well, I think we can move on. It says
43 what it says.

44
45 **NELSON, MS:** Thank you?---Counsel, could we just see the
46 previous page if - - -

47
48 Yes, certainly. The third dot point refers to the
49 strategic cooperation arrangement between Australia and
50 Austria, doesn't it, Mr Field?---Ah, well, actually the
51 one, two, three, four, fifth sub-bullet point refers to a

1 very fundamental part of my visit on that occasion. Ah, I
2 won't read it, obviously, Commissioner, but that is first
3 bullet point, sub one, two, three, four, five.

4
5 Sorry, which point is that?---The Australian ambassador to
6 Austria, Mr Wolfgang Strohmayr is interested in engaging
7 the state level the ambassador has when exploring
8 opportunities for further cooperation between Austria and
9 Australian states, and was seeking to establish an MOU
10 between West Australia and Styria, Ambassador Strohmayr is
11 from Styria, and so his name may come up in meetings with
12 Austria, and that was a significant part of that visit.

13
14 Well, establishing a prospective MOU between Western
15 Australia and Styria would be the job of JTSI, would it
16 not, not the job of the Ombudsman of Western Australia?
17 ---Not at all, no, that was part of my role.

18
19 **THE COMMISSIONER:** Part of your role?---Yes.

20
21 To establish a link between a state in Austria and state in
22 Western Australia?---Correct.

23
24 Which role?---Ah, my role as the Ombudsman and as the
25 president of the International Ombudsman Institute.

26
27 Which function in either the IOI or the Act gives you that
28 role?---Ah, well, the Act, ah, gives me the function to be
29 both the - well, obviously, ah - my view, the Act gives me
30 the role to be both the Ombudsman and the president, and as
31 part of the president and as part of seeking to advance
32 Western Australian interests, one of those things was to
33 advance an MOU between Styria and Western Australia.

34
35 We could abolish JTSI then, because it seems to be the
36 Ombudsman's role?---No, this was done in very significant
37 consultation with Rebecca Brown and JTSI.

38
39 I'm sure it was, in fact, I know it was. But I'm still
40 curious as to what role you were performing. But we can
41 spend all day on that, and we need to move on.

42
43 **NELSON, MS:** Thank you, Commissioner. Could I have 0233^.

44
45 0233^

46
47 **NELSON, MS:** And this your signed business case for the
48 trip to Austria. We'll go to page 3, just to see the date
49 of the trip. 2 June to 17 June 2022. And then if we go to
50 page 6, you have signed and ostensibly approved this
51 business case after you have returned to Western Australia,

1 haven't you, Mr Field? You've signed it in July 2022?
2 ---Ostensibly, correct. And once again, I'll need to
3 determine why that is the case. The only matter I don't
4 want to speculate - because I would not want to mislead the
5 Commission in any way, is sometimes there are changes to
6 travel plans, and a business case may have been signed,
7 then a subsequent business case signed if there'd been a
8 change to plan, and it's possible that that's what occurred
9 on this occasion.

10

11 **THE COMMISSIONER:** Except that you'd already gone and come
12 back?---Commissioner, if you would allow me, I would like
13 to do further interrogation of those issues.

14

15 Surely?---Thank you.

16

17 **NELSON, MS:** But the mere fact that you've signed it after
18 you came back means that the purpose of this document is
19 not to approve your travel, correct? Because you've
20 already taken the travel?---Well counsel, unless I'd
21 approved it previously, and then this is some further
22 amendment to that. Counsel, I can't answer that question
23 without further interrogation.

24

25 I'll take you to page 4, it might assist?---Thank you.

26

27 We can see the narrative under in bold capital N, capital
28 B?---Yes.

29

30 Due to the programme of the official visit to Vienna only
31 being finalised a day before departure, and the official
32 visit to Paris being arranged whilst the Ombudsman was in
33 Vienna arising from a meeting being secured with the
34 Secretary-General of the OECD whilst in Austria, the
35 business case has in part been prepared post travel. You
36 see that written there?---I can.

37

38 And the airfare is articulated, \$17,575.42?---Correct.

39

40 There's no accommodation or other associated costs listed,
41 do you know why that is?---Ah, for Austria and - they were
42 paid for by the Austrian government.

43

44 Are there any other incidental costs?---Ah, there could -
45 the only incidental costs I could imagine there would have
46 been were meal costs.

47

48 Was the accommodation and other costs paid by the Austrian
49 government entered into their gifts provided register,
50 being hospitality?---No, I've never considered those monies
51 to be gifts.

1
2 **THE COMMISSIONER:** Well, if they're not gifts, what are
3 they?---Ah, it's a contribution to offsetting the cost to
4 the Western Australian taxpayer of our travel.

5
6 **NELSON, MS:** If we go to page 2, at the top of that page
7 is the balance of the reason for travel that starts on the
8 first page. But I'm interested in their last three dot
9 points. Private meeting with the Secretary-General of the
10 OECD, private meeting with the Australian ambassador to
11 France, and private meeting with the ambassador and
12 permanent representative of Australia to the OECD?---Yes.

13
14 Are those the three meetings that were arranged whilst you
15 were in Vienna?---Correct.

16
17 And those meetings were for IOI purposes?---Ombudsman
18 Western Australia and IOI purposes. Principally Ombudsman
19 Western Australia.

20
21 What relevance did it have to your functions as the
22 Ombudsman of Western Australia to meet with Mathais
23 Cormann, the Secretary-General of the OECD?---Ah, I was -
24 it had been my intention to undertake a project in
25 furtherance of, um, my role as Ombudsman. That was a
26 similar project to one that had been taken by the OECD and
27 the European Ombudsman. And it was my intention to meet
28 with the Secretary-General of the OECD to discuss that
29 matter with him.

30
31 Was it your intention to enter into a project as the
32 president of the IOI, not as Ombudsman of WA, Mr Field?
33 ---Ah, it was my intention that it would be a project that
34 would benefit Ombudsman Western Australia and the president
35 of the IOI.

36
37 When did you form that intention to undertake a project in
38 your capacity as Ombudsman of Western Australia with the
39 OECD?---Oh, some time before that.

40
41 Sometime before you undertook the travel?---Correct.

42
43 How long before?---It was some considerable time, and it's
44 remiss of me not to have the date, because that, ah, I
45 formed that view when I first read the European Ombudsman
46 and OECD report. Ah, and it was at that time I formed the
47 view that that report would be an outstanding project to
48 undertake in Western Australia for the benefit - - -

49
50 **THE COMMISSIONER:** Sorry, I just missed?---I'm so sorry,
51 not speaking up.

