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CORRUPTION AND CRIME COMMISSION

OF WESTERN AUSTRALIA

COMMISSIONER JOHN MCKECHNIE AO KC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON FRIDAY, 12 APRIL 2024, AT 9.47 AM

COUNSEL ASSISTING:

MS KIRSTEN NELSON

COUNSEL ASSISTING THE WITNESS:

MR CHRISTIAN PORTER

WITNESS:

CHRISTOPHER JAMES FIELD PSM

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

2
3 **CHRISTOPHER JAMES FIELD RECALLED AT 09.47 AM:**

4
5 **THE COMMISSIONER:** I've been told that we may have been
6 using the wrong cups, and somebody has noticed. But I
7 understand that the cups now are compliant for whoever is
8 on the end of the screen that noticed them in the first
9 place. Yes, Ms Nelson.

10
11 **NELSON, MS:** Thank you, Commissioner. Mr Field, yesterday
12 at the end of the afternoon we were looking at an email
13 exchange between a Ms Johnson from your office and Philippa
14 or Pip Robinson at DPC. And that's 0509^, thank you, Madam
15 Associate.

16
17 0509^

18
19 **NELSON, MS:** And if you could scroll to see the bottom
20 half of the email, thank you, that's good. So yesterday
21 afternoon I took you to the first point where you or
22 Ms Johnson on your behalf has said to Pip that:

23
24 The Ombudsman as President of the International
25 Ombudsman Institute is currently progressing two
26 projects aimed at ensuring that his term as President
27 delivers particular value for Western Australia. One
28 of these is a proposed MoU between Western Australia
29 and Styria, Austria.

30
31 So as at 20 January 2023 I'll suggest to you that this was
32 the first occasion in which there was any written record
33 with the Premier's Office or the Premier's chief of staff
34 or his staff about the MoU with Styria?---Um, counsel, that
35 could well be - could well be right, absolutely. It was
36 obviously the subject of discussions, but in terms of a
37 written communication that could well be right.

38
39 Would you agree that whilst the email refers to two
40 projects, it then details only one being the proposed MoU?--
41 --Yes, the focus definitely of that email was in relation
42 to the MoU. Correct, counsel.

43
44 And if we went down to point 5 in the email:

45
46 The question he has -

47
48 - meaning yourself -

49
50 - at this stage is, assuming the matter is to
51 proceed, who would Mr Pastorelli consider as the most

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2

Epiq

(Public Hearing)

1 appropriate person to represent the state at a
2 signing ceremony.

3
4 And you'll recall that yesterday afternoon I suggested to
5 you that the phrase, 'Assuming the matter is to proceed,'
6 suggests that it wasn't a done deal that the MoU would
7 proceed as at 20 January 2023?---And, counsel, I think
8 that's the only fair way you could describe that.
9 Ultimate, ah, in my mind at that time, um, I think, in
10 fact, it would be at any point of my career, um, you simply
11 can't take matters as absolutely certain.

12
13 And if this in fact was the first written correspondence
14 with the Office of the Premier or DPC about the MoU, the
15 phrase, 'Assuming the matter is to proceed,' would be
16 reasonable in the circumstances if this was the first time
17 they were finding out about any detail about the matter?---
18 Oh, no, I don't think that's necessarily correct. I would
19 certainly have to check back my records in relation to
20 matters that hadn't been otherwise reduced to writing that
21 is, for example, discussions. Um, but your
22 characterisation, 'Assuming the matter is to proceed,' is I
23 don't think just a matter of humility; I think it is - and
24 I think as the Commission might have indicated yesterday, I
25 think it's absolutely correct that you are never absolutely
26 sure or certain. You can never be 100 per cent guaranteed.
27 Um, a week is a long time in politics. The Premier might
28 not have been there the next day, and that changes the way
29 things occur. That happens.

30
31 If we could have 0500^, please.

32
33 0500^

34
35 **NELSON, MS:** Do you recall there being a Teams meeting
36 with Daniel's office on 25 January 2023?---Er, I don't
37 recall it exactly, but I do know that I - at some point in
38 early 2023 I did speak to Daniel. I can't remember whether
39 I asked for that as a Teams meeting. I think I might have
40 been getting concerned about the momentum and progress, and
41 I think that might have been why I asked for the meeting.
42 I can't be certain.

43
44 So the momentum and progress of the MoU with Styria?---To
45 lock in a date, correct, for the Premier's availability.

46
47 So you recall that this was a meeting that you requested
48 with Daniel Pastorelli?---I'm sorry, I'd be lying if I said
49 I am certain about that. I don't recall if that's the
50 case. But I'm not saying I didn't, I just don't recall it.

51

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FIELD, C.J.

3

Epiq

(Public Hearing)

1 But you recall that the meeting was to be exclusively about
2 the MoU and the progression of it?---I don't even recall
3 that. I'm sure I was sitting at my desk when I had the
4 meeting, that's a recollection I have. I don't know if it
5 was exclusively about the MoU.

6
7 **THE COMMISSIONER:** At your desk in your home office or
8 work?---Oh, at work is my recollection.

9
10 Work?---Sorry, Commissioner. Yeah, totally imprecise of
11 me. Um, that was my recollection of that meeting. I'm not
12 in any way trying to be evasive, counsel, I just don't have
13 a photo recollection.

14
15 **NELSON, MS:** But I gather you recall that you had some
16 concerns about the timing of the signing of the MoU as at
17 25 January?---Daniel was a little hard to get, and I don't
18 make that as a criticism of Daniel. But I know that I - or
19 Mr Pastorelli. I know that I wanted to make sure that I
20 had touched base with him. It was often a number of things
21 - well, as you will have seen from the agendas I presented,
22 there are a number of things I would always traverse with
23 him when I met with him. I do know I was keen to see if we
24 could get a date locked in so that - this is a date that
25 Premier's available and will be available in Parliament.

26
27 For the MoU signing?---For the MoU that would have been,
28 correct, yeah. But I can't speak as to whether other
29 matters were discussed in that meeting, I don't have that
30 recollection.

31
32 It was in your mind at 25 January 2023 that the signing in
33 Parliament would occur with a delegation from Styria being
34 present in WA?---Absolutely very much so, correct.

35
36 Could I have 0501^, thank you.

37
38 0501^

39
40 **NELSON, MS:** On 16 February 2023 you sent a letter to
41 Mr Pastorelli, 'Attachment note for Premier's chief of
42 staff, 16 February 2023'?---Yes, yes, counsel. I don't
43 have a photo recollection of the day I did, but I know from
44 that obviously I did, thank you.

45
46 And we could scroll through to the actual attachment, thank
47 you, Madam Associate. Is this letter familiar to you?---
48 Yes, it is, counsel.

49
50 And you can see it's not on the letterhead of the OWA, but
51 it's on the letterhead of the IOI?---Ah, correct.

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FIELD, C.J.

4

Epiq

(Public Hearing)

1
2 Because you considered at that time you were acting in your
3 capacity as President of the IOI?---Ah, well, I considered
4 myself acting in the capacity of both the Ombudsman of
5 Western Australia and the President of the IOI. I
6 considered those two roles to be one and the same and
7 complementary.

8
9 Well, as at the middle of February 2023 you made a decision
10 to use only the letterhead related to your presidency
11 role?---Oh, yes, and that's because this was a matter that
12 related to an international cooperative arrangement and
13 that seemed most appropriate.

14
15 And in that letter you tell Mr Pastorelli that the Styrian
16 Minister for International Relations, Werner Amon, is to
17 travel to Perth to sign the MoU arrangement?---Correct.

18
19 And this is the same person who you had established a
20 relationship with such that you spent a weekend with him in
21 May/June 2022?---Correct. He was the former secretary
22 general of the International Ombudsman Institute.

23
24 You indicate whether the Premier should continue to be a
25 signatory, 'I'd suggest that that's the preferred outcome.'
26 And that would indicate to me that the Premier has not yet
27 committed to being the signatory to the MoU. Would that be
28 fair to say?---Yeah. I'm not sure at that date - what I
29 can - my recollection, counsel, and I want to be directly
30 relevant to your question, is to say that all along the
31 discussions were directed towards the Premier being the
32 signatory. Um, there was no question about that. Um, but,
33 of course, I also - and there I'm reinforcing, I think,
34 that could be the preferred outcome, but I was open and I -
35 I - I felt it still could be appropriate, um, for example,
36 if the Deputy Premier entered into the agreement.

37
38 But you indicate in the second last paragraph that:

39
40 The decision is a matter for you -

41
42 - meaning Mr Pastorelli and the Premier, and that you have
43 made no commitment as to the personal availability of the
44 Premier as at the date of this letter?---Ah, that's
45 hopefully - I - I hope that comes across as what it was
46 meant to be. Um, humble and utterly respectful.

47
48 And at point 2 above that, you've indicated to
49 Mr Pastorelli that you have a close relationship with
50 Werner Amon?---Yes. Um, during my time, um, as the
51 President of the IOI, he was the secretary general of the

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FIELD, C.J.

5

Epiq

(Public Hearing)

1 IOI. That's exactly correct. Um, you - the - the
2 inevitability of that relationship is you work together
3 constantly.

4

5 Would you consider that at that time it was more than a
6 professional relationship through your IOI presidency but
7 it was friendship as well?---Ah, a professional friendship,
8 absolutely. I haven't spoken to Werner Amon for - well, I
9 can't possibly - ah, couldn't put a - couldn't put a date
10 on it. It's a long time.

11

12 Some time in 2023?---I'm sure it'll be in 2023, yeah.

13

14 In the later half of 2023?---Ah, I suspect it would have
15 been but I - I - I - I mean, I - not being the slightest
16 bit evasive. I'd be able to check that. I think his
17 preferred method of communication was through WhatsApp
18 generally, and I could obviously provide any of those
19 messages if you don't already have them to you.

20

21 What was the context of your last communication to him?
22 ---Ah, the communications were around, um, to the best of
23 my recollection, um, were, um - ah - ah, the focus of those
24 communications was on achieving the Styria, ah - ah - ah,
25 Western Australia MOU.

26

27 Could I have 0503, thank you?

28

29 0503^

30

31 **NELSON, MS:** So by May - of we could just scroll slightly
32 down so we can see the - thank you.

33

34 So by May, Mr Pastorelli has indicated that:

35

36 Time is held in the Premier and Deputy Premier's
37 diary, pending any changes due to travel or other
38 necessary commitments.

39

40 ?---Ah, correct.

41

42 So, in effect, there's been a - a place setter put in their
43 diary, but should any other commitment come over the top of
44 that, it - the signing wouldn't occur by the Premier or the
45 Deputy Premier?---Yeah, counsel, that was exactly my
46 understanding.

47

48 And he suggests that you continued to work with JTSI on the
49 finer details of the proposed visit?---Um, correct. Both
50 JTSI and, um, also Neil Fergus, ah, who was then, ah, the
51 Deputy Premier's chief of staff, so both correct.

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6

Epiq

(Public Hearing)

1
2 My recollection of your evidence yesterday to Mr Porter was
3 that the MOU did not go ahead because there was a change in
4 the - who occupied the Premier's (inaudible) position in
5 this state, so the Deputy Premier Mr Cook became the
6 Premier and - and Mark McGowan left office?---Yes.

7
8 And I understood your evidence yesterday was that, in your
9 mind, that was the reason as to why the MOU did not
10 progress. Was that a correct summary of your evidence?
11 ---Ah - ah - ah - um, I don't want to churlish at all, um -
12 ah, I - I would like to say that I think that was, um, the
13 first component part, counsel. I would like to agree with
14 your question, um, to say that I, ah - there is no question
15 that the change from the Premier changed the dynamic of
16 that, ah - um, arrangement such that we were then looking
17 to the Deputy Premier, who is now the Premier, to sign it,
18 but no I don't believe it was the reason why the MOU didn't
19 go ahead. I - I believe the MOU didn't go ahead because of
20 the article on the front page of the West Australian.

21
22 Meaning the article at the beginning - well, two articles
23 at the beginning of October 2023?---Correct. Ah, the
24 support for every aspect of my - I don't want to stray
25 beyond your question. The - the support for every aspect
26 of what I was doing as President of the International
27 Ombudsman Institute, including the Graz, ah - sorry, the
28 Styria, Western Australian (indistinct) - MOU evaporated
29 instantly and overnight.

30
31 You recall the - the two media articles, 3 and 8 October
32 2023?---I do.

33
34 And do you recall that they were concerned with travel by
35 yourself and your chief of staff, Ms Poole?---I do.

36
37 They did not reference a MOU or proposed MOU?---Ah, no,
38 they did not.

39
40 They did not reference a project with the OECD?---No, they
41 did not.

42
43 Yet you say that they were the reason why the MOU did not
44 proceed?---Well, I think it would be a somewhat naïve view
45 of politics, um, counsel, if I can say that with respect,
46 um, that, um, the, ah, office of the Premier, um, I think,
47 formed a very clear view after those newspaper articles
48 that I was persona non grata and anything I was involved in
49 was as well, and that included any aspect of the work I'd
50 done as President of the IOI. In fact, if it wasn't for
51 the fact that I was an officer of the parliament and

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FIELD, C.J.

7

Epiq

(Public Hearing)

1 reported to the parliament, I don't think I'd be sitting
2 here today as the Ombudsman.

3
4 Well, just focusing still on the - the MOU and the
5 progression of that during the course of 2023 for the
6 moment, I'd suggest to you that in early June 2023, so well
7 before the articles in The West, the office of the Premier
8 advised the OWA to press pause on the MOU?---I'm so sorry,
9 can I - can I ask you to repeat that question? I'm so
10 sorry.

11
12 I'm suggesting to you that it was in early June that your
13 office was advised that the Premier's office wanted to
14 pause the progression of the MOU?---I - I don't think there
15 was a suggestion that there was a pause. I think there was
16 a suggestion that what they wanted to do was to, ah, have
17 (indistinct) the opportunity, um, to, ah, have the capacity
18 to do all of the sort of work that happens when there is a
19 change - it's a significant matter in government, of
20 course, (indistinct) government matter when a Premier
21 changes, um - ah, particularly that Premier. Um, in
22 fact - - -

23
24 **THE COMMISSIONER:** I'm sorry, I'm beginning to get lost
25 with the answer?---Ah, I'm sorry.

26
27 The question was in June - - -?---Yes.

28
29 - - - did - it was suggested that you press pause on the
30 MOU - - -?---No, I don't think it was a suggestion to press
31 pause. I think it was, um - ah, a - ah, a sensible and
32 appropriate, ah - ah - - -

33
34 Well, if it wasn't, just tell us what it was?---Well, I -
35 well, I - I think it was a sensible and appropriate, ah,
36 time that they sought from us, um, to sort out the inhouse
37 matters that would occur between the change of a Premier to
38 a Deputy Premier to then reorganise the scheduling -
39 reorganise the signing date. That was the way I took the
40 correspondence.

41
42 Well, I'm - I'm just - the purpose of my interruptions,
43 which no doubt irritate counsel but she's too polite to say
44 so, is to try and understand your evidence. Now, you take
45 issue with the word, "Press pause", but as I understand it,
46 you seem to agree that there was a period where nothing was
47 going to be done for - - -?---Ah - - -

48
49 - - - change of Premier and things like that. Is that
50 correct?---In that case, I'm being pedantic. I apologise
51 to you sincerely - - -

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FIELD, C.J.

8

Epiq

(Public Hearing)

1
2 Just - - -?--- - - - and - and I agree with - - -

3
4 - - - is it correct?--- - - - (indistinct), yes.

5
6 Thank you?---Yes.

7
8 **NELSON, MS:** Was there advice from the Premier's office to
9 Ms Fisher on 8 June, which was communicated to you, that
10 the protocol had come about in an informal manner and that
11 the - it would need to be, in effect, resubmitted
12 (inaudible) with further documentation to support it?---Ah,
13 I understand there was some officer level discussions
14 around that. They certainly weren't the discussions that I
15 was having, um, with Rebecca, ah, Brown or Daniel
16 Pastorelli. Um, and I think those matters were ultimately
17 resolved in relation to those officer-level discussions.

18
19 Did you ask Ms Poole to arrange a meeting between yourself
20 and the head of DPC Protocol about the progression of the
21 MoU in early June?---Ah, I don't have a recollection, but I
22 could have well done so.

23
24 If I could have 0437?

25
26 0437^

27
28 **NELSON, MS:** If we go to the bottom of the page. And
29 Ms Fisher, on 8 June has sent to Ms Poole a summary of two
30 discussions that she had had with DPC Protocol about the
31 MoU signing. If we could just scroll so Mr Field can see
32 the content of that email. Do you now recall receiving a
33 copy of that email from Ms Poole?---Ah, I don't recall
34 receiving it, but I absolutely can say that now seeing it,
35 that is something that, ah, jogs my memory, correct.

36
37 And you can see above option 1, the advice from both
38 Protocol and the Premier's office is that unfortunately
39 this has come about in a more informal manner, so we're
40 playing a bit of catch up to have all the boxes ticked, and
41 the change in Premier and deputy has complicated this
42 further. And then there are two options. Option 2 being
43 to reschedule the MoU signing, and the first dot point:

44
45 The advice from both Protocol and the Premier's
46 office is to press pause to allow for the proper
47 channels to be followed and the right people to be
48 briefed.

49
50 Do you now recall receiving that advice from Ms Poole?
51 ---Yes, I do.

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FIELD, C.J.

(Public Hearing)

9

1
2 And if we could go back to page 1, thank you Madam
3 Associate. Do you recall them requesting a telephone call
4 with the Protocol area of DPC?---That I don't recall doing,
5 but I absolutely accept that I would have done it.

6
7 You accept that you would have had the call, or you accept
8 that you would have asked for it?---I don't actually
9 recollect having the call, I have to say, but I in no way
10 (indistinct), I just don't have a recollection of having
11 the call.

12
13 Ms Fisher has told the Commissioner that at this stage, she
14 had been told by DPC that whilst it had been put in the
15 diary of the Premier, that was purely because his chief of
16 staff had placed a placeholder there, and that there had
17 been no proper formal process of approval that had been
18 followed to date, which is why this email or this exchange
19 between Ms Fisher and DPC occurred?---I'm absolutely in no
20 way criticising Ms Fisher, but, um, I'm not quite sure what
21 the point is, counsel. The chief of staff, um, to the
22 Premier of Western Australia had given me dates for the
23 Premier to sign an MoU. I'm not quite sure beyond that
24 what I was expected to be - to be understand - at lower
25 level, officers had wished for other forms to be filled in.
26 I think that was a matter for them. I was perfectly
27 entitled - in fact, I can't imagine how it couldn't have
28 been anything other but perfectly entitled, to rely upon
29 the Premier's chief of staff telling me, 'These are the
30 dates that the Premier is locked in to sign the MoU'.

31
32 Well in any event, do you accept that as at 9 June 2023,
33 you were made aware that the MoU was not going to progress
34 as fast as you would have hoped at that point?---No, I
35 wasn't. I do remember this, and I can say this very
36 clearly. I remember being, um, unamused in the extreme
37 about these emails when I received them, because I had been
38 in correspondence with Rebecca Brown for a considerable
39 period of time about the MoU. Um, and, ah, she had given
40 me examples of MoUs, had given me complete confidence that
41 I was following every correct process, um, and doing
42 everything that was required. Now, that's the head of the
43 Department was the person I was talking to. I also
44 confirmed all those matters - - -

45
46 **THE COMMISSIONER:** Mr Field, this seems to be not quite
47 answering the question. I can understand why you were
48 unamused at effectively being told to press pause. But
49 whatever your personal views about that, and whatever work
50 had been done, do you accept that from 9 June, the MoU
51 proceedings were paused?---No, because the press pause was

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FIELD, C.J.

