

CORRUPTION AND CRIME COMMISSION  
OF WESTERN AUSTRALIA

COMMISSIONER JOHN MCKECHNIE AO KC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON TUESDAY, 19 MARCH 2024, AT 9.47 AM

COUNSEL:

MS K. NELSON (COUNSEL ASSISTING)

MR C. PORTER (WITNESS)

WITNESS: CHRISTOPHER JAMES FIELD

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

2  
3 **CHRISTOPHER JAMES FIELD RECALLED ON FORMER OATH AT 09.47**  
4 **AM:**

5  
6 **NELSON, MS:** Thank you, Commissioner. Mr Field, on the  
7 basis of your examination evidence yesterday and the  
8 previous days, I just want to put some matters to you for  
9 comment. So, firstly, I'd suggest you did not direct the  
10 OWA to be the designated project partner on the OECD  
11 agreement until 30 June 2023?---Sorry, I want to make sure  
12 I'm absolutely clear about that, so I might just get that  
13 repeated for me.

14  
15 You did not direct the OWA to be the designated project  
16 partner on the OECD agreement until 30 June 2023?---Ah, no,  
17 that's not, um, completely and totally incorrect.

18  
19 The OECD project proposal was first sighted by you in draft  
20 on 9 January 2023, or thereabouts?---Ah, I'd have to check  
21 my records for that, but late '22 early '23, um, could be  
22 right, but I'd have to check my - to be exactly correct  
23 about that. I mean, to be - make sure I was being  
24 absolutely correct with the Commission.

25  
26 Well, I'll show you an email, 0360^ page 2.

27  
28 0360^

29  
30 **NELSON, MS:** This is a draft of the email that was  
31 eventually sent by Mr Heritage, and it was sent to your EA  
32 for your approval on 9 January, and it attached the project  
33 proposal, which was the first ever time that the OWA had  
34 received the proposal document?---Document - I'm, well I  
35 want to answer the question precisely, so I'll say this, in  
36 an effort to be absolutely precise, I remember discussing  
37 the proposal in a videoconference with the OECD. If that  
38 is the first reduction to writing, that would be correct.

39  
40 Thank you, that can be taken down. Do you accept that the  
41 OWA was not named on that version, or any of the subsequent  
42 versions negotiated between Ms Poole and her team with the  
43 OECD over the next six months?---Ah, no, I don't accept  
44 that at all.

45  
46 Well, if I could put it another way. Do you accept that  
47 the OWA was first named in the project proposal annexed to  
48 the grant agreement received by you on 18 August? I showed  
49 it to you yesterday?---Well, ah, no, I absolutely don't  
50 accept that either.

1 Well, on the basis that the records do not show the OWA to  
2 be on any version of the grant agreement until 18 August,  
3 when the OWA was substituted for the IOI, remember I showed  
4 you that yesterday?---Mm-hm.

5  
6 I want to suggest to you that because that was the first  
7 time that the OWA appeared on the grant agreement, it did  
8 not occur to you to ensure compliance with any obligations  
9 under the WA procurement legislation until that point?  
10 ---No, not only is that profoundly wrong, it's provably  
11 wrong.

12  
13 Do you accept that under your own financial management  
14 manual that I took you to on the previous round of public  
15 examinations that invoices received by the OWA are to be  
16 paid by your finance team ordinarily?---Yes, the finance  
17 team would approve payments, correct.

18  
19 And do you accept that invoices paid by the OWA are  
20 normally approved for payment by a certifying officer  
21 approved by the CFO under your delegations?---Um, no I  
22 don't accept that. The payments are paid by the officer,  
23 ah, to whom it's appropriate under the delegations,  
24 depending on the nature of the particular charges being  
25 incurred, and that would depend on the quantum and other  
26 matters that are otherwise set out in the delegations  
27 register.

28  
29 Well, could I have 0550^ page 55?

30  
31 0550^

32  
33 **THE COMMISSIONER:** Sorry, that number again?

34  
35 **NELSON, MS:** 0550^, page 55, thank you. So, this is a  
36 delegation instrument of the OWA. Can you see in the  
37 middle of the screen that the CFO can approve incurring  
38 officers and certifying officers?---Mm-hm.

39  
40 If we go to page 42, and again, CFO can approve the  
41 appointment of incurring officers and certifying officers?  
42 ---Yes.

43  
44 But you say that this delegation wasn't relevant in  
45 relation to this particular procurement, are you?---No, I  
46 didn't say that at all, counsel. Or if I did, I certainly  
47 didn't intend to. What I'm saying is, that's the CFO  
48 approving, um, certified officers. Obviously those  
49 certified officers, ah, then approve procurements. Of  
50 course, none of that alters the fact that, um, for example,

1 the Ombudsman could certify a procurement at any stage.  
2 Self-evidently. But, um, no, I think that's transparently  
3 clear what that means.

4  
5 Do you accept then that ordinarily invoices received by the  
6 OWA would be paid after whoever is the certifying officer  
7 has seen some evidence of the procurement that has preceded  
8 the invoice?---Ah, yes, there would need to be some form of  
9 evidence that could be - well, yes. Now, what that form of  
10 evidence will be will vary depending on the, um, payment,  
11 but the answer to that would be yes.

12  
13 And in fact, that's in your financial management manual.  
14 Could we have 0421^ page 45?

15  
16 0421^

17  
18 **NELSON, MS:** So, under the heading 'policy', in accordance  
19 with the Treasurer's instruction 304:

20  
21 It is the responsibility of the incurring officer to  
22 approve payment for processing to the certifying  
23 officer.

24  
25 And then a bit further down:

26  
27 At a minimum, documentation for processing of payment  
28 should include evidence of authorisation for  
29 purchase, compliance with GST, receipt of goods or  
30 services and/or approval for payment.

31  
32 And if we could just scroll up?---Sorry counsel, is this  
33 the same document number, or - - -

34  
35 It is 0421^?---I'm sorry counsel, but I - - -

36  
37 So, prior to anyone signing off on an invoice to be paid,  
38 your own policy says at a minimum, there has to be some  
39 documentation in accordance with those dot points?---Mm,  
40 and that could be a couple of sentences through to  
41 something more, that's exactly correct.

42  
43 Was the procurement memo that you tasked Ms Poole with  
44 drafting to be the evidence of those dot points at a  
45 minimum to persuade Ms Marsh and her finance team to pay  
46 the OECD invoice?---Ah, I wasn't in the business of  
47 persuading anyone, counsel, I was preparing a procurement  
48 memo, um, which was a compilation of an extensive  
49 procurement that had happened over a couple of years.  
50 That's what the procurement memo was doing.

1 What was the process within your office that was to occur  
2 for the money to actually leave the state of Western  
3 Australia and arrive in the German bank account?---Ah, it  
4 would have been, um, ah, something along - an email  
5 combined with a, ah, perhaps a pro forma form, something  
6 along those lines.  
7  
8 Well, why did you not just do that in order to get it paid,  
9 use a pro forma form?---But they're two entirely separate  
10 concepts. Um, ah, with respect, counsel. One is the  
11 procurement of services, and the other is the payment of an  
12 invoice.  
13  
14 I'm asking you what the process was that you were going to  
15 employ or use to actually pay the invoice. How were you  
16 going to make sure that the funds actually landed in the  
17 German bank account?---For me as the CEO, I would have  
18 called in, um, my assistant ombudsman and said, um - - -  
19  
20 Meaning Ms Marsh?---Yes. Um, saying this invoice needs to  
21 be paid.  
22  
23 And would you needed to have provided her with some  
24 background and evidence of what the invoice related  
25 to?---Correct. The procurement memo.  
26  
27 And was that the procurement memo?---Correct.  
28  
29 Thank you. That can be taken down?---Well, I didn't need  
30 to but it's something I would have been inclined to want to  
31 do.  
32  
33 Well, I just asked you what you needed to do, Mr Field, and  
34 you offered that. If you didn't need to provide her any  
35 evidence, how would you have got it paid? You just would  
36 have asked her and she would have taken the bit of paper  
37 and paid it?---Um, could I have called in my finance  
38 officer and said, "Here's an invoice to pay", um, and could  
39 the, ah, finance officer have paid it on that basis? Well,  
40 of course you could have. Um, would I have thought that's  
41 something that I would want to do? No, I wouldn't want to  
42 provide her, um, the background information. That wouldn't  
43 have necessarily been the procurement memo. It could have  
44 been a separate memo about the background information of  
45 the report. But since it was contained in the procurement  
46 memo, that was the sensible thing to provide.  
47  
48 Well, I want to - - -?---It was certainly efficient.  
49

1 I want to suggest to you, Mr Field, that you knew at the  
2 time that Ms Marsh would not pay an invoice for that amount  
3 of money without some kind of knowledge or background or  
4 some documentation to support what the invoice was relating  
5 to?---Yes, correct. Um, ah, well, you talk about that  
6 amount of money, um, ah - - -

7  
8 **THE COMMISSIONER:** Well, you've agreed that the  
9 proposition counsel put to you is correct. You just  
10 agreed?---Yeah. Well, I - I - Commissioner, it's only to  
11 say to this - - -

12  
13 Well, it was a question - - -?---All right.

14  
15 - - - which was asked?---Well, then I'll say - I'll say no,  
16 that's not - - -

17  
18 Well, you just said yes?---Well, because, Commissioner,  
19 it's - it's, um - if it's specific to our organisation,  
20 then the answer would be yes. If it was in a very large  
21 department - - -

22  
23 Well, we're only dealing with - - -?---Oh, okay.

24  
25 - - - your organisation?---All right. In that case -  
26 sorry. Oh, Commissioner, I - it's no way I want to be  
27 careless about it. I was just trying to be specific about  
28 what a finance officer might require to - to pay an  
29 invoice. Um, in our organisation - - -

30  
31 No?---Oh.

32  
33 You've answered the question - - -?---Yes.

34  
35 - - - and you've agreed with it - - -?---Yes.

36  
37 - - - I think.

38  
39 Yes.

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

42  
43 So you settled the procurement memo before Ms Marsh saw it  
44 in that 0114^ that we looked at yesterday?---Yes.

45  
46 You used Ms Poole's previous iteration of the document as  
47 the basis?---Ah, yes.

48  
49 And your settled version 0114^ I suggest attempted to  
50 create the stronger connection with WA functions by

1 referencing the Ombudsman of Western Australia rather than  
2 just OIs or Ombudsman's Institutes?---Well, not for the  
3 reason you're suggesting it didn't. Not - not - not in any  
4 way whatsoever.

5

6 And you inserted the statement in relation to Western  
7 Australia's indigenous communities. You said yesterday it  
8 was a - a recent invention?---Well, I think you're using  
9 recent invention as - - -

10

11 **THE COMMISSIONER:** No, you used it yesterday?---Yes, but I  
12 didn't use it as a pejorative which I think is the way it's  
13 being used with me. Um, um, no, I didn't use it as a  
14 pejorative as you're using the word recent invention, I  
15 think. Um, um, this was a process that, ah, as I say  
16 commenced in June 2022. It was iterative along the way. I  
17 had further ideas as they developed along the way.

18

19 **NELSON, MS:** Right. And that further idea was very  
20 recently prior - just prior to you settling the 0114^?---I  
21 had all - I had ideas all along the way about ways to  
22 improve that project. Not the procurement, the project.

23

24 And I want to suggest to you that when you applied for the  
25 streamline budget process funding of \$203,000, you intended  
26 only to use about 12 per cent of that or \$25,000 for the  
27 OECD project. At the time you applied for it from  
28 mid-January, you attended - intended only to use a small  
29 portion of that?---That's just profoundly untrue.

30

31 I'll take you to a contemporaneous document of yours,  
32 0406^.

33

34 0406^

35

36 That's an email from yourself to Ms Poole?---Yes.

37

38 January the 16th, 2023.

39

40 If the 203 comes through, we'll allocate it this way.  
41 Half of Natalie's salary -

42

43 And that's Natalie Fisher, correct?---Correct.

44

45 - \$75,000 for travel and \$25,000 provisionally  
46 allocated to OECD.

47

48 ?---Mm.

49

50 As at January the 16th, it was only your intention to use

1 \$25,000 of that entire SBP funding for the OECD project?---  
2 Well, sure. And in - in - and in January 16th, 2019, I  
3 didn't even know I was doing the project.

4  
5 **THE COMMISSIONER:** Well, we weren't asking you about that  
6 date. We're asking you about this date?---Well, but it's  
7 relevant because it's - it's all about the fact that this  
8 continued to be a project of development. At that stage,  
9 we were in discussions about the possibility of doing some  
10 of that project by a, um, procurement of services - so  
11 contracting out - and doing some of that work, um, in  
12 house. And that was a development of the project that we  
13 decided we wouldn't proceed - that we would actually  
14 contract the entire project out. So true as it may be back  
15 then, it certainly wasn't true by the time we got to the  
16 point of the procurement of the project.

17  
18 Mr Field, I wish you would listen to the question and  
19 respond to the question. The question was quite specific  
20 and it was about this memo at 16 January 2023, not what it  
21 was before, not what it was after. Now, as at the January,  
22 was \$25,000 all that you had planned to spend from the  
23 SPD?---Yes. As of that date, yes.

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

26  
27 As at that date, you did not intend - or as at that date,  
28 you did not know whether the OWA would be funding all or  
29 part of the project?---So I did not know whether it would  
30 be funding all or part of the project. It was - it - I  
31 don't recollect what discussion we had about our funding of  
32 the project at that stage.

33  
34 As at 16 January, you had not received any budget from the  
35 OECD?---No.

36  
37 Thank you. That can be taken down. Prior to signing the  
38 OECD grant agreement in August 2023, you did not brief any  
39 senior member of government that you were intending to  
40 commit OWA to the agreement that you had just signed?---  
41 I've been briefing, um, ah, senior members of govern about  
42 the OECD project throughout the entire period.

43  
44 You had not briefed them on any detail as to the proposal  
45 or provided them with a copy of it?---Well, no. You're  
46 right, I hadn't done that.

47  
48 And you hadn't provided them with any details as to the  
49 proposal?---No, I hadn't done that.



1 And you didn't give them any ongoing briefings during the  
2 first half of 2023 as to the progress of the negotiations  
3 with the OECD?---No. And that's completely not true. Um,  
4 I gave all relevant parties briefings about the intention  
5 of that project, ah, with whom, what it was going to  
6 achieve or what I hoped it would achieve, and its value to  
7 Western Australia. And that was the whole reason I was  
8 briefing them about it.

9  
10 If we could go to 0109^.

11  
12 0109^

13  
14 So if we start at page 4, so this is the period of time  
15 when you have settled the procurement memo 0114 and you are  
16 sending it to Morgan Marsh. The bottom of page 4 perhaps  
17 over to page 5, thank you. So:

18  
19 Attached is the procurement memo for the OECD  
20 project. It's essential it receives all required  
21 sign offs from certifying officers exactly in  
22 accordance with the procurement rules. You have  
23 password protected it.

24  
25 So I ask you again, was the purpose of you giving the  
26 procurement memo 0114^ to Ms Marsh to ensure that the  
27 invoice was paid in accordance with the usual OWA process  
28 of using a certifying officer?---No. The answer is  
29 absolutely no. I had been indicating, um, ah, the need  
30 that this was a procurement and the need for the  
31 procurement since the - at least the commencement of 2023,  
32 and, um, that procurement memo hadn't been done, um, and  
33 the procurement memo needed to be done. It's true that the  
34 receipt of the invoice was a catalyst for me to take that  
35 project myself and finalise it. That's true. But the idea  
36 that I hadn't been indicating this needed to be done and it  
37 was a procurement project, um, is profoundly untrue.

38  
39 What was the purpose of CC-ing Ms Poole into your email?  
40 ---I think because she'd been working on the procurement  
41 project. She was also my chief of staff and would be  
42 regularly CC'd into almost all my correspondence.