1
2 If you just speak from outstanding again?---Sorry, um,
3 apologies, Commissioner. I, ah, first came upon a report
4 which was a report produced by the European Ombudsman done
5 in conjunction with the OECD. I read that report, and
6 contemporaneous to reading that report, ah, I formed the
7 view that that would be an outstanding piece of work, um,
8 to undertake in Western Australia for the benefit of
9 Western Australian citizens, the Parliament, the public.
10
11 Trying to take in Western Australia for Western Australian
12 citizens?---Correct. And ultimately, as that project
13 developed, it became clear that there was an opportunity
14 for that project to also benefit, ah, Ombudsmen in the
15 Asia-Pacific region, as well as other regions as well.
16
17 So, just so I understand, because I'm making notes, you
18 thought of this sometime before the meeting?---Correct.
19
20 You read a report. What was the report on?---Oh, the title
21 of the report, ah, it was an OECD European Ombudsman
22 report, and it was around engagement of Ombudsmen in -
23 particularly with vulnerable communities in the civic
24 space, and how Ombudsmen in the future should engaging with
25 those issues.
26
27 Right, a survey or something?---It was a combination of
28 survey and a range of other mechanisms.
29
30 Right, so you read that, you came to the view that it was
31 an outstanding piece of work to undertake in Western
32 Australia for Western Australian citizens?---Correct.
33
34 Thank you, sorry, I just wanted to get my note correct.
35
36 **NELSON, MS:** And when was the European Ombudsman report
37 that was done with the OECD published?---That I don't have
38 a recollection of the actual date.
39
40 Was it sometime around when you first met with Mathias
41 Cormann in 2022, or was it prior to that?---Counsel, my
42 strong recollection is that it was prior to that.
43
44 Years prior to that?---Sometime prior. Some years prior, I
45 think is the answer.
46
47 And did you form the view that that would be a good project
48 for West Australians at the time you first read that
49 report?---Yes, I did.
50
51 And that was at the time it was published?---Yes, I did.

1
2 Did the OWA have any input into that report?---Ah, yes, we
3 did. And I think it was completing a survey, as I
4 recollect it.
5
6 Did all the members of the IOI complete that survey, or was
7 it only West Australia?---I couldn't possibly speak to
8 other members. My recollection is that the IOI sent out a
9 circular - a note encouraging members to complete the
10 questionnaire, and I presume a number of, ah, Ombudsman
11 officers did, but I don't have any knowledge of that.
12
13 And apart from completing the questionnaire, did you or the
14 Ombudsman of Western Australia have any other input,
15 financial or non-financial, into that report by the
16 European Ombudsman?---No.
17
18 When did you tell the OECD that you were interested in
19 Western Australia undertaking a similar project?---So, I
20 spoke about that in general terms when I met with the
21 Secretary-General of the OECD, and upon my return to
22 Australia, um, there was a videoconference with Paris, ah,
23 with a number of very senior OECD and also officer level
24 OECD staff, ah, where we discussed further details, and the
25 project developed from that point onwards.
26
27 Could I have 0123^.
28
29 0123^
30
31 **NELSON, MS:** This is a draft of an email from yourself to
32 Ms Poole, Mr Heritage and Ms Jamieson, and this draft was
33 subsequently sent on 17 May, so the following day. Do you
34 recall drafting this email?---Not specifically.
35
36 I'll give you a minute to read it?---Yes, thank you.
37
38 In this email, you're seeking a 30-minute meeting with the
39 Secretary-General of the OECD?---Yes.
40
41 And it says here that you want to brief him on the work of
42 the International Ombudsman Institute?---Correct.
43
44 Contributing to the international rules based order,
45 reduction in (indistinct) risk and strengthening economies
46 in both developed and developing nations?---Yes.
47
48 You do not say anything about entering into any arrangement
49 with OECD and Western Australia or the Ombudsman of Western
50 Australia, do you?---Ah, no. The references to
51 international rules based audit reduction, insolvent risk,

1 strengthening economies in both developed and developing
2 nations was all part of the OECD project.

3

4 **THE COMMISSIONER:** So, it's to the Institute contributing
5 to those things, not to Western Australia contributing to
6 the Institute?---Well, I can only say what was in my mind
7 at the time.

8

9 No, I'm asking, don't the letters on the page show the best
10 indication of what was in your mind at the time?---Ah, I
11 was seeking a meeting with the Secretary-General to discuss
12 those matters, and all of which were germane to that
13 project, ah, and it was absolutely the case, um, that it
14 was my intention that that would include the office of the
15 Ombudsman Western Australia, and that was consistent
16 throughout the development of the project.

17

18 Why didn't you put that in if that was your intention?

19 ---Well, it was my intention, it was - - -

20

21 Yes, but why didn't you put it in?---Well, it would have
22 been a matter of potential oversight, Commissioner.
23 Perhaps what I thought at the time, since I was meeting the
24 Secretary-General - - -

25

26 Well, perhaps not speculate. We'll go back to counsel?
27 ---Oh, okay. I was trying to speak at an international to
28 international level as well, I think was one of the other
29 things I was trying to do. You're an international body,
30 I'm speaking as an international body.

31

32 **NELSON, MS:** So, that was in May 2022?---Yes.

33

34 About two or three months earlier in February 2022, you had
35 sent a letter to the Secretary-General of the OECD, and
36 that's 0126^?---Yes.

37

38 I apologise, Mr Heritage had sent it on your behalf by
39 email. And if we go over the page, we can see the letter?
40 ---Yes.

41

42 Do you recall sending that letter, Mr Field?---Ah, I don't,
43 but I absolutely assume I did.

44

45 So that's your signature at the bottom?---Oh, I'm saying
46 yes, I assume that's correct.

47

48 And I'm wondering about the signage at the top, it doesn't
49 have OWA, it has the Office of the President International
50 Ombudsman Institute, doesn't it?---Yes.

51

1 And in the letter, you tell the Secretary-General that you
2 are travelling to Vienna in June 2022?---Yes.

3
4 And that you would be honoured and delighted if he would
5 welcome you to the OECD?---Yes. Counsel, I think that
6 perhaps the issue here that I should clarify is, ah, I was
7 writing as the president of an international body to, at
8 that stage, Australia's most senior international
9 representative in the world, still is. Um, and I think I
10 felt it appropriate to be writing as the president of the
11 IOI, at the head of one international organisation to the
12 head of another international organisation. It was
13 certainly not in any way indicating or intended to indicate
14 that that project was not a project for - one which was
15 going to be of fundamental value to the office of the
16 Ombudsman Western Australia.

