

Statement of Conclusion of Public Examination of
Christopher James Field

This brings to an end public examination of the Parliamentary Commissioner for Administrative Investigations.

It does not bring to an end the Commission's investigation, code named Operation Kullen. The Commission names its operations after lighthouses to emphasise the shining of light into dark places. Kullen is a lighthouse in Sweden.

Operation Kullen began well in advance of any newspaper article and will continue to pursue other lines of inquiry.

The fact that the public examination has been conducted, does not imply that there has been any wrongdoing by Mr Field. The reasons for conducting this examination in public are available on the Commission's website.

The role of Counsel who has been appointed to assist the Commission is not to prosecute a case but to gather information from a witness, and if necessary, test that evidence, and give the witness a fair opportunity to respond to potentially adverse material.

The role of Counsel engaged by a witness is to safeguard the rights of their client and to tend evidence if necessary, that might give an alternative version of facts for the Commission's consideration.

I thank both Ms Nelson and Mr Porter for their careful, competent and temperate examinations. They have both greatly assisted the Commission in its search for truth.

There is a matter of significance I must address.

At times the witness Mr Field has impugned the integrity of certain public officers.

I want to deal with a particular matter.

In the course of evidence on the 18th of March 2024, Mr Field speculated about a relationship between Mr Pastorelli, Chief of Staff to the Premier, and Ms Saffioti, Deputy Premier and Treasurer.

Mr Field's evidence was:

Question: *He says it is possible you may have generally mentioned the fact that you met with the OECD in mid-2022 in passing, but other than that, he did not know that there was a project?*

Answer by Mr Field---That's not correct. It's not true. What is correct is he thought that it was a political problem that's why he wrote to the Treasurer to get rid of it.

Then he repeated---Well, he wrote to the Treasurer to try and get rid of it, and that's why the Treasurer wrote to me is my view. But if he thought it was a political problem only after it was on the front page of the newspaper, not beforehand. So he had no reason to worry about it until then. That's when he started worrying about it. So that evidence doesn't surprise me.

And then Mr Field further continued---And it seems to be passingly strange that I sent an email to Daniel Pastorelli about these matters, and then magically I receive a letter from the Treasurer about all of these things telling me to stop doing it, that's what I

mean. And when I say it's well-known, it's reported all the time in the newspaper that that's the case.

He then further said---Well, it's not the first time the Treasurer has interacted with my office in a way that is untoward and might not be the last. This was one of many times that it happened ... and, in relation to that misconduct, I don't think that Treasurer's letter should be given particular weight, but that's my view.

Now, I appreciate that Mr Field was merely speculating without evidence, but I should correct the public record.

There is no basis for such speculation.

The Commission has information and is well aware of the circumstances that led to the Treasurer's letter to the Parliamentary Commissioner for Administrative Investigations' Chief Financial Officer exercising power under the *Financial Management Act* to protect the public purse.

Mr Pastorelli was in no way instrumental in that action. Moreover, the Commission has information that the Treasurer at all times acted on legal advice from a very senior lawyer.

Mr Field, I recognise that the last nine days have been difficult for you. It is part of the burden of being a high-ranking public officer that from time to time your actions will be subject to intense scrutiny. That does not make it any easier.

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

I want to assure you as Commissioner and decision maker I have formed no view as to whether any aspect of your conduct amounts to serious misconduct.

If at the conclusion of the investigation I form a tentative view of misconduct, you will be given ample opportunity to respond. You will be fully accorded what lawyers call procedural fairness.

This morning you said words to the effect that if an independent Commissioner had approached you, you would carefully consider their advice.

Having observed you over more than nine days of examination, may I be permitted to make the following observation.

You have given significant service to the State over many years. Perhaps it is now time to reflect whether your continuing in the role is in the best interest of the State or yourself.

You are clearly and passionately guided by the Venice Principles which are undoubtedly principles of best practice, regardless of whether they are law in Western Australia.

You will be well familiar with principle 10, part of which reads:

The term of office shall preferably be limited to a single term, with no option for re-election; at any rate the Ombudsman's mandate shall be renewable only once.

The last years have clearly taken a toll on you.

I am in no way suggesting any course of action but simply suggest that in the light of all circumstances you take time to take some overdue leave and reflect on what course of action will best serve the state and you.

But for now, thank you for your attendance. You are discharged from any further attendance or obligations under the summons, and the Commission will now adjourn.