43  
44 Now, this - there's a chain of emails between you and  
45 Ms Marsh if we just scroll up in which Ms Marsh asks some  
46 questions. She asks you what the purpose of the memo is,  
47 requests that there's - it's further clarified. And if we  
48 could go up to the next big email at the top of  
49 page 2 - - -

50

1 **THE COMMISSIONER:** Let me know at any stage, Mr Field, if  
2 you wish to read something and it's moving too fast?---  
3 Commissioner, thank you so much. I'm okay with it at the  
4 moment but I appreciate that.  
5  
6 **NELSON, MS:** Just give you a minute to read what's on the  
7 screen?---Oh, this one here? Thank you. Yes.  
8  
9 If we could just scroll slightly up so we can see your  
10 response which is in red?---Mm hmm.  
11  
12 Thank you. You say:  
13  
14 I'd like to go a step further and personally certify  
15 that at each stage of the procurement the procurement  
16 rules were met and that immediately after that  
17 certification it is noted this applied to the scoping  
18 and negotiation and specifically cross-reference. I  
19 simply repeat the evidence of this that is otherwise  
20 in the file note and the attachments.  
21  
22 Are you saying that you did a written certification at  
23 certain periods of time during the lifetime of the - of the  
24 procurement to date? Are you saying you did some written  
25 certification after the scoping?---All I'm trying to say  
26 there is, ah - and perhaps, um, reflective of the  
27 Commissioner's comments about good governance yesterday,  
28 beyond the Procurement Act and procurement rules that  
29 wouldn't require me to do that, I was trying to indicate  
30 that as the CEO and the authorised officer that I was  
31 noting at each stage of the procurement that as something  
32 of which I was aware, um, the appropriate documents that  
33 were required under the Act and the rules had been  
34 understood and cited by me, and it was signing that.  
35 That's all I was trying to say.  
36  
37 And that written note was the actual procurement at - - -?-  
38 --Yes, correct.  
39  
40 - - - 0114^?---Correct.  
41  
42 There was no earlier certification record by yourself?---  
43 No. There was the Procurement Act and the attachment to  
44 the - sorry, the procurement memo and the attachments to  
45 the memo. And the - and the memo attachments were the  
46 contemporaneous documents.  
47  
48 And if we could scroll down, thank you, to see your answers  
49 to the rest. I'll just give you a minute to look at that?--  
50 --Yes. At the time, did you have some familiarity with the

1 simple contract template that you refer to?---Correct. And  
2 - and the other - and the other contract templates as well.  
3 That's one of them. And Ms Morgan says that it needed to  
4 be registered on Tenders WA?---Correct.

5  
6 Has that since been done?---No, it hasn't been, and that  
7 was because of the receipt of the letter from the  
8 treasurer.

9  
10 And you nominate yourself as the contract manager?---  
11 Correct.

12  
13 **THE COMMISSIONER:** An arrangement's been made to put it on  
14 Tenders WA?---Yes. Ah, well, sorry. It was my, ah - I  
15 mean, this is no criticism of my staff at all. My  
16 intention that it would go onto both Tenders WA - and  
17 indeed, there's a second requirement, Commissioner, onto  
18 the exemption register. So those two matters.

19  
20 Well, it's not on either. But there's a time limit for  
21 putting it on Tenders WA?---Correct.

22  
23 So what steps were taken by you to have it put on  
24 Tenders WA?---It was my understanding that after this  
25 correspondence it was going to be done, but it wasn't done.  
26 But I make no criticism of staff. That I still accept  
27 responsibility.

28  
29 **NELSON, MS:** Do you accept, Mr Field, that at this time -  
30 so we're now talking about 25 October - that the CFO was  
31 not aware that the contract had already been signed?---I'm  
32 not aware about what the CFO'S knowledge was about that,  
33 um, at that time. I have some recollection there might  
34 have been some email exchange about that, but I have to say  
35 I don't have a photo recollection of that.

36  
37 Do you accept that later during November you found out that  
38 the CFO was not aware of the signed contract as at  
39 25 October?---As I say, I can't say I have a photo  
40 recollection but I do have some recollection of an email  
41 exchange about that.

42  
43 If we have 0160.

44  
45 0160^

46  
47 So this is the initial letter received from the treasurer  
48 on 6 November. Do you recall having a meeting in the  
49 office with Ms Morgan and Mr Heritage on that day?---No, I  
50 don't have a recollection of that meeting on that date.

1 I'm not saying it didn't happen, I just don't have a  
2 recollection of it.  
3  
4 Do you recall what time of the day you received this copy  
5 of - - -?---No.  
6  
7 - - - the letter?---No, I don't. Sorry.  
8  
9 It's addressed actually to the CFO, isn't it?---It is.  
10 Correct.  
11  
12 Do you accept that you saw the letter on 6 November?---I  
13 don't recollect that either. I certainly saw it, um, and I  
14 presume it was on or about the day it was received, but I  
15 don't have it. I just don't have that recollection.  
16  
17 The Commission has an email from Ms Morgan to yourself at  
18 4.38 pm attaching the letter. Would you accept that?---  
19 It's very likely I saw it on or about that time.  
20  
21 And later that evening you then emailed Ms Marsh. Do you  
22 recall - do you recall that?---I don't. Sounds like  
23 something I would have done.  
24  
25 Do you recall who you talked to after you were sent a copy  
26 of this letter?---No, I don't.  
27  
28 Could you have talked to Ms Poole about it?---It's  
29 possible. I actually don't have a recollection.  
30  
31 Did you talk to Ms Poole about most things?---Ah - - -  
32  
33 To do with OWA work or IOI work?---Oh, yes. We've spoken  
34 regularly about, ah, most things. As I - I just don't have  
35 a recollection of that particular - don't have a  
36 recollection of actually speaking to Ms (indistinct) or  
37 even the email you're referring to.  
38  
39 As at 6 November Ms Poole was on extended leave having gone  
40 on leave on 1 November?---Correct.  
41  
42 Does that assist you with your recollection as to whether  
43 you spoke with her?---I - no, it doesn't. I do know while  
44 she's been on extended leave my contact with her has been  
45 very limited.  
46  
47 Sorry, your contact had what?---Been very limited.  
48  
49 Limited?---Mm.  
50

1 What do you classify as limited contact?---Well, highly  
2 infrequent.

3

4 **THE COMMISSIONER:** Sorry, highly infrequent is what you  
5 said?---Yes.

6

7 **NELSON, MS:** Would you be surprised if I told you that on  
8 6 November you spoke with Ms Poole on the phone over  
9 several phone calls for a total of about 137 minutes?---Ah,  
10 well, as I say, we would speak regularly, um, about all  
11 matters to do with - well, she was my chief of staff, we'd  
12 speak regularly about all matters.

13

14 Could I have 0592^.

15

16 0592^

17

18 **NELSON, MS:** Thank you. 0592^ is call-related data  
19 between A Party - the person making the call - and then in  
20 the next column we've got who that subscribed number is  
21 held by?---Mm'hmm.

22

23 And B Party is the person to whom A Party is making the  
24 call. And you can see towards the right of the screen, the  
25 third-last column, the duration of each call. So on the  
26 morning of 6 November you spoke to Ms Poole, third row  
27 down, for just under three minutes. So that's 178 seconds,  
28 just under three minutes. You spoke to her again at  
29 2.28 pm for 39 minutes. And then after you received the  
30 email from Ms Marsh attaching the letter from the treasurer  
31 - so from 5 pm until 6.58 pm you spoke to Ms Poole on four  
32 occasions. Can you see that?---Yes.

33

34 So the first occasion was only seven seconds, and then at  
35 5.03 pm 84 minutes, then at 6.29 pm at 26 minutes, and then  
36 at 6.58 pm 27 minutes?---Yes.

37

38 Does that assist you to recall what you were discussing  
39 with her?---Absolutely not. We would have had thousands of  
40 phone calls over the six or seven years that she was  
41 working with me.

42

43 But at this time she was on extended personal leave, wasn't  
44 she, Mr Field?---I can't remember when that extended leave  
45 actually started.

46

47 It started on 1 November?---Ah, in that case the answer is  
48 yes. I knew it started on or around that time.

49

1 Actually, it might have started two days before that?---  
2 Yes, my recollection is it started late October to - so  
3 that would certainly make sense.

4  
5 And in fact Mr Heritage was acting in Ms Poole's position I  
6 think from 31 October. Does that assist?---Er, well, I  
7 think that assists in - in establishing that, um, Ms Poole  
8 was on leave, correct.

9  
10 During the period of time you were on the phone with her  
11 after you had received the treasurer's letter she sent you  
12 several emails attaching email correspondence between  
13 herself, Mr Heritage, Ms Fisher, and the OECD and the IOI?--  
14 --Yeah.

15  
16 Do you recall that?---Oh, no, I don't, but I accept that  
17 you - accept your - accept it was done.

18  
19 It was about a total of five emails attaching historical  
20 email communications. You agree with that?---I'm - I'm  
21 accepting if you're telling me that was done, that was  
22 done.

23  
24 Do you recall what you did with those emails?---No, I do  
25 not.

26  
27 Could I have 0584^.

28  
29 0584^

30  
31 **NELSON, MS:** So having received an email from Ms Poole at  
32 6.53 pm on November 6, you forwarded it to Ms Marsh and the  
33 CFO and Belinda West and Ms Gartland very early the  
34 following morning, so at 12.45 am on 7 November. You're  
35 nodding your head, Mr Field? Sorry, for the transcript you  
36 have to actually say something?---Oh, no, I'm - - -

37  
38 You accept that?--- - - - just reflecting on the hours I'm  
39 working. Um, yes, 24 - that's in the morning. That's  
40 exactly correct.

41  
42 And then if we could have 585^.

43  
44 585^

45  
46 **NELSON, MS:** A few seconds later you forwarded on another  
47 email to Ms Marsh - - -?---Correct.

48  
49 - - - and the CFO that you'd received also the previous  
50 evening from Ms Poole?---Correct.

1 0586^.

2

3 0586^

4

5 ?---Correct.

6

7 In fact, this was probably the one I should have led with.  
8 This was the first in the chain. So it's 12.44.23 am. So  
9 you say to Ms Marsh:

10

11 This is an attachment for the letter to the treasurer  
12 as are the next emails. All of the emails to Kyle  
13 are also attachments.

14

15 ?---Yes.

16

17 So the purpose of you forwarding on these emails is for a  
18 response to the treasurer to be collated?---Yes. So now  
19 you've shown them to me, it's absolutely, ah - so I do not  
20 have a photo recollection of that particular phone  
21 conversation, I do not, um, nor do I of those exchanges.  
22 But it appears, um, from what was - from these emails is  
23 the call that I made was there was a whole raft of, um,  
24 contemporaneous emails that went to, um, the procurement of  
25 the OECD project. 'I don't have a copy of them, can you  
26 send them through to me?'

27

28 And could we have 0587^.

29

30 0587^

31

32 **NELSON, MS:** So a later email you forwarded on - - -?---  
33 Yes.

34

35 - - - a few seconds later at 12.44.49 am?---Yes.

36

37 And then the last one 0588^.

38

39 0588^

40

41 **NELSON, MS:** The last of the emails that you forwarded  
42 on?---Not sure if it was the last for the night, but that  
43 was the last of those, I accept that.

44

45 During the telephone calls that you had that night with  
46 Ms Poole - that is the night of 6 November - did she  
47 express any concern to you about the letter you'd received  
48 from the treasurer or any concern about the OECD project  
49 itself or the invoice?---Ah, I don't have any recollection  
50 of that at all. I actually don't recollect the phone call.

1 Did she tell you not to go ahead with the project at any  
2 stage in November?---Um, I think she was - had a general  
3 concern about, um, the project from probably the very start  
4 of the project, um, not just at that stage but right from  
5 the very start.

6  
7 When you say 'the very start of the project', when are you  
8 referring to?---Oh, going back to, you know, 2022 all the  
9 way through.

10  
11 So she expressed concerns to you way back in 2022?---Yes.  
12 Not about it being corrupt; she expressed - - -

13  
14 I'm just asking you a simple question, Mr Field. Did  
15 Ms Poole express concerns - - -?---Well, yes, she - - -

16  
17 - - - to you about the OECD project?---Yes, she did. And I  
18 can tell you what the concern was.

19  
20 Yes?---It was too much work.

21  
22 Was there any other concern?---That was the concern she  
23 had, that we were taking on too much work.

24  
25 And when did she say that to you in 2022?---Oh, I think she  
26 said it to me regularly all through 2023, 'Are we taking on  
27 too much work? Is this too much work?' Those were the  
28 concerns she expressed to me. And she did so I think in a  
29 very well-meaning and good-hearted way.

30  
31 And did she say anything more about what she meant by that  
32 comment? Did you ask her to explain it?---Well, we were  
33 just so busy. We were just exceptionally busy. We had no  
34 staff. There was myself and Rebecca in the team and we had  
35 so much work we were doing, not just IOI work but ombudsman  
36 policy work. We were frantically busy. Despite the very  
37 important headline that ran nationally about me working  
38 36 days in a year, in fact what I was happening throughout  
39 2023 is working, ah, all-nighters on a regular basis well  
40 past midnight to keep up. She was concerned about the work  
41 that was being done - the amount of - sheer amount of work  
42 that was having to be done by the office. She wasn't  
43 concerned about the OECD project in any substantive way,  
44 not that she expressed to me.

45  
46 So her concern was about the amount of work she was doing  
47 and her team - - -?---And me.

48  
49 - - - at the OWA?---And me. She was expressing that  
50 concern for me as well.



1 And also about the amount of work her team were doing at  
2 the OWA?---No, she didn't have a team.

3  
4 She had Ms Fisher for a portion of 2023?---Oh, a very small  
5 portion of the year. Um, but the vast majority of the  
6 year, um, the work that was being done was the work being  
7 done by myself and by her.

8  
9 Ms Fisher was in the office from February to the end of  
10 June 2023?---Yes.

11  
12 And during that time she's told the Commission she spent  
13 most of her time doing IOI work?---She spent some of her  
14 time doing IOI work, that's certainly true. I don't know  
15 if it was most of it, but it would have been a good - it  
16 would have been a good time - a good portion.

17  
18 And there was Ms Italiano-Schmidt as well - - -?---Correct,  
19 correct.

20  
21 - - - who spent most of her time in the office doing  
22 IOI-related work in 2023?---Um, she did a raft of policy  
23 work including IOI work quite properly, quite  
24 appropriately.

25  
26 And Mr Heritage at various times during 2023 did IOI work?--  
27 --He did. Mr Heritage we were trying to keep as much as  
28 possible into the own motion investigation area of the  
29 office where he spent time.

30  
31 **THE COMMISSIONER:** Sorry, I didn't hear any of that.  
32 Could you repeat it, please?---Oh, sorry. Um, Mr Heritage,  
33 I was very keen for him to work in the own motion  
34 investigation area, the major investigation area. But I  
35 certainly don't suggest, counsel, they weren't working that  
36 area, um, and that some of their work was dedicated to IOI.  
37 And that was quite proper and quite appropriate.

38  
39 **NELSON, MS:** So when Ms Poole expressed to you on those  
40 many occasions during 2022 and 2023 that the OECD project  
41 was too much work, what was your response?---Ah, well, I  
42 think I had multiple responses. One was, um, that people  
43 have been saying it's too much work for my career, and we  
44 manage - beyond the Ombudsman's office. And second of all,  
45 um, that a good portion of the OECD project was proposed to  
46 be in fact actually a procurement. It was - it was  
47 contracting out of services, say, for example, the way  
48 we're doing the charitable trust investigation work at the  
49 moment. So I didn't think, um, it would be an excessive  
50 amount of work for our existing staff.

1 So did you reassure her that it was not going to be an  
2 excessive amount of work?---Ah, I - well, I certainly would  
3 have said that to her, correct.