17
18 Well, at this point the Secretary-General of the OECD has
19 no idea that the Ombudsman of Western Australia, the Office
20 of the Ombudsman of Western Australia wants to enter into a
21 project with the OECD, does he? On reading that letter,
22 you do not get that impression, is that correct?---Ah, no.
23 I think the best way to put this is this. I wouldn't have
24 expected - when I - I can certainly say what was in my mind
25 now I've read that letter, and it's a very simple answer.
26 I would not have expected someone as busy, as senior, much
27 more senior than me, ah, to be necessarily turning his mind
28 to that matter. This was an entrée letter, it was intended
29 to effectively introduce myself, to make sure he was aware
30 of me, um, and then what would happen is there would be
31 officer-level engagement after that matter. So, this was
32 very much like meeting a Prime Minister and then saying,
33 'Now I'll take that up with your chief of staff and
34 ministers.'

35
36 **THE COMMISSIONER:** Is this a convenient time for a
37 10-minute break?

38
39 **NELSON, MS:** Certainly.

40
41 **THE COMMISSIONER:** We'll take a 10-minute break.

42
43 (Short adjournment)

44
45 **THE COMMISSIONER:** Please be seated.

46
47 **NELSON, MS:** Madam Associate, could I have 0129^, page 5.

48
49 0129^

50
51 **NELSON, MS:** Maybe page 6. So, right at the bottom of

1 page 5 going over into page 6, there's an email chain, and
2 it starts on 3 June, Friday 3 June, at 1608. And at this
3 stage, you and Ms Poole are in Austria, is that correct?
4 Is that yes, Mr Field?---I'm sorry, I'm reading it. I'm
5 sure that must be correct, counsel.

6
7 The OECD said:

8
9 Thank you very much for reaching us to set up a
10 meeting on the occasion of the visit of the Ombudsman
11 and President in Europe and for bearing with us while
12 we try to accommodate the requests.

13
14 And they suggest a meeting in mid-July, which is another
15 one month hence. You're nodding?---Sorry, yes, counsel.

16
17 Do you recall this exchange?---No, not this particular
18 exchange counsel, no.

19
20 If you scroll up so we can see the next email in the chain,
21 you then send a reply from your email to the OECD, but it's
22 signed off by Rebecca Poole. Does Ms Poole have access to
23 your email account, Mr Field?---I don't think that she
24 does, um, of course I may have indicated to her words to
25 put into an email, correct.

26
27 And it's acknowledged in that email that you would make
28 yourself available for a meeting in July in Paris?
29 ---Correct.

30
31 Were you prepared to stay on an extra month in Europe for
32 that meeting to take place?---Oh, certainly not, counsel.

33
34 But you've told the OECD that you would make yourself
35 available?---Correct.

36
37 Were you going to go home back to Australia and then fly
38 back?---I can't say what I would have done at that, ah,
39 time. I suspect, ah, in fact what we - I would have given
40 consideration to whether that should have been done by
41 videoconference, or whether that should have been done as
42 an in-person meeting. Ah, it would be unusual for me to
43 fly to - I can't imagine a time where I'd flown to a
44 country to have one meeting, even with someone of the
45 stature and seniority of the Secretary-General of the OECD.

46
47 You could have had a videoconference at any time of the
48 year, couldn't you, Mr Field?---Ah, yes. Well, anytime
49 that there was availability, correct.

50
51 And in fact, your previous correspondence with Mathis

1 Cormann in February and then in May of that year have both
2 said that you were going to be in Europe, the inference
3 being that you wanted to meet in person?---Correct, if I
4 was in Europe and it was therefore convenient to go from
5 one European city to another, then the optimum was to meet
6 him in person.

7
8 Now, if we could scroll up. Two days later, it's corrected
9 to June, and then if we go to the top of the page, bottom
10 of page 4, top of page 5, you've indicated to the OECD that
11 you will fly to Paris to make yourself available on 11 June
12 from - - -?---Correct.

13
14 Sorry, you'll fly on 11 June to make yourself available any
15 time of the day on 13 June?---Correct, counsel.

16
17 So, in effect, you were going to extend the trip to Europe?
18 ---At that stage yes, on the basis of the OECD
19 Secretary-General had made that availability.

20
21 And that was the only reason that you were going to extend
22 the trip in Europe, wasn't it, Mr Field?---Yes.

23
24 If we could scroll up further to see the OECD email of
25 10 June at 1.36 am, thank you. The meeting is confirmed,
26 and it will take place at the OECD offices in Paris. And
27 at the top of that page - very bottom of page 3 and then
28 top of page 4, you acknowledge that and thank the OECD for
29 organising it. And then there's a change in time on the
30 day of the 13th, and if we could scroll up to page 2 to the
31 - a bit further down, thank you, yes. You're copied into
32 an email to Ms Poole in which the OECD suggest that you
33 should not arrive early, and gives some potential ways that
34 you could arrive, where to go, if you arrive by taxi or
35 chauffeured car drop off?---Correct.

36
37 And then at the top of the page, you give some instructions
38 to your staff back at home to change the arrangements for
39 travel. Just so we can see the top of the email chain,
40 thank you. Thank you. Can we see the whole of 11 June?
41 Thank you. Mary, is that Mary White, the Deputy Ombudsman?
42 ---Correct.

43
44 Nicola Jamieson?---My executive assistant at the time.

45
46 And who was Chloe?---Ah, another executive assistant in the
47 office, and executive assistant to Mary White.

48
49 And Emily?---Another executive assistant, also supporting,
50 ah, the office.

1 And do you give a direction to them to book a Blacklane car
2 to pick you up at the Hilton Hotel to take you to the OECD,
3 to wait, and then take you back?---Correct.

4
5 Is there any reason why you could not get a taxi or walk,
6 Mr Field?---Ah, my recollection at the time, leaving aside
7 the - it was, um, exceptionally hot at that time in Paris,
8 and I wondered whether walking would be the most
9 appropriate way to get there to have the meeting. Um, it
10 was also post-COVID, and I was aware that Paris was
11 inundated, um, with tourists, and I was very concerned
12 about the availability of taxis and the reliability of
13 them. That's not meant to be a general comment upon French
14 taxis, it was just on this particular occasion.

15
16 In the body of the email, the reason you give is:

17
18 This is the way all these meetings work and what has
19 happened here all this week.

20
21 ?---That's, um, a reference in the fact that the embassies
22 have an approach where they have a car, they want the
23 registration number of the car to allow the car to go
24 through security processes, and that's also quite hard to
25 organise with taxis in advance as well. So, when you
26 organise the car, um, you actually have to get them, as I
27 recollect it, the make of the car, the colour of the car,
28 the registration number of the car, and that all has to be
29 given in advance to the security arrangements, and they
30 actually check that before they actually allow that car to
31 enter the building is my recollection.