10

Epiq

(Public Hearing)

1 being - wasn't a press pause that I was hearing from
2 Rebecca Brown, Daniel Pastorelli, Neil Fergus, Roger Cooke
3 or anyone else. It was being a press pause from officers
4 at level 7, level 8 levels and departments. I wasn't
5 accepting that at all, and that's exactly what I was saying
6 to my staff, 'I'm not accepting this.'

7
8 So, did negotiations and preparations continue after that
9 date?---I continued, um, to work on it. And as I say, um,
10 ah, I was always working on the basis that there would be
11 a, ah, a signing ceremony that would go ahead with almost
12 assuredly the Premier, if not the Deputy Premier.

13
14 **NELSON, MS:** And would you accept then, Mr Field, that the
15 dates that you had thought are in July 2023 for the signing
16 were not going to proceed as at early June?---But not for
17 these reasons, for reasons that there'd been a change of
18 Premier.

19
20 Even though you had been told that there were other
21 reasons, that there had been an informal approach to the
22 arrangement?---Counsel, after 18 years in the public
23 sector, I can certainly say that you might have a
24 conversation with a Director-General, and then at a staff
25 level, other people have other conversations. That happens
26 every day of the week. But what I can simply say to you is
27 I know the conversations I'd at the people who had the
28 absolute authority to make decisions, and I know what I'd
29 been told.

30
31 You didn't have a conversation with then-Premier Cooke?
32 ---No, I did not.

33
34 And when Ms Brown sent you through the copies of previous
35 MoUs in December 2022, she also directed you to talk to her
36 staff members about it, didn't she?---Obviously it's not
37 intended to sound arrogant, I wasn't speaking to the staff
38 members, I was speaking to Rebecca Brown. Um, but my staff
39 were speaking to Rebecca Brown's staff. My staff had been
40 speaking to Rebecca Brown's staff a very long and
41 considerable time before this. There is - there are a
42 major number of moving parts to put into place, ah, and my
43 staff had been in extensive contact with Rebercca Brown's
44 staff over a long period of time.

45
46 And you say in addition to that, you were talking to
47 Rebecca Brown about the MoU?---I don't know exactly what
48 point at this time I was speaking to her. But certainly my
49 understanding, based on every conversation I'd had that
50 that MoU was going ahead, that it was going ahead with
51 either the Premier or with the new Premier. Ah, but it may

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11

Epiq

(Public Hearing)

1 not have been with the new Premier, um, it could have been
2 with another Minister, that was always an option. Um, but
3 I saw no, and have never seen, any sense of anything other
4 than unambiguous support from all of the relevant decision-
5 makers. I'm not talking about level 7 officers who are
6 wanting to fill out a form. I say that with respect.

7
8 I'm just exploring what that contact was, what that level
9 support was, Mr Field?---I'd have to go back and check my
10 records for the exact dates I was speaking to people, I
11 don't recollect that off the top of my head.

12
13 I haven't seen any emails between yourself and Ms Brown
14 during the first half of June?---Oh, no, we rarely emailed.
15 It was - it was only ever generally by phone call. And I'm
16 not saying I did, I'm saying I'd have to check. But
17 Rebecca and I - we did have a couple of emails, and they've
18 been produced to the Commission. But they were mainly
19 phone calls that Rebecca and I had.

20
21 Ms Brown has told the Commission that she recalls there
22 being six telephone conversations between you and her in
23 the period June 2022 to June 2023?---That - well, that
24 sounds - might even sound like too many. It sounds like
25 about right.

26
27 And at least two of those were in 2022?---Yes, definitely
28 two in '22. They were in June '22 - June, July '22.

29
30 What I want to suggest to you is that the progression of
31 the MoU in 2023 was largely being done by Ms Fisher from
32 the OWA, not by yourself?---Um, it was done by Ms Fisher
33 reporting through to Ms Poole, reporting through to me.
34 She was a staff member working under the direction of the
35 Office of the Ombudsman.

36
37 Rather than any direct communication by yourself with
38 Ms Brown or with Ms Robinson or with Mr Pastorelli?---No, I
39 was obviously in direct communication with my staff, ah,
40 about the matter. Um, what conversations - further
41 conversations I had with others at that point, I don't
42 recollect. I certainly had absolutely not a single
43 misapprehension that the MoU was going ahead.

44
45 Thank you, that can be taken down. On 10 April you gave
46 evidence about a call that came in from Mr Pastorelli in
47 October 2023. If we could have 0747^, page 33 at the
48 bottom going over into page 34, thank you.

49
50 0747^

51
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FIELD, C.J.
(Public Hearing)

12

1 **NELSON, MS:** A couple of days ago Mr Porter asked you:

2

3 Mr Field, this is your evidence, that from that date
4 15 February with respect to a call that came in from
5 Mr Pastorelli subsequent to Western Australian
6 newspaper article which was 7 October 2023 -

7

8 And then Mr Porter details your evidence that you gave
9 earlier on 15 February:

10

11 Mr Pastorelli had called me and told me that the
12 Premier considered my position.

13

14 Then Mr Porter asks you a question:

15

16 Did Mr Pastorelli provide you with an explanation or
17 reason as to why at that point in time the view had
18 been formed that your position as IOI President had
19 been untenable?

20

21 And you give the answer that he did, and it was to do with
22 the front-page newspaper article. Can you see that
23 evidence?---Yes, I do.

24

25 And then Mr Porter says:

26

27 And that conversation with Mr Pastorelli - so the
28 article came out on 7 October 2023. Do you recall
29 the exact date of that conversation?

30

31 And you say:

32

33 I don't, it was very - it was very, um, proximate
34 timing.

35

36 Were you suggesting or do you suggest, Mr Field, that that
37 call from Mr Pastorelli was inappropriate to have been made
38 to you?---Oh, of course it was inappropriate.

39

40 In what way?---Well, because, um, the executive branch of
41 government of which Mr Pastorelli is a part oughtn't be
42 indicating to an Ombudsman whether they should or shouldn't
43 be undertaking part of their functions. Now, I accept
44 obviously completely, Commissioner, that whether it's part
45 of my functions is a matter for this Commission, but if you
46 take my view that it was, um, I didn't think that was an
47 appropriate conversation for him to be having with me.

48

49 So the inappropriateness from your perspective was the
50 substance of the message that Mr Pastorelli gave you, not
51 the fact he made the call?---Oh, I'm sorry, it's not

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1 inappropriate for a Premier's chief of staff to call an
 2 Ombudsman, not at all. Um, I'm not suggesting for a moment
 3 that's inappropriate. I am suggesting that he's ultimately
 4 saying to me, 'You can't do something.' This is the
 5 executive government of the day saying, 'You Ombudsman
 6 can't do something.' I think that is - well, it's, in my
 7 view, not only a breach of my Act, it's also absolutely
 8 obviously in breach of the United Nations Resolution.

9
 10 **THE COMMISSIONER:** Why is it a breach of your Act?---(No
 11 audible response.)

12
 13 I mean, if Ms Nelson said to you, 'I think your position is
 14 untenable,' you're entitled to say, 'Well, thanks for your
 15 advice but I'll do my own thing, thank you.' Why is it in
 16 breach of the Act?---The Ombudsman is an officer of the
 17 Parliament - - -

18
 19 Of course?--- - - - Independent of the government of the
 20 day.

21
 22 Of course?---And, um, any intervention by an executive -
 23 the executive branch of government in any way would be seen
 24 to be interfering or intervening with the undertaking of
 25 the functions of the Ombudsman. It's considered to be
 26 utterly and completely improper.

27
 28 But he's not - he's giving you advice that he considers the
 29 position as President - not as Ombudsman, as President is
 30 untenable. Feel free to agree, disagree with what he says,
 31 tell him to go jump in the lake. But I'm struggling to see
 32 why it's improper?---Ah, well, I obviously that's - I
 33 utterly respect your view, Commissioner. The UN Resolution
 34 would be very clear about that sort of correspondence and
 35 conversation. Um, members of executive government of the
 36 day should not be contacting Ombudsman to say something
 37 that you are undertaking as a function of your office -
 38 which was obviously my view - um, you can't do. That's
 39 untenable. Now, that would be considered to be grossly
 40 improper.

41
 42 Would you agree that your role as Ombudsman and your role
 43 as President, it is contestable - because I know your view
 44 is that they're completely complementary, but would you
 45 agree that other people may reasonably hold different
 46 views?---Oh, Commissioner, I'm so committed - too often am
 47 I verbose. I want to give the answer very singularly and
 48 say, yes, I respect contestability of that view.

49
 50 So if Mr Pastorelli is expressing a view which you
 51 obviously disagree with and may well be right - as I say,

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1 we'll leave it and return to counsel. I just have trouble
2 in seeing how this is a completely improper communication?
3 ---If - if that communication had come from the speaker of
4 the Legislative Assembly I would have considered it to be
5 the most outrageously proper communication, and I would
6 have heeded it and paid extraordinary attention to it. If
7 it had come from another independent officer I would have
8 also given it significant consideration. As it comes from
9 an executive member - executive branch of the day, the UN
10 Resolution is very clear that executive - members of the
11 executive branch, of which Mr Pastorelli is one, cannot
12 intervene into the functions of an Ombudsman, full stop.
13 Mr Pastorelli should not have made that call. Of course,
14 he knew it as well because, um, most of those calls he was
15 getting done by Sharyn O'Neil. He was ringing up Sharyn
16 and saying, 'You call him because I'm not meant to. I'm
17 not allowed to.'

18
19 Carry on, counsel.
20

21 **NELSON, MS:** Mr Field, so you consider it would be - it is
22 grossly improper for Mr Pastorelli to have told you that it
23 was untenable for you to be President of the IOI?---Yes.
24 And if I can just only very - - -

25
26 **THE COMMISSIONER:** Well, that 'yes' I think is an answer
27 to the question?---Oh, yes. Commissioner, if I - with your
28 - - -

29
30 Well, I have allowed you to be very expansive?---
31 Commissioner, you have. I apologise.
32

33 And as I told you the other day, Mr Porter has done a very
34 good job on your behalf, but I did advise you to listen to
35 his questions and just answer that question?---I apologise.
36

37 And I would advise you to do the same to Ms Nelson?---I
38 would - I apologise. I wanted to give you an example of
39 another minister who had contacted me. I apologise.
40

41 **NELSON, MS:** So in your mind would it have been grossly
42 improper for Mr Pastorelli to have suggested that you
43 shouldn't travel as well?---That's a different, um - I have
44 a different view about that. And I think Mr Pastorelli
45 could have contacted me and said, 'The government insofar
46 as it ultimately presents, um, the budget to the house -
47 sorry, the assembly, we don't propose to have any form of
48 appropriation for your travel.' I think that could have
49 been something he could have said.
50

1 Do you recall how this telephone conversation came to - to
2 be? Did you receive the call out of the blue, were you
3 expecting it or do you recall - - -?---Ah, I - - -
4
5 - - - how that came - - -?--- - - - ah - ah - - -
6
7 - - - about?--- - - - sorry, counsel. I remember, ah,
8 around that time there was a - I think, one or two calls
9 from Sharyn O'Neill, the public sector commissioner. Um, I
10 think she said that they were - he was very uncomfortable
11 about speaking to me, um, and - and I must say,
12 Commissioner, I think that was for the reasons we've
13 discussed, um, because that sort of reticence has always
14 been shown by ministers contacting me over my 17 years,
15 with the exception of one minister, um, and, um - ah, and,
16 ah, I - I - as I say, I - I - I think it was after a couple
17 of calls from Sharyn that we spoke, ah, and I think it was
18 on the basis that Sharyn suggested that I call, ah, Daniel,
19 I think, but I can't recollect.
20
21 So the - the telephone contact with Mr Pastorelli was
22 initiated by you?---I think it was. I think it was.
23 That's my recollection.
24
25 Could I have 0472? Thank you.
26
27 0472^
28
29 **NELSON, MS:** If we go over to the second page to the start
30 of the chain.
31
32 So on Sunday, 8 October, you asked Mr Pastorelli if he
33 could:
34
35 Touch base with you over the next few days.
36
37 ?---Correct.
38
39 So you did invite the call or the contact?---Yes. And
40 that's my recollection after my phone conversations with,
41 um, the public sector commissioner, who suggested I call
42 Daniel.
43
44 And if we move up, thank you?
45
46 So Mr Pastorelli suggests some timings on Tuesday,
47 October 10?---Correct.
48
49 And then if we scroll up, thank you?
50

1 And the - the time is set for 11.30 am on 10 October?---
2 Correct.

3

4 So the contact was expected by you for 10 October?---Ah,
5 yes. Correct, ah - ah - I, ah - absolutely, ah, as I say,
6 I, um - Sharyn O'Neill had suggested I speak to Daniel, and
7 that's exactly that correspondence you're seeing there.

8

9 And, presumably, diarised by you?---Oh, it definitely would
10 have been put into my calendar, probably by me personally.

11

12 If we go back to the second page to the initial email from
13 yourself, you say:

14

15 Dear Daniel, thank you again for your email last
16 week.

17

18 Do you recall what that email was?---Ah - oh, it might have
19 been to do with the actual media article itself. I'm not
20 sure, counsel. I would be guessing.

21

22 Could I have 0505? Thank you.

23

24 0505^

25

26 **NELSON, MS:** And at the bottom of page 2 going over -
27 sorry, the bottom of page 1 going over to page 2, an email
28 from Daniel Pastorelli to yourself on 29 September - - -?--
29 -Correct.

30

31 - - - 2023?---That guess - that guess of mine - I didn't -
32 sorry, I didn't mean to guess, Commissioner. That guess of
33 mine was correct. That's what it was referring to.

34

35 And in the email, Mr Pastorelli informs you that the
36 Premier's office had received specific media questions
37 relating to your position?---Correct.

38

39 And he informs you of the - the actual detail of the
40 response to the media by the Premier?---Correct.

41

42 And there's nothing in that email that suggests that your
43 position as President of the IOI is untenable?---Um,
44 counsel, ah, yes, there - - -

45

46 **THE COMMISSIONER:** Well - - -?--- - - is.

47

48 **THE COMMISSIONER:** - - - the question is yes?---Yes, yeah.

49

50 Your answer is yes?---And the answer is, yes, there is.

51

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17

1 **NELSON, MS:** And where do you say that appears?---Ah,
 2 well, um, it was the first time I can recollect in 17 years
 3 that a, ah, member of a minister's office that is - - -

4
 5 **THE COMMISSIONER:** No. The question is specific to this
 6 document?---Well, but it surely goes to my state of mind as
 7 to why it was untenable.

8
 9 The question is not about your state of mind. The question
 10 is what in this document, this proposed comment - - -?---Ah
 11 - ah - - -

12
 13 - - - makes - - -?--- - - - but, Commissioner, I can't say
 14 that I - I - I - one of the ways I formed the view that it
 15 was untenable is because I'd never seen a chief of staff
 16 ever response to the media without that response being sent
 17 to me first, so that - that's why I was making that
 18 reference. I - I consider that to be part of it. The
 19 second part of it is, um - um, I read the words - let me
 20 just check where the words are:

21
 22 The Premier expects all public officials to always
 23 act with the highest integrity in the interest of all
 24 Western Australians.

25
 26 Now, I took the view from those words, um - um, that
 27 they're words that indicated to me, um, that if I hadn't
 28 been an independent officer of the parliament and I hadn't
 29 been accountable to parliament and parliament alone, I
 30 would have already received the call from Sharyn O'Neill
 31 saying, "Your time's up".

32
 33 All right. Well, that's your explanation?---(No audible
 34 answer)

35
 36 **NELSON, MS:** So do I understand it that you would agree
 37 that there is no express reference to your position as IOI
 38 President being untenable, but rather it was the way you
 39 read behind the words in - - -?---I - - -

40
 41 - - - the email?---I accept that completely.

42
 43 So the next contact is the telephone conversation at
 44 11.30 am on 10 October. Do you agree with that?---Ah, yes.

45
 46 Did you write a note of that conversation anywhere?---Ah,
 47 no. No, I've not written notes of conversations in
 48 17 years, and not of that one either.

49
 50 Mr Pastorelli has provided the Commission with a copy of
 51 his handwritten note, if we could have 0510?

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0510^

NELSON, MS: If you look at the - the first line:

Chris Field 11.30 10/10 -

- and then -

- all trips removed. Understands scrutiny.

Did you tell Mr Pastorelli that you were not taking any more trips internationally from that point?---I indicated that I had made a personal decision that if I did, I would pay for them personally.

Did you tell Mr Pastorelli that all trips for the remainder of 2023 had been removed from your calendar - all trips internationally?---Ah, I indicated to Mr Pastorelli, I think, at the time that there was a number of trips that were still in my calendar, um, and I think that included - I'd have to check the timing. One of them, I think, was Bahrain, ah - Kingdom of Bahrain, um - - -

Which is referenced there - - -?---Yes - - -

- - - so - - -?--- - - - which is referenced there, correct, um, and that otherwise if there were any other trips - I think I also mentioned to him the Hague in 2024, um, but if there were trips, that I would pay for them personally.

THE COMMISSIONER: Which is also referenced there?---Yes.

NELSON, MS: So do you agree Mr Pastorelli has made a note that - of:

Two outstanding. (1) The Hague, and (2) Bahrain -

- so you agree that you told Mr Pastorelli about those two - - -?---Oh, sorry, I'm - - -

- - - trips?---Sorry, counsel. Yes, I'm now reading - reading those, cos The Hague was up here so, yeah, indeed, that - those - that's a - - -

THE COMMISSIONER: Well, perhaps - - -?

--- - - - correct - - -

1 **THE COMMISSIONER:** - - - as counsel is asking you
2 questions on it, we'll just take a moment - - -?---Ah,
3 thank - - -

4
5 - - - read the whole - - -?---Thank - - -

6
7 - - - of the note?---Thank you. Thank you. Thank you,
8 Commissioner.

9
10 **NELSON, MS:** Mr Pastorelli, in relation to The Hague, has
11 made a note that you told him that you would go on annual
12 leave for that trip, do you recall telling him that?
13 ---Correct.

14
15 And that you told him that you would pay 100 per cent
16 personally, is that the cost of the travel, and did you
17 tell him that?---Ah, yes, correct.

18
19 And did you tell him that you would travel to The Hague on
20 your personal passport?---Ah, well I don't recall getting
21 down to that granularity, ah, but I could have.

22
23 And then in relation to Bahrain, did you indicate to Mr
24 Pastorelli that you were travelling the following Friday?
25 ---Ah, if that was the day of the trip, I definitely would
26 have indicated that. I'm sorry, I could have indicated
27 that, correct. I don't recollect that detail of the
28 conversation, but it seems to me like something I would -
29 definitely wanted to say.

30
31 And did you tell him that the Bahrain trip had been
32 discussed with DFAT?---Yes, correct, and that is true,
33 correct.

34
35 And that it was hard to cancel at this stage?---Ah, yes,
36 not possible, in my view.

37
38 And did you indicate to him that you would take annual
39 leave of four days for that trip?---Yes.

40
41 And that the entire trip was funded by Bahrain?---Ah,
42 correct.