4  
5 Going back to November 2023, did Ms Poole express to you  
6 that because of the political situation and the fact that  
7 government was not supporting you that you should not do  
8 the OECD project?---Um, I think she might have said  
9 something along those lines to me, yes. I don't have a  
10 photo recollection of when or the exact words or  
11 terminology she would have used but, um, I think she  
12 probably would have said something like - as I say, I don't  
13 know when. I don't have an exact recollection of the  
14 words, but it does ring a bell with me now you say that she  
15 said something like that.

16  
17 So it's not something that you thought was particularly  
18 noteworthy that your chief of staff thought you shouldn't  
19 continue with a project?---Noteworthy? Well, I don't want  
20 to be critical of Ms Poole. It was an outrageous idea.

21  
22 Outrageous idea to not go ahead?---Of course.

23  
24 Why?---Why? Because the Ombudsman is independent of the  
25 government of the day. It would be utterly outrageous,  
26 totally derelict in every possible oath and duty I have  
27 signed in terms of not only the oath I take before  
28 parliament in terms of my service - exclusive service to  
29 parliament, the United Nations Resolution, the Venice  
30 Principles, that I would do a project because it was  
31 annoying government. I mean, that's - no ombudsman in the  
32 world would be able to exist if that was the basis they  
33 undertook their activities.

34  
35 Did you reply with that response to Ms Poole?---Yes, I  
36 think I was fairly clear with her about my response, yes.

37  
38 **THE COMMISSIONER:** Mr Field, I just want to put on record  
39 as a person who has held several independent offices under  
40 government in the course of my career, there is a great  
41 difference between independence and accountability, and  
42 they should never be elided?---Well, Commissioner, that is  
43 just a profoundly incorrect statement in my view.

44  
45 So do you equate independence with non-accountability?---  
46 No, quite the opposite. And it goes to exactly the opening  
47 points this counsel made at the start of this process which  
48 is about independence and impunity. I equate independence  
49 as total independence from the government of the day and  
50 absolute - absolutely complete and total accountability,

1 subservience, and a servile relationship to the Parliament  
2 of Western Australia. If the Parliament of Western  
3 Australia had told me not to do this project, the Standing  
4 Committee on Public Administration had told me not to do  
5 this project, the parliament or any of its committees - the  
6 Privileges Committee had told me not to do this project, I  
7 would have stopped doing this project instantaneously.  
8 That I am absolutely, completely - completely, um, never  
9 acting with impunity; I am acting as a servant of the  
10 parliament. But I absolutely am acting independent of the  
11 government of the day.

12  
13 Very well.

14  
15 **NELSON, MS:** At what stage is the project at today,  
16 Mr Field?---Um, it is as of today hasn't, um, progressed,  
17 um, and that is because there was a letter received from  
18 the treasurer. But there is a second reason I haven't  
19 progressed the letter, and that is because, um, of my  
20 respect for, well, um - this is well known; I have a  
21 respect for the Commissioner personally, that is the  
22 Corruption and Crime Commissioner, but I also have a  
23 respect for this Commission. And I just simply did not  
24 think it was respectful to the Commission, um, to proceed  
25 with the contract on the basis that it was currently the  
26 subject of a matter of inquiry.

27  
28 So has the contract been terminated?---No, it hasn't been  
29 terminated. I haven't paid the invoice.

30  
31 So it's on hold for the time being?---Correct, correct.

32  
33 Did Ms Poole ask you to take her off any activities to do  
34 with the OECD project?---She did. She was subsequent to,  
35 um, the newspaper articles, um, and the front page of the  
36 newspaper very concerned about - and - and properly and  
37 understandably, in my view, very concerned about her  
38 association with all matters to do with the IOI. Not just  
39 this; all matters to do with the IOI. And I respected that  
40 utterly and completely.

41  
42 The media articles were at the beginning of October, and  
43 we're now talking about the beginning of November. So you  
44 say that despite Ms Poole having told you after the media  
45 articles to not have her to do anything with the OECD  
46 project that you still continued to discuss it with her and  
47 ask her for emails?

48 ---Well, no, I'm sorry. To do with the OECD in terms of -  
49 or any of the IOI, to terms of anything that might be a  
50 matter of public record, to be able to respond to the

1 Treasurer, there was information that I needed to get. As  
2 it turns out, those various materials were ultimately  
3 available in the computer system, and that's where - and  
4 that's why I haven't had to speak to Ms Poole about any  
5 forms of - for example, leaving aside any confidentiality  
6 where I couldn't have, ah, I have been able to gain access  
7 to all those matters through the computer systems.

8  
9 But you have continued during November to speak with  
10 Ms Poole though, haven't you, on the telephone?---I've  
11 absolutely kept in contact with Ms Poole in relation to,  
12 um, ah, her wellbeing, correct.

13  
14 So, is it your evidence that all contact you had with  
15 Ms Poole after 6 November was only to do with her wellbeing  
16 and not to do with OWA work?---Oh, there may have - as I  
17 say, my recollection is that number one, um, the vast bulk  
18 of my interaction with her has been in relation to her  
19 wellbeing. There was certainly conversations in relation  
20 to OWA work, um, and, um, Ms Poole herself, once again, I  
21 think very reasonably and properly, had asked to be kept in  
22 touch with some of that OWA work, so that she was aware of  
23 what would happen when she returned to the workplace. So,  
24 she didn't want various things happening in the workplace  
25 of which she wasn't aware for when she did return.

26  
27 And did you also communicate with her about IOI work during  
28 November 2023?---Yes, there was a certain point where I  
29 refused to speak to any staff member about IOI work, and  
30 that was, um, this year. Um, back then I may well have  
31 spoken to her still about IOI work, correct.

32  
33 What in particular did you speak to her about during the  
34 rest of November 2023?---I'm sorry, I'm not in any way  
35 trying to avoid the question, um, I just don't have a photo  
36 recollection of that.

37  
38 Did you speak with her most days on the phone in November  
39 2023?---Um, as I say, during the period she was my chief of  
40 staff, we would have spoken multiple times a day.

41  
42 But during November 2023, did you speak with her most  
43 days?---I don't have a recollection, it wouldn't surprise  
44 me if that was possible.

45  
46 **THE COMMISSIONER:** Well, you described your contact with  
47 her as 'highly infrequent' during November?---No, no,  
48 highly infrequent during the period that she's been on  
49 leave. She's been on leave for a very extended period of  
50 time, with no criticism intended by saying that of course.

1 Um, and, ah, that infrequency has been particularly so in  
2 the last few months, including no contact at all about any  
3 IOI matter. In fact, I think I might have spoken to her  
4 only once in several months now. Starting now. Back in  
5 November, um, it may well have been that I was in greater  
6 contact with her, including on IOI matters, that's  
7 perfectly possible.

8  
9 **NELSON, MS:** And would that have been daily contact by  
10 phone with her?---Perfectly possible.

11  
12 On multiple occasions per day?---Could have been perfectly  
13 possible.

14  
15 In January, and indeed in February, you have emailed  
16 Ms Poole about IOI work, haven't you?---Yes, oh, well, I  
17 don't remember, but if you can show me the emails, I'm  
18 - - -

19  
20 You don't remember, okay. Can we have 0431^?

21  
22 0431^

23  
24 **NELSON, MS:** On the 26th, you corresponded with her about  
25 your nomination for election as president?---Yes, yes. So,  
26 thank you for showing me that, and I certainly have a  
27 recollection, now we're talking about that, that there was  
28 correspondence between us regarding those sorts of IOI  
29 matters, absolutely correct. So, not matters to do with  
30 things like what I might call triggering issues, in the  
31 sense that she was concerned about matters like the OECD,  
32 because of the view that she had. A view that, as I say, I  
33 thought was totally understandable, profoundly wrong, but  
34 these matters here, absolutely.

35  
36 And did you correspond with her in January about speeches  
37 for IOI-related work?---Perfectly possible I did that.

38  
39 Could we have 0433^?

40  
41 0433^

42  
43 **NELSON, MS:** It's a particular speech?---Yes.

44  
45 Did you correspond with her about intended travel in 2024  
46 for IOI work?---Might have, yes. Absolutely that would  
47 have been the sort of thing I would have thought was  
48 appropriate to correspond about.

49

1 Why would it have been appropriate to correspond with her  
2 about that while she's on extended leave?---Well, because  
3 Ms Poole sent me a number of messages - you're not showing  
4 them to me, I'll find them, where she encouraged me to  
5 contact her, and said it was fine to keep in contact and  
6 she wanted to keep in contact about things.  
7  
8 I see?---You're not showing them to me, you no doubt have  
9 access to them, but you're not showing them to me. But  
10 I'll find them.  
11  
12 Can I have 0452^?  
13  
14 0452^  
15  
16 **NELSON, MS:** Could we have the whole of the front page of  
17 that email on the screen, thank you? Do you recall that  
18 email exchange about you going to Uzbekistan?---Yes.  
19  
20 And was that the trip that you told the Commissioner on the  
21 last time you appeared before the Commission that you were  
22 about to take?---Yes, correct. Exactly the - the - exactly  
23 correct, at the end of the last hearing.  
24  
25 When Ms Poole comes back to the OWA off extended leave, is  
26 it your intention that she will continue to accompany you  
27 on travel for IOI purposes?---Ah, no it is not.  
28  
29 Do you still intend to travel for IOI purposes in 2024?  
30 ---Yes, I do.  
31  
32 And will you be doing that unaccompanied?---Yes, I will be.  
33  
34 Thank you, that can be taken down. So, going back to  
35 November 2023, during the time that you were drafting the  
36 response to the Treasurer with the CFO, did you confer with  
37 Ms Poole at various points to settle that eventual letter  
38 that went back to the Treasurer?---I don't have a  
39 recollection of doing that, but it's absolutely possible  
40 that I did.  
41  
42 If we go back to 7 November. So, you'd given some  
43 documents to Morgan Marsh and the CFO early that morning.  
44 Did you then create a new document called a materials for  
45 discussion document?---I don't recollect doing that, nor  
46 the name of the document.  
47  
48 Can we have 0524^?  
49  
50 0524^

1 **NELSON, MS:** Do you recall this email exchange?---Yes,  
2 correct.  
3  
4 Madam Associate, I think there are hardcopies of this  
5 document, it might be better if they could be handed out,  
6 thank you?---Thank you.  
7  
8 Now, in the attachment, there's quite a length document  
9 titled, 'Material for discussion with Layla, Morgan and  
10 Belinda'?---Yes.  
11  
12 If we could go to page 2, thank you Madam Associate. Now,  
13 you've got the entire document in hardcopy in front of  
14 you?---Thank you.  
15  
16 Is this a document that you drafted yourself? Mr Field,  
17 did you draft this document?---Oh, sorry, I'm still looking  
18 at it. Sorry, counsel. Yes.  
19  
20 And the red on the screen are tracked changes that you are  
21 telling Morgan and the CFO and Ms West that you have made?  
22 ---Yes.  
23  
24 What was the purpose of this document?---My recollection is  
25 this was a document that was in response to the Treasurer's  
26 letter.  
27  
28 So, this was like a working draft response letter?---Yes,  
29 that's - yes, counsel. Yes, counsel, that's my  
30 recollection.  
31  
32 Did you use your earlier memo, 0114^ that we looked at, the  
33 20 October memo, as a basis for this document?---Sorry,  
34 which earlier memo?  
35  
36 The memo that you'd sent to Ms Marsh on 20 October, the  
37 procurement memo that you settled?---Oh, um, I don't  
38 recollect.  
39  
40 Did you discuss this document with Ms Poole over the  
41 phone?---Don't recollect whether I did or I didn't.  
42  
43 You forwarded it to her immediately after sending it to  
44 Ms Marsh, if we could go to the first page. You sent this  
45 document to the CFO, Belinda West, Ms Marsh and Ms Gartland  
46 at 2.21 pm?---Yes.  
47  
48 And seven seconds, and you sent it to Ms Poole a few  
49 seconds later?---I must have wanted her, ah, reading of it  
50 to see if there's anything that I - from her understanding

1 and involvement in the procurement if there's anything I'd  
2 missed, which would be a very typical thing for me to do.  
3  
4 And two hours after you sent it to her, you had a 40-minute  
5 telephone conversation with her?---(indistinct) going for -  
6 that would be a very typical thing for me to do.  
7  
8 And then the following morning, you had another 40-minute  
9 conversation with her?---Yes. Oh, I don't recollect that,  
10 but you know, with the (indistinct) it was about getting  
11 the letter right.  
12  
13 So, you were doing that despite Ms Poole having earlier  
14 told you that she didn't want anything more to do with the  
15 OECD?---She didn't want anything more to do with the OECD  
16 project in the terms of it being a, ah, publicised  
17 activity. Um, I - there was nothing I gathered, um, from  
18 Ms Poole that she wasn't comfortable talking to me about  
19 it. You've also (indistinct) Ms Poole all autonomy in  
20 agency, if she hadn't wanted to speak to me about it, I  
21 think she would have - I can tell you, having worked with  
22 Ms Poole, she would have told me.  
23  
24 Mr Field, I have to say to you, she's told us something  
25 completely different. She's told us that you directed what  
26 work she did, and she didn't feel like she could actually  
27 tell you when she didn't want something to be done. She  
28 felt like she was directed by you?---Right, well - - -  
29  
30 Do you accept that or not?---Well, I accept that as a  
31 statement of obviously the fact that she was my, um, direct  
32 report, and of course, um, if I asked her to do something.  
33 But it wasn't I - it wasn't a didactic or bullying  
34 relationship, um, in - and I couldn't imagine that at the  
35 time if she'd been uncomfortable in discussing this, she  
36 wouldn't have indicated that to me.  
37  
38 Did she tell you that she was not going to ask Ms Marsh to  
39 pay the invoice received on 12 September?---I don't have  
40 any recollection of that. I have the absolute recollection  
41 that this was a project, um, from, ah, its very start, um,  
42 which she - she lacked enthusiasm. That's absolutely  
43 correct.  
44  
45 Well, I'm talking about the period of time after the  
46 invoice was received, you asked her to do the procurement  
47 memo, which she did dated 18 September?---Yes.  
48  
49 And she said to you sometime after that, but before 6  
50 November:



1 I'm very sorry, but I can't ask Morgan to pay this  
2 invoice. If you want her to pay this invoice, you'll  
3 have to ask her yourself.

4  
5 Did Ms Poole say that to you?---Ah, I have a recollection  
6 of her saying something almost exactly along those lines.

7  
8 Did she also say to you, you can't limit knowledge of a  
9 financial transaction?---Sorry, what was that?

10  
11 You can't limit the knowledge of a financial transaction?  
12 ---Limit the knowledge of a financial transaction?

13  
14 Do you recall her saying that to you?---Absolutely not,  
15 limit the knowledge of the financial - I was trying to tell  
16 the world about this financial transaction.

17  
18 Well, to be fair to Ms Poole, we did see an email earlier  
19 this morning in which you had password-protected the  
20 procurement memo?---I password protected it because there  
21 was a front page newspaper article that had been given by  
22 an employee of my office, leaking - unlawfully, which I  
23 hope the CCC is investigating, an unlawful leak from a  
24 staff member of my office, in breach of my legislation, to  
25 The Western Australian newspaper, that's the password-  
26 protection. If I had been trying to hide this, um, this  
27 contract, I'd be the worst criminal in human history. I  
28 was telling every single senior officer in this state about  
29 this contract, about this project. I was putting it on  
30 LinkedIn, which is a well-known platform to advise people.  
31 You've been looking at my LinkedIn profile, you've probably  
32 seen it, counsel. There was a clear LinkedIn entry talking  
33 about this project months before any of this  
34 correspondence. The idea that I was trying to hide this  
35 OECD thing, I was proud of it, and I was telling everyone  
36 it was an outstanding outcome from my presidency, and a  
37 benefit to this state. The idea I was trying to hide it is  
38 an absolute, abhorrent nonsense.