32
33 But only if you use the chauffeured car, because the OECD
34 also gave you the option of where to come into the building
35 if you got a taxi, didn't they?---Yes. As I said, counsel,
36 um, it was, um, ah, exceptionally - exceptionally busy in
37 Paris that week, and I was aware of that, and I was very
38 concerned about the availability of a taxi to ensure that I
39 got to that meeting on time, and I certainly didn't want to
40 keep the Secretary-General waiting.

41
42 It was an unnecessary cost to get a Blacklane chauffeur car
43 to go to this meeting, wasn't it, Mr Field?---I absolutely
44 do not accept that at all.

45
46 And if we could go to 0385^.

47
48 0385^

49
50 **NELSON, MS:** Page 1, thank you. Can we see the whole of
51 the page? Thank you. So, at the bottom of the page is the

1 email that we've just looked at from the OECD giving the
2 two options of how you could get there for the meeting.
3 And the last sentence of that email, they ask if you could
4 tell them what the specific issues to be discussed during
5 the meeting were.

6
7 We will narrow the briefing material accordingly.

8
9 And your reply is at the top the following day?---Correct.

10
11 So, it appears that you've drafted a reply for Ms Poole to
12 send to the OECD?---Correct.

13
14 Why did you not send the email yourself, Mr Field?---Well,
15 it was being sent at level, so I - that would be an email
16 that would be sent by the appropriate level staff member.
17 I may assist with the completion of that, but it wouldn't
18 be one that would be coming from me directly.

19
20 And the specific issue to be discussed is articulated in
21 the bigger paragraph in that email of 11 June:

22
23 The only specific issue the president was proposing
24 to raise with the Secretary-General is the role that
25 the International Ombudsman Institute can play in
26 assisting the rules based international order
27 promoting democracy and reducing sovereign risk, et
28 cetera.

29
30 There is no reference to any project with the OECD?---Well,
31 as I said, counsel, that was - - -

32
33 Mr Field, is there any reference to a project with the
34 OECD?---Ah, no, all of those matters are matters that were
35 germane to that project, and it was exactly what I had in
36 mind.

37
38 And there's no reference to OWA or Western Australia, is
39 there?---No, I wasn't going to write to the
40 Secretary-General of the OECD and say, 'Can I come discuss
41 an \$80,000 project with you.'

42
43 **THE COMMISSIONER:** How much money, sorry?---Oh, 80 or
44 \$90,000, I mean, that's a rounding error for
45 Secretary-General Cormann in his sleep, that's not
46 something I was proposing to - - -

47
48 So, you thought the project was 80, \$90,000?---Of the
49 Australian contribution, around 80 to 90 to 120, 125,000 is
50 what I had in mind at that time.

1 Australian contribution. Thank you.

2

3 **NELSON, MS:** Mr Field, did you say that you weren't going
4 to tell Mr Cormann that you were going to raise the issue
5 of an 80, 90 or \$120,000 project with Australia?--Well, it
6 was an introductory meeting, counsel, it just didn't occur
7 to me to go straight into a specific detail in a meeting
8 for the first time that I had met him.

9

10 Even when you were invited to tell them the specific issues
11 to be discussed so they can get a briefing paper together?
12 ---Yes, and all of those specific meetings - or all of
13 those specific items, or all the items, that were exactly
14 part of the project that then immediately went on to be
15 discussed with the appropriate level officers at the OECD.

16

17 Mr Field, those topics could be any integrity agency
18 anywhere in the world, any Ombudsman anywhere in the world.
19 It's not narrow down to Western Australia, is it?--Well,
20 all I can say counsel is that I absolutely understand what
21 you're saying, that's my approach to diplomacy,
22 effectively. I would not want to sent to someone of that
23 level a, ah, an email to say, 'Hey, I want to come and talk
24 to you about a \$200,000 project, a \$150,000 project,' I
25 would want to talk about an introduction to the synergies,
26 the similarities, the complementarities between the OECD
27 and the Secretary-General, and then build from that
28 relationship things from that. So that was a relationship
29 entrée, a relationship building exercise, and then at
30 officer level we would develop the projects from there.
31 Now, as I say, I totally understand what you're saying, and
32 I'm not saying my approach to diplomacy is correct, that is
33 the way I approach it.

34

35 During the meeting, did you discuss with Mr Cormann doing a
36 project between the OECD and the OWA?--It is my
37 recollection that I raised with, um, the Secretary-General,
38 the desirability that projects could be undertaken that
39 would involve the IOI, the OECD and OWA, but I cannot speak
40 to that with certainty.

41

42 So, if you did raise projects, you raised it in the context
43 of the IOI, the OECD and the OWA?--I don't have a - I just
44 simply cannot recollect. I can remember being in the room,
45 I can't recollect the details of the conversation.

46

47 You can't recollect if you even raised projects at all?
48 ---As I say, it was a meeting where I had intended to
49 establish a relationship, to introduce myself, to discuss
50 the IOI, to discuss the role of the Ombudsman, obviously to
51 share views about Western Australia, since he was a Western

1 Australian, I discussed Western Australia, and then from
2 that point onwards, um, leverage from that relationship into
3 a project.

4
5 Can I have 0360^, page 8.

6
7 0360^

8
9 **NELSON, MS:** At the top of that page, there's an email
10 from the following day, 14 June, from yourself to Ingrid.
11 And is Ingrid the Secretary-General's chief of staff at the
12 OECD?---Yes.

13
14 You say:

15
16 As we discussed, although the relationship with the
17 United Nations is an important part of my agenda as
18 president, the second and for me equally important
19 relationship is to work with the OECD so that our
20 205 member institutions can contribute as much as
21 possible to economic development and cooperation.

22
23 That's all about the IOI and your role as president, isn't
24 it, Mr Field?---Ah, correct.

25
26 Then the next page, page 7, the bottom of the page, there's
27 a proposal from the OECD to have a follow up conversation
28 to discuss how we can enhance collaboration, and how we can
29 help you. And that's you in the context of the IOI, isn't
30 it, Mr Field? Following from the email that you had sent
31 from the day before?---Ah, correct.

32
33 There's no reference to any project?---Well no, I don't
34 accept that characterisation, counsel. The link there to
35 the report is the role of Ombudsman institutions in open
36 government, and that report was the report of a single
37 Ombudsman institution and the OECD.

38
39 We'll get to that email, but the one at 9.08 am, it's just
40 - is an intention to cooperate and collaborate?---Oh, of
41 course, absolutely.

42
43 And then the OECD, as you have just pointed out, send you a
44 report:

45
46 I take this opportunity to share a report on the role
47 of the Ombudsman's institutions in open government.

48
49 Is that the European Ombudsman report that you were
50 referring to earlier?---Correct, and - and that was from
51 day one to have my intention, to have a singular Ombudsman

1 institution, the Ombudsman of Western Australia. In that
2 case it was the European Ombudsman worked with the OECD.
3 But ultimately, I hoped, um, for the greater benefit of the
4 IOI.