43
44 And the decision to take annual leave for both The Hague
45 trip and the Bahrain trip, is that a decision you had made
46 prior to this telephone call?---I had made those decisions
47 based on the, um, ah - - -

48
49 **THE COMMISSIONER:** Well, the question was whether you'd
50 made that decision prior to this call?---Look, I don't have

1 a complete recollection, but I'm sure I made them before
2 the phone call, Commissioner.

3
4 **NELSON, MS:** And given that you had initiated this call,
5 and you knew that it was going to occur on this day?---Mm.

6
7 That would be a reasonable suggestion, that you had decided
8 - you had given some thought to what you were going to talk
9 to Mr Pastorelli about?---I agree with you completely, ah,
10 counsel.

11
12 And why did you want the telephone call with Mr Pastorelli?
13 What message were you going to convey?---Ah, the call with
14 Daniel Pastorelli was requested of me by - suggested and
15 requested of me by Sharyn O'Neill, the Public Sector
16 Commissioner, that was the progenitor of the call. Um, and
17 I wanted to indicate to him, ah, that given the coverage
18 that had occurred, um, that didn't think it was in the best
19 interests of Western Australia, the Parliament, or my
20 office, that any travel I undertook was travel that I
21 didn't pay for personally. I was - I was concerned about
22 the reputation of Parliament, my office - not - not my own,
23 I was concerned about the reputation of - and for my staff.
24 So, I wanted to minimise any negative possible, um,
25 reflection upon the Parliament, an officer of the
26 Parliament, my office and my staff.

27
28 So, the message that you wanted to convey to Mr Pastorelli
29 was, 'After the media reporting, I've considered this, and
30 I will limit my international travel to these two trips,
31 Bahrain and The Hague'?---Correct.

32
33 'I will take annual leave'?---Correct.

34
35 'And I will pay for the travel costs personally'?
36 ---Correct, and there was a second component part. It was
37 not the principle, but I'd also assumed that the
38 government's position would be, 'We would not be of the
39 view that we would wish to appropriate any future funding
40 to you in - money in future budgets to you for your
41 travel.' In which case, if I was going to do so, I'd have
42 to pay for - pay for it myself, personally.

43
44 So you assumed that it was not a message that Mr Pastorelli
45 delivered to you in this telephone call on this date?---Oh,
46 it was the message that Mr Pastorelli definitely wanted to
47 receive, um, and it was an open discussion between the two
48 of us. I mean, Mr Pastorelli's position was simple. The
49 entire conversation was a very simple one. Your position
50 is untenable. Now, he wasn't saying my position as
51 Ombudsman, he was saying my position as the President of

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1 the International Ombudsman Institute. And he referenced
2 very specifically Roger Cooke - I should refer to him as
3 the Premier - he specifically referenced Premier Cook as
4 saying, 'The Premier believes your tenure as the IOI
5 President is untenable.' Now, that was specifically
6 referenced to me during that phone conversation.

8 Did he actually say the words 'untenable', Mr Field, or was
9 it your interpretation of what he said?--No, he said
10 specifically - I have very strong recollection of that
11 phone conversation, and he said to me, um, that - now, as I
12 say, I stress, he did not say my position as Ombudsman was
13 untenable, he said, um - in fact he also said this, that
14 the Deputy Premier - the Premier would consider it a very
15 wise judgment that I stopped travelling, um, at the cost of
16 the taxpayer. So, he also included those words as well.
17 But he specifically said to me, um, is my strong
18 recollection, um, um, that the Premier believes, um, that
19 travel is untenable. Because of the fact - now, he added
20 because of the fact - that he was referring to Ben Harvey
21 personally, but he was referring to the fact that once
22 Ben Harvey has this story, he will not stop, and he will -
23 it will get article after article after article, and that
24 is not something that can happen.

26 Mr Field, in that answer you just gave, you said that
27 Mr Pastorelli told you that your travel was untenable?
28 ---Yes.

30 Previously you've told the Commissioner that Mr Pastorelli
31 told you that your presidency as the IOI President was
32 untenable?---Mm.

34 Which position is it, did he tell you - - -?---Oh,
35 President of the IOI and the travel that goes with the
36 President of the IOI.

38 So, it was both aspects that you say he said was untenable,
39 the travel and the presidency?---Yes, correct. I think he
40 was obviously concerned about the travel component more
41 than he was any other component, but he was talking about
42 the President of the IOI. We, for example, at no point
43 discussed Nick Garran, the Hon Nick Garran, or the Hon
44 Libby Mettam at any point of this conversation, but there's
45 notes there about that.

47 Before we get to that, did you tell him in the middle of
48 the page that you wouldn't take a single trip by May, is
49 that from May 2024, you wouldn't take a single trip?---Yes,
50 at that stage I'd formed the view that, um, ah, post the
51 Bahrain trip to which I'd committed, and also The Hague

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1 world conference in May, ah, that I wasn't inclined to
2 continue with the role of President. In fact, I think
3 that's something I indicated. I'm not sure if I'm allowed
4 to say this, Commissioner, in a previous hearing to the
5 Commission.

6
7 **THE COMMISSIONER:** Sorry?---Oh, because it was during the
8 private hearings.

9
10 Well, this is a public hearing, if you wish to say - - -?
11 ---Oh, sorry, I was just trying to be respectful,
12 Commissioner.

13
14 No, no, I appreciate that, but this is a public hearing?
15 ---Yes.

16
17 You are free to give whatever answer you feel is most
18 appropriate?---Thank you. So yes, I think I'd formed the
19 view at around that time that I wouldn't be continuing on
20 with the role.

21
22 **NELSON, MS:** And you indicated that to Mr Pastorelli?
23 ---Correct.

24
25 And Mr Pastorelli has written:

26
27 Understands he cannot continue.

28
29 So:

30
31 Not seeking re-election, understands he cannot
32 continue.

33
34 You're nodding your head, Mr Field?---Oh, I'm sorry.
35 Hopeless for the transcript. Yes, I am, yes, correct.

36
37 So, as at 10 October, that was your position, that you
38 wouldn't seek re-election as President of the IOI?---Yes,
39 it was a - it was a - it was a very traumatic - well,
40 sorry, compared to other people in the world, my problems
41 are of no matter whatsoever. But at the time for me
42 personally, it was a somewhat traumatic time, and I was
43 certainly, um, ah, of the view that, um, that that would
44 not be something that I would wish to continue.

45
46 And the trauma was caused by the two articles in The West
47 Australian newspaper?---Correct, that's right. Um, really
48 - and I don't mean this as a criticism of the journalist,
49 but obviously I had done what I thought was my duty to my
50 state, to my office and my Parliament, and that was being
51 traduced. I understand why, but that's how I felt about

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1 it.

2

3 Did you have a conversation about travel approval?

4 Mr Pastorelli has got:

5

6 Sign off travel.

7

8 Do you recall having a conversation with him about how your
9 recall was approved?---That part of it I don't have a
10 recollection of discussing. Um, I - my recollection of
11 that conversation, it was almost all exclusively focused
12 on, 'This has got to stop. It's untenable, it's got to
13 stop,' and, 'What's left?' And what's left is the, ah,
14 Bahrain, The Hague, the OECD, Styria.

15

16 The conversation, did that progress to talk about the MoU
17 with Styria at all?---I don't believe we discussed the MoU
18 with Styria in that conversation.

19

20 You can see down the bottom at the right, 'Project with the
21 OECD???'?---Yes.

22

23 'Will email details'?---And those notes are consistent with
24 the fact that I don't believe we discussed - I don't have a
25 recollection of discussing Styria in that - in that
26 conversation.

27

28 Do you have a recollection of discussing the project with
29 the OECD?---Yes, I mentioned that that was a project that
30 was still outstanding, and one that was continuing on. It
31 was certainly my intention at that stage to continue that
32 project without question.

33

34 What did you tell Mr Pastorelli about that project in this
35 conversation?---Oh, I don't - I don't have a photo
36 recollection of what I discussed with him in that - about
37 that. Um, to what depth or level we discussed the OECD,
38 I'm not sure. Um, I will take it from these notes that we
39 definitely did. I actually don't have a recollection of
40 the OECD discussion generally, but I'm absolutely accepting
41 that we did discuss it. I don't think it was also the
42 principal part of what I was thinking about during this
43 discussion; I was very focused on the idea of, um, 'That's
44 it,' you know. The sort of, 'This is untenable. That's
45 it.' You know, I was processing a lot of - I was
46 processing information at the time about this thing which I
47 thought I was doing which everyone supported and approved
48 and thought was a good thing was all over.

49

50 Did you refer to the fact that you on behalf of the OWA had
51 entered into a contract with the OECD?---We might have got

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1 down to that level. We might have, I don't recollect. I'm
2 not saying we didn't. I don't recollect.

3

4 Could that have been the first occasion on which
5 Mr Pastorelli became aware of that contract?---Oh, no, that
6 certainly wouldn't be the case. Um, not only had
7 Mr Pastorelli been informed about it, but so had a very
8 large number of other senior Western Australians.

9

10 Well, you keep saying that, Mr Field, but there is no
11 documentary record, email, correspondence of any kind of
12 you informing any senior government official in this state
13 of the fact that the OWA had entered into a project with
14 the OECD or indeed had been collaborating about a proposed
15 project?---Well, save that I think through my defence,
16 counsel, we went through a range of - of aide-memoire
17 agendas where those matters were discussed.

18

19 **THE COMMISSIONER:** Well, they were aide-memoires, and
20 they're aide-memoires to indicate to you that that was
21 discussed?---Yes.

22

23 I have to tell you that whether they were discussed is a
24 contestable issue?---I can't agree more. I can only say
25 that in 17 years I have not taken notes of meetings. I
26 have to say, I wish I had.

27

28 **NELSON, MS:** Mr Pastorelli, as I've indicated to you on
29 previous occasions, has told the Commission that it was
30 during this telephone call that he first became aware of
31 the OECD project in any form, the fact that there was a
32 project and the fact that the OWA had entered into an
33 agreement?---Oh, well, I'm - I am not going to make comment
34 about the - - -

35

36 **THE COMMISSIONER:** Well, your evidence is to the
37 contrary?---My - yes. I'm - I'm not going to talk about
38 the potential incentives the prospective member of
39 Landsdale might have about the way he presents himself. I
40 will simply say this, um, it is - - -

41

42 Why did you put that in?---Well, because - - -

43

44 Why did you just say, 'The prospective member for
45 Landsdale'?---Because - - -

46

47 What are you conveying?---Because I am not beholden to
48 anyone but the Parliament in this state.

49

1 Nobody is arguing about that. But why in answer to a
2 question on the date do you refer to him as a prospective
3 member for Landsdale?---Politicians - - -

4
5 All the questions have been about his actions as chief of
6 staff. Are you trying to slur him?---Politicians have
7 different incentives and different masters that are
8 different to mine.

9
10 Are you trying to slur him by referring to him as the
11 prospective member for Landsdale?---No, I'm simply saying
12 his incentives might be different about the way he presents
13 those things.

14
15 Mr Field, this is not a forum to slander people, and it
16 disturbs me that out of the blue you make a comment like
17 that?---I understand. Um, I'm - the comment was not made
18 for that purpose. The comment was made because I had
19 nothing - no person, when I give my evidence, to whom I
20 have to hold to account apart from you, Commissioner, and
21 the Parliament of Western Australia.

22
23 Well, only the Parliament. You don't have to account to
24 me?---Well, that's also true. But there are a range of
25 people - - -

26
27 You don't have to account for me. Yes, all right?---There
28 are a range of people giving evidence to you who are
29 beholden to the Premier for their job today. They could be
30 gone tomorrow.

31
32 And I will weigh that up in - - - ?---That's the point I
33 was trying to make.

34
35 I will weigh that up, but I still think your remark about
36 him being the prospective member for Landsdale is
37 irrelevant and shouldn't have been made?---In which case
38 I'll withdraw it and unambiguously apologise to you,
39 Commissioner.

40
41 Thank you. Continue, counsel.

42
43 **NELSON, MS:** Thank you, Commissioner. And you'll recall
44 that I have taken you previously, Mr Field, to the
45 follow-up email that you promised Mr Pastorelli about the
46 OECD project?---Yes.

47
48 Do you recall being shown that? So you sent that email on
49 October 15 2023?---Ah, yes.

50
51 Could I have 0508^.

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26

1
2 0508^

3
4 **THE COMMISSIONER:** We'll take the morning break after this
5 document.

6
7 **NELSON, MS:** Thank you, Commissioner. And if we could go
8 to the bottom of page 1 over into page 2. So the bottom of
9 page 1 you say:

10
11 Thank you very much for speaking to me this week.

12
13 And then further down:

14
15 As discussed, there are two outstanding matters
16 arising from my time as President: (1) the MoU, and
17 then (2) the OECD project.

18
19 And previously I'd suggested to you that given the content
20 of the email that you've sent to Mr Pastorelli about the
21 OECD project, the inference is that you are briefing him on
22 the project for the first time. What do you say to that?--
23 -Oh, categorically incorrect. I was briefing him on the
24 basis that he wanted to have information, ah, to pursue
25 bringing those matters to an end.

26
27 Information that he did not previously hold?---I think
28 information that he wanted to use to make sure both those
29 things didn't proceed, not because he didn't know about
30 them. It was only very shortly after that that I received
31 a letter from the Treasurer, and I certainly don't want to
32 make any further comments about Mr Pastorelli on the basis
33 of that.

34
35 You received the letter from the Treasurer on 6 November.
36 Is that the one you're referring to?---Correct.

37
38 **THE COMMISSIONER:** Well, we'll explore that in 20 minutes.

39
40 **NELSON, MS:** Thank you, Commissioner.

41
42 **THE ASSOCIATE:** All rise.

43
44
45 (Short adjournment)

46
47
48 **THE COMMISSIONER:** Please be seated.

49
50 **NELSON, MS:** Mr Field, in the conversation with
51 Mr Pastorelli, you told him that you were not going to seek
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1 re-election as President of the IOI?---Ah, I - almost
2 certain that's what I said to him. I don't want to say yes
3 certainly, but that is my recollection.

4
5 We saw there was his contemporaneous note there was a
6 reference to you not seeking re-election?---Oh, just - I -
7 obviously I was so mindful of perjuring myself or
8 misleading the Commission, I don't have a photo
9 recollection of the conversation, but I think that's what
10 we discussed, correct. And it was in my mind at the time.

11
12 On 10 October, that was your intention?---Correct.

13
14 When did your intention change, and you decided that you
15 would seek re-election as President of the IOI for a
16 further term?---I cannot tell you a specific date. I know
17 I gave it a very significant amount of reflection. Um,
18 took into account that if I was going to do so, I would
19 accept that, um, I would not do so with the imprimatur of
20 the, ah, government of the day. Um, and that if I was
21 going to do so, I would pay for travel personally, and, ah,
22 take leave. So I know I gave all of those matters some
23 considerable thought. The exact day, I'm sorry, counsel, I
24 just do not recollect.

25
26 **THE COMMISSIONER:** Can you - was it '23, or '24?---I think
27 it was - I actually, um, I have tossed and turned with it
28 too, Commissioner, can I also tell you. It's - it's really
29 - I have to - I'm not going to be emotional about it, I
30 have to be honest, it's been a very difficult decision, um,
31 and I have given it considerable thought over a number of
32 months, and I have actually gone this way and that way with
33 it as well. Um, so I'm sure I was giving it thought - I
34 know I was giving it thought in 2023, I also know that I
35 was giving it thought this year as well.

36
37 So, I think the best we can do is at some point, you
38 decided you would seek re-election?---Oh, yes,
39 Commissioner.

40
41 All right.

42
43 **NELSON, MS:** And you considered that you would seek re-
44 election, and as you said, knowing that you wouldn't have
45 support of the government of the day?---Correct.

46
47 And knowing that in your mind, Mr Pastorelli had said that
48 you being President was, in your words, 'untenable'?
49 ---Correct. Although of course, I did take the view that
50 what he meant by untenable was, um, that the, ah, that that
51 would be travel on the basis that it was being paid for by

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1 the state. Um, that's - that's the view I took about the
2 untenable - the nature of the word untenable.

3
4 So, in your mind, it was tenable for you to be President of
5 the IOI if you paid personally for the travel?---And took
6 annual, I thought that was important as well.

7
8 And took annual leave?---Correct. I felt both were
9 critical to the concept. It - it - my - I can absolutely
10 tell you what was in my mind, I just can't be about the
11 date, and as I say, I have moved with this considerably,
12 um, and there's been substantial conversations with my
13 colleagues around the world. Um, but I took the view that
14 you can use your annual leave in any way that's you know,
15 lawful and appropriate. And if I was going to be taking
16 annual leave and paying personally, then that could be the
17 source of criticism from no one.

18
19 Did you consider going to Parliament to seek an
20 appropriation specifically for travel as IOI President?
21 ---In fact, a couple of things I gave further consideration
22 to, counsel. Correct, that was one of them, although I
23 didn't really progress that further. I also considered
24 approaching DFAT to see if they wished to provide some, ah,
25 support. And I also considered the possibility of, ah,
26 approaching the International Ombudsman Institute, which
27 had historically allocated €10,000 for a President to
28 travel per annum, and whether that could be potentially
29 expanded as well. Where I landed, um, counsel, this is not
30 meant to make me sound good, bad or indifferent. I simply
31 landed on the view that I felt I had a duty, and I was
32 happy to pay for it myself and take annual leave.

33
34 In your mind, the only approval for you to use state funds
35 for your travel as IOI President could be given by
36 Parliament in WA. If you were to use WA state funds, the
37 approval would need to come from Parliament, is that your
38 position?---Oh, it could come from Treasurer's advance, an
39 SBP, um, but it would have to be money that was
40 appropriated to my office. There would have to be a money.
41 And if a government of the day was saying, 'You're
42 appropriated, Mr Field, \$15m to the Office of the
43 Ombudsman, we're saying to you not one cent of that can be
44 used, um, to travel for the IOI.' I mean, something that
45 hadn't been said to me for not just my time as President,
46 but time as Vice President beforehand. This is going back
47 years, if that was the view, then I would have ultimately
48 take the view, that's the view. And I would have paid for
49 it personally and taken annual leave.

1 So, up until October 2023, you had not considered it
 2 necessary to take any active step to seek Parliament's
 3 approval for you to appropriate monies for travel as IOI
 4 President?---Oh, no, I considered the appropriation that
 5 I'd received from Parliament to undertake the functions of
 6 the Office of the Western Australian Ombudsman to be that
 7 appropriation. Because it was just one of the functions
 8 that I was undertaking. Obviously that's a matter of
 9 dispute, Commissioner, but that was one of the functions
 10 that I was undertaking. So, I felt that I had the absolute
 11 lawful authority - authority and imprimatur of my
 12 Parliament that I serve to do so.

13
 14 So, past 10 October, when you say you would use your own
 15 funds to travel, you considered that you no longer had
 16 authority to appropriate funds from your general
 17 appropriation under the OWA for travel as IOI President?
 18 ---Yes, correct. I'd taken the view that for six or seven
 19 or eight years - because it wasn't as President, it was
 20 Vice President, that the government - and every single
 21 member of the government had said to me, 'Congratulations,
 22 this is great, you're doing a great job for Western
 23 Australia, et cetera, et cetera, et cetera,' when they say
 24 overnight, 'That's it, that's untenable, you stop,' um, I
 25 had to make a decision, did I think it was something that I
 26 should or shouldn't continue doing. Well, what did my
 27 colleagues and others around the world feel about that?
 28 And if I felt it was part of a duty I had of service, and
 29 it was - it still had merit to Western Australia, I was
 30 happy to pay for it personally, and I was happy to take
 31 leave to do so.