39  
40 Did she say to you, 'Ombudsman, I'm very sorry, I know I've  
41 never spoken to you like this before, but you cannot go  
42 ahead with this project, you've actually lost it on this  
43 one, you've jumped the shark'?---Ah, yes. Well, Ms Poole  
44 did actually say exactly those words to me, and, um, they  
45 were the same words she said to me about going to Ukraine,  
46 and they were the same words she said to me about the  
47 Styria agreement, the MOU with Styria, and also the same  
48 words she said more generally about the fact that we were  
49 taking on too much work. She said all of those things to  
50 me. If you're saying it was about this project alone - - -

1 I am?---You're absolutely, completely wrong.

2

3 I see the time, thank you, Commissioner.

4

5 **THE COMMISSIONER:** Well, you have said she said it about a  
6 number of things. Did she say about this project?---She -  
7 she absolutely expressed her reservations about those - in  
8 those exact words I think she did say.

9

10 About this project?---Correct.

11

12 Thank you.

13

14 Yes. We'll take the morning break for 20 minutes.

15

16 (Short adjournment)

17

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

19

20 **NELSON, MS:** Mr Field, before the break you mentioned that  
21 Ms Poole had also contacted you from November 2023 while  
22 she was on leave - that it wasn't just you contacting her.  
23 I think that was what you were trying to say?---Um, I don't  
24 have a recollection of that, but when you - I think cos you  
25 mentioned some phrases to me and I had a recollection of  
26 those phrases.

27

28 Do you recollect that during the period that Ms Poole was  
29 on extended leave and particularly during the entire course  
30 of November 2023 that Ms Poole contacted you numerous times  
31 as well as you contacting her numerous times by telephone?--  
32 --There was definitely contact in, ah, November. That  
33 would be correct.

34

35 Could I have 0645^, please?

36

37 0645^

38

39 So this is a document which shows the extent of telephone  
40 contact between the two of you, so of course doesn't  
41 account for email contact as well. So you can see the A  
42 party is the person making the call. So just in that first  
43 week of November you've made calls to Ms Poole, and she's  
44 also made calls either to the office or to you. And then  
45 if we scroll through to the next page, same thing. And  
46 then the next page and then the next page. We're now down  
47 to 20 November. And then the final page. There might be  
48 one more page, thank you. So you accept that during the  
49 course of November there was numerous telephone contact  
50 between both of you, and at various times it was instigated

1 by you and at other times by her?---Yes. So I recollect  
2 very strongly during that period, um, that I was  
3 exceptionally concerned for her wellbeing and I was, ah,  
4 reaching out and in contact, ah, with her, um, during that  
5 period - and not just by telephone but I actually visited  
6 her on one or two occasions as well, so I was very  
7 concerned.

8  
9 When did you visit her in November?---Ah, I don't recollect  
10 the actual dates.

11  
12 And I've shown you emails between you and her particularly  
13 on the 6 November and discussed with you that you sent her  
14 emails about the letter to the treasurer on 8 November and  
15 9 November?---Yes.

16  
17 So do you accept that the discussions you had with her  
18 during the entire month of November might have included  
19 discussions about communication with the treasurer?---Oh,  
20 they may have. Correct. The, um - what I recollect about  
21 November, um - and of course it was not long after the, um  
22 - the series of newspaper articles is that I was I think  
23 correctly, ah, deeply concerned about Ms Poole's welfare,  
24 ah, and I was in contact with her during that period, um,  
25 ah, not just as an employee - she'd been my chief of staff  
26 for a number of years. Um, and, ah, the bulk of the  
27 conversations would have been around that, um, but is it  
28 possible we discussed matters like that? Yes, it's  
29 absolutely possible.

30  
31 And is it possible that you sought her counsel as to the  
32 final versions of the treasurer's letters in November?---  
33 No, I don't recollect seeing - it's possible. I have to  
34 say that I don't recollect being the case because I - there  
35 was a certain point where it was very clear to me, um, that  
36 her engagement with work matters of any kind - it wasn't  
37 just the OECD project. It was any matter of any kind, um -  
38 were, um, not conducive to her health. And that actually  
39 led to me sending contact to her to say, "Are there things  
40 you want me to talk to you about or do you want me to not  
41 talk to about anything at all?" And there was  
42 communication along those lines.

43  
44 But that was not before you settled the response to the  
45 treasurer on - - -?---I don't - - -

46  
47 - - - 23 November?--- - - - recollect that was before that.  
48 That's exactly correct.

49  
50 Could we have 0522^?0522^

1  
2 Now, this is an email from yourself to the CFO and you copy  
3 in Ms West, Ms Marsh, Ms Gartland. And if we could go to  
4 page 2, we can see the document that's attached is a draft  
5 of the letter of 13 November to the treasurer. Did you in  
6 fact draft that letter response to the treasurer of  
7 13 November?---Could you keep going through the letter for  
8 me, please?

9  
10 Next page, thank you?---Oh, and - sorry, the - - -  
11

12 And the next page?---So sorry. You obviously allowed me to  
13 read it. Sorry. Yes, I did draft that letter, although it  
14 is my recollection, um, that I - with the letters I'd have  
15 to go back and look at each one specifically because there  
16 was a couple is my recollection that I had the assistance  
17 of counsel in relation to that.

18  
19 **THE COMMISSIONER:** Had, sorry, the assistance of?---  
20 Assistance of counsel in relation to that.

21  
22 **NELSON, MS:** So someone other than the CFO, Ms West,  
23 Ms Marsh or Ms Gartland?---Correct.

24  
25 Why had you copied Ms West into this series of emails about  
26 the treasurer's letter?---Oh, Ms West, um, ah, is an  
27 officer who had, ah, had a role in the finance area. She'd  
28 acted for the assistance ombudsman Morgan Marsh, um, so  
29 that was the reason she was CC'd into it.

30  
31 Had she had any involvement with the OECD project before  
32 November 2023?---I don't recollect that she necessarily  
33 had. It was sent, ah, to her - I don't have a photo  
34 recollection of why I sent it to her. What would be  
35 typical for me to do - and it's possibly on this occasion  
36 why - is if there was a staff member in the office who had  
37 an expertise in relation to, um, ah, ah, the matter the  
38 subject of the letter, I would CC'd into them and seek  
39 their opinion - a corporate executive member.

40  
41 So you can see that your intent at this stage is for  
42 Ms Nowbakht the CFO to sign the letter to the treasurer?---  
43 Correct.

44  
45 If we go back to the very first page and particularly  
46 looking at paragraph 2, are you saying even though the CFO  
47 is to be the signatory on the letter that she wasn't the  
48 delegated officer? So she said in effect you can only  
49 answer the letter through the information you've been  
50 provided?---Oh, yes, that was - well, tended to be anything

1 untoward about that. She had not been involved in the  
2 procurement itself. Um, she wasn't there for significant  
3 material times of the procurement. Um, but the letter was  
4 addressed to her seeking a response from her, so that's the  
5 reason it was over her name.

6  
7 And Ms Marsh hadn't been involved in the procurement  
8 either, had she?---Ah, Ms Marsh? Er, no, only in the very  
9 latter stages of - of the procurement had she been  
10 involved, and that is in the settling of the procurement  
11 memo.

12  
13 So in terms of the addressees at the top of the screen  
14 then, the only person who had the required knowledge to  
15 draft the letter was yourself?---Ah, yes, correct. The -  
16 the bulk of that letter, um, was information that was held  
17 by, um - held by me save for the procurement aspects of  
18 which both, um - of which Morgan Marsh had some knowledge.

19  
20 Those procurement aspects you're talking about are what in  
21 particular?---The settling of the procurement memo.

22  
23 She didn't have any knowledge about the substance of that  
24 memo, did she? She hadn't been involved?---No, that's not  
25 - that's not correct. She - she's been absolutely involved  
26 in providing feedback on that memo.

27  
28 But she'd only received the memo on 23 October when you  
29 sent it to her, correct?---Correct.

30  
31 So that was the first time that she had any awareness of  
32 the substance of the matters that were in that procurement  
33 memo?---Oh, I wasn't suggesting otherwise. I'm saying she  
34 - she'd received the memo and had given substantive and, in  
35 fact, excellent feedback, and that had been incorporated  
36 into the memo.

37  
38 And I'm suggesting to you that that substantial and  
39 excellent feedback was about process and the requirements  
40 of the Procurement Act and rules?---Mm, correct.

41  
42 Not about the substance of the project and how you came to  
43 procure it?---Oh, no, I wasn't suggesting otherwise.  
44 Correct.

45  
46 We could go to 0520^.

47  
48 0520^

49

1 **NELSON, MS:** So the following day - this is November 9 -  
2 you've done final revisions of the letter?---Mm'hmm.

3  
4 You can see the next page attaches the letter that we were  
5 just looking at. If we can go back to the first page you  
6 can see at paragraph 2 you've said that:

7  
8 Further bolstering of the fact that this was a  
9 procurement that commenced two and a half years ago;  
10 long, long before Leyla's appointment.

11  
12 So are you suggesting that the procurement commenced some  
13 time in 2021?---Correct.

14  
15 How did it commence in 2021?---In fact, it may have  
16 actually occurred earlier than that. Perhaps I might have  
17 even meant three and a half years ago. Um, well, as I say,  
18 I only give this answer from my understanding, but my  
19 understanding of procurement is a very simple one. Um, it  
20 starts with an idea.

21  
22 So the idea was yours in 2021, is that what - - -

23  
24 **THE COMMISSIONER:** Sorry, it starts with an idea?---Yes.

25  
26 And do you say that's the start of the procurement  
27 process?---Well, it starts with the idea, ah, for a need  
28 for something.

29  
30 I understand all that. But when do you say the procurement  
31 process starts?---Ah, the first time I identified a need  
32 for something was when I read, ah - - -

33  
34 I want to be precise. When do you say the procurement  
35 process starts? You've just talked about identifying a  
36 need?---I just can't remember the date, Commissioner, but  
37 it was when I read the European Ombudsman report.

38  
39 You say that's the start of - when you read the European  
40 Ombudsman's report, that was the start of the procurement  
41 process?---That's my understanding of the Procurement Act  
42 and the rules.

43  
44 A procurement process is supposed to be auditable, is it  
45 not?---Yes.

46  
47 How do you audit a thought in your head?---Well, you don't.  
48 You audit the procurement memo.

49  
50 Carry on, counsel.

1 **NELSON, MS:** So you say the genesis was the idea in your  
2 head in 2021 or even earlier, but you didn't document that  
3 until the procurement memo in October 2023?---Oh, I reduced  
4 it - I reduced it to writing at that exact time, that's  
5 exactly right.

6  
7 Could we have 0153^, thank you.

8  
9 0153^

10  
11 **NELSON, MS:** I'll just give you a minute to look at that  
12 email?---Yes, thank you.

13  
14 You recall receiving the marked-up version from Ms Marsh on  
15 November 10?---I do.

16  
17 And you say in the email that you've accepted all the  
18 changes. Can you remember what those changes were?---Not  
19 off the top of my head, I'm afraid, no, so sorry.

20  
21 If we go to page 3 we can see the changes that you didn't  
22 accept by virtue of the comments that you've replied to  
23 Ms Marsh. And the first one, Ms Marsh is saying that the  
24 CFO was employed from February '23 so how can you say she  
25 was not an employee for a significant period of the  
26 procurement process. Can you see that initial comment from  
27 Ms Marsh?---I can.

28  
29 And your response is that the procurement process commenced  
30 in 2018 being the idea - identification of the service, and  
31 the proceeded from there until contract signing in August  
32 2023?---Yes. Well, that was exactly - sorry, correct, and  
33 exactly. That is, um, outlined with the Commissioner.

34  
35 But as you've said in your previous answer a couple of  
36 answers back, there was nothing in writing about that  
37 process until the procurement memo of October 2023?---And -  
38 and as a - the law couldn't be any clearer; there doesn't  
39 need to be. That's the - that's the Procurement Act and  
40 Procurement Rules.

41  
42 I think I suggested to you in the previous round of public  
43 examinations that it's inferred from the Procurement Act  
44 and Rules that there would be some documentation, some  
45 record of decisions made during the process, not after the  
46 contract has been signed?---(a) I don't see how you can  
47 infer something into the absolutely clear words of the Act  
48 that don't say that that is the case. And second of all,  
49 um, and indeed, the Procurement Act and rules are  
50 specifically clear throughout them about times when things

1 have to be done within certain days; say 30 days is a  
2 typical one. There's nothing in the Act that says that,  
3 nor the rules. So I would have thought that the basic, ah,  
4 view about statutory interpretation is if the drafters  
5 intended that to be the case, they would have said that to  
6 be the case. They went to the effort to saying that on a  
7 number of occasions that things had to be done within  
8 30 days. They certainly don't say that at all about  
9 reduction into writing in the Procurement Act or the  
10 Procurement Rules. So I think your inference is not right.  
11 But the second issue is, in any event, there was  
12 substantial, um - there was substantial contemporaneous  
13 documentation, and that was all contained in a full manilla  
14 folder that was contained as part of the Procurement Act.

15  
16 Those records were predominantly email communications  
17 between your office and the OECD and the IOI?---Well, no,  
18 it's about the substance. It's about the substance of the  
19 communications though. They were about contract  
20 negotiation. They were about price and term. They were  
21 about the scope of the thing. That's everything that  
22 should have been in there and everything that should have  
23 been part of a procurement.

24  
25 **THE COMMISSIONER:** Well, I've read them and I understand  
26 there were certainly negotiations about price. What  
27 contract negotiations were there?---Well, that goes to the  
28 - sorry, Commissioner. That, in my view, goes to the terms  
29 of the contract. What the scope was, the price, the term -  
30 - -

31  
32 You split them into contract negotiations and negotiations  
33 about price, except immediately there were negotiations  
34 about price. What did you mean by contract negotiations?--  
35 -Ah, well, there was a raft of aspects of that contract;  
36 for example, where it would be launched. Um, they weren't  
37 just about price. It was about the actual content of the  
38 contract and the execution of the project. And they were  
39 negotiated out, um, by being taken out of the contract. So  
40 there was a range of things that were actually part of that  
41 contract that were actually negotiated out of the contract  
42 indeed by me personally.

43  
44 There was no record of decisions that you had made based on  
45 those discussions with your, ah, officers or discussions  
46 with the OECD. So I'm talking about no decisions about  
47 conflicts of interest that may or may otherwise not be  
48 present about the value for money proposition for  
49 Western Australia?---The conflict - well, but you don't  
50 record a conflict of interest that doesn't exist. Oh,



1 sorry. I - that - that's obviously a matter for the  
2 Commissioner. But from my perspective, I didn't see any  
3 form of conflict of interest, so why - - -  
4  
5 But that's not - - -?--- - - - would I record it?  
6  
7 That decision in your head is in your head, it's not  
8 recorded anywhere?---But you don't write down "I don't have  
9 a conflict of interest". You record down you do have a  
10 conflict of interest and how you're managing that conflict  
11 of interest. There's nothing on a conflict of interest  
12 register that says you write down nil. There's no conflict  
13 of interest register in the government that works like  
14 that, and it's certainly not conflicts of interest in  
15 relation to the Procurement Act. I mean, that's just not -  
16 that's just not right, counsel.  
17  
18 There's no record apart from the procurement memo from  
19 October that states any value for money proposition for the  
20 OWA entering into the grant agreement?---The value for  
21 money, um, ah - - -  
22  
23 Mr Field, I'm not asking you what you say it is. I'm  
24 asking you was there - - -?---Oh, sorry.  
25  
26 - - - a record prior to the - - -?---I'll listen. I'll  
27 listen very carefully to the question and answer it  
28 precisely.  
29  
30 Was there a record prior to the drafting of the procurement  
31 memo of the value for money proposition to  
32 Western Australia?---Ah, yes, there was. Um, and, ah, in  
33 my view, um, that, ah, was, ah, contained in both the  
34 negotiations, um, that were part and parcel of the contract  
35 all predating the procurement memo.  
36  
37 So they'd be the emails?---Emails. And of course, public  
38 record. I was very public about this being a project and  
39 the value of the project to Western Australians. And of  
40 course, there was also the discussions with, um, ah, all of  
41 the relevant, ah, members of government, um, regarding the  
42 value for money for this project and why it was being  
43 undertaken. And they were all well before the procurement  
44 memo.  
45  
46 In relation to being public about the agreement, did you  
47 make any public statement to the rest of your office - the  
48 OWA - about the fact that the OECD project was in  
49 negotiation?---But - well, ah - well, just so I'm not in  
50 any way appropriately upsetting the Commissioner, the only

1 answer I can give to that is no. I would like to say no,  
2 but also on the basis that I didn't announce, um, the  
3 Styria MoU. I didn't announce all sorts of things, um, to  
4 the staff. They would have been announced at the  
5 appropriate time.