5
6 Is that the first time you had seen that report, when the
7 OECD sent it to you?---Oh, no, I'd seen that well before.

8
9 Well before?---I saw it when it was first released.

10
11 Given that the OECD are sharing it with you, I would
12 presume that you hadn't told them about - you hadn't
13 mentioned the report earlier, that you were aware of it and
14 had read it and wanted to do a report, otherwise they
15 wouldn't need to send it to you, would they?---No, and in
16 fact, I don't think that is the case. They sent us that
17 report - in fact I have a recollection of saying to my
18 chief of staff at the time, um, that something along the
19 lines of, ah, ah, yes, we've seen - we know all about that
20 report, and that was the basis of what we were trying to
21 achieve, so I'm glad they're on the same page as us.

22
23 At that stage, it was not a report - that was not the
24 report that was going to be the basis of any project as at
25 15 June, is that correct? There was just - there was
26 nothing settled, was there, Mr Field?---Ah, no, not
27 settled, no counsel.

28
29 And in fact, even the form of the collaboration at the
30 point was not settled, was it?---No, correct.

31
32 There was a further meeting by Teams, do you recall
33 attending that?---Ah, there was a Teams meeting, and I did
34 attend a Teams meeting.

35
36 Who else from your office attended that meeting?---I think
37 Rebecca Poole and Kyle Heritage, but that is to my memory.

38
39 Do you recall what was discussed in that meeting?---I don't
40 have a recollection of what was discussed in that meeting.
41 It was - sorry, a broad recollection, it was a meeting that
42 was exactly the meeting that had been intended to have
43 after the meeting with the Secretary-General to follow up,
44 and then to start to put some further detail into what a
45 project would be, and to discuss what that project might
46 look like, ah, and to then start to firm up the concept of
47 a project.

48
49 So, it was any project, not a specific project in your mind
50 at that stage?---No, I - the project I always wanted to do
51 was this project. The only view I did have was if the OECD

1 didn't want to do that project, I did have an open mind as
2 to whether they wished to do some other form of project,
3 but that was the project that I wished to do.

4
5 There is a note of that meeting, 0130^.

6
7 0130^

8
9 **NELSON, MS:** This is Mr Heritage's file note. So, the
10 meeting took place on 29 June 2022, when you were back in
11 Western Australia. There's a reference to Bertock and
12 Santiso, they are OECD employees?---Ah, I don't know that
13 they are, but I would have to assume from this (indistinct)
14 that they are.

15
16 Under the heading 'potential projects and collaboration',
17 there are several dot points of different themes, aren't
18 there?---Correct.

19
20 And there's a reference to you at the bottom, Ombudsman,
21 and then a dot point noted that any of the projects
22 mentioned worth undertaking. You're nodding your head?
23 ---Oh, yes, counsel.

24
25 So, 29 June 2022, the OECD had not been told that you
26 particularly wanted to do a follow up report from the
27 European Ombudsman's report, had they?---Counsel, ah, a
28 couple of things. Of those potential projects and
29 collaboration, effectively each of those is, in effect, the
30 OECD project that was done with Europe, digital
31 transformation, global and regional dialogues, assisting
32 younger generations, feedback mechanisms, artificial
33 intelligence, digital space, they're all the aspects of the
34 OECD report. So, certainly when I heard them being
35 mentioned by the OECD, um, it was easy for me to say in
36 that meeting yes, those projects all seem like they're
37 worth undertaking, because they were utterly consistent
38 with the European Ombudsman OECD project that I did want to
39 undertake.

40
41 **THE COMMISSIONER:** So, if we looked at the European
42 project, we would find reference to all of those things?
43 ---The European project, as I recollect it, was, um,
44 covering a range of those things, Commissioner, ah, whether
45 it was every single one of those - - -

46
47 But a range of those items?---Yes. Also keep in mind too,
48 um, whether it's - it's certainly never intended to be
49 disingenuous, and this is obviously a public hearing, but,
50 ah, when I say something like that in an open meeting,
51 there are a range of staff there, including junior staff,

1 and I'm also trying to be diplomatic, I'm trying to be
2 saying, 'Oh, they all sound like they're outstanding
3 projects, thank you for putting them forward,' so I'm
4 trying to be courteous and diplomatic about what is being
5 said before me. Um, I'm the most senior person in the room
6 on that occasion, and what I'm trying to do is say thank
7 you so much for these excellent ideas.

8
9 Well, I appreciate that, and I appreciate that you don't
10 want to be rude, but why isn't there a note there that
11 says, 'Why don't we replicate the European report, that
12 would be a good idea, and do it in some other countries'?
13 ---And that is exactly what happened from that point
14 onwards.

15
16 But not at that meeting?---Um, no, I - well, Commissioner,
17 the very specific reason for that is I thought that was
18 exactly where that direction of that meeting was going. In
19 fact - sorry, I'm so sorry, counsel. I should say,
20 Commissioner, I was actually very happy with that meeting,
21 because I thought that was exactly where the process was
22 going.

23
24 **NELSON, MS:** And you have also been noted as talking about
25 particular interest in regions, Southeast Asia, South
26 America, Caribbean?---Correct.

27
28 Which are IOI regions, aren't they?---Yes, it had been my
29 intention that the Ombudsman Western Australia component
30 would be for Ombudsman Western Australia and our Southeast
31 Asian neighbours, and ultimately there would be a
32 contribution from the IOI to expand that to, ah, Africa,
33 South America, North America and the Caribbean.

34
35 Well, first of all it doesn't reference the fact that
36 Western Australia was in your mind as one of the regions to
37 be targeted by the project?---Oh, sorry, that was meant to
38 be included in Southeast Asia, for the OECD purposes.

39
40 **THE COMMISSIONER:** What region are we in?---Well, it would
41 depend on - - -

42
43 I understand from your evidence earlier today there are six
44 regions for the IOI?---Yes.

45
46 Which one are we in?---Australasia-Pacific.

47
48 All right, thank you?---But this is OECD referencing, so I
49 was trying to make it relevant to the - - -

50
51 No, no, it was you being quoted?---Yes, but quoting -

1 sorry, I was trying to say particular interest in regions
2 of Southeast Asia, as the OECD would understand it. They
3 would understand that we are in the Southeast Asian region.

4
5 Even though you're in the Australasian region?---Well, for
6 the IOI, but this was trying to convert it to the OECD
7 language.

8
9 **NELSON, MS:** Now, from that point, there appears to be a
10 break in communication with the OECD until January 2023,
11 does that accord with your recollection?---Ah, I don't have
12 a specific recollection, but that could well be right.