32
 33 Did you consider, Mr Field, that in early October 2023 was
 34 the first occasion in which the global sum of your travel
 35 was made transparent to government and the public?---No,
 36 because - remember the global sum was wrong. It was -
 37 275,000 was recorded and it was 175,000, so it was
 38 monumentally incorrect, but I don't mean that as a
 39 criticism.

40
 41 **THE COMMISSIONER:** Well, it's the figure in your annual
 42 report, isn't it?---No. No, Commissioner.

43
 44 Well, your annual report covers travel or doesn't it? Does
 45 it - - -?---It - - -

46
 47 - - - specify - - -?---No - - -

48
 49 - - - travel?--- - - - um, the journal, um - sorry,
 50 Commissioner, I should listen carefully.

51

1 I'm - I'm not interested in what the journalist did?
2 ---Yeah.
3
4 Did your annual report disclose travel in a global sense
5 or - - -?---It did, but the number that was quoted was
6 wrong because it added in a number - - -
7
8 Sorry, the number in your annual report was wrong?---Yeah,
9 it had nothing to do with travel.
10
11 Sorry, I'm now completely confused. Are you saying your -
12 the annual report you presented - - -?---Yes.
13
14 - - - was in error?---No. The annual report was absolutely
15 correct. The journalist took a line - - -
16
17 I'm not interested in the journalist?---Oh.
18
19 I don't get paid by the journalist. I'm interested in the
20 annual report, and I think that's all counsel was asking
21 for you. Was the figure allocated for travel - - -?---Yes.
22
23 - - - in the annual report correct?---Yes, it was.
24
25 Thank you?---Thank you. But the - the - yes. The media
26 reporting was wrong. The - the - but the - sorry, um,
27 counsel assisting, it wasn't - it wasn't just, of course,
28 what was in my annual report. It was every, ah, quarterly
29 report I tabled in parliament. It was every - I - I mean,
30 I - I - I, ah - I'd considered the - the travel to be - had
31 been hugely transparent in terms of, ah, what had been done
32 and the quantum of it, um, over a considerable period of
33 time. It certainly wasn't the newspaper report that made
34 me think that's exposed that. I'd exposed it myself. The
35 - the - the, ah - the newspaper article was based on
36 everything that was in my annual report.
37
38 **NELSON, MS:** And it was hugely transparent because you
39 submitted, one, a parliament quarterly travel report, and
40 secondly, an annual report?---(No audible answer)
41
42 Are they the two forms of transparency as to the cost of
43 the travel undertaken by you?---Ah, well, ah, multiple
44 ways. Multiple, multiple, multiple quarterly travel
45 records to parliament over several years. Um - ah,
46 countless numbers over several years - - -
47
48 **THE COMMISSIONER:** Well, counsel's put to you the annual
49 report and the quarterly travel report - - -?---Yes.
50

1 - - - which appear to - to - to me to support your
2 assertion that you were transparent. Are there any other?
3 ---Ah - ah, my, ah - ah - ah - the International Ombudsman
4 Institute website, the website of the office of the Western
5 Australian Ombudsman, ah, LinkedIn posts and, of
6 course - - -
7

8 **NELSON, MS:** Mr Field, my question was the cost of the
9 travel not the fact that you took travel. The cost to the
10 state was transparent in - from you reporting under the
11 parliamentary - - -?---Yes.

12
13 - - - quarterly travel report system and your annual
14 report?---I think that's the principal way, but I wouldn't
15 agree, counsel, that all of those other forms of
16 transparency - one wouldn't have fairly, I think, clearly,
17 deduced that, um, there was a cost of that travel.

18
19 But one could not deduce who was paying the cost of the
20 travel from a LinkedIn article that said you went to
21 Pakistan or Bahrain, would they, Mr Field?---I, ah - - -

22
23 That's an unreasonable inference to put on a reader of a
24 LinkedIn article, isn't it?---I'm not sure it's an
25 unreasonable inference. I'm not sure that you would assume
26 that, ah, there - well, look, ah - ah, can I say this? Ah,
27 it would be an inference you would have to draw, I agree
28 with you. Whether it's unreasonable or not is a separate
29 question.

30
31 So the parliamentary quarterly travel report was not a
32 mechanism to obtain approval for you to travel because it
33 was a retrospective reporting process?---Agree - - -

34
35 Correct?--- - - - completely.

36
37 So the travel has already been undertaken. The content of
38 that report is not available to parliament until it's
39 tabled in parliament. Correct?---Agree completely.

40
41 And that is a matter that was out of your control when that
42 occurred?---Ah, yes, agree completely.

43
44 And it was out of your control the detail about each travel
45 and the cost that was in that report table?---Ah, the
46 narrative, I think, yes. Correct, completely.

47
48 And you would accept there's a delay between the date of
49 your travelling and you reporting to DPC on the - the
50 quarterly report form?---Yes. Correct, there is.

1 And that delay can sometimes be months because you only
2 have to report quarterly?---Ah, agreed.

3
4 And then there's a further delay between when DPC or
5 whoever does tables the final parliamentary quarterly
6 travel report in parliament?---I agree with you completely.

7
8 So the travel that is reported in a particular tabled
9 parliamentary quarterly travel report for you could have
10 been travel that you took six months earlier?---To the
11 exact timing I'm not sure, but I otherwise completely agree
12 with you.

13
14 One of the examples that your counsel took you to was
15 travel to Austria and Paris in June 2022, which you
16 reported under the quarterly travel report ending 30 June
17 2022, so soon after you returned?---(No audible answer)

18
19 You're nodding your head?---Ah, sorry, I agree completely.

20
21 But that actual travel was not reported to parliament until
22 23 February 2023?---Yeah, ah - ah, and it was my
23 understanding the lag was around four to six months, so I
24 think, ah - all I can say is I agree with you completely.

25
26 The lag between when you took the travel and paid for it
27 and when parliament finds out about the cost in that case
28 was quite considerable, probably about seven or eight
29 months?---I, ah - I'm not sure, but I would, ah, be very
30 happy to agree with you.

31
32 I think your evidence was that parliament are not yet aware
33 of your travel costs to Taiwan, Thailand, Italy or
34 Bahrain?---Ah, from when I personally checked the website,
35 I couldn't see they were listed down, correct.

36
37 Did you ordinarily check the website to see what was
38 reported in the port - the parliamentary quarterly travel
39 report in relation to your particular travel with
40 Ms Poole?---Ah, no, not as a - you mean the parliamentary
41 website?

42
43 Yes?---Not as a matter of course, no.

44
45 Were you told by DPC when that reporting had occurred?
46 ---No. I was - I - the only thing I knew is it worked on a
47 lag basis, so there was some lag between when you tabled
48 your - when you provide the information and it was tabled
49 in parliament.

50

1 And I think your answer was a few answers ago you thought
2 that lag was about four to six months?---That was my
3 recollection of what I was told. It was around four to six
4 months. I'm sorry if I'm wrong about that day but I -
5 that's what I recollect.

6
7 Would you accept that the parliamentary quarterly travel
8 report that you provide to DPC does not need to include any
9 gifts or transfers for any particular travel that you and
10 Ms Poole undertook?---No, that's correct. It does not.
11 That has no, ah, entry columns for that. Correct.

12
13 So parliament would never be aware of the costs of the
14 vehicle traveller - travel by Blacklane, for example, that
15 we looked at in Italy on the last occasion?---Oh, no, I
16 don't think that's correct, counsel. I - I stand to be
17 corrected, I - I understand transport is included, so the
18 gifts you're referring to, I'm - I - I don't know that they
19 are included, but I - it was my understanding that it
20 included - I - I could be wrong, but I thought it included
21 hotel, air fare, um - um - ah, transfer - it may actually
22 include the gifts because it may come under, "Miscellaneous
23 items". That I would have to confirm. I - I - I don't
24 want to say yes to that, cos I'm not sure that's correct.

25
26 Well, given the - the number of parliamentary quarterly
27 travel reports that you've done over the last three years,
28 you can't recall whether you've put in the gifts or the
29 vehicle transfers for each particular trip?---I thought
30 they were included is what I'm saying, counsel. That's my
31 understanding, is that I thought they were included under,
32 ah, both travel and - I could be wrong, but I thought they
33 were included.

34
35 So the answer you gave a few answers ago when you said,
36 "No, they weren't included" was incorrect?---I'm happy to
37 say it was incorrect, and I sincerely apologise to you,
38 Commissioner.

39
40 So the only other visible statement as to the cost of
41 travel by yourself and Ms Poole that's been borne by the
42 state was in your annual report tabled in parliament in
43 September each year?---I agree.

44
45 Can we have 0038, page 222?

46
47 0038^

48
49 **NELSON, MS:** Sorry, Madam Associate, if we could just go
50 back to page 1 so we can see what this document ---Thank
51 you, Commissioner.

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(Public Hearing)

34

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1
2 **THE ASSOCIATE:** All rise.

3
4 (Short adjournment)

5
6 **THE ASSOCIATE:** All rise.

7
8 **THE COMMISSIONER:** Please be seated?---My sincere thanks,
9 Commissioner.

10
11 **NELSON, MS:** Madam Associate, could I have 0039^.

12
13 0039^

14
15 **NELSON, MS:** So this is your annual report for the
16 following financial year 22/23. And if you could go to the
17 second page, you've signed that. And it was tabled on
18 21 September 2023 or thereabouts?---Correct, counsel.

19
20 We go to page 283. Again, similarly to the previous annual
21 report there is one line item for travel, and it's got the
22 2022 figure that we just saw, 84,706 in the previous annual
23 report, and then the figure for travel undertaken by OWA in
24 2023, \$266,670?---Yes, counsel, correct.

25
26 That figure is correct?---Ah, yes, correct, counsel.

27
28 Do you agree that the annual report does not explain in any
29 notations or any detail the significant jump between the
30 expenditure in 2022 to 2023?---Ah, in that item number I
31 agree with you, counsel. You would - you would need to
32 read the report, I think, in the context of - I think I
33 forwarded also the narrative chapter regarding the work,
34 but I - I think my short answer should to be you, yes,
35 counsel.

36
37 And the narrative chapter - you're referring to the chapter
38 on your activities during that financial year as IOI
39 President?---Correct.

40
41 With photos and narrative of particular destinations?
42 ---Correct.

43
44 Would you agree that that narrative does not state who is
45 funding the travel undertaken as IOI President?---Correct.
46 No, you would - you would obviously as an officer of the
47 Parliament, I tabled both this report to Parliament, but
48 also - so those quarterly travel returns - those quarterly
49 travel returns of course do make that abundantly and
50 explicitly clear.

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35

1 Do you agree that the description about your role as IOI
2 President, that chapter also refers to the IOI body as
3 being funded by the Austrian Parliament?---Correct. The
4 secretariat in Vienna, correct.

5
6 And since tabling this annual report, you have not faced a
7 budget Estimates Committee in Parliament?---Ah, no, that
8 will be, um, in five or six weeks' time.

9
10 **THE COMMISSIONER:** Five or six weeks, months, or - sorry,
11 I didn't hear?---I'm sorry Commissioner.

12
13 No, no?---I think it's around the first week of June,
14 something like that.

15
16 Almost time for the next one?---Yes, Commissioner, I can't
17 imagine it'll be an easy one for me this year.

18
19 **NELSON, MS:** And as your counsel indicated, the last one
20 you attended was 23 May 2023, so prior to tabling this
21 annual report?---That is correct, counsel.

22
23 Do you agree that the financial report for 22/23 does not
24 mention the OECD or proposed contract between the OWA and
25 OECD?---Ah, correct, yes, we didn't get into that
26 granularity. It was intended to talk about the travel as
27 opposed to the other projects, that's right.

28
29 Could I have page 313, the disclosure page? And could I
30 just ask you to read the narrative under the heading
31 'Interests in contracts by senior officers'. Have you read
32 that, Mr Field?---I have, thank you counsel.

33
34 I'm interested in the last paragraph of that narrative:

35
36 There have been no declarations of an interest in any
37 existing or proposed contracts by senior officers.
38 And at the date of reporting, other than normal
39 contracts of employment, no senior officers or firms
40 of which a senior officer is a member, or entities,
41 et cetera.

42
43 Do you recall considering whether the contract between the
44 OWA and the OECD, which by 30 June 2023 was a proposed
45 contract, should be the subject of a declaration by
46 yourself under this disclosure section?---Yes, the OECD
47 contract, um, ah, fell - sorry, I can only give you my
48 view, fell in absolutely no way under that paragraph, and
49 wouldn't be one that would be otherwise disclosed.

50
51 At the time that you signed this annual report, you said in
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1 your evidence you considered whether there was a disclosure
2 that was required and decided against it?---Oh, sorry, I
3 certainly didn't consider it - decide against it. It
4 wouldn't have been in my mind at all that such a thing
5 would be disclosure, because it's premised on the fact that
6 those preconditions would have been in my mind about the
7 OECD contract, and they absolutely were not.

8
9 But as at 30 June 2023, was the OWA and OECD grant
10 agreement a proposed contract?---Yes, correct.

11
12 And did you consider whether as a proposed contract, there
13 arose a declaration of an interest you should make as a
14 senior officer under this section?---No, because it never -
15 at any point of the OECD contract - did I think I had such
16 a declarable interest. I know this is matters we've
17 already discussed in the hearing.

18
19 Did you turn your mind to it, Mr Field, or did you not turn
20 your mind to it?---Well, I wouldn't have - when I say turn
21 my mind to it, I - it just never occurred to - it would
22 have never been part of my thinking the OECD contract
23 attached the related-party transaction, the conflict of
24 interest provisions that otherwise would have required it
25 to be disclosed. I mean, if it had, I would have disclosed
26 it.

27
28 So, this annual report was tabled around about 21 September
29 2023?---Correct.

30
31 And you received inquiries from the media within about a
32 week of the tabling of the report?---That's my - about that
33 timing is my recollection - I don't want to be pedantic
34 about the days - you're not being - I mean I don't want to
35 be pedantic, that sounds about right to me.

36
37 That can be taken down, thank you Madam Associate. You
38 have indicated to the Commissioner that you disputed the
39 figures in the media, but you accepted the figures for
40 travel expenditure in your annual report?---Yes.
41 If we could have 0294^ at page 5, thank you?---Sorry
42 counsel, did you say I accepted the figures in the media.

43
44 No.

45
46 **THE COMMISSIONER:** No?---Oh, I'm so sorry counsel.

47
48 You didn't accept the figures in the media, you accept the
49 figures in your annual report?---I'm so sorry, I should
50 have been listening more carefully, I apologise.

51
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37

1 Which is what your evidence was, or is?---I apologise, and
2 that evidence is correct.

3

4 **NELSON, MS:** This is part of an internal email chain that
5 I took you to previously. You had requested Ms Marsh and
6 the CFO prepare some figures for you after the media
7 reporting on the cost of travel historically undertaken by
8 OWA?---I did.

9

10 And this is the table that they prepared. And you can see
11 under the column G, that the global travel figure for 22/23
12 is exactly what appeared in the annual report, 266,670?
13 ---Correct.

14

15 And the rest of the column has been broken up into intra
16 and interstate travel as opposed to international travel,
17 do you agree with that?---Agreed.

18

19 And the intra or interstate travel is just over \$43,000?
20 ---Correct.

21

22 \$43,241. And the international travel component of the
23 global figure reported in the annual report is \$223,429?
24 ---Correct, counsel.

25

26 So, roughly the international travel component of the
27 reported travel expenditure was about 66 per cent, I think.
28 No, it's more than that?---Sounds like it's more, actually.
29 I'm not sure it's in my interests to say more, but it looks
30 like it's more, counsel.

31

32 I think the - well, the inter - intrastate travel figure of
33 43-odd thousand is about - just over 13 per cent?---That
34 sounds more - - -

35

36 **THE COMMISSIONER:** Well, if it becomes important, I'll
37 work it out. It's a matter of arithmetic?---Maths is not
38 my strong point, I'm sorry counsel.

39

40 **NELSON, MS:** And if we look at column G, again, now for
41 that financial year 21/22, there's a demarcation between
42 intrastate travel and international travel, and the
43 international travel is the predominant expenditure, being
44 \$74,762.67?---It is, counsel.

45

46 Which again, is under 15 per cent of the global figure,
47 thereabouts?---I'll accept your percentages as more likely
48 to be accurate than my guesses.

49

50 So, would you accept - going back to the 22/23 column G,
51 would you accept that in that financial year, the cost of

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38

Epiq

(Public Hearing)

1 international travel undertaken by yourself, Ms Poole and
2 Ms Italiano-Schmidt was \$223,429?---Yes, counsel. I would
3 - - -

4
5 Could I have 0664^, which is your big bundle, Mr Field.

6
7 0664^

8
9 **NELSON, MS:** And I just want to take you to the chapter on
10 the IOI presidency that's in the annual report, so page 40
11 - sorry, page 57. So in the annual report tabled in
12 September 2023 you discuss in the IOI chapter the meeting
13 you had with the secretary general of the OECD?---Correct.

14
15 In that narrative you refer to yourself as the President?
16 ---Correct.

17
18 And that's because you attended that meeting in your
19 capacity as the President of the IOI?---Ah, well, obviously
20 it's the ongoing matter of the Commissioner's purview to
21 decide, but obviously I considered I was doing at all
22 stages both roles. But you are absolutely right, I was
23 certainly there as the President of the International
24 Ombudsman Institute.

25
26 When you signed off on the annual report that was tabled in
27 September last year you considered that it was appropriate
28 that this narrative be included in the IOI presidency
29 chapter, not in any other aspect of the annual report?---I
30 agree completely. We demarcate throughout the report our
31 various functions, be it child death review, family
32 domestic violence review. In this case, this was the
33 demarcated or the section of the report that was to do with
34 the IOI, and accordingly, um, it's referring to me in that
35 way.

36
37 And it doesn't refer at all to there being a cooperative
38 agreement with the OECD?---It's far too early. That's -
39 that's reporting from, I think, June '22. We were - we
40 were still obviously in the developmental stages at that
41 stage; it would have been too early to include that
42 narrative in the report.

43
44 **THE COMMISSIONER:** I thought this was to June '23?

45
46 **NELSON, MS:** Yes, I think I misled you, Commissioner.
47 Mr Field is right, it's the financial report for 21/22. If
48 we could go to page 80 which is the financial year 22/23,
49 and we could just scroll through that section, thank you.
50 Keep going, thank you. It refers to you visiting the
51 Ukraine. Keep going, thank you. Still on Ukraine, Poland.

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39

Epiq

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1 Keep going. Hungary and Austria, Ukraine. Pakistan I
2 think that was?---Correct.

3

4 Just scroll up. What is the purpose of that photo of the
5 flag, Mr Field?---(No audible response.)

6

7 That's when you were in Pakistan?---Oh, yes, it's just
8 indicating that, um - it was recognising that as part of
9 the travel convoy that we were part of, our hosts - a
10 wonderful host in Pakistan had put, I think, both an
11 Australian flag - could have even been an Western Australia
12 flag, I can't swear to that - but they had also put the
13 International Ombudsman Institute flag on the - on the
14 bonnet of the car, and I felt that was something that was
15 worth indicating.