6  
7 Well, you've just told me though, Mr Field, that you were  
8 making public statement about the project prior to  
9 entering - - -?---I wasn't - - -

10  
11 - - - the agreement?---I wasn't talking about in staff  
12 meetings. Um, I was - it would have been in my annual  
13 report for 2020. This was too late for the annual report,  
14 but it would have been in the '23/'24 annual report  
15 from - - -

16  
17 But that's after you've entered into the contract. Was  
18 there any public statement before OWA signed the contract?--  
19 --Ah, if you don't include - which I - I - I can understand  
20 you wouldn't. If you don't include the meetings, um, that  
21 I had, um, with, ah, ah, the relevant director generals,  
22 relevant CEOs, then I don't think there was. I'd have to  
23 check my records but I think the answer would be no.

24  
25 And there was no document prior to the procurement memo  
26 that set out a plan for how the procurement was to be  
27 undertaken?---A document?

28  
29 A record?---Ah, no. There were discussions with my staff  
30 and delegations, ah, to undertake the project. No. That's  
31 what there was.

32  
33 And before the procurement memo was drafted, there was no  
34 record of you applying the sole supplier exemption to the -  
35 ah, your approval that you enter into the project with the  
36 OECD?---Sorry, what was that?

37  
38 There was no record of you applying the sole supplier  
39 exemption prior to the procurement memo being drafted?---  
40 That's - that's absolutely incorrect.

41  
42 So you say there was a record that you had applied that  
43 exemption to the OECD?---I'd indicated very clearly, um,  
44 to, ah, my staff, um, ah, that this was a procurement and  
45 the OECD was a sole source supplier.

46  
47 But it's - - -

48

1 **THE COMMISSIONER:** That's what you've indicated to your  
2 staff but that wasn't the question that was asked of you?  
3 ---Well, it's a record.

4  
5 **NELSON, MS:** So if there is an email that says to your  
6 staff you say that is the record of you applying that  
7 sole - - -?---Oh, no. Sorry. And I can see the  
8 Commissioner shaking his head quite correctly. Um, no.  
9 The record, Commissioner, was the OECD memo.

10  
11 **THE COMMISSIONER:** Thank you.

12  
13 **NELSON, MS:** The procurement memo?---Correct. And I did  
14 not mean to in any way mislead the Commissioner by saying  
15 that. I was just trying to say I had told my staff about  
16 that. That was in writing. But the lawful recording of  
17 that in my view was in the memo.

18  
19 **THE COMMISSIONER:** Thank you for that clarification.

20  
21 **NELSON, MS:** And, ah, so you say you told your staff about  
22 that, so that was in the form of an email to staff, was  
23 it?---To the relevant staff who were working on the OECD  
24 matter.

25  
26 Right. We're going back to 0513.

27  
28 0513^

29  
30 If we could go to the next page, thank you, page 4. So  
31 Ms Marsh has queried whether - I'll just give you a moment  
32 to read that?---Um, MM3?

33  
34 Yes?---Yep.

35  
36 So my understanding of her comment there is that she is  
37 querying whether you can suggest to the treasurer that she  
38 has some knowledge of the OWA's SBP or budget process from  
39 February 2023. Is that how you understood the comment?---  
40 Yes. I think exactly what she was trying to say, um, was,  
41 ah, would the treasurer, ah, be aware of that, um, ah, SBP.  
42 And of course, I thought that was not correct.

43  
44 And then MM5. So she's asking for clarification as to  
45 facts in relation to who the briefings were provided to?  
46 ---Yes.

47  
48 And then MM7 she's made a comment about a particular, um,  
49 paragraph back to A which you have corrected?---Correct.

50

1 And then if we just scroll through to the next page, there  
2 aren't any comments. And you've included the - the actual  
3 words from the streamlined budget process?---Yes.

4  
5 And then over to the next page, there aren't any comments.  
6 Um, you said - if we go back to page 1 - it might have been  
7 in the earlier email. Do you recall that you told Morgan  
8 and Leyla that there was to be an attachment - a memorandum  
9 attached to this letter?---A memorandum? I don't - I - I -  
10 I know there was discussion about attaching, ah, the  
11 procurement memo and the various, ah, emails evidencing the  
12 procurement. I think there was a discussion about that.

13  
14 We have 05 - - -?---I don't have a photo - I'm sorry -  
15 sorry, counsel. I just don't have a photo recollection.

16  
17 I will assist. 0529^ page 1.

18  
19 0529^

20  
21 You say:

22  
23 I will mark up the letter.

24  
25 And then in the next paragraph:

26  
27 I think it may simply be best to attach the memo I  
28 have prepared or summary from it.

29  
30 And do you recall that the ultimate letter that was sent  
31 did have a memo attached to it for the treasurer?---Yes. I  
32 - well, I can't - now, I'm out of order on which letter  
33 this was. Um, ah, whether this was the letter with the,  
34 um, unheard of in 17 years put it in the brown paper  
35 envelope type delivery. But if that's what it was, it had  
36 a zip file attached to it and - with the memorandum and,  
37 um, ah - and the, ah, guide - the various, um, emails that  
38 evidenced the procurement was my recollection.

39  
40 And that was a memorandum that you had prepared?---Correct.

41  
42 Could I have 0519?

43  
44 0519^

45  
46 From 12 November you've attached a document, and so this is  
47 the final version of procurement memo. And that you give  
48 those instructions that I think you just spoke to?---Yes,  
49 correct. That - that certainly, um, reminds me. Correct.

50

1 And I think we discussed it last time, but if we could have  
2 0158.

3  
4 0158^

5  
6 And do you recognise this document?---I do.

7  
8 So this is the procurement memo that went with the letter  
9 to the treasurer dated 14 November?---Correct.

10  
11 And, Madam Associate, if hard copies of that could be  
12 passed out as well as the actual letter of 13 November  
13 which is 0517.

14  
15 **THE COMMISSIONER:** I have one.

16  
17 You might have one too, Mr Porter. If not, we'll give you  
18 one, but I don't want you to drown in paper.

19  
20 **PORTER, MR:** Commissioner, I have ample.

21  
22 **THE COMMISSIONER:** Mr Porter has one, so - - -

23  
24 **NELSON, MS:** So it's your decision, Mr Field, to attach  
25 this procurement memo to the letter to the treasurer of  
26 13 November?---Ah, I - I don't remember there being any  
27 discussion about it, but I certainly, um, ah - I certainly  
28 would have made the decision to do it. It wouldn't have  
29 gone without my - my permission. So I don't have a photo  
30 recollection, but yes. Yes is the only short answer to  
31 that.

32  
33 And you prepared the memo?---Correct.

34  
35 Did you prepare it in discussion with anyone else?---Ah,  
36 the memo? No. this was a memo that I prepared. Um, and I  
37 did seek, ah, input from - I think there might have been an  
38 email earlier about it but I did - I did seek input, um,  
39 ah, ah, from, ah, Morgan and Leyla. Potentially Belinda.  
40 I can't remember.

41  
42 And from Ms Poole as well?---I don't know if I got - that I  
43 don't recollect. I may have. I don't recollect that.

44  
45 If you could go to the second page - - -?---Yes.

46  
47 - - - we can see the contents. And then through to the  
48 third page?---Yes. Oh, Commissioner, with your indulgence  
49 - I'm so sorry. Um, what I should say is - what I can say  
50 for certainty is that the original document which - we were

1 talking about it yesterday. 18 September it might have  
2 been. Yes. That - I - that was a - information from that  
3 was information that I also referred - referenced in  
4 relation to the preparation of this.

5  
6 I see?---So I'm sorry. I think in that sense, I gave a  
7 misleading answer which I didn't intend. So yes, there was  
8 that input from Rebecca. Were there any others? I can't  
9 remember.

10  
11 **THE COMMISSIONER:** Sorry. I think you've answered this, I  
12 just didn't make a note. When did you prepare this?---Oh,  
13 the exact date, um, ah - I commenced preparing it when I  
14 asked for the 18 September document from, ah, Rebecca. It  
15 was around about that time but I - - -

16  
17 So 20 October?---Well - - -

18  
19 Sorry. I don't want to detract - - -?---No, no.

20  
21 - - - from counsel. I just want a short answer. When did  
22 you prepare it?---It's - it's - it's - it's - it's, um -  
23 yeah. I could be precise if I went back to my records, I  
24 think, Commissioner, if you wanted those. My email  
25 records.

26  
27 For my purposes for my notes, I think it was 20 October you  
28 called for the matter. And the letter to the deputy  
29 premier was 13 November. So would it be fair to say that  
30 it was prepared between those dates?---This particular  
31 document?

32  
33 Yes?---Yes, I think that's correct.

34  
35 Thank you.

36  
37 Sorry, counsel. Carry on.

38  
39 **NELSON, MS:** Thank you, Commissioner.

40  
41 And further to that, your evidence yesterday was you  
42 received Ms Poole's version of the memo - - -?---Correct.

43  
44 - - - dated 18 September?---Correct.

45  
46 And that is 0199. You received that in mid-October and you  
47 produced then a further iteration of that which you dated  
48 20 October 2023 which became the procurement memo you sent  
49 to Ms Marsh on 23 October?---Yes. That's I think a good  
50 recollection or a good reminder to me of my recollection.

1 So are you saying that you went back to Ms Poole's  
2 18 September version to do this or did you use your  
3 20 October version to - - -?---Oh.

4  
5 - - - correct this?---That I don't recollect. I suspect I  
6 probably used - I might have used both. I might have  
7 looked at both when I commenced it.

8  
9 Thank you. So on page 3 you talk about the procurement  
10 rules and how the OWA is subject to them as a state  
11 agency?---Yes.

12  
13 And then if we could go to page 4 - see the whole of  
14 page 4, thank you. So under the heading of 1.1, "Service  
15 previously procured by - - -

16  
17 **THE COMMISSIONER:** Well, wait one moment, Ms Nelson. I  
18 want to give you time to read. So when you're ready, tell  
19 counsel?---Thank you, Commissioner. Thank you,  
20 Commissioner. Go ahead, counsel.

21  
22 **NELSON, MS:** Perhaps if I could have 0114 also on the  
23 screen, please, Madam Associate.

24  
25 0114^

26  
27 And the second page of 0114. Yes. The content that you  
28 have put into the 0158 at 1.1.1, what appears in your  
29 20 October memorandum under the heading "OECD project with  
30 the European Ombudsman" ?---Um, and that's, um, my  
31 recollection, um, counsel. That I was - I had a document  
32 before me which I considered to be a procurement document.  
33 The one on the right-hand side of the screen there. Um,  
34 and - but I felt it wasn't, um, as robust as it should have  
35 been, um, for a procurement, and wanted to improve that  
36 document.

37  
38 Thank you. Now, if we could go to page 5 of 0158^. In the  
39 paragraph starting:

40  
41 In October 2018, following the release of the  
42 European Ombudsman and OECD report.

43  
44 I'll just give you a minute to read that paragraph?---Yes.

45  
46 What was the relevance of the IOI bylaws review to the OWA  
47 entering into the procurement with the OECD?---Oh, that  
48 was, ah, a reference to, ah, the fact that prior to that  
49 time - and it goes very much back to the point I made  
50 before about Ms Poole's reluctance about this project, um,

1 was, ah, that the bylaws reform had been a considerable  
2 piece of work for the office, um, and I thought there was  
3 time to be able to dedicate to this project since the  
4 bylaws reform project had actually finalised.

5  
6 In October 2018, was it your intention that the IOI also  
7 have some involvement in the OECD report that you wanted  
8 the OWA to do with the OECD?---Yes, as I say, it was an  
9 iterative project over many years, and, um, my views  
10 continued to evolve about it as time went forward. Um, and  
11 at the - I had always had the view that - just as the  
12 European Ombudsman report was the European and the OECD  
13 report, that this would be an Ombudsman WA and OECD report,  
14 but I always wanted the IOI involved in some way.

15  
16 Why did you not then state that clearly in that paragraph?  
17 ---All is - sorry, clear throughout the entire document,  
18 that's why, ah, we sought a \$50,000 contribution from the  
19 IOI.

20  
21 You've said clearly that the project was to be undertaken  
22 by the Ombudsman of Western Australia at some stage for  
23 Western Australian and Asian-Pacific context?---Exactly,  
24 that was the project. The project was a project of the  
25 Office of the Ombudsman Western Australia working with the  
26 OECD, um, ah, for advantage to Western Australians, but  
27 with a particular, um, what I perceived advantage, as we  
28 are a trading state, solely reliant upon trade, that we  
29 would work with our, um, close friends and neighbours in  
30 the Asia-Pacific region to leverage advantage in those  
31 relationships through this project. That was the gravamen,  
32 that was the crux of the project, that's always what it was  
33 from day one.

34  
35 Well - - -?---But I also thought that the IOI had a role in  
36 that.

37  
38 But you omit to say that in that paragraph, Mr Field, you  
39 don't say that there's any IOI involvement in the project  
40 in that paragraph?---Well, it's a 30-page document, I mean,  
41 it's littered through this document, including them giving  
42 \$50,000 to the project.

43  
44 **THE COMMISSIONER:** We will go through the document, I'm  
45 sure counsel will go through it, but the proposition that  
46 counsel has just put - - -?---Then I'll say no.

47  
48 **NELSON, MS:** And at the bottom of page 5 then, under the  
49 heading 'Considerations relevant to a view formed in good  
50 faith of a need to procure the service'. So, the first dot



1 point that Western Australia would benefit from a rigorous  
2 report examining how the Ombudsman of Western Australia  
3 could have further positive involvement, et cetera, et  
4 cetera, you don't mention the IOI at all?---I'm sorry  
5 counsel, can I - and Commissioner, I'm very, very sorry  
6 about this. When - obviously just stop me, but when - were  
7 you referring to the paragraph that says 'prior to 2018'  
8 when you were saying there was no IOI mentioned in there?

9  
10 No, I was referring to the paragraph, 'In October 2018'?  
11 ---I'm so sorry, Commissioner, I was looking at the prior  
12 to 2018. Can I reread that 'In October 2018'?

13  
14 **THE COMMISSIONER:** Feel free to reread?---I was looking at  
15 the wrong paragraph.

16  
17 Just - I don't want you to be in a position of answering  
18 before you've had an opportunity to read, so take as long  
19 as you'd like?---Sorry Commissioner, I was looking at the  
20 wrong paragraph. Well, then I can keep my answer short by  
21 saying no. Now, having read the correct paragraph, to the  
22 question you've asked.

23  
24 **NELSON, MS:** Could I get you to read all of what's under  
25 1.1.2, considerations relevant to a view formed in good  
26 faith for the need to procure the service. It goes on the  
27 bottom of page 5 over to the end of page 6, and over onto  
28 page 7?---I can actually - yes, of course. Yes, thank you.