13
14 Do you know why that was?---Ah, no, I don't have a
15 particular recollection why that was, no. It was - it was
16 probably as much as anything - and I would have to check,
17 um, that we were also working on a range of other projects
18 as well, it was simply a matter of prioritisation. We had
19 a very small number of staff working on these matters, and
20 they were being prioritised within that workload.

21
22 Well, between 29 June 2022 and January 2023, you travelled
23 back to Vienna, Budapest, Wellington and Poland and
24 Ukraine?---Yes.

25
26 Now, if we could go then to January 2023, do you recall
27 instructing Kyle Heritage to get in touch with the OECD?
28 ---Ah, and as a matter of completion to your previous
29 question, counsel, and I apologise, in part it would have
30 been because I was mindful that the project would not be
31 able to proceed without relevant funding, so we would have
32 also been mindful of when relevant funding rounds were for
33 that project to proceed.

34
35 So, what were you doing between 29 June and the beginning
36 of January in relation to funding for the project?---Ah,
37 there are only certain times, either in the state budgetary
38 cycle or the IOI cycle where we could actually apply for
39 funding.

40
41 So, what were you doing between 29 June 2022 and the
42 beginning of January 2023 to put funding place? Either
43 from the IOI or from the OWA?---I don't have a specific
44 recollection, there would have been ultimately the
45 development of monies to put.

46
47 So what would that look like? What process would you have
48 undertaken in that six-month period?---Ah, I don't have a
49 specific recollection of the process we undertook.

50
51 Did you do anything during that six-month period to put

1 funding in place for a project?---Well, you could only put
2 funding in place at the time when the funding was available
3 to put in place.

4

5 Mr Field, you offered in your answer about three answers
6 ago, when I said that you were travelling during that time,
7 that perhaps you were spending your time looking at funding
8 for the project. And I'm asking you what would you have
9 been doing?---Oh, no, I was not, counsel, I was not. Not
10 during that time.

11

12 Thank you?---I'm so sorry, I didn't understand the
13 question.

14

15 **THE COMMISSIONER:** So, you can revise your answer?---Can
16 you please? Yes. And I apologise, I didn't understand.

17

18 **NELSON, MS:** So, you weren't doing anything in relation to
19 funding in that six-month period between 29 June 2022 and
20 the beginning of January 2023?---I don't have a specific
21 recollection of what I was doing during that period, no.

22

23 Can I have 0360^ page 5?

24

25 0360^

26

27 **NELSON, MS:** Bottom of page 5, thank you. Bottom half.
28 On 5 January, Kyle Heritage emails the OECD. I'll just
29 give you a minute to read that?---Thank you.

30

31 Did you instruct Mr Heritage to reach out to the OECD,
32 Mr Field?---I don't have a recollection that I did, but I
33 could have.

34

35 Could you have drafted this email for him?---It's possible,
36 I don't have a recollection of doing so.

37

38 Could I have 0350^ page 1?

39

40 0350^

41

42 **NELSON, MS:** This is an email from yourself to Mr Heritage
43 the day before?---Correct.

44

45 Who is this email being directed to, who is Michael?---I
46 think that is Michael Mauerer.

47

48 At the IOI?---Correct.

49

50 Were you in the practice of drafting emails for Mr Heritage
51 to send on your behalf, or on behalf of the IOI?---If it

1 was an email that I thought was complex, diplomatically
2 sensitive, um, then I would certainly do that. And for -
3 it would be relevant to the seniority of the staff member,
4 noting that Ms Poole was at that stage on leave, and yes, I
5 would prepare emails for staff because they were very
6 sensitive pieces of correspondence.

7
8 Why have you referred to Mr Heritage as director of the
9 Office of the President?--Ah, because at that stage, I
10 think he would have been acting, ah, in that role, because
11 Ms Poole was on leave, is my assumption.

12
13 And you're trying to represent to the IOI that Mr Heritage
14 has responsibility for work in your capacity as president
15 of the IOI?--No, not at all, counsel.

16
17 If we go back to 0360^.

18
19 0360^

20
21 **NELSON, MS:** And we're looking at page 5. So, Mr Heritage
22 sends an email introducing himself to the OECD as well the
23 next day on 5 January. And he introduces himself as
24 director of the Office of the President of the
25 International Ombudsman Institute?--Yes.

26
27 Did you direct him to refer to himself by that name?
28 ---Title?

29
30 Title?--I have no recollection of doing so, I assume he
31 was - that title was being used because he was acting in -
32 in the position for Ms Poole.

33
34 Mr Heritage wouldn't have sent this email without you
35 directing him to make contact with the OECD, would he?
36 ---I'm sure I would have asked, um, an outstanding officer,
37 I'm sure I would have asked Mr Heritage to send that email.
38 The title of director I assume was the title that he was
39 using, because he was at that point acting in - acting in a
40 more senior role during the absence of Ms Poole.

41
42 And as a result of Mr Heritage reaching out, there was a
43 Teams meeting set between the OWA and the OECD on - for
44 6 January or 7 January 2023. Do you recall if you attended
45 that meeting?--No, I don't believe I attended that
46 meeting.

47
48 And if we go to page 3, it goes over onto the top of
49 page 4, so the bottom half of page 3. The OECD
50 subsequently sends Mr Heritage this email, which is
51 forwarded to you?--Yes.

1
2 Do you recall receiving that?---Oh, I - I don't, but I
3 accept it was.
4
5 Is it possible to see the whole of the email on the screen?
6 The email appears to contain links to several separate
7 projects?---Correct.
8
9 Does that refresh your memory as to whether you received
10 this and recall reading it at the time?---Oh, I don't - I
11 don't have a specific recollection of this email.
12
13 And the last sentence of the top paragraph:
14
15 We remain very eager to work together and, as
16 discussed during our call, you will find attached a
17 proposal with seven items that could be of interest
18 for the institute.
19
20 ?---Correct.
21
22 So at this stage the OECD understands that they're going to
23 collaborate with the International Ombudsman Institute, not
24 the OWA; correct?---Ah, I can't say what was in their mind.
25 I can say what was in my mind, and in fact it's referenced
26 there in the second paragraph, ah, on page 4, um, that the
27 project that I wanted to do was the project that we were
28 choosing to do, and it would be a project between the
29 Office of the Ombudsman Western Australia, OECD, and
30 include the IOI.
31
32 **THE COMMISSIONER:** Where do I read that about the Office
33 of the Ombudsman West Australia?---No, I'm saying that was
34 what was - had always been my intention and continued to be
35 the case all throughout.
36
37 But what you keep telling me is your intention and your
38 understanding, but I have to say frequently that conflicts
39 with contemporaneous records?---This is a record from the
40 OECD though.
41
42 That came out to you following a meeting?---Ah, yeah, well,
43 it lists a series of projects, um, that they were
44 suggesting they might do, and the one that I indicated to
45 my staff that I wished to do was the updated version of the
46 2018 report on the role of ombudsman institutions in open
47 government with a focus on protection of civic freedom, et
48 cetera. And that would be a project that would be with the
49 Ombudsman Western Australia and expand - and be expanded if
50 it could be funded to do so, um, to the IOI more generally.
51