16

17 Keep scrolling, thank you. Morocco and then Austria. Then
18 you went to Graz and Styria and Slovenia?---Correct.

19

20 UK?---Correct.

21

22 New Zealand, and then some addresses, thank you. There's
23 no reference to the OECD project at all in that chapter of
24 the IOI presidency in your annual report for 22/23?---No,
25 that chapter was intended to be dedicated to the travel
26 activities, the visits to countries, and the speeches that
27 I had given as President. So that was the purpose of that
28 chapter.

29

30 And there's no reference to the OECD project in any other
31 portion of that annual report to your recollection?---I
32 don't recollect there being so, correct, counsel.

33

34 Do you make available your annual report to the IOI as a
35 usual part of the process?---Yes, it is a usual process,
36 correct.

37

38 Thank you, that can be taken down. In relation to the IOI
39 expectation from a President to travel, would you agree
40 with the proposition that their expectation is that
41 Presidents attend board meetings in person once a year, but
42 other than that there is no expectation for a President to
43 travel?---Oh, no, well, that certainly wouldn't be correct
44 at all. You are absolutely correct there's an expectation
45 that an IOI President will travel to, um - well, assuming
46 it's not in their home country, travel to the annual world
47 board meeting. There would be an expectation that you
48 would travel to the quadrennial world conference, but of
49 course that's only four years - every four years. There
50 would be an expectation that you may attend other
51 particular events, say, for example, the re-signing of the

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40

Epiq

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1 UN Resolution in New York; that could be something that
2 would be an expectation. And then beyond that there would
3 be an expectation that you would attend travel to advance
4 the interests of the - of the IOI and to respond to
5 member's interests in your - member invitations, um, for
6 you to visit their countries.

7
8 The invitations from fellow ombudsmen to visit their
9 country is an invitation that you as President can accept
10 or decline at your discretion?---Oh, of course. That is
11 absolutely correct. And of course a whole raft of things
12 that - we've traversed that ground before, a whole raft of
13 - sorry, I didn't mean that in a flippant way,
14 Commissioner. We've obviously gone through the sort of
15 things I considered in terms of whether I should accept or
16 not. But, counsel, it wouldn't be a proposition that a
17 President could - I don't think there would have been a
18 President in IOI history and I don't think there would ever
19 be one in the future who would simply never accept any
20 invitation from any member. I think that would be the
21 President - - -

22
23 **THE COMMISSIONER:** Invitations are often accompanied by a
24 promise to pay for it, aren't they?---Yes, they are. Yes,
25 so - and that's - that's absolutely correct, Commissioner,
26 so there'll be a combination of promises to pay some
27 contribution from the IOI. Some contribution is expected
28 from the home state of the Ombudsman as well. Correct. So
29 I don't think you're expected to, ah - ah - ah, I don't
30 think you'd be expected to be a good President to accept
31 every invitation made to you. I also think on the other
32 token though, you couldn't possibly be the President of the
33 IOI - I'm not talking about me. I'm talking about any
34 President now and into the future and beforehand, um, could
35 accept none.

36
37 **NELSON, MS:** Would you agree that there's no expectation
38 from the IOI that a President will travel to each of the
39 six regions during their presidency that is the four-year
40 term, but it - it's a convention that you've - you want to
41 follow. It's not an expectation of the IOI?---Um, it's a
42 convention that - I want to be very careful here because my
43 exceptional predecessor, the information commissioner and
44 Ombudsman of Ireland, the former President, I, um - he had
45 set a, ah - standard, which I thought was an appropriate
46 standard, was - was to visit each of the six regions of the
47 IOI, and I'd indicated to each of my colleagues that I
48 considered that to be the new standard for which future
49 Presidents should try to achieve.

1 And by colleagues, you mean your IOI members?---Ah, yes,
 2 correct and, ah, the - the - the members of the IOI,
 3 members of the board. That's exactly right.

4
 5 So that was an undertaking or a statement of expectation
 6 that you gave based on what a previous President had done,
 7 not based on what the IOI required of you?---Ah, there's
 8 nothing in the IOI by laws, for example, that would require
 9 that. Um, I considered that to be, ah - I mean, I didn't
 10 achieve it during my term. I - I - I visited five of the
 11 six regions, um, but it seemed to me that it was very
 12 sensible for a President in an inclusive organisation to
 13 try to visit each one of the six regions during their -
 14 during their term of presidency.

15
 16 And - - -?---And I - and I did make - sorry, counsel. I
 17 did make that as an expectation of myself, which I conveyed
 18 to others.

19
 20 And the - the IOI by laws allow a - for a - a President to
 21 apply for 10,000 euros per financial year to cover travel?
 22 ---Correct.

23
 24 And you have been given that amount of money - well, the
 25 OWA has been given that amount of money for one financial
 26 year, the '21, '22 financial year?---Correct. That was to
 27 visit the border crossing points of, ah - ah, Hungary and
 28 Ukraine. For the refugee crossing points. That's exactly
 29 correct. 10,000 euro. There was a separate application, I
 30 should say as a matter of completeness, Commissioner, so
 31 it's the most honest answer I can give, the board - - -

32
 33 **THE COMMISSIONER:** There was a separate application which
 34 was declined?---No, approved, for Mexico City, so a
 35 separate application was made for - - -

36
 37 I thought - - -?--- - - - Mexico - - -

38
 39 - - - there was - - -?--- - - - City.

40
 41 - - - one for Kiev, which - - -?---That one - - -

42
 43 - - - was - - -?--- - - - was - - -

44
 45 - - - declined?--- - - - declined, so there was three.

46
 47 But one for Mexico was approved - - -?---Ah, approved.

48
 49 However - - -?---Kiev - - -

50
 51 - - - for - - -?--- - - - declined.

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42

Epiq

(Public Hearing)

1
2 - - - various reasons, you didn't - weren't able - - -?
3 ---Yeah.
4
5 - - - to travel?---I just didn't want to be dishonest in my
6 answer.
7
8 Well, you weren't. You've given that evidence already?
9 ---Oh, thank you. Thank you.
10
11 I've accepted it?---Thank you.
12

13 **NELSON, MS:** And whether a President travels with or
14 without staff is at the President's discretion, not a
15 imprimatur imposed by the IOI?---Ah, it's, ah, difficult to
16 answer that question with, ah, simply saying, "Yes",
17 because of course the practice is that, um, be it the
18 secretary general, be it the, ah - ah, first vice
19 President, be it, um, a significant number of the board,
20 um, they travel with staff - actually, as I have said
21 before in previous hearings, they travel with numerous
22 staff. Um, I had formed a view that, um, one staff member
23 was sufficient and appropriate for most travel, not all
24 travel, um, on the basis of that was the appropriate way to
25 limit the costs to the Western Australian tax payer. I
26 certainly didn't travel with an entourage of three or
27 people - not that I'm in any way criticising the ombudsmen
28 who do.
29

30 So in the last two financial years, the IOI have funded
31 your travel to the limit of 10,000 euro?---Correct, and it
32 would have been 20,000 but I considered the cost to go to,
33 ah, Haiti, Latin America, Mexico City to be excessive, um,
34 in terms of the added on costs that would have represented
35 the Western Australian tax payer and - so I decline to go
36 on that trip.
37

38 You mentioned in previous evidence that you did some video
39 conferencing for the purposes of the IOI rather than
40 travelling?---Yes.
41

42 And could I have the bundle at 125? So that's 0664,
43 page 125.
44

45 0664^
46

47 **NELSON, MS:** So this is detailing your addresses as IOI
48 President during the financial year '22, '23, so the first
49 one is in Argentina, and it's for a conference from 5 to
50 7 July 2022?---Yes. Correct.
51

1 So on that date, you had recently returned from Vienna and
2 Paris, having returned in mid-June 2022?---Correct.

3
4 And then if we go - so there appear to be two - you had a
5 welcome address for that pericocular conference and then you
6 participated in a live panel discussion?---(No audible
7 answer)

8
9 See the next dot point?---Yes, for - at the same
10 conference. Correct.

11
12 And was your decision not to travel to Argentina partly or
13 in full dictated by the fact that you had only recently
14 returned from Europe?---Oh, in full dictated by cost. I'm
15 not sure that this is also as comprehensive, because I was
16 meticulous, um, in, um, putting together some materials
17 which I provided to the - to the Commission as well, but
18 I'm happy to, ah - I'm in your hands, counsel, but I - I
19 did also produce a document which I thought might have even
20 been more detailed than this.

21
22 I can take you to that document, but I'm just
23 interested - - -?---I'm sorry - - -

24
25 - - - in the - - -?--- - - - counsel, it's not for me - - -
26
27 The next - - -?--- - - - to say.

28
29 - - - dot point, the third one at the bottom of the screen:

30
31 Provided a briefing on the office of the Ombudsman's
32 current work program to the public sector commission
33 leadership council in August 2022.

34
35 What connection did that have to your role as IOI
36 President?---Oh, I spoke at length about my role as the IOI
37 President. In fact, I remember exactly where that meeting
38 was. It was in the, ah, former cabinet room - maybe it's
39 still used as the cabinet room, at Hale House, um - ah,
40 shared by, ah, public sector commissioner. It was a raft
41 of director generals, and I used the first half of that,
42 ah, discussion to talk about, ah, new functions for the
43 office of the Western Australian Ombudsman, and the second
44 half to talk about my work as the President of the
45 International Ombudsman Institute, ah, and how I hoped that
46 that would also bring further benefit to, ah, the Asia
47 Pacific region and other work that other people were doing.
48 I spoke about my work with Rebecca, um, Emily and others,
49 so about the second half of that discussion was all about
50 the President of the IOI.

51

1 So in August 2022 there had been no movement with the OECD,
2 if you could say that, around the project. The project had
3 not been advanced at all at that stage, had it?---I might -
4 I - I - I might even have a - I don't know if I have a
5 PowerPoint from that presentation. If I do, of course, I
6 will provide it to the Commission. Um, I don't usually use
7 PowerPoints, but I would be surprised if I hadn't mentioned
8 the OECD in that meeting. Um, I may not have, but I will
9 (indistinct) - - -

10

11 Well, you might have mentioned the fact that you had met
12 with the OECD in - - -?---Yes, I - - -

13

14 In mid - - -?--- - - - certain - - -

15

16 - - - June?---I certainly suspect I might have mentioned
17 meeting with Mathias, um, the secretary general of the
18 OECD, um, and my aspiration, um, for a project, um, in, ah
19 - ah - ah, remembering, Commissioner, whatever view might
20 be held about it, I was excited about the project. I
21 thought it was an outstanding project. I thought it was an
22 outstanding thing for our office to be doing, and I was
23 along with my normal verbosity, apologies Commissioner -
24 used to talk about it a lot.

25

26 If you could scroll down, thank you, to the next thing?

27

28 So you - you gave an address in Georgia on 27 September by
29 video-link?---Yes.

30

31 So, at that stage, you had just returned to WA from a
32 travel trip to Budapest and Vienna seven days previously?
33 ---Correct.

34

35 So, would that have been the reason why you didn't go to
36 Georgia?---I'm not even sure that that particular
37 conference - unlike the earlier conference you were
38 referring to, I'm not sure that that was even an
39 invitation. Some invitations aren't for attendance in
40 person, some were only for - on the basis it's an online
41 conference. I don't have a photo recollection, that might
42 have only been an online conference. I certainly wouldn't
43 have gone to - no disrespect to the wonderful people of
44 Georgia - I wouldn't have gone just for that particular one
45 thing.

46

47 And then the next one, New Zealand, you actually attended
48 in person in October at that anniversary of the Ombudsman
49 of New Zealand?---That was essential, because I was one of
50 the three speakers.

51

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Epiq

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45

1 And the next one is Crimea on 26 October. So, you had
2 recently returned from New Zealand, would that have been a
3 reason why you didn't go to Crimea?---Yes, I could have
4 gone to that one, because my recollection is that was both
5 a combination of online and in-person meeting. I think it
6 was hosted, um, in Croatia, as I recollect it, by my
7 colleague Ombudsman Einwalter. Um, and I declined on the
8 basis of, ah, of cost, of course.

9
10 And you'd recently been absent from the office in New
11 Zealand?---The absence from the office was not my concern,
12 um, I'm not saying it shouldn't be a concern for the
13 Commissioner, but that was never my concern, because I was
14 working the entire time I was absent from the office. So,
15 there wasn't one part of my duty I was derelict about. I
16 was working on the plane, in the lounge, um, when I got
17 back to the hotel room, when I first woke up in the
18 morning, and I'd be up to 2 or 3 o'clock in the morning
19 working before I went to the next part of the day's
20 conference. I was never concerned about not working and
21 fulfilling my duties as Ombudsman. I was - - -

22
23 **THE COMMISSIONER:** Working at what?---Sorry?

24
25 Working at what?---Oh, the other matters that would be
26 coming through. You know, an own motion investigation to
27 settle, a child death review that needed to be settled by
28 me, um, because I'm the only person who can make
29 recommendations in the office, that can't be delegated. So
30 I'd be doing that sort of work. But no, that would have
31 been cost, counsel.

32
33 **NELSON, MS:** Then if we move down, so Croatia on 30
34 November, you were due to leave for Poland and the Ukraine
35 on 3 December in that year, would that be a reason why you
36 didn't go to Croatia?---Yes, correct.

37
38 And in Cyprus, again on 2 December you gave a keynote
39 address by video link. You were due to leave Perth for the
40 Ukraine on 3 December, the following day?---Correct. It -
41 I should - only with your indulgence, Commissioner, can I
42 just say in furtherance of that answer I gave you, um, I
43 certainly would be happy to produce hundreds, potentially
44 thousands of emails that I sent from overseas doing work
45 for the Office of the Ombudsman.

46
47 **THE COMMISSIONER:** Well, the issue may not in the end be
48 what you did, but whether you had the power to do it?---Oh,
49 sorry, that, Commissioner, I completely accept.

1 **NELSON, MS:** And that can be taken down, thank you. And
2 on that point, could I have 0700^?

3
4 0700^

5
6 **NELSON, MS:** So, this is an email from your EA sent to you
7 on 14 June 2022 when you were in Paris?---Yes.

8
9 And you approved credit cards, statements for payment, and
10 timesheets?---Correct.

11
12 Could I have 0701^?

13
14 0701^

15
16 **NELSON, MS:** So, an out of session decision by the State
17 Records Commission in April '22. We'll just scroll down.
18 Do you recall whether you were overseas at that point?
19 Sorry, it's May?---I'm not sure, but that looks like a time
20 that might have been coincidental with - - -

21
22 New York?---Exactly, the New York - the annual world board
23 meeting that was in New York, because they tend to fall on
24 May. So, without being precise, counsel, I would be
25 perfectly prepared to accept if you're saying I was in New
26 York, I was.

27
28 And what is your role on the State Records Commission at
29 that point?---Ah, as the chair of the Commission.

30
31 So, you're making a decision about a particular matter that
32 is being considered by that Commission?---Correct.

33
34 And 0702^, thank you.

35
36 0702^

37
38 **NELSON, MS:** On 14 June 2022, you're in Paris, you're
39 being asked to approve the creation of a new level 5
40 position within the OWA?---Correct.

41
42 Which you do proceed?---Correct.

43
44 Approved. 0705^.

45
46 0705^

47
48 **NELSON, MS:** In June 2022 when you were in Austria, you're
49 being asked to approve the secondment of an OWA staff
50 member to a Minister's office?---Correct.

51

1 And lastly, 0706^.

2

3 0706^

4

5 **NELSON, MS:** Again, in June, when you're in Vienna, you're
6 being asked to approve a funding application for the new
7 function referred to as the Charitable Trust Function in
8 the OWA?---Correct. Correct, counsel.

9

10 Thank you. That can be taken down. There has been some
11 evidence about your leave liability at the moment,
12 Mr Field. If I could show you 0736^.

13

14 0736^

15

16 **NELSON, MS:** Attached to this is the OWA leave liability
17 clearance plan for February of this year, do you recall
18 receiving this from your executive assistant?---Ah,
19 correct.

20

21 And if we could scroll to the attachment, thank you, which
22 is quite small, can you read that, Commissioner, or would
23 you like it a bit bigger?

24 **THE COMMISSIONER:** No, I can read it. Well, I can read
25 11.4 weeks.

26

27 **NELSON, MS:** So, you currently have an annual leave
28 balance of 11.4 weeks?---Correct.

29

30 And by 30 June, even allowing for your booked leave, you'll
31 still have an outstanding balance of 12.8 weeks?---Correct.

32

33 And in addition to that, you have long service leave that
34 you have accrued and not taken?---Ah, correct.

35

36 And in fact, it's in red because it is overdue for you to
37 take that?---Ah, correct.

38

39 What is the policy within the OWA for how long you should
40 leave a long service accrual in place without taking that
41 leave?---Ah, well, the policy ultimately comes down to a,
42 ah, capacity for the officer to take it on the basis of
43 their workload. I certainly have a clearance plan and -
44 and projected leave plan in place, and certainly with the
45 reduction, um, of responsibilities, I expect to be able to,
46 um, bring that leave plan into order.

47

48 Your leave plan at the moment according to this document -
49 well, as at February of this year is 2.4 weeks have been
50 booked of annual leave, and no long service leave booked.
51 Would that be correct?---Correct. I - I would be working

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48

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1 on the basis of eliminating annual leave and then moving
2 towards the long service leave.

3
4 There's no plan in place as at February for you to do that
5 apart from 2.4 weeks?---In fact, I can be very clear about
6 that. I was waiting until the end of these hearings to
7 determine, ah, what period of leave. Also, of course, that
8 has been significantly affected by the fact that there was
9 no deputy in the office as well. So now we have a deputy
10 in place, um, who can be Acting Ombudsman and exercise all
11 the powers of the Ombudsman. And at the end of these
12 hearings I intend to take a couple of periods of extended
13 leave, and I have an Acting Ombudsman who can act, and I
14 will, um, bring those balances into the order that they
15 should be. But that is affected, as I say, in part by the
16 deputy not being - a deputy not being in place, and by the
17 fact of course my workload over the last several years has
18 been very substantially and significantly high.

19
20 Substantially and significantly affected by your IOI travel
21 as President, Mr Field?---That's one component part, but
22 it's certainly not the only component part. As I say, when
23 I commenced in the office we had 26 staff. We have going
24 onto 90. We've started innumerable functions. The
25 commencement of the reportable conduct function alone
26 required an enormous amount of my time, as did the
27 charitable trust function. So it's not just the IOI, but I
28 would be absolutely disingenuous to say the IOI wasn't a
29 part of it.

30
31 So as at today you have about over 36 weeks of leave owing
32 to you?---Yes. And as I say, now with my deputy on board
33 and when these hearings come to a close I will be over the
34 course of the second half of this year seeking to make sure
35 that the leave balance is reduced, um, as it should be for
36 all staff. I mean, it's - I have a role in taking
37 leadership in that, and I propose to ensure I do that.

38
39 That can be taken down, thank you. After the morning tea
40 break we were discussing your consideration as to whether
41 you might go to Parliament to seek an appropriation in
42 relation to the state's payment of travel for you in your
43 role as IOI President going forward, and you said that you
44 had considered that. But I take it you haven't taken any
45 active steps to do that?---No, I considered a raft of
46 potential ways, um, that contributions might be made, but I
47 took the view - this is going to sound like hubris, it's
48 not intended to - that I think I have a duty that comes
49 beyond these matters. It's the same reason I went to
50 Ukraine. I am happy to pay. I am fortunate enough to have
51 money to do so. I'm happy to pay out of my own personal

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49

Epiq

(Public Hearing)

1 pocket to pursue human rights, good governance, and the
 2 rule of law, which is the aspirations of the Ombudsman
 3 institutions. So I'm happy to pay for it personally, and
 4 I'm happy to take annual leave to do so. I don't think I
 5 should have to; I think that is something the government
 6 should pay for. But if they're not going to, then I will
 7 do so myself. I believe in those things.