29  
30 Would you agree that that whole section has - or presents  
31 the project as being very WA-focused in terms of the  
32 purpose and the outcome of the project?---Ah, well not -  
33 well, WA-focused in - in an answer just to say yes, um, but  
34 also WA-focused in the sense that, um, ah, it very strongly  
35 engaged with the Asia-Pacific region. So, is that WA-  
36 focused? Yes, it is, but it was very much focused in the  
37 Asia-Pacific region as well.

38  
39 Well, it talks about how the Ombudsman of Western Australia  
40 would have positive involvement in - would be examined by  
41 the report, that it would advance the functions of the  
42 Ombudsman of Western Australia, that it would drive further  
43 improvements to the way that the Ombudsman of Western  
44 Australia engaged with Aboriginal Western Australians,  
45 refugee communities and other diaspora communities?---Yes.

46  
47 And then it would also have a result of a significant  
48 advancement in the digital sphere, and how the Ombudsman of  
49 Western Australia and other Ombudsman institutions ensure  
50 their services are best services by the digital sphere, et

1 cetera. So, it's not until page 7, so if we could have  
2 page 7 - - -?---Oh, no, no, hang on, we've just gone  
3 straight over point 6, which is profound:

4  
5 The proposed project was consistent with the fact  
6 that the adherence of the rule of law reduces  
7 sovereign risk and encourages private capital  
8 investment is essential to a strong Western  
9 Australian economy.

10  
11 Yes, that is also focused on how it's going to impact on  
12 Western Australia?---Well, it's only in the sense that what  
13 it's focusing in on is our Asia-Pacific neighbours. That  
14 is a very much outward-looking focusing on the Asia-  
15 Pacific. Perhaps I've worded it inelegantly, but I can  
16 tell you what the intent was. That was the intent of, um,  
17 the focus we would have on our major trading partners in  
18 our region, that is what that was intended to do.

19  
20 And that is an incidental outcome of the proposal, in that  
21 the proposal itself doesn't reference strong economies?  
22 ---It was never incidental, it was absolutely fundamental.  
23 That's what the OECD is, that's why we were doing a project  
24 with the OECD. The OECD is about bullet point five, why  
25 would you be doing a project with the OECD if you weren't  
26 doing that? That was my whole point about doing the  
27 project with the OECD from day one.

28  
29 If we go over to page 7, and I'll come back to page 6. So,  
30 it's not until partway through page 7 that you reference  
31 the IOI in terms of you being the first Australian  
32 president?---Yes.

33 And that that provided an opportunity to pursue the project  
34 in a way that involved the IOI in the proposed project?

35 ---Correct. And the bullet point above that of course  
36 profoundly reinforces the point I was making about, um, if  
37 not the gravamen, the absolute central point of an OECD  
38 project.

39  
40 Now, the whole point of the last half of page 5, all of  
41 page 6 and page 7, is to convey to the Treasurer the need  
42 to procure the service from the OECD?---I wasn't conveying  
43 anything to the Treasurer.

44  
45 Well that's the heading, page 5. 'Considerations relevant  
46 to a view formed in good faith of a need to procure the  
47 service'?---No, no, that wasn't conveying anything. I  
48 wasn't writing to the Treasurers, I wasn't conveying  
49 anything to the Treasurer, I had utter contempt for that  
50 letter to the Treasurer, and I wasn't conveying anything to

1 the - - -

2

3 **THE COMMISSIONER:** Sorry, you had what?---I had contempt  
4 for that letter from the Treasurer, I wasn't conveying  
5 anything to the letter to the Treasurer.

6

7 Was this sent to the Treasurer?---No, what I - - -

8

9 Was this sent to the Treasurer?---Yes.

10

11 Well then it's conveyed to the Treasurer?---Well, it was  
12 sent to the Treasurer. I think the inference is being made  
13 is that I wrote this memo to convey a message to the  
14 Treasurer. That's what I thought the inference was that was  
15 being made. I thought that was pretty clear.

16

17 That is very definitely the inference?---Indeed, and it's  
18 absolutely outrageously untrue.

19

20 Well, it's not outrageous or inappropriate, it is a fair  
21 inference from what is written. Whether it's the inference  
22 I draw at the end is an entirely different matter. But  
23 when you send a letter to somebody, you've conveyed it to  
24 them, and I would have thought that's plain, and I'm not  
25 going to parse. Carry on?---Well, I'm sorry, in answering  
26 that question, the letter I gave to the Treasurer, which  
27 was a letter from the Treasurer, as I've already indicated,  
28 that I somehow by just miracle received a couple of weeks  
29 after - sorry, two weeks after I've written to her acting  
30 chief of staff, or so-called acting chief of staff about  
31 this project, ah, seeking to have this project ended, to  
32 take it off the front page of the newspaper, because it was  
33 considered a political problem. The department in the  
34 state that actually audits and reviews procurements is not  
35 the Treasury Department, but the Minister for Finance.  
36 That's under the Financial Management Act. I didn't  
37 receive any correspondence from the Department of Finance  
38 or the Minister for Finance, I received a letter from the  
39 Treasurer, and - and it just seemed to be passingly strange  
40 that I received that from the person who was well-known and  
41 well-documented to be her acting chief of staff, or her  
42 real chief of staff, after I had emailed him about this  
43 very project. But the letter I sent to the Treasurer was  
44 absolutely no inference required, that was all directed  
45 towards the Treasurer, every word of that.

46

47 **NELSON, MS:** And was it correct - was everything in that  
48 letter true in your estimation?---Absolutely, but attaching  
49 the memo - this memo wasn't written for the Treasurer, this  
50 was a procurement memo prepared under the Procurement Act

1 and the Procurement rules, which I thought should be  
2 attached to the letter as proof of the procurement that had  
3 been undertaken.

4  
5 And you prepared it for the purpose of sending it to the  
6 Treasurer?---I absolutely did not.

7  
8 You used your earlier version, the 20 October version, to  
9 create this document?---Yes. I absolutely did not prepare  
10 this for the purposes of giving it to the Treasurer, I  
11 absolutely did not.

12  
13 Well, who did you prepare it for then?---Because under the  
14 Procurement Act and Procurement Rules, you have to have a  
15 procurement memo for procurements that you're undertaking,  
16 I didn't prepare it for the Treasurer. And of course, I'd  
17 been asking for a procurement memo to be prepared for some  
18 considerable period of time.

19  
20 So you prepared it?---Yes.

21  
22 And you determined and directed that it be sent to the  
23 Treasurer attached to the letter of 13 November?---Yes, but  
24 I didn't prepare it for the Treasurer.

25  
26 **THE COMMISSIONER:** We're going around in circles.

27  
28 **NELSON, MS:** Is there anything in this procurement memo,  
29 0158^, that is not correct from your point of view, or is  
30 all true?---That's the procurement memo?

31  
32 Yes?---Ah, no, I consider that to be, ah, an exceptionally  
33 strong, um, ah, process of procurement, far exceeding what  
34 would normally be done for a procurement of that size of  
35 money, um, under the Procurement Act and the Procurement  
36 Rules. Was it prepared for the Treasurer? Absolutely,  
37 fundamentally it was not.

38  
39 But it was sent to the Treasurer?---Yes, but it wasn't  
40 prepared for her.

41  
42 It was sent to - - -

43  
44 **THE COMMISSIONER:** Well as I say, we're going around in  
45 circles.

46  
47 **NELSON, MS:** Okay, thank you Commissioner.

48

1 **THE COMMISSIONER:** I have no doubt that a letter that is -  
2 something that is attached to a letter is intended for the  
3 recipient of the letter.

4  
5 **NELSON, MS:** Thank you, Commissioner. So, I want to  
6 suggest to you, Mr Field, that in drafting the bullet  
7 points that appear under the heading 'Considerations  
8 relevant to a view formed in good faith of a need to  
9 procure the service', you omitted to refer to the IOI, and  
10 you focused the attention on what you saw to be the  
11 benefits to Western Australia?---It's just absolutely,  
12 completely not correct.

13  
14 And in doing so, you misrepresented what the project  
15 proposal with the OECD stated as contained in the agreement  
16 that you signed?---Absolutely, completely incorrect.

17  
18 You misrepresented it because you omitted to refer to the  
19 IOI, and you added in the Ombudsman of Western Australia  
20 when in fact the proposal only referred to generic  
21 Ombudsman institutions, and you added in reference to  
22 particular Western Australian communities, such as  
23 Aboriginal Western Australians, refugee communities,  
24 LGBTQTIA community, as a way of portraying a nexus to your  
25 functions under the Parliamentary Commissioner Act?---Ah,  
26 absolutely and completely, um, ah, absolutely and  
27 completely incorrect. Utterly inconsistent with my  
28 passionate commitment to all of those matters that you've  
29 just outlined over 17 years, and, um, and this document  
30 doesn't hide the IOI in any shape or form, it's blatantly  
31 clear about the IOI all through the document.

32  
33 Why is this document not dated, Mr Field?---Well there's  
34 certainly nothing deliberate about, ah, not dating it. Um,  
35 and it was sent on a certain date, um, from my computer,  
36 and that would be the date. I certainly wasn't trying to  
37 hide the date it was done.

38 We'll go to page 9, thank you. So, on page 9 you've  
39 referenced the meeting with Mr Cormann on 13 June 2022, and  
40 then the subsequent meeting with Brendan Pearson on 15 June  
41 2022. The meeting with Mr Pearson had nothing to do with  
42 the OECD project, did it?---Well, that's not correct. I -  
43 I - I met with him to discuss the meeting I'd had with the  
44 Secretary-General of the OECD.

45  
46 A meeting that you'd had as the president of the IOI?---Mm,  
47 correct.

48  
49 To discuss collaboration and very high-level rule of law,  
50 governance, human rights issues with him?---No, to discuss

1 the fact - well, all of those things, correct, and also to  
2 discuss the fact that, um, it was my intention to do a  
3 project with the OECD, that would have been discussed with  
4 Mr Pearson.

5  
6 And you have copied into this email also the reference to  
7 the telephone conversation on 11 June 2022 with Rebecca  
8 Brown?---Correct.

9  
10 That telephone conversation had no relevance to the OECD  
11 project?---I can't possibly agree with that. I rang  
12 Rebecca Brown to discuss with her the fact that I was  
13 meeting with Mathias Cormann.

14  
15 And that was the extent of the conversation about the OECD,  
16 wasn't it?---Well no, and - and - and nor was the  
17 debriefing conversation that I held when I got back from  
18 the meeting the OECD with Rebecca Brown. Ah, it was to  
19 discuss the scope of what I was discussing. In fact, I've  
20 already answered this question because I answered it  
21 yesterday, yeah.

22  
23 We'll move on. So the last sentence on that page:

24  
25 Further in June 2022 the Ombudsman appointed  
26 delegated officers for the proposed procurement.

27  
28 That did not happen, did it, Mr Field?---Delegated officers  
29 were appointed under the delegations register. They were -  
30 they were officers under the register - the delegations  
31 register.

32  
33 So in June 2022 you didn't appoint delegated officers for  
34 the purpose of this particular procurement, did you?---You  
35 - but you don't.

36  
37 **THE COMMISSIONER:**

38  
39 Further in June 2022 the Ombudsman appointed  
40 delegated officers for the proposed procurement.

41  
42 ?---Oh, so - - -

43  
44 Who did you appoint in June 2022?---So I think that should  
45 be clarified, correct, Commissioner. The delegation - so  
46 in June '22 that would have been when I was having  
47 conversations in the first instance with Rebecca Poole  
48 about undertaking that thing. Did there need to be a  
49 further delegation of that? No, because she was a  
50 delegated officer under our delegations register.

1 That's not what it says?---But you don't make separate  
2 appointments, um, Commissioner, because that's not - - -

3

4 No, no, I don't care what you do or you do not. What is  
5 here is the words is counsel putting to you. Did you in  
6 June 2022 appoint delegated officers?---I did, Rebecca  
7 Poole.

8

9 So somewhere there will be an instrument of delegation  
10 dated June 2022 recording that point?---No, because that's  
11 not - that's not what the delegations register does. The  
12 delegations register is a register of all those people who  
13 are delegated to make decisions. And I delegated that to a  
14 delegated officer. That's - that's - - -

15

16 You delegated her for the proposed procurement?---Correct.  
17 And I knew she was an officer who was otherwise delegated  
18 as a branch - branch manager under our delegations register  
19 to do that. If she hadn't been a branch manager under that  
20 delegations register then I would have had to have done  
21 something about it. Then I would have to have separately  
22 delegated her. That's completely correct.

23

24 **THE COMMISSIONER:** Well, words speak for themselves.

25

26 **NELSON, MS:** If we could go to page 10, thank you. In the  
27 middle of that page you've said:

28

29 In accordance with rule 1A being the achieved value  
30 for money rule, the project was assessed by delegated  
31 officers as being a procurement that achieves value  
32 for money.

33

34 I think I know the answer to that, but there was no written  
35 assessment in existence, was there?---Well, this is the  
36 written assessment of it being, um, the case.

37

38 You've said it in the past tense, 'Was assessed by the  
39 delegated officers,' presumably the one that the  
40 Commissioner was just asking you about which you referred  
41 on the previous page. Are you trying to convey that after  
42 June 2022 that the delegated officers did something in  
43 particular in relation to this project to demonstrate that  
44 it achieved value for money?---This was the reduction into  
45 writing of an assessment of which I was aware, um, about  
46 the value for money for the project. This is - this - that  
47 statement is completely in accordance with the Procurement  
48 Act and the Procurement Rules.

49

1 If we go to the heading '1.2.1 Government, Social, and  
2 Economic and Environment Priorities', consideration was  
3 given to those two dot points. Are you saying the  
4 consideration is this memorandum or was it - - -?---  
5 Correct.

6  
7 You are?---Correct. There were contemporaneous discussions  
8 about these matters, er, between Rebecca and I about these  
9 matters. But, yes, this is the reduction into writing  
10 about it.

11  
12 So any consideration that had happened prior to reducing  
13 this document to writing was just a discussion and it  
14 didn't appear anywhere in a record?---There wasn't a  
15 record. There was - there was verbal discussions, that's  
16 exactly correct.

17  
18 And you say that those then five dot points are a  
19 justification for how the project achieves the government's  
20 social, economic, and environmental priorities?---Correct.

21  
22 The social priorities that you reference there are  
23 extremely high level, aren't they, Mr Field; protecting  
24 human rights, protecting good governance and the rule of  
25 law?---So are the priorities.

26  
27 Where did you get those social priorities of the government  
28 at the time from?---They're in the Procurement Act and  
29 Procurement Rules is my recollection, or the guidelines to  
30 them.

31  
32 If we go to page 11, thank you, the three dot points on  
33 page 11 reference that:

34  
35 The Ombudsman of Western Australia is undertaking the  
36 project and procuring the services of the OECD -

37  
38 as the beginning phrase for each of those three dot points.  
39 I suggest that you've omitted to mention the IOI as having  
40 any role in the project?---Sorry, which reference is this?

41  
42 Page 11, the top three dot points that are on the screen.  
43 You've started off the justification that you've  
44 articulated in each dot point using the same phrase:

45  
46 Ombudsman Western Australia undertaking the project  
47 and procuring the services of the OECD.

48  
49 ?---But that's - that's because the government's social,  
50 economic, and environmental priorities are those to which a



1 public sector agency in Western Australia turns its - turns  
2 its mind. It would have been completely inappropriate to  
3 be talking about the IOI in that particular section of this  
4 procurement. You're talking about what consideration has a  
5 public sector agency in Western Australia given to those  
6 priorities. It just wouldn't have been even appropriate to  
7 mention the IOI in that.

8  
9 Would it have been appropriate to have mentioned anywhere  
10 in this memorandum that the IOI were involved in the  
11 project and being given a copy of the output of the  
12 project?---They are, and extensively. Page 12 for a start.

13  
14 **THE COMMISSIONER:** Well:

15  
16 The project has been able to be expanded and deliver  
17 scale through the IOI.