1 So it would start in Western Australia?---Yes, it was
2 always my intention that the project would be principally,
3 ah, as the European Ombudsman was, a singular ombudsman
4 entity with the OECD, but it would - and I was very keen on
5 this - to expand it out to other members of the IOI.
6
7 I appreciate the expanding out. But was it your plan that
8 it would start in Western Australia? It would be a survey
9 and report in Western Australia?---Correct, it would.
10 Well, it would do both and it would be absolutely in
11 Western Australia.
12
13 **NELSON, MS:** We could scroll up, thank you, and you'll see
14 that Mr Heritage sends it to Vicky. Why did he not send it
15 directly to you?---Oh, um, because my direct reports email
16 to my EA.
17
18 And if we can continue up, presume that Ms Sharpe has
19 forwarded it to you because she then sends Kyle an
20 instruction from you?---Correct.
21
22 And if we continue up, thank you, Mr Heritage does as
23 instructed and drafts a response. He says:
24
25 I have presumed the Ombudsman would be supportive of
26 the project proposed by the OECD.
27
28 Just give you a minute to read that?---Correct. Oh, sorry,
29 yes, Counsel.
30
31 And then if we could go further up, thank you. Ms Sharpe
32 then sends another inquiry from you on your behalf, is that
33 right, to Mr Heritage:
34
35 The ombudsman would like to know whether the OECD
36 check with Emily O'Reilly that she was happy.
37
38 ?---Correct.
39
40 Who is Emily O'Reilly?---I'm not sure who I'm referring to
41 in relation to that. Oh, Emily O'Reilly, sorry, the
42 European Ombudsman.
43
44 And then further up Mr Heritage sends a further draft to
45 put in the inquiry that you've made - - -?---Correct.
46
47 - - - in relation to the European Ombudsman?---Correct.
48
49 In that draft in the first paragraph Mr Heritage has
50 referenced that:
51

1 The clear synergies between the mandate of the OECD
2 and the International Ombudsman Institute, and we'd
3 be delighted to collaborate with you -

4
5 - OECD -

6
7 - on ways in which the ombudsman institutions can
8 build a culture of more responsive and resilient
9 democratic governance.

10
11 ?---Yes.

12
13 Mr Heritage is clearly telling the OECD that the
14 collaboration will be with the IOI, isn't he?---Ah, and I
15 can - I want to answer that by saying, ah, yes, that's what
16 that says. And I absolutely understand what the
17 Commissioner is saying. There - what was - what has
18 occurred here - and I can now see it as I'm reading these
19 emails - is from the very first day that I considered when
20 I read the European Ombudsman project, I saw it as a
21 project between an ombudsman office and the OECD that could
22 be leveraged off to other IOI members. And I've taken that
23 as read throughout this entire process that it would always
24 be with the Ombudsman Western Australia and the OECD,
25 leveraged out to other IOI members. But, Commissioner, I
26 agree it would have been better if there'd been more
27 specificity about that in those - in those matters. But I
28 can certainly say - - -

29
30 **THE COMMISSIONER:** Well, only if that was right?---Well,
31 it was - but that is - - -

32
33 The alternative is that what was written here is correct?
34 ---No, I can - I can absolutely say to you - albeit you
35 don't need to accept it, Commissioner - I can say to you in
36 good faith from the very first day I read that report I saw
37 it as the European Ombudsman - a singular ombudsman entity
38 - doing a project with the OECD that had leverage
39 opportunities to other IOI members. And we would do a
40 project - the Ombudsman Western Australia - with the OECD
41 would leverage opportunities to other IOI members. These
42 emails should have been more specific about that.

43
44 Well, they are very specific. And I have to tell you I
45 haven't formed any view at all, but so far counsel has
46 shown you a series of documents commencing roughly June
47 2022 and stretching into 2023. So despite your constant
48 assertions about Western Australia and the West Australian
49 Ombudsman, there has not been a single reference in any of
50 the documents so far shown to you. I don't know what other
51 documents counsel have. Maybe it will all become clear?

1 ---Okay.

2

3 But it is a matter of concern?---And - and, Commissioner,
4 the only thing I would say is I would have never entered
5 this project if it wasn't a project between the OECD and
6 OWA, ever.

7

8 **NELSON, MS:** Mr Field, both the draft responses that
9 Mr Heritage was proposing to send back to the OECD were
10 sent to you - - -?---Yes.

11

12 - - - to be settled?---Yes. Oh, sorry. Sorry, counsel, I
13 shouldn't just say yes; I should listen very carefully to
14 what you've just said. I'm sorry, could you repeat that,
15 counsel? I'm so sorry.

16

17 Both the draft responses - - -?---Yes.

18

19 - - - that Mr Heritage has sent to Ms Sharpe were sent to
20 you to be settled - - -?---Yes.

21

22 - - - before they were going to be sent to the OECD in
23 reply?---Yes.

24

25 You had opportunity to make it clearer to the OECD that
26 this was going to be a project that also included OWA?
27 ---Well, ah, I - I can only repeat what I just said to the
28 Commissioner, and I can also only repeat ultimately what
29 the OECD project was - is.

30

31 I'm not interested in ultimately what it was. As at
32 9 January 2023 you had opportunity to tell OECD that this
33 was going to be a collaboration between three separate
34 parties. Is that what it was going to be at that time?
35 ---It was intended to be a project between the OECD, the
36 Office of the Ombudsman Western Australia, and the IOI.

37

38 So a three-way collaboration?---Correct. Exactly as the
39 previous report was.

40

41 Could I have 0359^ at page 8.

42

43 0359^

44

45 **NELSON, MS:** This is an email sent from you to Gaby
46 Schwarz?---Yes.

47

48 Secretary General at that time at the IOI?---Correct.

49

50 And it's sent later in the afternoon at 4.42 pm?---Correct.

51

1 Just give you a minute to read that?---Yes.

2

3 So you're introducing Ms Schwarz to the draft proposal for
4 a cooperative project?---Correct.

5

6 And you say in the email, 'The project between the IOI and
7 the OECD'?---Correct.

8

9 You're not telling Ms Schwarz that the OWA is going to be
10 in the project as well, are you?---Oh, that's very
11 deliberate in that email, counsel. That's because I'm
12 writing to the secretary general of the IOI so I'm trying
13 to engage the secretary general of the IOI with the IOI
14 component of that OECD project. It would have not even
15 been relevant for me to talk about the Ombudsman Western
16 Australia because this was also a precursor to me
17 requesting funding from the IOI for the project. So that
18 was certainly deliberate. It - it was written for that
19 reason.