8
 9 But you accept, Mr Field, that you haven't asked Parliament
 10 for an appropriation so you can't be sure whether they
 11 would or not?---Ah, I'm not sure what the parliament's view
 12 would be about such a request. They may wish to make a
 13 contribution to some, none, all, I'm not sure. To me
 14 ultimately, public service is about selflessness, and I'm
 15 happy to do so.

16
 17 Your previous evidence before the morning tea break was
 18 that you are not beholden to anyone but the Parliament of
 19 this state?---Can I just make sure I'm - when I say that
 20 I'm being in no way disrespectful to the Commissioner who I
 21 respect personally and professionally. I'm - I feel I'm
 22 beholden to him - - -

23
 24 **THE COMMISSIONER:** You're not beholden to me?---Well, only
 25 for the purposes of the hearing, I mean. But in relation
 26 to being beholden to anyone, no, I feel I am only beholden
 27 to one person - sorry, one entity, um, and that is
 28 unambiguously clear, and that is the Parliament of Western
 29 Australia. Oh, and of course the government.

30
 31 **NELSON, MS:** You haven't gone to Parliament to seek their
 32 endorsement of any particular work that the OWA was going
 33 to do with the OECD, whether it was endorsement of the
 34 contract or any collaboration?---Oh, it wouldn't - there's
 35 not even - - -

36
 37 **THE COMMISSIONER:** The question is capable of being
 38 answered yes or no?---I, um - no. Apologies, Commissioner.
 39 No.

40
 41 **NELSON, MS:** In evidence over the last couple of days you
 42 have told the Commissioner that you briefed Ms Roper who is
 43 the DG of DPC on the OECD project back on 10 August 2021.
 44 Do you recall that evidence?---Yes.

45
 46 And you briefed Mr Pastorelli on the OECD project. You
 47 said, 'I had discussions about the OECD project also in
 48 2021.' You gave that evidence?---Ah, yes.

49
 50 And then the Commissioner asked you - this was yesterday -
 51 what you had been talking about as in 2021 the meeting with

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50

Epiq

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1 Mathias Cormann had not yet occurred. Do you recall that
2 exchange with the Commissioner?---I do.

3
4 Do you accept that the first letter that you sent to
5 Mathias Cormann was on 16 June 2021 congratulating him as
6 becoming secretary general?---I - I don't recollect the
7 date, but I absolutely accept you saying that was the date,
8 and I accept that.

9
10 Can I have 0122^, thank you.

11
12 0122^

13
14 **NELSON, MS:** To the second page, thank you. Third page.
15 So, 16 June 2021?---Yeah. Sorry, counsel. Yes, thank you.

16
17 Do you accept in that letter you don't request a meeting
18 with the secretary general?---Oh, I'm not even going to
19 read it to - to accept. If you're saying that that's
20 correct, I didn't.

21
22 The first meeting request of him was not until 17 February
23 2022?---That sounds to me like that would be correct.

24
25 And a meeting wasn't actually organised until you were in
26 Vienna in mid-June 2022?---No, we'd been trying to - sorry,
27 counsel. We had been trying to organise that meeting, and
28 it was actually happenstance and fortuitous that at the
29 time we were in Austria he happened to actually have an
30 opening in his calendar for me to be able to meet with him.
31 But it was a meeting we had been trying to organise.

32
33 Could I have 0747^.

34
35 0747^

36
37 **NELSON, MS:** Page 38, line 36, thank you - excuse me - and
38 going over into page 39, thank you. So line 36, Mr Porter
39 takes you to a meeting aide-memoire from 10 August 2021
40 with Ms Roper. You see that at line 36 to line 40 on the
41 screen?---I do.

42
43 And your evidence yesterday was - we go to line 49 - you
44 said that you were to discuss the OECD in particular
45 because:

46
47 At that stage I don't believe I had actually given
48 Emily an understanding of that particular project.

49
50 ?---Yes. And that's - evidence is - would be - well, of
51 course, it should be the same today, and it is. I actually

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1 don't recollect when I first gave Ms Roper, um - ah, a
 2 briefing about the OECD. I was more attuned to the
 3 briefings I was giving to, ah, Sharyn, um, but I don't - I
 4 didn't have a strong recollection about my briefings to
 5 Emily.

6
 7 **THE COMMISSIONER:** But more than not having a strong
 8 recollection, you can't have had that briefing?---Well,
 9 correct. Yeah, I'm not trying to dissemble at all.

10
 11 Well, you - you produced aide-memoire?---Yeah.

12
 13 You produce no notes of the meeting, but you assert at
 14 various meetings how you briefed people, and yet on several
 15 occasions I've been drawn - attention's been drawn by
 16 counsel assisting to meetings that simply could not have
 17 taken place. How can I accept as reliable your memory of
 18 other meetings?---I'm sorry, what meeting didn't take
 19 place? I'm - I'm confused.

20
 21 Well, that one can't have been discussing the project in
 22 2021?---(No audible answer)

23
 24 **NELSON, MS:** Do you accept, Mr Field, that the meeting may
 25 or may not have taken place, but you could not have
 26 discussed with Ms Roper on that date the particular OECD
 27 project?---Oh, I'm - no, I'm so sorry, that's - that -
 28 that's absolutely not correct. I'm sorry, Commissioner.
 29 Now I understand what you're saying. No. Ah - ah - ah,
 30 the reason I wrote to Mathias Cormann, ah, wasn't just a
 31 courtesy letter. I had been abundantly clear, um - ah, as
 32 I say, going back to 2018, but abundantly clear that I had
 33 two - well, many actually, but at least two aspirations for
 34 my time as, ah - - -

35
 36 **THE COMMISSIONER:** Mr - - -?---Ah - - -

37
 38 - - - Field, I hate to interrupt you. You have given
 39 evidence that you had this aspiration that was in your head
 40 since 2018. All that's being put to you is that in 2021
 41 you had yet to meet with or have an appointment with
 42 Mr Cormann, and then it was six months before the OECD
 43 wrote and said, "Well, there are three possible projects"
 44 and you said, "I'll pick one", so I just find it difficult
 45 to think that in 2021 you are briefing Emily Roper on the
 46 project?---Well, I - - -

47
 48 There was no - - -?---I - - -

49
 50 - - - project?---But I'm not briefing her on the project,
 51 Commissioner. I'm briefing her on the fact that I want to

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1 work with the UN and I want to work with the OECD. That's
 2 why the UN's there. We hadn't, at that stage, for example,
 3 um - - -

4
 5 It's gone off?--- - - - (indistinct) aspects of the UN as
 6 well.

7
 8 All right?---Yeah.

9
 10 Well, I have the transcript of what you said - - -?---Yeah.

11
 12 - - - and I will draw what conclusions are necessary?---(No
 13 audible answer)

14
 15 **NELSON, MS:** Mr Field, I'm - I'm taking you to these
 16 particular aide-memoires because, as you conceded before
 17 the last adjournment, there is no email record or
 18 correspondence of any kind between you and Ms Roper or
 19 Ms O'Neill or Mr Pastorelli in which you have mentioned the
 20 OECD project or anything about a collaboration between the
 21 OWA and the OECD until the email you sent to Mr Pastorelli
 22 in October 2023?---No. This is completely wrong, counsel.
 23 I, in that meeting - now I understand what we're talking
 24 about. It's completely my fault I didn't. It's - - -

25
 26 I'm not asking about what's in the meeting. I'm asking you
 27 to - I'm putting to you that there is no record other than
 28 your aide-memoire of particular meetings and your evidence
 29 of what you said in those particular meeting. Do you
 30 concede - - -?---Ah, I'm, ah - - -

31
 32 - - - with that?---I'm - I'm - - -

33
 34 Concede that?---I concede that, absolutely.

35
 36 And now I'm taking you to a particular bit of evidence you
 37 gave about what occurred in a meeting with Ms Roper on
 38 10 August 2021, in which you told the Commission that you
 39 were:

40
 41 To discuss the OECD in particular because at that
 42 stage I don't believe I had actually given Emily an
 43 understanding of that particular project.

44
 45 And I'm suggesting to you that that evidence is incorrect
 46 because there was no particular project?---And I'm saying
 47 to you that suggestion is profoundly wrong and - - -

48
 49 **THE COMMISSIONER:** All right. What - - -

50
 51 **THE WITNESS:** - - - misconceived.

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1
2 **THE COMMISSIONER:** What's the project?---Okay. So - - -

3
4 In 2021?---Right. Well, in - in that meeting, exactly as
5 it says, I informed Emily Roper that I was, ah, going to be
6 the President of the IOI from 25 May, that there were
7 upcoming meetings. My first engagements were in Argentina,
8 Mexico, Israel and UK, and I had aspirations for projects
9 with the OECD and the UN, both of which came to fruition,
10 but you're absolutely right, Commissioner, I did not say to
11 Emily Roper, ah, in - then, ah, "This is the project that
12 I'm doing with the OC - OECD", but I was flagging for her,
13 that's why it's written there, that I was going to be
14 working with the UN. We did. We signed a - a - a - a - a
15 - with UNITAR. We signed a - a - an MOU, um, and a range
16 of other work with the UN. I was flagging for Emily the
17 aspirations I had for my term as President, and that was to
18 do projects with the OECD and the UN, and that's exactly
19 why that's there.

20
21 Well, I think you've given Mr Field a fair opportunity to
22 respond to the particular allegation.

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

25
26 Mr Field, Ms Roper has told the Commission that she recalls
27 that one of your scheduled meetings that you discussed with
28 her that you had met Mr Cormann. She presumes this
29 occurred at your August 2023 meeting, and she has no
30 recollection of you foreshadowing a meeting with Mr Cormann
31 prior to that. I take it you would dispute that?---Ah - ah
32 - ah, yes, I would dispute it as, ah - well, incorrect and
33 obviously incorrect on the basis of my made - ah, of my
34 aide-memoire notes.

35
36 And she also would suggest to you that you have not
37 detailed any specific project or collaboration between the
38 IOI and the OECD or between the OWA and the OECD with her?--
39 --Well, that is profoundly incorrect.

40
41 Now, in terms of Ms Pastorelli, you told the Commissioner -
42 go to page 41, thank you, at line 4. On 10 April you told
43 the Commissioner that at a meeting that occurred on
44 7 December 2021 with Mr Pastorelli - looking at line 6,
45 you're asked what was discussed, and we go to line 25, you
46 say:

47
48 That was to expand upon the discussions I'd had about
49 the OECD project, not just with the secretary general
50 of the OECD Mathias Cormann, but becoming more
51 specific about how I felt that was part of the

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1 overall benefit that my role as President could bring
2 to Western Australia.

3

4 Do you accept that in - on 7 December 2021 you could not
5 have discussed a meeting you had with the secretary
6 general, Mathias Cormann, because it had not occurred?---
7 Um, no, but I was, ah - I'm sorry. I was - - -

8

9 **THE COMMISSIONER:** You do not accept that?---No, I don't
10 accept it because I - - -

11

12 **NELSON, MS:** Thank you?---Because I was establishing that
13 meeting with the secretary general and we'd been working on
14 it for months.

15

16 Ms O'Neill has told the Commission that she had no
17 knowledge of the OECD project until October of 2023. Do
18 you accept that?---Ah - ah - ah, I - I - I can say on
19 oath - - -

20

21 **THE COMMISSIONER:** Do you accept it - - -?---I - - -
22
23 - - - or not?--- - - - absolutely don't accept it.

24

25 Thank you?---It's profoundly untrue.

26

27 **NELSON, MS:** And that it was in November 2023 that she had
28 two telephone conversations with you about the contract
29 with the OECD at the time Ms O'Neill was meeting with the
30 OECD. Do you accept that those conversations occurred in
31 November 2023 with Ms O'Neill?---I recollect she called me
32 from Paris. I do recollect that. I recollect she told me
33 that she was meeting with the OECD. Ah, I recollect that.
34 I recollect, um, other aspects of the conversation. Um, I
35 don't recollect, ah - I'm sorry, what was your question
36 again, counsel?

37

38 Do you - do you accept that it was in those conversations
39 in early November or perhaps in late October that you first
40 had discussions with Ms O'Neill about the OECD and the
41 research in the context of her also meeting with
42 researchers?---I'm afraid Ms O'Neill's evidence on that is
43 so obviously preposterous, on the basis that the only
44 reason she had those contacts with the OECD is because I'd
45 given them to her when I'd met with her months earlier,
46 telling her about the OECD project. She got all the
47 context from our office.

48

49 Had you given that to her either in late October or early
50 November 2023?---I'd given them to her well before she went

1 to Paris. She got the contacts for Paris from me, from my
2 office.

3
4 Days before she went to Paris, or months?---I don't
5 recollect when she got them, but I certainly spoke to
6 Ms O'Neill about the OECD project, and as I say, this is
7 not any form of defamatory - but these are all public
8 servants, who ultimately are beholden for their job to the
9 Premier, not unlike me. They go with one phone call, I
10 don't.

11
12 **THE COMMISSIONER:** So, you are now impugning the integrity
13 of those senior officers?---Not impugning them at all.

14
15 Well, you just said her evidence is preposterous, they go
16 with one phone call, and they're beholden to the Premier.
17 Is that not impugning their integrity to act honestly and
18 impartially?---I - I didn't think it was anything like the
19 comment I made to you before, Commissioner, but if you wish
20 for me to withdraw it and apologise, I will. But it was
21 not my intention to impugn those people.

22
23 **NELSON, MS:** And I think your evidence earlier this
24 morning was you recalled having telephone conversations
25 with Ms O'Neill after the media reporting about your travel
26 came out?---Correct.

27
28 And your evidence was, I think, that Ms O'Neill encouraged
29 you to speak to Mr Pastorelli?---Ah, she did.

30
31 And at the time that she encouraged you to do that, did you
32 indicate to her that you resisted that notion?---Sorry, did
33 I - - -

34
35 Did you say you resisted that notion, the notion being that
36 you would contact Mr Pastorelli?---I was concerned about
37 speaking to Mr Pastorelli, because I didn't think I should
38 be speaking to him, insofar as he would be seeking to
39 inappropriately interfere with the Office of the Ombudsman,
40 that's correct.

41 Interference with the Office of the Ombudsman by suggesting
42 that he didn't travel?---Correct.

43
44 The aide-memoire documents that you rely on as the
45 contemporaneous note of various meetings that you had with
46 Ms O'Neill, Ms Roper, the Under Treasurer and
47 Mr Pastorelli, you accepted that they are not a
48 contemporaneous record of what was discussed in the
49 meeting, given that they were prepared by you before any
50 meeting?---They were very contemporaneous, and tend to be
51 settled either the morning - day of the meeting and the

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1 night before. In that sense, they were contemporaneous,
2 but you're absolutely right, they're not a contemporaneous
3 note, well, they're not a note after the meeting, correct.

4
5 They're not a record of what was said in the meeting?---No,
6 as I said, in 17 years I haven't taken notes of meetings.
7 There are many, many, many, many, many, many Director-
8 Generals and CEOs who don't, I'm one of them.

9
10 And your practice was to access the previous aide-memoire
11 for a meeting you'd gone to and change it?---Update it for
12 the circumstances between the two meetings, correct.

13
14 Update it before another meeting was to take place. And
15 some of your aide-memoire documents did not have year dates
16 on them?---Correct.

17
18 You did not provide them to anyone at the time of the
19 meeting, they were particularly just personal aide-
20 memoires?---Oh, yes, correct counsel, it was a single A4
21 sheet of paper in a manila folder that I would take, look
22 at, or glance at during the meeting, and then take with me,
23 correct.

24
25 I want to show you an aide-memoire for a meeting with
26 Mr Pastorelli on 22 March 2022. May I have 0481^?

27
28 0481^

29
30 **NELSON, MS:** This first page is not what appears in the
31 actual document, so this is the metadata behind the
32 document?---I accept that.

33
34 I'll show you the second page initially, you can see what
35 the document is. Meeting with Daniel Pastorelli, 12 pm on
36 Tuesday, 22 March 2022. And then the items for discussion
37 are four, one, two, three, four?---Yes, I accept that,
38 thank you.

39
40 And if we go back to the metadata - so the primary date is
41 16 March 2022, so that would be the creation date. You can
42 see about halfway down the page:

43
44 Content created 16 March 2022 at 2.11 pm AWST.

45
46 Do you see that, Mr Field?---This, I'm afraid, is losing
47 me, but that's not your fault, that's mine.

48
49 And then two lines under that, you can see the file was
50 last accessed 11 October 2023?---Yes.

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1 At 11.26 am. And further down, we can see the creator of
2 the document was an N Jameson, and you are a contributor to
3 the document?---Yes.

4
5 Did you access this meeting aide-memoire on 11 October
6 2023?---Ah, I don't have any recollection of doing so, but
7 I could well have.

8
9 A telephone conversation with Mr Pastorelli occurred on
10 10 October, the day before?---Yes.

11
12 So you could have but you don't recollect?---Yes.

13
14 You can see the location of the document above what we were
15 just looking at, that date range appears to be located on
16 your laptop?---Yes.

17
18 Was it your usual practice to keep these aide-memoires on
19 your laptop?---Well, they're just in a system, you can
20 access them from the laptop or from your work desktop, yes.

21
22 And then if we go to 0480.

23
24 0480^

25
26 **NELSON, MS:** And we'll go to the second page, thank you.
27 Thank you. This is an aide-memoire for a meeting with
28 Daniel Pastorelli the same date at the same time?---Yes.

29
30 And you can see that the items for discussion are five in
31 number in this document?---Yes.

32
33 Whereas the previous document we were looking at, they were
34 four in number?---Ah, yes.

35
36 Can you explain how it is that there would be two different
37 aide-memoires for the same meeting?---Well, that would have
38 happened regularly though, counsel, where there would have
39 been items that would have been - there would have been a
40 draft of the agenda. Ah, I would then - either myself
41 personally - more typically my EA, would be asked to add an
42 additional item to, um, ah, to the agenda and they would be
43 added into it.

44
45 How can the Commissioner be sure that the document you took
46 to the meeting was 0481, being the previous version, and
47 not 0480, the version that's on the screen now?---I - I -
48 Commissioner, I'm just getting a little lost on this, if I
49 could go back to the other documents as well, it's just
50 because it's all this metadata too, I found it a bit hard
51 to follow.

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1
2 The metadata is not on the document that you would see,
3 it's actually what's behind the document in terms of how it
4 was created, when it was accessed?--Oh, I know. I'm just
5 also wondering whether that metadata access - and once
6 again, I want to be very careful about what I say, um, is I
7 presume some of that may have been because I was already
8 preparing materials that would be appropriately produceable
9 materials. That might have been one of the reasons why it
10 was accessed as well.

11
12 Well, perhaps if we go back to 0481, and looking at the
13 metadata.