18  
19 ?---Exactly.

20  
21 Is that a correct statement?---That's exactly - and that is  
22 - Commissioner, that is exactly the way, um, - now, of  
23 course, it will be a matter for you to determine whether  
24 you believe me, but that is exactly the way I always from  
25 day one envisaged this project. It was a project between  
26 the OWA and the OECD. And it so happened that we had this  
27 fantastic confluence of events where I was both the  
28 president of the IOI and Mathias Cormann was a Western  
29 Australian and the secretary-general of the OECD, and we  
30 could expand the value of that project beyond just the  
31 Western Australian and the Asia-Pacific region to other  
32 regions. And that's exactly what that's trying to capture.

33  
34 **NELSON, MS:** The records that we have seen during the  
35 course of all your public examination, Mr Field, have never  
36 limited the project proposal to the Asia-Pacific region,  
37 have they?---But - but that's exactly right, it didn't.  
38 I've just - - -

39  
40 **THE COMMISSIONER:** Just listen to the question. Answer  
41 that question?---All right. Well, sorry, but, yeah, I - I  
42 apologise. No, I did listen. Um, the answer is, ah, no.  
43 The clear focus of every part of my discussion about this  
44 and/or writings about this and this memo and my discussions  
45 with every director general and CEO was this was a project  
46 being done by the Ombudsman that would benefit Western  
47 Australia and our near Asian trading partners, but it had a  
48 bonus factor - a factor that was good for scale and scope  
49 efficiency as well - which was to expand this project out  
50 to other regions. And we couldn't pay for that. Western

1 Australia shouldn't be paying for the benefit that North  
2 America was getting. The IOI was paying for that, 50,000.

3

4 **NELSON, MS:** So you're suggesting that the contribution by  
5 the IOI, the €50,000, was for the expansion of the project  
6 to Africa, North America, South America, Europe?---That was  
7 always the view I had about the project.

8

9 And the €77,000 that we were contributing was only for the  
10 Asia-Pacific region?---For Western Australia and the  
11 Asia-Pacific region. Now, I - I want to be absolutely  
12 honest with the Commission. Of course, did that mean the  
13 work we were doing here that other - it wouldn't have  
14 benefit for other people? I'm not suggesting for a moment  
15 that's not the case. That, for example, if we'd done the  
16 project and then the ombudsman - my exceptional colleagues  
17 in Africa had looked at the project and said, 'Hey, there's  
18 some real value for us in that,' effectively free-riding on  
19 the project, I perfectly understood that could happen. I'm  
20 not denying that for a second.

21

22 Mr Field, are you suggesting that the project was going to  
23 be just for Western Australia, the Asia-Pacific benefit  
24 with the OECD, and out of the goodness of your heart you  
25 expanded it to all the other regions of the IOI? Is that  
26 what you're suggesting?---Not out of the goodness of my  
27 heart; out of the \$50,000 that they were contributing.

28

29 Mr Field, it was never going to be constrained  
30 geographically to the Asia-Pacific region. From day one it  
31 was going to be about involving all of the areas of the  
32 IOI?---No, you're completely wrong. Um, and every  
33 conversation that I've had with every stakeholder had - has  
34 made very clear all along that this OECD project was a  
35 project for Western Australia and the Asia-Pacific region,  
36 our trading partners, which was a huge part of my  
37 presidency in every piece of correspondence, in every  
38 single discussion about my presidency. This was about what  
39 - how it could benefit Western Australia and how it could  
40 benefit Western Australia's trading partners, and that was  
41 principally in the Asia-Pacific. Not entirely limited to  
42 the Asia-Pacific - see, for example, Styria and the MOU -  
43 but possibly others. Um, and did I see that it necessarily  
44 was the case that it was absolutely obvious that this  
45 should be done for, say, North America? I thought it was a  
46 great idea it was done for North America, but I didn't  
47 think Western Australian taxpayers would necessarily be  
48 paying for that, hence the €50,000 from the IOI. Now - - -

49

1 **THE COMMISSIONER:** Mr Field, I'm just looking at the  
2 contract outputs:

3  
4 A survey that the OECD will submit to the donor, who  
5 will in turn distribute it among the members of the  
6 International Ombudsman Institute notably in Africa,  
7 Asia, Australasia and Pacific, and North America.

8  
9 That was in the contract?---Yeah, and - - -

10  
11 Why isn't it in the procurement memo?---Well, it was very  
12 much similar, like, to the European, ah - - -

13  
14 No, no?---Oh.

15  
16 Why wasn't that in the procurement memo?---It wasn't  
17 germane to a memo under the Procurement Act or the  
18 Procurement Rules from my perspective. And it certainly  
19 wasn't in any way to hide that fact. It wasn't in any way  
20 to be dishonest about it. I didn't think it was actually  
21 germane or relevant to a memorandum under the Procurement  
22 Act and the Procurement Rules. But it's certainly true to  
23 do that survey was exactly what the Europeans had done even  
24 though that was a project principally for Europe. Because  
25 they went to the whole world to get ideas about best  
26 practice and benchmarking to use in their own region, and  
27 we were going to do the same thing. So if it turned out we  
28 got survey results that all through, say, Latin America  
29 they were doing particular things which we thought were  
30 particularly worthwhile, that was something we would learn  
31 from.

32  
33 Which is why it was to be distributed to everyone?---  
34 Exactly, yeah.

35  
36 **NELSON, MS:** If we could go to page 13, thank you. You've  
37 certified at the top of the page that the value for money  
38 assessment under the Procurement Rules was undertaken?---  
39 Oh, sorry, page?

40  
41 Thirteen?---So sorry. Yes.

42  
43 When was that undertaken? Because this is undated?---As I  
44 say, um, the - the undated was - - -

45  
46 **THE COMMISSIONER:** The question is simply when?---Okay,  
47 not - that's not the question.

48

1 The question is when?---When. Um, it was done at the same  
2 time that the procurement memo was done, which was in that  
3 October period. That's the reduction to writing.

4  
5 You'd have to do the value for money assessment before you  
6 procure the goods, wouldn't you? No point in doing it  
7 after?---Oh, well, yeah, certainly. It just - - -

8  
9 So when was the question counsel asked?---Well, it was done  
10 - it was done, ah, throughout that period, um, and prior  
11 to, ah, me seeking the money from both the government and  
12 the IOI. So that would have been in early 2023. But this  
13 is the reduction to writing of that.

14  
15 I appreciate this is a reduction to writing. I appreciate  
16 from your evidence there is no document that indicates a  
17 value for money assessment, which is why counsel asked you  
18 when it was done. Your answer is - - -?---Ah, it would  
19 have been done - it was done in the early parts of 2023 is  
20 my recollection.

21  
22 **NELSON, MS:** If we could go to page 14, thank you. At the  
23 top of the page you have said there were no conflicts of  
24 interest to declare?---Correct.

25  
26 So you accept that that is a matter that needs to be  
27 addressed in a procurement exercise then, Mr Field?---  
28 There's a specific requirement under the Procurement Rules,  
29 um, that you note no conflict of interest, correct.

30  
31 Prior to the last break I think you told me that that was  
32 not a requirement; if there was no conflict you don't need  
33 to record it?---No, that's not what I said.

34  
35 Okay?---I - yeah.

36  
37 We go back to page 7, thank you. I just want to look at  
38 footnote 4?---And I just said that's not what I said  
39 though.

40  
41 **THE COMMISSIONER:** Well, the transcript will show what you  
42 said one way or the other?---Well, I was talking about  
43 conflict of interest registers at my workplace, not this  
44 memo.

45  
46 **NELSON, MS:** Bottom of page 7. So in footnote 4 you have  
47 recorded that there was, in effect, no conflict of interest  
48 in respect of your relationship or no relationship with the  
49 secretary general of the OECD?---Correct. Correct.

50

1 And you didn't think to make a declaration in relation to  
2 your presidency of the IOI?---It's not a conflict of  
3 interest.

4  
5 If we go back to page 14, thank you. And under the heading  
6 'Keeping Adequate Records', perhaps we could have that  
7 whole portion on the screen, thank you, Madam Associate.  
8 I'll give you a minute to look at that?---Thank you. Thank  
9 you.

10  
11 You're a member, I believe, of the State Records Commission  
12 by virtue of the fact that you're the Parliamentary  
13 Commissioner for Administrative Investigations?---I am  
14 indeed.

15  
16 And as a member of that commission you would be well aware  
17 of the requirement for government agencies to keep records  
18 of all decisions made?---I am indeed.

19  
20 Do you consider that you have complied with that obligation  
21 in relation to the whole of the OECD project procurement  
22 exercise?---Unquestionably.

23  
24 As the contract manager you have the responsibility to  
25 capture all contract records - - -?---Yes.

26  
27 - - - under your own record-keeping plan?---Yes.

28  
29 And do you consider that you have done that adequately in  
30 relation to this project?---Ah, well, there's no  
31 requirement to keep ephemera, and that wouldn't have been  
32 kept. Um, in relation to keeping records, ah, I'd be  
33 surprised if there's another 28-page memo for any \$200,000  
34 procurement in Western Australia as of today. So the  
35 answer is yes.

36  
37 But would you accept that under the Procurement Rules  
38 you're required to enter a contract of this size in the  
39 contract register of the agency?---Oh, no, well, um,  
40 unquestionably yes.

41  
42 And have you done so?---Ah, no, because the - two reasons:  
43 because the treasurer's letter was received, and second of  
44 all, because of this inquiry.

45  
46 If the treasurer's letter was received nearly three months  
47 after you'd entered into the contract?---No, not even close  
48 to that. That's not correct.

49

1 **THE COMMISSIONER:** Well, you entered into the contract in  
2 August, and it was countersigned in September?---Yes.

3  
4 The treasurer's letter was in November?---My calculation is  
5 that there was 15 business days between the contract being  
6 entered into and the treasurer's letter being received.  
7 And, um, ah, Commissioner, let me make absolutely clear I  
8 consider that 15 days to be a period of non-compliance.  
9 After that 15 days, um, ah, it was my view that it was  
10 disrespectful to this Commission and also not appropriate  
11 in relation to having received that letter to - indeed, if  
12 it had been on there, I would have taken it off is my view.  
13 Um, but I make absolutely, um, ah, ah - I want be, ah,  
14 utterly honest and - and - and completely responsible. I  
15 take responsibility for those 15 days of non-compliance.

16  
17 **NELSON, MS:** Now, page 15, thank you. 2.4 at the top of  
18 the screen.

19  
20 Ensure your - you follow your agency's delegation  
21 register and gain the appropriate approvals prior to  
22 engaging a supplier.

23  
24 The last sentence of that paragraph in response:

25  
26 The appropriate approvals from the accountable  
27 authority were provided prior to engaging the OECD.

28  
29 So that would be approvals from yourself because you are  
30 the accountable authority?---Correct.

31  
32 And do you say that those approvals are the email  
33 correspondence between yourself and your officers or is it  
34 some other type of record?---No. Those records. Correct,  
35 counsel.

36  
37 **THE COMMISSIONER:** Well, according to this they're in the  
38 delegation register?---I'd better make sure. So is - is  
39 this 2 point - - -

40  
41 **NELSON, MS:** Four at the top?---Sorry. My sincerest  
42 apologies, Commissioner. Correct. Yes, Commissioner.

43  
44 And that would be the approval to Ms Poole?---Yes. As it  
45 turns out, of course, those approvals were, um, ultimately  
46 redundant because the approvals are only ultimately for two  
47 things. One is to enter into a contract. The second is an  
48 exemption from minimum competitive requirements. And I  
49 approved that exemption for minimum competitive  
50 requirements, and I signed the contract. So the actual

1 delegations of the officers never in fact enlivened itself  
2 because I was the one who made those two signatures as the  
3 accountable authority. But they - but Ms Poole was a  
4 delegated officer under the, um - under the delegations  
5 register or in the delegations register, which is in  
6 complete compliance with the procurement rules.

7  
8 **THE COMMISSIONER:** And the delegations register shows that  
9 she was delegated for negotiations - - -?---No.

10  
11 - - - for the project and contract?---No. The - there's  
12 not a delegation for officers. There is signed, um, and  
13 that's not a matter - - -

14  
15 I'm just reading what you've written?---Oh, yes. And I - I  
16 have to tell you, Commissioner - and let me make this  
17 second significant apology. Um, that wording is in fact  
18 completely inelegant and my own misunderstanding. Ah, ah,  
19 the accountable authority can delegate officers. In this  
20 case, the relevant delegations are to enter the contract  
21 and to grant an exemption, um, from the minimum competitive  
22 requirements. The procurement rules also provide for  
23 officers who are assigned, and those assigned officers can  
24 on delegation undertake, um, negotiations. And both those  
25 officers were Rebecca and to some extent Kyle Heritage.  
26 But they did not and aren't, um, ah, noted in the  
27 delegations register under the procurement rules.

28  
29 So 2.4 is wrong?---Well, there were authorised officers  
30 undertaking the negotiations but their proper noun  
31 nomenclature to delegated officers is wrong. Oh, sorry,  
32 one of them is. That is Rebecca, not, um, Kyle.

33  
34 **NELSON, MS:** So I think you're saying to the Commissioner  
35 that the approvals that were required for the OECD project  
36 were approvals given by you?---Correct.

37  
38 Why did you not just say that in the paragraph?---Oh,  
39 because I had actually delegated - and it was in the  
40 delegations register of course - that the branch manager  
41 could do those things. Um, but ultimately when it came  
42 time to sign the contract, I decided that contract ought to  
43 be signed by me.

44  
45 If we could go over page - just scroll through 16 and 17  
46 then 18 which sets out the relevant rules.

47  
48 **THE ASSOCIATE:** At reading speed?

49  
50 **NELSON, MS:** No, thank you. If we go to page 19.