20

21 But at point 2 in the bottom half of the email you say:

22

23 My office will provide both in-kind resource to the
24 project and a financial contribution.

25

26 So you are offering OWA finances to an OECD and IOI
27 project?---Yes. And the references there were to the
28 references - to the ultimate OWA contribution that would be
29 made. The purpose of this email was to try to engage the
30 secretary general with, ah - the secretary general of the
31 IOI with her engagement with a project and funding by the
32 IOI for that project.

33

34 But why make it a secret that the OWA was going to be the
35 third partner?---I - I wasn't intending to make it a secret
36 and I wasn't trying to.

37

38 Well, why have you then - if you weren't intending that,
39 why were you admitting to putting in that sentence that
40 it's a draft proposal for a cooperative project between the
41 OWA, the IOI, and the OECD? Why not say that?---Sorry,
42 what was that again?

43

44 Why not say that you were proposing a project between the
45 OWA, the IOI, and the OECD? Why not be upfront?---Well,
46 the inference is pejorative obviously, um, counsel, but I
47 don't accept it. I - I was not trying to not be
48 transparent or not be upfront about that. I certainly was
49 trying to write to the secretary general of the IOI that
50 this was going to be a project to which the IOI would
51 contribute.

1
2 There's one way of interpreting this email is that as
3 president of the IOI you had arranged for a project with
4 the OECD - - -?---Yes.
5
6 - - - but then putting on your chief executive hat of the
7 OWA you were going to fund that even though the OWA were
8 not going to be part of the project. You were just going
9 to fund it?---Oh, the - absolutely, ah, that
10 characterisation - I'm not wanting to contest it with you,
11 um, only to say that that is absolutely not a
12 characterisation which I intended under any circumstance.
13
14 As you go further, you say to Ms Schwarz:
15
16 Don't worry about contribution from the IOI, it will
17 be modest and entirely, of course, subject to the
18 ExCom's and board's full consideration.
19
20 ?---Yes, I - - -
21
22 After telling her that the OWA will provide the in-kind
23 resource, meaning people resources - is that what you mean
24 by 'in-kind'?---No, it was considered it might be some form
25 of translation resource, ah, because they would have been
26 concerned about the cost of translation.
27
28 And a financial contribution from the OWA?---Yes, which was
29 ultimately what I sought from the state government. This
30 was really a letter - well, it was a letter in two parts.
31 It was trying to say, 'I'd like the IOI to be involved in
32 this project. I'm - I'm informing you as the secretary
33 general before I go to the board to seek their approval and
34 their funding,' and it was intended to give her comfort
35 that, 'Look, I'm not going to be going to the board and
36 asking for €1 million.'
37
38 Could I have 0134^.
39
40 0134^
41
42 **NELSON, MS:** So later that same day, 6.45 pm, there is a
43 draft that you send to Kyle Heritage to go to the OECD?
44 ---Yes.
45
46 If we could go over to page 2, is the red your track
47 changes?---I can't say that for certain but I would assume
48 that would be the case.
49
50 So you agree to the project proposal which had been sent
51 through earlier that day?---Correct.

1
2 And you're saying that:
3
4 Our office -
5
6 - do you mean OWA or do you mean IOI -
7
8 - is delighted to commit to both in-kind and
9 financial contributions to the project.
10
11 ?---That would be our office, the OWA.
12
13 And the last paragraph:
14
15 In the meantime, I thank you again for your email.
16 The IOI is of the view that the work of the OECD on
17 open government, et cetera, is deeply important and
18 highly aligned with the work of the IOI and its
19 member institutions.
20
21 ?---And once again, the couching of that email is simply
22 done in that way because I am trying to speak from one
23 international body to another international body. And
24 that's exactly why that's couched in those - in that
25 language.
26
27 **THE COMMISSIONER:** But you're also speaking as the OWA:
28
29 I can certainly say our office is delighted to
30 commit -
31
32 Were you referring there to the IOI or the OWA?---And - and
33 I - and I could have added that, um, Commissioner, it
34 wasn't intentional.
35
36 No, I don't care what you could have added. Were you
37 referring there to the OWA when you said 'our office'?
38 ---Oh, the 'our office' is a - is a reference to the OWA.
39
40 **NELSON, MS:** So are you telling the OECD in this email the
41 same as what you told the IOI; the project will be between
42 OECD and IOI, but OWA will provide some of the funding?
43 ---No, the - the project from the very first day I
44 conceived it, which is when I read the report years before
45 I met with - - -
46
47 **THE COMMISSIONER:** No, you've been through that history,
48 Mr Field?---Okay.
49
50 I don't wish to stop you unnecessarily, but you've - - -?
51 ---Sorry.

1
2 - - - been through that history. The question you were
3 asked was specific to this document?---Ah, I might then ask
4 for the question again. I'm sorry, Commissioner.
5

6 **NELSON, MS:** By the end of 9 January, sorry, 2023 have you
7 told both the IOI and the OECD that there will be a project
8 between two bodies, the OECD and the IOI, but the OWA will
9 fund a portion of it and provide in-kind resources?---No,
10 my characterisation is what I told them is it would be a
11 project with the OECD that would involve the IOI hopefully
12 if the board approved and they funded it, um, and that the
13 OWA would be involved in that project too, both in-kind and
14 financial contributions. Of course at this stage there was
15 absolutely no understanding that the IOI would even be
16 involved because it hadn't gone to the board and they
17 hadn't provided any funding.
18

19 **THE COMMISSIONER:** Had you received funding at this stage?
20 ---I can't recollect. That was part of the streamline
21 budget process, um, so that would have been early in the -
22 in the calendar year. Um, but I can say that the funding
23 from the IOI was not until May of that year, and I could
24 have never been committing to the IOI, um, being part of
25 that project until the IOI itself had all 24 directors by
26 majority approve the project and approve the funding
27 appropriation.
28

29 Well, I'm sure counsel will explore that tomorrow, but I
30 think we've probably all done enough for today. So we'll
31 adjourn until 9.45 tomorrow.
32

33 (THE WITNESS WITHDREW)
34

35 AT 4.10 PM THE MATTER WAS ADJOURNED UNTIL
36 THURSDAY, 15 FEBRUARY 2024

**Certificate Made Under Section 50A of the
*Evidence Act 1906***

The transcript of Christopher James Field heard on Wednesday,
14 February 2024

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