14
15 0481^

16
17 **NELSON, MS:** So, we can that the file was last accessed on
18 11 October 2023?--And it's perfectly conceivable, I have
19 to say, um, that that access might have been for reasons
20 that were otherwise compulsorily required of me. I don't
21 have a photo recollection, but I will - obviously I'm aware
22 that over a substantial period of time, I produced a very
23 large amount of documents, and I'm not sure if that was
24 part of that reason. But in relation to the actual changes
25 to the documents, those changes were just completely
26 anodyne and would just be the ordinary course of events.
27 There would be an agenda, and then I might say to, um, my
28 EA, um, ah - it would depend on whether I was the office,
29 whether I was at home, I might have done it on my own
30 laptop, I might have rung up and said, um, to change it. I
31 might have been in the office, had written up and said add
32 this. Um, I mean, there's simply nothing, um, ah, ah, in
33 this that I can follow in terms of trying to hide something
34 from anyone, under any circumstance.

35
36 I'm not suggesting that you're trying to hide anything,
37 Mr Field. What I'm suggesting is that these aide-memoires,
38 given that they were changed over time as the usual part of
39 your process of preparing for a meeting, are unreliable as
40 a record for you to rely on today at the Commission to give
41 evidence as to what was discussed at a particular meeting
42 at a particular point in time?--Leaving aside the fact
43 that I've done hundreds of aide-memoires over 17 years,
44 hundreds and hundreds of them, and this is one document,
45 um, I think that might be somewhat of a stretch to suggest
46 that this one document (indistinct) or hundreds of those is
47 the case, which I think is the implication. But may I say,
48 um, that the document, um, that it appears in the records
49 for the date, is the document that was taken down there.

1 **THE COMMISSIONER:** Ms Nelson, it's 1 o'clock. How long do
2 you think you'll be?

3
4 **NELSON, MS:** Perhaps another hour.

5
6 **THE COMMISSIONER:** Then we'll adjourn until 2.

7
8 (THE WITNESS WITHDREW)

9
10 (LUNCHEON ADJOURNMENT)

11
12 **THE ASSOCIATE:** All rise.

13
14 **THE COMMISSIONER:** Please be seated.

15
16
17 **CHRISTOPHER JAMES FIELD RECALLED AT 02.00 PM:**

18
19 **NELSON, MS:** Mr Field, you told Mr Pastorelli in the
20 telephone call on 10 October last year that you weren't
21 seeking re-election as President of the IOI?---Correct.

22
23 You told the Commissioner that you've since reconsidered
24 that decision?---Correct.

25
26 Did you inform Mr Pastorelli that you had changed your
27 mind?---I don't have - I don't think I've spoken to
28 Mr Pastorelli since that time so I'm sure the answer is no.

29
30 In October of 2023 did you tell Ms O'Neill that you were
31 not seeking re-election as President of the IOI?---I don't
32 have a recollection, but I suspect that's what I would have
33 said to her. That was certainly my mindset at the time.

34
35 Have you since informed her that you are seeking
36 re-election as President?---I haven't spoken to Ms O'Neill
37 for some time, and I think the answer to that is no.

38
39 But you have spoken to her since October 2023 though,
40 haven't you?---I'm sorry, I'm not trying to be evasive at
41 all. I don't recollect having that conversation. I think
42 the answer should be no, I don't recollect saying that to
43 her. I don't believe I have told her that.

44
45 Is it a matter that you think should be told to Ms O'Neill
46 or to Mr Pastorelli?---No.

47
48 Why is that?---Ah, I don't report to Ms O'Neill or
49 Mr Pastorelli. Um, I report - - -

50
51 Or Ms O'Neill?---Sorry?

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1
2 You don't report to Ms O'Neill - - - ?---No.
3
4 - - - or Ms Roper - - - ?---No.
5
6 - - - or Ms Brown?---No. Can I - can I say I have this
7 view that if I was going to travel on annual leave and paid
8 for personally - it's not to sound in any way as a form of
9 arrogance but, to be frank, it wasn't anyone's business. I
10 was doing something on annual leave, paid for personally.
11
12 You've previously given evidence that you weren't intending
13 in the future to seek the Premier's approval to go on
14 annual leave?---Correct.
15
16 So do I take it that you wouldn't be indicating or seeking
17 the approval of anyone in government or Parliament to take
18 annual leave in order to travel as the IOI President in the
19 future?---Oh, no, I think what I said - and I don't
20 recollect, but I think what I said in an earlier hearing
21 was at the end of these hearings, um, I had intended to
22 indicate to the Premier's Office writing to the Premier
23 personally that that section should be removed for clarity
24 reasons because I don't think the Ombudsman should be
25 seeking the approval of the Premier to undertake leave.
26
27 **THE COMMISSIONER:** But at the moment that is what is in
28 the terms and conditions?---Well, it says 'may' in the
29 terms and conditions. It's obviously a matter of
30 interpretation.
31
32 Well, you can argue over whether it says 'may' and 'what',
33 but one reading is that you are required to seek approval
34 for leave of absence?---And it's - and it's not in - I
35 mean, it's obviously entirely a matter for you,
36 Commissioner. It's in good faith, not one that I have read
37 is requiring me to.
38
39 But you can't just ignore it?---I'm not intending to ignore
40 it.
41
42 You either challenge it in a court or get the government or
43 the governor to amend it?---And that's exactly - - -
44
45 But until you've done those things, aren't you bound by
46 it?---Well, that's exactly what I intend to do.
47
48 Yes, but until you do that or rather until either a court
49 rules on it or the government agrees, aren't you bound by
50 the terms and conditions?---And I believe I am acting
51 within those terms. I should say, Commissioner, I did
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1 write to the Premier to inform him I had taken leave. So I
2 sent him a letter of courtesy to say I am taking leave,
3 yes.

4
5 Well, I've explored it enough?---Okay.

6
7 The point I'm making is simply that's part of your terms
8 and conditions, and you can't just unilaterally decide
9 whether to follow it or not - - - ?---I agree completely.

10
11 - - - until somebody changes it?---No, I agree completely.

12
13 All right. Thank you, counsel.

14
15 **NELSON, MS:** If I could just take you to your appointment
16 letter from 2012, 0468^.

17
18 0468^

19
20 **NELSON, MS:** And page 2, thank you, which says that you
21 are appointed as Parliamentary Commissioner for the five
22 years from 2012, and you're entitled to leave of absence
23 and travel and other allowances as set out in the schedule.
24 If we go to page 3, and under 'Leave of Absence' it says:

25
26 The Commissioner's entitled to the same periods of
27 annual recreation leave, long service leave, personal
28 leave, calculated in the same manner and subject to
29 the same terms and conditions as a permanent officer,
30 meaning permanent officer under the Public Sector
31 Management Act 1994.

32
33 What were the terms and conditions in relation to taking
34 leave as a permanent officer under that Act?---Well, I
35 don't - don't recollect looking at them. I always read
36 that provision, um, as it meant four weeks annual leave,
37 long service leave is accrued, whatever the personal leave
38 days are - I think it's something like 14 days a year.
39 That is what I took that section to mean. I certainly
40 didn't take that section to say that I should be seeking
41 the approval of the Premier for my leave.

42
43 **THE COMMISSIONER:** Did you check to see what the terms and
44 conditions were?---Ah, I suspect when I first commenced I
45 may well have, but it's such a long time ago now I can't
46 remember, Commissioner. It was certainly my understanding,
47 Commissioner, at every stage in that first decade that it
48 was not a requirement for me to submit leave applications
49 to the Premier.

1 **NELSON, MS:** Your evidence in relation to the next term of
2 appointment starting 2017 was that you were not aware of
3 the requirement that had been put in for you to seek the
4 approval of the Premier to take leave?---Correct.

5
6 And you hadn't read the document. Do you recall having a
7 telephone conversation with a Mr Craig Saliba(indistinct)
8 prior to receiving your appointment letter in 2017?---Ah, I
9 don't have a photo recollection but I'm certainly aware of,
10 um - well, I - the name Craig Saliba is a name I have
11 certainly heard, and I'm sure I've spoken to Craig at some
12 point over the last 17 years or Mr Saliba.

13
14 Is it possible that you discussed with Mr Saliba the
15 changes to the schedule to your appointment in 2017?---I
16 remember having a conversation with Mr - well, with
17 someone, which was about the removal of the, ah,
18 section 4.2, which was the return economy air fare. That
19 was certainly a conversation I had. Ah - um - ah, that
20 being removed from my schedule. I remember that
21 conversation. I don't know what day and I don't have a
22 photo recollection, but I know I had a conversation about
23 that. Um, but otherwise, I don't have any recollection of
24 the conversation.

25
26 Thank you. That can be taken down.

27
28 In the previous couple of days, you've given evidence that
29 you indicated to various senior government officers at the
30 time that you were about to take up the presidency that
31 there would be travel involved - - -?---Yes.

32
33 - - - by yourself, and your evidence on 20 March to
34 Mr Pastorelli was - sorry, your evidence to the Commission
35 on 20 March regarding your conversation with Mr Pastorelli
36 was:

37
38 I remember indicating there would be travel involved.
39 I would try to minimise costs wherever possible.

40
41 Do you remember giving that evidence, Mr Field?---Ah, yes.

42
43 And was that the extent of the conversation with
44 Mr Pastorelli around the costs of travel?---Ah - ah, as I
45 say, I don't have a photo recollection of that particular,
46 um, conversation. I - I do know I had a - a generic, ah,
47 statement that I was making to director generals and CEOs
48 that I was meeting, and that was that I - there would be
49 some travel paid for by the IOI, some travel paid for by
50 members, some travel paid for from consolidated revenue,
51 and I would try to minimise the amount that was being paid

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1 for by consolidated revenue, and that was a conversation I
2 had with a raft of stakeholders.

3
4 Bearing in mind that none of those officers gave you
5 approval to travel. For none of those officers was - was
6 it within their - their role to give you approval to
7 travel?---Oh, completely agreed.

8
9 And you didn't consider yourself beholden to their point of
10 view about whether you travelled or not?---Oh, I didn't
11 consider myself beholden. In fact, I'm clearly not
12 beholden to them. I'm utterly beholden to the parliament,
13 um - ah, but it's - I would have paid very close attention
14 if there'd been an indication this is something that was,
15 ah, considered inappropriate, not something that would be
16 supported, ah, something that, um - ah, they considered to
17 be something that shouldn't be done. I would have paid
18 attention to it. I would have listened to it, and I would
19 have taken it on board, and I would have considered it very
20 carefully.

21
22 Wasn't your evidence this morning that when Mr Pastorelli
23 told you that you should limit your travel in your
24 October 2023 conversation with him - didn't you give the
25 evidence that you thought that was improper of him?---Well,
26 it - yes, absolutely, but he was saying - he - that was on
27 the basis he was saying to me, "It's untenable. You're not
28 allowed to do it. You can't do it. The Premier is saying
29 you continuing as President is untenable". That's very
30 different to what you - to - to the idea that if he, ah, at
31 any stage in - prior to the newspaper article - any stage
32 in the previous two or three years, any person, be that the
33 under Treasurer or the chief of staff, the deputy chief of,
34 ah - the chief staff to the Deputy Premier, the Premier -
35 the Deputy Premier, Ms O'Neill, Emily Roper, ah, Rebecca
36 Brown, anyone had said to me, "What are you doing? This is
37 crazy. You can't be travelling like this. This is - you -
38 you shouldn't be" - if anyone had said that, I would have
39 taken it on board.

40
41 I'm - I'm talking about the - the costs of travel in
42 particular. Did you tell any of those officers the
43 expected cost of the travel to the state for you to take up
44 the - the IOI presidency role?---I don't think I would have
45 given them an exact quantum number and indeed I wouldn't
46 have known, um, because it's dependent upon, um, how many
47 meetings you ultimately attend, um, but certainly they were
48 given voluminous information about the travel I was
49 undertaking. Um, they were aware of the 10,000-euro
50 amount. I made that clear to people. There was 10,000 per
51 year made available from the IOI. Um, I was - I also made

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1 clear that travel could, ah - there was contributions made,
 2 um, from members, um, but they were fully briefed about
 3 every single trip I took. I mean, it beggars, ah - from my
 4 perspective, it would beggar belief that they assumed that
 5 all was going to add up to \$5,000 or something like that.

6
 7 Well, when you say "briefed", Mr Field, you mean you
 8 discussed it in those meetings that you had quarterly with
 9 them?---Yes. That was the point of the quarterly meetings,
 10 to brief them on my travel - oh, sorry, one of the points.
 11 Not the only point.

12
 13 Well, by briefing, you weren't seeking their approval or -
 14 for the action that you'd taken in travelling, were you?---
 15 Oh, no. Correct, counsel, I was not. I was - I was
 16 briefing them about the travel. I wasn't saying, "I'm
 17 seeking your approval for the travel". In fact, many of
 18 those briefings were - of course, were after the fact.

19
 20 **THE COMMISSIONER:** You were just telling them about it?---
 21 Yeah, correct.

22
 23 Good.

24
 25 **NELSON, MS:** There were no actions arising that you had to
 26 be accountable to them for from the travel that you'd
 27 taken?---Not accountable. Um, I certain - ah - um, just to
 28 be - the - the word "accountability" - I would always, um,
 29 ask, ah, whether there was anything in particular they felt
 30 ought to be followed up or I would certainly ask whether
 31 there are things that I shouldn't be doing. That was
 32 particularly with people like Rebecca Brown. So I would
 33 say, "Should - should I not be doing this? Would that be
 34 detrimental to the interests" - - -

35
 36 Well - - -?--- - - - "of the state?"

37
 38 - - - are - are we talking about the six telephone
 39 conversations that you had with Ms Brown?---As an example,
 40 yes. In fact, I can give a very specific example. When I
 41 returned, um, from Vienna, one of the conversations I had -
 42 this was May - about June '22, I actually said to Rebecca
 43 Brown, "Is this something I shouldn't be involved in at
 44 all?" The same with the MOU for Graz, and I had the same
 45 conversation with the Deputy Premier chief of staff, Neil
 46 Fergus. "Is this something I should be doing? Is this
 47 something you want me" - - -

48
 49 Well - - -?--- - - - "involved in?"

1 - - - let - let's be clear. The - the express approval or
2 not from Ms Brown was about the MOU with Graz only?---Oh,
3 without question, that's true.

4
5 Not - nothing to do with the OECD project?---No. Not
6 suggesting that at all, and I - I may well have discussed
7 the OECD project with Ms Brown at some stage, but the
8 predominance of my discussions with Ms Brown were
9 absolutely around the MOU with Styria. That's completely
10 correct.

11
12 Well, Ms Brown has told the Commission:

13
14 I do not recall Mr Field providing me with any
15 information regarding a contract involving the
16 Organisation for Economic Cooperation and
17 Development.

18
19 ?---Well, that's very consistent with what I just said. As
20 I say, the predominance of what I discussed with - I mean,
21 it might have been the sort of things I mentioned literally
22 in passing. I mean, I - I certainly briefed, um, Ms Brown
23 that I'd met with Mathias Cormann because I had it in
24 briefing with her where I called her when I was in, ah,
25 Paris. I called her to say, "I'm meeting with Mathias
26 Cormann", and then when I got back, I called her to say, "I
27 met with him and this is what we discussed", so in that
28 sense - I'm not suggesting Ms Brown is perjuring herself at
29 all, but I certainly discussed the OECD and Mathias Cormann
30 with Ms Brown. That's just a fact, but did I have lengthy
31 discussions with her about the project? I don't believe I
32 necessarily did. Most of my conversations with Ms Brown
33 were focused on the MOU with Styria.

34
35 The - the discussions you had about travel with either
36 Mr Pastorelli or Ms O'Neill or Ms Brown or Ms Roper did not
37 concern the OWA's budget, the use of the budget for travel,
38 did it?---Of course it did.

39
40 Well, I'm suggesting to you it didn't?---Well, I'm
41 suggesting to you that's profoundly - oh - ah, sorry, I
42 mean that respectfully, counsel. I'm suggesting to you
43 that's utterly wrong.

44
45 Could I have 0740, please, which is a transcript from
46 14 September?

47
48 0470^

49
50
51 **NELSON, MS:** And page 47, line 6.

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1
2 Okay, well on this occasion, I'm asking you about
3 letters that you sent to the Premier.
4

5 And you have said that the inference in those letters - so
6 it was a letter, I think, to the Premier, to the Attorney-
7 General, about the fact that you were taking up the
8 presidency, and you've indicated that there was only an
9 inference that you were using state money for the travel,
10 so that can be taken down. So you're now - - ?---Well,
11 before you take it down though, counsel, 18 through to 26
12 is profoundly supportive of the evidence I've given
13 throughout this entire hearing, and the evidence I've given
14 today. I mean, we were quickly going over 18 to 26, but 18
15 to 26 is exactly what I've said today, and exactly what
16 I've said throughout the entire hearing, that I was very
17 clear with every single person I met that there would be
18 costs met by countries I visited, a €10,000 contribution
19 from the IOI would be available annually, and third, that
20 the money would come from the budget of the Office of the
21 Ombudsman to support the travel.
22

23 Amongst multiple sources of funding?---But I think that's
24 very clear, and it's completely consistent with all of my
25 evidence.
26

27 And that is the most - that is all of the evidence, all of
28 the information you gave them, that there would be multiple
29 sources of funding, and some of it would come from state
30 monies?---Yes. I had - I don't want to call it a patter -
31 I had a message I wanted to give to these senior leaders,
32 that - what would be considered the most powerful public
33 servants in the state. And there was that messaging, that
34 there would be multiple sources of funds, one of them would
35 be consolidated revenue. I wouldn't have referred to it as
36 consolidated revenue, I would have referred to it as the
37 budget of the Office of the Ombudsman. It's exactly what
38 I've said there.
39

40 You did not provide any specific estimate of what that
41 might be?---No, I think that's - I think that's a very fair
42 comment - sorry, question.
43

44 **THE COMMISSIONER:** Well the answer is either yes or no?
45 ---I think yes. I think yes.
46

47 It's now nine days, and some of it has been taken up with
48 very discursive answers to questions that could be usefully
49 answered yes or no?---I think you've been extremely with
50 me, Commissioner.
51

1 Well it's beginning to get a little - - -?---And I can tell
2 I'm wearing you thin.

3

4 Perhaps just be mindful. I don't want to stop you making
5 an explanation, because this is important. But many of the
6 questions are either yes/no questions?---I can tell I'm
7 wearing your patience thin, you've been exceptionally
8 patient with me, I appreciate it, and the answer to that
9 question is, um, yes.

10

11 **NELSON, MS:** And you would not have told them what your
12 expected travel plans were during the presidency prior to
13 May 2021, because you would not have known them?---I would
14 have spoken in generalities, I would have certainly spoken
15 in terms of, ah, visiting, ah, six regions, that was an
16 established - well, what I considered at that stage an
17 established basis for, ah, the travel. I certainly would
18 have been speaking about the fact that it involved, ah, at
19 least a meeting to attend the world board, and then
20 additional meetings would be expected of the President,
21 additional travel, so I would have given them that level of
22 information.

23

24 At the time you took up the presidency, the COVID travel
25 restrictions were still in place?---Correct. And is an
26 extremely good point, because I wasn't sure exactly when
27 they would be lifted and what effect that would have.

28

29 And you gave evidence previously on 20 March that if
30 Ms O'Neill had noted a note of caution or pulled you up,
31 you would have paid serious attention to that?---Ah,
32 absolutely I would have paid - Ms O'Neill particularly,
33 because I saw her as the most senior and powerful public
34 servant in the state. Ah, others as well, but Ms O'Neill
35 particularly.

36 And you held her in high esteem?---Ah, I considered her to
37 be a very good public servant, as was her exceptional
38 predecessor Mr Wauchope.

39

40 All right. How does that sit with your evidence prior to
41 lunch that she was one of the people whose job depends on
42 the Premier, and she could receive one call and be gone?
43 ---Because, ah, that's exactly the truth. If you are a
44 mandarin, if you like, a senior public servant, you receive
45 one phone call and that's the end of that, and Ms O'Neill
46 is the one who makes the phone calls in this state, and
47 presumably in her case, it would be the Premier calling her
48 in and saying that was her time up, and that happens to all
49 mandarins eventually. And the only point I was trying to
50 make is it gives them an - I thought it gave them an
51 incentive to perhaps slightly minimise their role in this

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1 as opposed to mine, because I don't have that incentive, I
2 can only be removed by Parliament.

3
4 **THE COMMISSIONER:** Well, let's not beat about the bush,
5 let's not minimise their role, you were impugning their
6 integrity. You were suggesting that because they might be
7 instantly dismissed, they would do other than their duty,
8 tat's the way I understood your evidence?---I didn't intend
9 to - - -

10
11 If I'm wrong, please correct me?---I do want to - well,
12 first of all, I do want to again apologise to you. Um, but
13 that is - I did not intend to go that far. Um, I was only,
14 um, suggesting that, ah, ah, there are a very large number
15 of public servants I spoke to over a long period of time
16 who were voluminously, considerably, and expansively and
17 extensively supportive of what I was doing, and the day
18 after the Ben Harvey article, it stopped, and I would
19 presume those public servants, if they came out and
20 supported me now, would have a very short lifespan in this
21 state. And indeed, I wouldn't be the Ombudsman today if I
22 was accountable to the Premier.

23
24 It doesn't actually respond to what I put to you?---Well, I
25 was trying to limit down the extent to which I was
26 impugning characters, I wasn't intending to do that, but I
27 apologise to you again.

28
29 **NELSON, MS:** Mr Field, do you accept that any public
30 servant, senior or not, can only act on the information
31 that they had available to them?---Oh, yes, correct, I
32 completely accept that.

33
34 And any view on your travel, the appropriateness of the
35 fact that you travelled, or the cost of your travel, that
36 view would only be formed on the basis of a full,
37 transparent knowledge of the cost of that travel to the
38 state?---Correct. I was - I was seeing, ah, Sharyn O'Neill
39 three or four times a year. She was seeing thousands of
40 people a year, um, and, um, I just think it's - my - my
41 memories of those meetings are more - well, are likely to
42 be fairly accurate on the basis that other people are
43 meeting thousands of people, and it would be odd for them
44 to have a perfect recollection of the meetings, or better
45 than mine. I was only there to do one thing, they were
46 there doing lots of things with lots of people.

47
48 But even on your recollection of the meetings with
49 Ms O'Neill, you didn't provide her with a costing of the
50 travel that you had undertaken, or were about to
51 undertake?---The answer to that has got to be yes, that's

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1 correct, remembering I'm giving her a voluminous account of
2 the, um, countries that I've been to, and it's in the
3 context of the briefing that I've given her and many others
4 that some of the costs were coming from consolidated
5 revenue. Well, sorry, the budget of the Office of the
6 Ombudsman. It just was not a secret. People might be
7 wanting to say otherwise now, it was well known to all of
8 these people what I was doing, um, they may wish now to say
9 it wasn't, but it was well-known.

10
11 Well-known that you were travelling, but perhaps not well-
12 known the costs of that travel, nor the fact that the state
13 was paying the majority of it?---I'd not accept that for a
14 second, and it's not consistent with any conversation I
15 ever had with anyone.

16
17 That can be taken down, thank you. Now, on 20 March Mr
18 Porter took you to a letter you wrote to the Minister for
19 Asian Engagement, Peter Tinley, in relation to an MoU
20 between the OWA and the Ombudsman of Thailand. Do you
21 recall that?---Yes, correct.

22
23 You said on that occasion:

24
25 If it had been outside my lane I would have instantly
26 stopped being outside of that lane if any person ever
27 indicated that to me. To the contrary, I was
28 strongly encouraged at every turn to continue down
29 that lane.

30
31 That's the transcript on 20 March, page 42, line 3?---I'm
32 sorry, it's not in front of me. I'm sorry, Commissioner.

33
34 No, I'm not bringing it up?---It's hard for me to follow if
35 it's not there.

36
37 I just want to suggest to you or get your view on the fact,
38 Mr Field, that a memorandum between two Ombudsman
39 institutions about matters such as the exchange and
40 secondment of staff is a matter that is very much part of
41 the OWA's business and your business as Parliamentary
42 Commissioner?---Absolutely I say yes to that, yeah.

43
44 And has very little to do with the IOI or any trade
45 interests or economic benefits to WA?---No, Commissioner, I
46 - Commissioner, I'm so sorry, Commissioner. No, counsel, I
47 don't accept that at all. One of the reasons why I spoke
48 to so many senior public servants about both that MoU and
49 others is because I thought it - because the wonderful
50 nation of Thailand is a significant trading partner of this
51 state, and I thought it was beneficial that the MoU was not

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1 just an MoU of benefit to the Office of the Ombudsman
 2 Thailand, to the Office of Ombudsman Western Australia, but
 3 it represented what is so critical in international
 4 diplomacy, in circles, in trade and cultural, which is
 5 friendships and sharing of information. I don't agree with
 6 that at all.

7
 8 Well, an MoU to exchange staff and knowledge about
 9 Ombudsman work between two Ombudsman institutions is not an
 10 invitation to you to advance WA's trade interests. They're
 11 totally separate, aren't they, Mr Field?---They're
 12 completely and utterly related if what you're doing is
 13 saying to people, um, 'That's what I propose - that's I'm
 14 endeavouring to do with this,' and people aren't dissuading
 15 you from that view and, indeed, potentially encouraging
 16 you. So I can't agree with that.

17
 18 Could I have 0664^ at page 13.

19
 20 0664^

21
 22 **NELSON, MS:** This is a letter to the Attorney-General on
 23 the occasion of your being President elect of the IOI. So
 24 it's from October 2020. And Mr Porter took you to this I
 25 think it was on the 20th - a couple of days ago in fact.
 26 Do you recall that?---Ah, yes. Sorry, yes.

27
 28 Apart from sending this letter to the Attorney-General did
 29 you have any other communication with him about your
 30 presidency?---Oh, I spoke to the Attorney on a regular
 31 basis over several years. I may well have mentioned
 32 aspects of the presidency to him, but I don't have a photo
 33 recollection of that. I can certainly say this to you,
 34 Commissioner, the President of the IOI wouldn't have been a
 35 principal focus of my discussions with the
 36 Attorney-General; it would have been the new functions to
 37 our office.

38
 39 In this letter there's no mention of any expectation or
 40 decision by yourself to travel to all six regions of the
 41 IOI?---No, no, that wouldn't have been something that I
 42 thought germane to point out to the Attorney.

43
 44 There's no mention of how the travel, if you were to take
 45 travel, would be funded?---Well, it wasn't - it wasn't left
 46 out for evasive or dishonest reasons, it just wasn't
 47 something I thought was germane to inform the - the only
 48 reason I was writing to the Attorney as opposed to the
 49 Premier and the Deputy Premier is the Attorney had been
 50 very strongly engaged with my office with the creation of a
 51 raft of new functions, and he was a minister with whom I

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1 corresponded more regularly. It was really a courtesy
2 letter to him.

3
4 Go to page 14, thank you. And you sent a similar letter to
5 the Minister for Asian Engagement. You're nodding your
6 head?---Oh, I'm so sorry. Yes, counsel.

7
8 And you infer that you'll be travelling to Dublin in
9 Ireland as you say:

10
11 I will commence my four-year term as President in
12 Dublin, Ireland.

13
14 ?---Correct.

15
16 But other than that you don't mention travel in any way?
17 ---Ah, no, correct.

18
19 You don't mention funding for travel at all?---Ah, no. As
20 I say, it was - it was a short - it was intentionally a
21 short letter as a matter of courtesy to simply inform
22 relevant key - relevant ministers of my election. I mean,
23 I was not personally proud, but I was pleased that an
24 Australian would - had been the first Australian elected to
25 the IOI, and I was trying to inform ministers in the state
26 that I thought this was a positive thing for Western
27 Australia.

28
29 Could I have page 17, thank you. And similarly, to the
30 Under-Treasurer you don't mention the fact that there will
31 be funding required for travel as the IOI President?---But
32 I subsequently did in meetings with the Under-Treasurer.
33 And this is just a courtesy letter to say, 'Hey, I think
34 this is good, a Western Australian's been elected to the
35 President of an international body.' It was meant to be a
36 courtesy letter informing those people. For the relevant
37 stakeholders in meetings thereafter of course they got
38 those levels of details. I never met with Mr Tinley, um,
39 for example, not that I ever recollect. I certainly
40 haven't met him in his office. I might have met him at
41 some point. So that's as an example. In fact, I think in
42 - he wasn't in that portfolio for very much longer after
43 that time or else I might have met him.

44
45 Thank you, that can be taken down. Your counsel took you
46 to a post on LinkedIn that you posted in relation to your
47 meeting with Mathias Cormann. Could I please have 0365^,
48 page 3.

49
50 0365^

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1 **NELSON, MS:** You recognise this as a post from your
2 LinkedIn account?---I do, counsel.

3
4 And you can see at the top it has 'One Year' in faint
5 font?---I do, thank you.

6
7 So this is an older post than what your counsel took you
8 to?---This was an earlier post, that's exactly correct.

9
10 And in fact you say:

11
12 It was a particular privilege yesterday to meet with
13 the secretary general of the OECD, Mathias Cormann.

14
15 ?---Yes, this must date to around sort of June '22, I
16 think, counsel.

17
18 And further down in the post you say:

19
20 I discussed with the secretary general the work of
21 the International Ombudsman Institute.

22
23 ?---Correct.

24
25 There's no reference to discussing any work of the OWA or
26 any future collaboration between the OECD and the OWA?
27 ---Well, no, but I was writing that LinkedIn post in my -
28 principally in my capacity as President of the
29 International Ombudsman Institute talking about the work of
30 the IOI, and that's what the vast majority of those - not
31 exclusively, but the vast majority of the LinkedIn posts
32 are about. So there's - I think that's an utterly
33 unsurprising thing.

34
35 And in fact you wrote that, it would appear, the day after
36 you'd had the meeting with him?---I wrote, um, either
37 settled text given to me by staff or wrote these
38 personally. And I suspect I either wrote that the night I
39 got back to the hotel or the next morning, correct.

40
41 So it was a fairly contemporaneous account - - - ?---It
42 would have been.

43
44 - - - of what the meeting was about?---It would have been,
45 counsel.

46
47 So I'd suggest that the meeting was about work between the
48 OECD and the IOI exclusively?---No. Once again, that's
49 talking about work from the perspective of the IOI because
50 it's an IOI posting. It's the President of the IOI talking
51 about meeting with the secretary general of the, ah, OECD.

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1 And, of course, at this stage there was no project. There
2 was the germane and the ideas that were developed
3 (indistinct) over several months and indeed, as I turns
4 out, years, um, but I don't think there's anything
5 surprising about the fact I'm writing as the President of
6 the IOI and speaking about the IOI.

7
8 That can be taken down. Thank you. Could I have the
9 transcript from 20 March, which is 0744? Thank you,
10 Madam Associate.

11
12 0744^

13
14 **NELSON, MS:** Page 90 and if we could just perhaps go to
15 the previous page?

16
17 I think you're being asked questions about the Gateway
18 article.

19
20 Just scroll up slightly, thank you, and get the context.
21 And just scroll further down.

22
23 Can you recall that you're being asked questions at this
24 point about the Gateway article about your appointment as
25 President of the IOI?---Ah, yes, I can see that from the
26 text there. Thank you, counsel.

27
28 And you were asked whether you - you composed the article?--
29 --Ah, my recollection of Gateway articles is they ask you
30 to provide text. You provide it to them, they mark it up
31 and send it back to you, and then it's published. I think
32 that happens with all the Gateway articles.

33
34 You can see at about line 2, you say:

35
36 I didn't write it is my recollection.

37
38 Is that still your recollection?---Yes, well, I don't, ah -
39 the - the text is settled by, um - ah - ah, the public
40 sector commission. I'm sure what they do is they ask you
41 to provide a draft though. No denying that whatsoever. In
42 fact, I remember at one point someone gave me one of those,
43 and they marked it up so substantially it was nothing of
44 what we'd actually provide, as I recollect it.

45
46 So do you accept that you wrote the draft that went to the
47 public sector commission - - -?---I think they ask you to
48 write it is my recollection.

49
50 - - - that formed the basis of the post?---Yeah, I think
51 that's right, but it's ultimately, ah, Ms O'Neill's, ah,

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1 email and her post, but I - I think they actually ask you
2 to write the draft and provide it. I think there's a
3 template for it and they ask you to provide it.

4
5 I don't think there's anything further. Thank you,
6 Commissioner.

7
8 **THE COMMISSIONER:** Thank you.

9
10 This brings to an end public examination of the
11 parliamentary commissioner for administrative
12 investigations. It does not bring to an end the
13 Commission's investigation code named Operation Kullen.
14 The Commission names its operations after lighthouses to
15 emphasise the shining of light into dark places. Kullen is
16 a lighthouse in Sweden.

17
18 Operation Kullen began well in advance of any newspaper
19 article and will continue to pursue other lines of inquiry.
20 The fact that the public examination has been conducted
21 does not imply that there has been any wrongdoing by
22 Mr Field. The reasons for conducting this examination in
23 public are available on the Commission's website.

24
25 The role of counsel who has been appointed to assist the
26 Commission is not to prosecute a case, but to gather
27 information from a witness and, if necessary, test that
28 evidence and give the witness a fair opportunity to respond
29 to potentially adverse material. The role of counsel
30 engaged by a witness is to safeguard the rights of their
31 client and to tender evidence, if necessary, that might
32 give an alternative version of facts for the Commission's
33 consideration. I thank both Ms Nelson and Mr Porter for
34 their careful, competent and temperate examinations. They
35 have both greatly assisted the Commission in its search for
36 truth.

37
38 There is a matter of significance I must address. At times
39 the witness, Mr Field, has impugned the integrity of
40 certain public officers. I want to deal with a particular
41 matter. In the course of evidence on 18 March 2024,
42 Mr Field speculated about a relationship between
43 Mr Pastorelli, chief of staff to the Premier, and
44 Ms Saffiotti, Deputy Premier and Treasurer. Mr Field's
45 evidence was, question:

46
47 He says it is possible you may have generally
48 mentioned the fact that you met with the OECD mid
49 2022 in passing, but other than that, he did not
50 know there was a project?

1 Answer by Mr Field:

2

3 That's not correct. It's not true. What is correct
4 is he thought that it was a political problem.

5 That's why he wrote to the Treasurer to get rid of
6 it.

7

8 Then he repeated:

9

10 Well, he wrote to the Treasurer to try and get rid of
11 it, and that's why the Treasurer wrote to me, is my
12 view, but if he thought it was a political problem,
13 only after it was on the front page of the newspaper,
14 not beforehand, so he had no reason to worry about it
15 until then. That's when he started worrying about
16 it, so that evidence doesn't surprise me.

17

18 And then Mr Field further continued:

19

20 And it seems to be passing strange that I sent an
21 email to Daniel Pastorelli about these matters and
22 then magically I receive a letter from the Treasurer
23 about all of these things telling me to stop doing
24 it. That's what I mean, and when I say it's well
25 known, it's reported all the time in the newspaper
26 that that's the case.

27

28 He then further said:

29

30 Well, it's not the first time the Treasurer has
31 interacted with my office in a way that is untoward
32 and it might not be the last. This was one of the
33 many times that it happened, and in relation to that
34 misconduct, I don't think that the Treasurer's letter
35 should be given any particular weight, but that's my
36 view.

37

38 Now, I appreciate that Mr Field was merely speculating
39 without evidence, but I should correct the public record.
40 There is no basis for such speculation. The Commission has
41 information and is well aware of the circumstances that led
42 to the Treasurer's letter to the commissioner of
43 parliamentary investigation's chief financial officer,
44 exercising power under the Financial Management Act to
45 protect the public purse. Mr Pastorelli was in no way
46 instrumental in that action. Moreover, the Commission has
47 information that the Treasurer at all times acted on legal
48 advice from a very senior lawyer.

49

50 Mr Field, I recognise that the last nine days have been
51 difficult for you. It is part of the burden of being a

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FIELD, C.J.

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Epiq

(Public Hearing)

1 high-ranking public officer that from time to time your
2 actions will be subject to intense scrutiny. That does not
3 make it any easier.

4
5 The Commission's jurisdiction is not at large, but is
6 constrained within the Corruption, Crime and Misconduct Act
7 section 4 and the definition there of misconduct. It has
8 no jurisdiction over what might be termed alleged
9 maladministration. That is the Ombudsman's domain.

10
11 I want to assure you, as Commissioner and decision maker, I
12 have formed no view as to whether any aspect of your
13 conduct amounts to serious misconduct. If, at the
14 conclusion of the investigation, I form a tentative view of
15 misconduct, you will be given ample opportunity to respond.
16 You will be fully accorded what lawyers call procedural
17 fairness.

18
19 This morning, you said words to the effect that if an
20 independent commissioner had approached you, you would
21 carefully consider their advice. Having observed you over
22 more than nine days of examination, may I be permitted to
23 make the following observation? You have given significant
24 service to the state over many years. Perhaps it is now
25 time to reflect whether your continuing in the role is in
26 the best interest of the state, or yourself. You are
27 clearly and passionately guided by the Venice Principles,
28 which are undoubtedly principles of best practice,
29 regardless of whether they are law in Western Australia.

30
31 You will be well familiar with Principle 10, part of which
32 reads:

33
34 The term of office shall preferably be limited to a
35 single term, with no option for re-election. At any
36 rate, the Ombudsman's Mandate shall be renewable only
37 once.

38
39 The last years have clearly taken a toll on you. I am in
40 no way suggesting any course of action, but simply suggest
41 that in the light of all circumstances, you take time to
42 take some overdue leave and reflect on what course of
43 action will best serve the state and you. But for now,
44 thank you for your attendance. You are discharged from any
45 further attendance or obligations under the summons, and
46 the Commission will now adjourn.

47
48 (THE WITNESS WITHDREW)

49
50 AT 2.48 PM THE MATTER WAS ADJOURNED ACCORDINGLY

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

The transcript of CHRISTOPHER JAMES FIELD heard on Friday,
12 April 2024:

was made in good faith and, subject to any qualification
referred to below, is correct, accurate and complete
transcription of the contents of the recording;

was produced from recordings that were suitable for
making an accurate and complete transcript except where
otherwise stated in the body of the transcript. Any
"indistinct" or "inaudible" or other notations
indicating difficulty with the transcription contained
within the transcript refers to those parts of the
proceedings that could not be accurately transcribed
due to speech clarity, recording quality or other
factors impacting word intelligibility.

Certified on this 12th day of April 2024 by: Chris Millward,
Joelle Burgess & Melissa Cain

Full Name: Chris Millward, Joelle Burgess & Melissa Cain

Occupation: Transcribers and officers of the Commission
under the Corruption, Crime and Misconduct Act 2003 ss 182,
3 who have taken an oath before the Commissioner.

Signature:
CHRIS MILLWARD
JOELLE BURGESS
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