1 **THE COMMISSIONER:** Where do you want Mr Field to read  
2 from?  
3  
4 **NELSON, MS:** Just from 19, thank you. So under the  
5 heading "The procured project", is that what you are saying  
6 the outputs from the project will be?---Well, as I say,  
7 you're entitled to disbelieve me. But once again, that  
8 second paragraph captures it exactly what I had in my mind  
9 and that's why I wrote it there. It's exactly what I said  
10 to the Commissioner before. That's exactly what I have in  
11 mind and - and this will obviously be a matter for, um, my  
12 counsel. But there is a lot of evidence that, ah, is me  
13 talking about exactly these issues.  
14  
15 In terms of the - the second paragraph under the procured  
16 project heading, the project will also have a significant  
17 target audience of our major trading partners. The project  
18 proposal itself and under the grant agreement makes no  
19 provision for this particular target audience, does it? It  
20 doesn't particularise that audience?---But as I've said  
21 already yesterday, counsel - - -  
22  
23 Does it particularise - - -?---no.  
24  
25 - - - that audience?---No. Well, ah, I'll - perhaps I'll  
26 have an opportunity to return to it at the appropriate  
27 time. For the present purposes, I will say no.  
28  
29 And as we've discussed before, nor does the proposal  
30 reflect any particularisation about Aboriginal  
31 Western Australians or refugee communities or in fact any  
32 communities at all?---No. And indeed, when I was first  
33 signing that contract, I'm not even sure that particular  
34 idea had occurred to me.  
35  
36 If you could go to the next page, page 20. So under the  
37 heading "Outputs" it says that the survey will be submitted  
38 to the donor, who in turn will distribute it amongst the  
39 members of the IOI. It doesn't actually define in this  
40 memorandum who the donor is, does it?---Well, the donor is  
41 intended to be, um, ah, the Ombudsman of Western Australia.  
42  
43 If we go to the footnote at 13 at the bottom of this page -  
44 thank you, Madam Associate. The Australasian and Pacific  
45 Regions funded by Ombudsman of Western Australia and the  
46 additional regions funded by a €50,000 contribution by the  
47 IOI?---Correct.  
48  
49 Is there in existence any, ah, cost allocation working of -  
50 of the various apportionment between the IOI and the OWA in



1 terms of the payment for the proposal project?---Well,  
2 it's - - -  
3  
4 Where's the working to justify that cost allocation?---  
5 Beyond the budget on page - in the document, you mean?  
6  
7 **THE COMMISSIONER:** You mean page 12?---Yes.  
8  
9 Well, that doesn't - - -?---You want a - a further  
10 breakdown of that?  
11  
12 **NELSON, MS:** How did you come to - or how did the OECD  
13 come to that apportionment given that you say it was  
14 actually a geographic reason for it to be - sorry, that's -  
15 I can start again. So you've said that the IOI is paying  
16 €50,000 because the project was going to be expanded in  
17 its geographical - - -?---Yep.  
18  
19 - - - focus?---Yep.  
20  
21 How did the OECD, the OWA or the IOI come to a figure of  
22 \$50,000 for that - - -?---It - - -  
23  
24 - - - expanded geographical output?---Yes. It's - it's a -  
25 yes. It's a good question. The - the - it came from, ah,  
26 my, ah, examination of the OECD, ah, budget and what they  
27 had sent to us. Ah, and the view I formed about - based on  
28 as I say 17 years' experience of what I thought would -  
29 what it would take to do, um, the Australasian Pacific and  
30 then expansion from there. I suspect the €50,000, um - in  
31 fact, I do recollect it being a slight rounding up or  
32 slight rounding down for an even number. It wasn't that  
33 acute if you like, but it arrived at that. Um, but, ah, it  
34 was based on, ah, my understanding of what I thought the  
35 project would undertake.  
36  
37 **THE COMMISSIONER:** Is that what the world board of IOI  
38 passed? It passed a motion for the 50,000?---Yeah.  
39  
40 Did it pass a motion saying, "This is a contribution for  
41 the other regions"?---I can't specifically remember what we  
42 put to the world board, but it was very much - it was very  
43 much - - -  
44  
45 Well, I'm not interested in what was put but what was  
46 moved. What was the motion?---Oh, I actually - I  
47 don't - - -  
48  
49 We have that - - -?---Yeah, I was going to say - yeah.  
50

1 Sort that out in due course. But at the moment I just want  
2 to understand your evidence. That is your - you personally  
3 worked out additional funders funded by 50,000?---Yeah.  
4 They were my calculations. Yep.

5  
6 There's no other record of them?---No.

7  
8 **NELSON, MS:** And when did you make that calculation?---Ah,  
9 that was prior to the IOI world board meeting, and how much  
10 prior I'm not quite sure.

11  
12 And over the page at 21, thank you, under the heading  
13 "Project Development". In addition to meeting the  
14 secretary general of the OECD, you provided ongoing  
15 briefings to the premier's chief of staff - - -?---Yes.

16  
17 - - - during the development of the project?---Yes.

18  
19 And I put to you yesterday that the premier's chief of  
20 staff has denied any knowledge of this project until  
21 October 2023?---Ah, well, he is - the, um - I understand  
22 the forthcoming member of parliament is wrong -  
23 fundamentally wrong about what he's saying to you. He is  
24 incorrect and is not what was discussed with him. I - he -  
25 I can understand all the incentives he has to walk away  
26 from this. And all of this happened the day the Ben Harvey  
27 story ran. Up until then, you would not have had a greater  
28 supporter in government for every single thing I was doing  
29 than Daniel Pastorelli, and it magically ended the day the  
30 Ben Harvey story was on the front page of the newspaper.  
31 You'll have to form your own views - the Commissioner will  
32 - about the likelihood of that evidence. And the answer is  
33 he is wrong.

34  
35 Mr Field, could you be mistaken about conversations you had  
36 with him in relation to the memorandum of - - -?---  
37 Absolutely not.

38  
39 - - - understanding with Styria?---With Styria?

40  
41 With Styria?---Yes. I had extensive conversations with  
42 them about Styria and extensive conversations with him  
43 about this and extensive conversations with him about, um,  
44 a whole raft of other matters as well. I discussed  
45 multiple aspects of my IOI work with him of which this was  
46 only one and Styria was another. But there's no confusing  
47 the two. Mathias Cormann wasn't involved with Styria. Um,  
48 ah, none of these things had any crossover with Styria at  
49 all. There were separate line items on my agenda meetings  
50 with him. Um, and of course that wasn't the only thing. I

1 was also telling him about every trip I went on, every  
2 travel that I took. So they were all delineated out. I  
3 certainly wasn't confusing it. He might be confused. I  
4 certainly wasn't.

5  
6 You recall on the previous occasion I showed you an email  
7 that you sent to him in mid-October 2023 giving details  
8 about the OECD - - -?---Yes.

9  
10 - - - project?---Yes.

11  
12 So I'd suggest to you that was the first time you informed  
13 him about the project?---This is completely wrong. That  
14 was - that was after the story ran in the newspaper and he  
15 wanted to know the political messes he had to clean up, and  
16 he asked for them and then he sent it to Rita Saffioti to  
17 do it. That's what that was.

18  
19 But he asked you for details about the project cos he  
20 didn't know anything about it at that stage?---  
21 Mr Pastorelli knew everything about - as did his  
22 predecessors by the way - um, knew everything about, um, my  
23 IOI work. Um, um, they knew about, ah, ah, the fact that I  
24 was, um, ah - my original, ah, application to be president.  
25 Every aspect of everything that I did, every trip that I  
26 took, um, every project that I was discussing - yes, about  
27 Styria of course, but everything about the OECD. Um, ah,  
28 anything that I thought was of benefit. And - and,  
29 counsel, just to finish that - - -

30  
31 **THE COMMISSIONER:** Well, I think I have the evidence  
32 because one of - I have the evidence. You have strongly  
33 denied that Mr Pastorelli knew nothing about it. You've  
34 told us that you briefed him extensively. I understand  
35 that evidence?---And - and - and, Commissioner - and  
36 I - - -

37  
38 No. I understand the evidence?---I was going to say  
39 I - I'm sorry. I'm sorry, Commissioner.

40  
41 I understand - - -?---I withdraw.

42  
43 - - - the evidence. You're passionate about it and I have  
44 noted that. But I understand that you completely deny what  
45 was put to you?---Thank you, Commissioner.

46  
47 And the purpose of counsel putting things is for your  
48 response?---Thank you, Commissioner. Thank you.

49

1 **NELSON, MS:** I note the time, Commissioner. I'm nearly  
2 finished with this particular document.

3

4 **THE COMMISSIONER:** Well, let's try and finish it and then  
5 we'll have a break.

6

7 **NELSON, MS:** Over the page at page 22 under the project  
8 funding heading you put in the details about the  
9 streamlined budget process, and we've had extensive  
10 evidence from you about that?---Yes.

11

12 You say the Ombudsman secured a grant of €50,000 from the  
13 world board of the IOI?---Yes.

14

15 I'd suggest to you that at the time that the world board  
16 agreed to that particular amount of money being applied to  
17 this project, they had been informed that they were  
18 commissioning the project from the OECD?---Ah, no. Well,  
19 ah, I was the president and chair of the board and I  
20 discussed this extensively with members. Um, I think that  
21 the world board thought they were very much a project  
22 partner. Very much a partner of this. Um, and perhaps  
23 they - perhaps the way they might have thought about it  
24 most correctly was it was a tripartite project. I mean, I  
25 - I don't have a photo recollection of that meeting but I  
26 have a pretty strong recollection. And the discussion, um,  
27 in Vienna was that this was a tripartite, um, process.  
28 There was the IOI, there was the OECD, and there was the  
29 OWA. And indeed, we had made it abundantly clear that the  
30 OWA was the principal and majority funder of this project,  
31 and that was abundantly clear in that submission we made.

32

33 If I could have 0359^ at page 5, thank you.

34

35 0359^

36

37 **THE ASSOCIATE:** Is that page 9?

38

39 **NELSON, MS:** Page 5. If we go - if you keep scrolling  
40 down, thank you. It's page - that's the wrong document.

41

42 **THE COMMISSIONER:** Might be better to have the break and  
43 you can find the document over the break.

44

45 **NELSON, MS:** Okay. Thank you, Commissioner.

46

47 **THE COMMISSIONER:** We'll break for one hour.

48

49 (WITNESS WITHDREW)

50

**THE COMMISSIONER:** Sorry I am a couple of minutes late, please be seated.

**CHRISTOPHER JAMES FIELD RECALLED AT 02.03 PM:**

**NELSON, MS:** Thank you, Commissioner. Could I have 0158^ back up on the screen, and we're at page 22.

0158^

**NELSON, MS:** And particularly looking at the paragraph in the middle of the screen:

The Ombudsman secured a grant of €50,000 from the world board of the IOI.

And I was suggesting to you, Mr Field, that that was a misrepresentation of what had occurred, in that the world board of the IOI had not given a grant to the OWA to enter into the project with the OECD, but the world board thought that they were approving that the IOI enter into the project with the OECD. Do you accept that?---Um, the actual sentence - well, no. The Ombudsman secured a grant of €50,000 from the world board of the IOI. Um, ah, it was exactly what did happen, and that was €50,000 contribution to that project. So, that sentence, I don't have a photo recollection of writing it at the time, but that sentence was conveying, as I read it now - conveying what I thought was an accurate representation of what had been done, that the IOI world board was contributing €50,000 to the project.

Do you accept at the time the world board approved that amount of money, the world board were under the impression that they were entering into the agreement with the OECD as the project partner with them?---Um, what I recollect at the time, um, was that I'd indicated to the world board, um, that there would be a project with the OECD, ah, of which they would contribute funding, of which we would contribute funding. We were the principal partner. I have a recollection that that was couched in terms of the IOI, um, being - entering into a project with the OECD, um, which was from my recollection, in part writing to audience. Obviously in no way trying to mislead, but trying to basically say, 'This is the' - I'm writing - I'm now speaking to the audience of the IOI, what are you contributing to it, what's your role? Um, but from my recollection of that memo, I think it probably should have

1 been better drafted to make it even clearer - or to make it  
2 clearer, that along with the IOI, ah, ah, that the OWA was  
3 - it was clear that we were the principal funder, but we  
4 were also the, from a contractual point of view, the  
5 project partner. Of course, the project - that still  
6 hadn't been finished at that stage.  
7  
8 Well, I'll take you to the actual document, 0151^.  
9  
10 0151^  
11  
12 **NELSON, MS:** In the middle of the screen, you have sent an  
13 email to Mr Heritage, who has actually drafted the  
14 documents for the world board of the IOI?---Yes.  
15  
16 And you have said:  
17  
18 Dear Kyle, exceptionally fine first go of this, virtually  
19 no changes, well done. Dear Becky, accept tracks and send  
20 to Michael.  
21  
22 Who is the IOI secretary?---Correct.  
23  
24 And then if we go to page 6 to see what you have  
25 considered. So, this is the memorandum to the IOI board of  
26 directors basically asking them to approve the project.  
27 So, the second paragraph refers to the OECD prepared a  
28 proposal for a cooperative research project between the IOI  
29 and the OECD, can you see that there?---Correct.  
30  
31 I'll just give you a minute to read what's on the screen?  
32 ---Yes, correct.  
33  
34 At the bottom of the screen, the IOI board are being told  
35 that the 2018 research project will be expanded with a  
36 particular focus on African, Asian, Australian and Pacific  
37 Ombudsman's regions?---Correct.  
38  
39 And then over to the next page, you've nominated that the  
40 Western Australia Ombudsman office will provide €77,000 as  
41 well as significant in-kind resources to the project?  
42 ---Yes.  
43  
44 And you proposed to the board the IOI contribute the  
45 remaining €50,000?---Yes.  
46  
47 And then you recommend that the board commission the OECD  
48 to undertake the corroborative research project that is  
49 then named. Can you see at the bottom of the screen?  
50 ---Correct.

1  
2 So, you're proposing to the board that the IOI is the  
3 project partner with the OECD and this document, aren't  
4 you, Mr Field?---Um, so counsel, obviously just as I  
5 mentioned, it contains a raft of those matters I just  
6 discussed. Um, that we were the predominant funder.  
7  
8 Does it suggest to the board that they approved that the  
9 board is the project partner with the OECD?---No, I - I - I  
10 want to concede to you, um, that at that particular point,  
11 particularly at that iteration of the development of the  
12 project, because it was developing from '21 right up until  
13 now, it's still developing. If it was to continue as a  
14 project, it continues to develop, um, in terms of its  
15 scope. Um, that at that stage, the IOI being a, ah, a  
16 signatory partner to the, ah, to the contract, I concede  
17 that should have been - I simply haven't settled that.  
18 It's my fault, not Mr Heritage's, I haven't settled that  
19 correctly, I should have made it clearer, um, that I was  
20 writing to audience, but it still should have been clearer  
21 about OWA's role on just the majority funding, there should  
22 have been something further about that in the document.  
23 So, I think that's correct.  
24  
25 So, it doesn't say in the memorandum that the OWA will be  
26 the sole signatory partner with the OECD?---Oh, I'm  
27 agreeing with you.  
28  
29 And it doesn't say that the IOI's contribution of €50,000  
30 is to extend the project from the Asia region to other  
31 regions of the world, does it?---Oh, that certainly was in  
32 my mind when that document - - -  
33  
34 **THE COMMISSIONER:** No, no, you're not asked what was in  
35 your mind?---Sorry.  
36  
37 You were asked what the document says?---No it doesn't, no  
38 it doesn't.  
39  
40 **NELSON, MS:** And attached to the memorandum that we're  
41 looking at, the IOI were given a copy of the proposal  
42 itself at page 15, thank you. I think it's page 15. So,  
43 they're given a copy of the proposal, which, if we just  
44 scroll down to the last paragraph on that page, bottom, the  
45 OECD and the International Ombudsman Institute's mandates?  
46 ---Yes.  
47  
48 No reference to the Ombudsman of Western Australia?  
49 ---Correct.

1 And if we go over to the next page, the outputs page, and  
2 then they are also given a copy of the proposed budget at  
3 page 17?---Correct.

4  
5 Which is titled, 'International Ombudsman Institute'?  
6 ---Correct.

7  
8 What the IOI board approved was that the IOI enter into  
9 this agreement with the OECD as the designated project  
10 partner, but that the OWA provide some funding towards it?  
11 ---Well, that's a slightly incorrect way of saying some  
12 funding, by far the majority funding, um, but, ah, so I  
13 just think that's clinically incorrect. Um, we were by far  
14 the majority funder, but, um, I agree with the Commissioner  
15 entirely that, ah, not everything that I had evolved in my  
16 thinking that was captured in the procurement memo in  
17 October was known to me at this time. But I absolutely  
18 should have done a better job of settling that for what was  
19 in my mind at that time that wasn't fully captured in the  
20 memo, that's correct. But I concede that without  
21 hesitation.

22  
23 That can be taken down, thank you. I've finished with  
24 0158^, I just want to take you to the letter that was with  
25 that actual memorandum. So, that's 0157^.

26  
27 0157^

28  
29 **NELSON, MS:** And we've looked at this letter in various  
30 drafts earlier this morning, if we just scroll slowly  
31 through to page 2. Perhaps the quicker way to do it is to  
32 go to the last page. Can you see this is the signed  
33 version of the letter?---Correct.

34  
35 I'll go back to the first page. And that's the beginning  
36 of the letter that you settled, Mr Field?---Correct.

37  
38 And then we go over to the second page, you've - well,  
39 Layla, on the basis of your instructions, has told the  
40 Treasurer that you entered into the agreement on three  
41 separate bases that we've gone through before, so I won't  
42 go through that evidence again. I just want to go to page  
43 3 quickly. You've put in - well, Layla's put in there the  
44 streamlined budget process content from the actual  
45 submission from February, and has said the reason why this  
46 funding request was made through the 2023-24 SBP was so  
47 that specific approval for the agreement from the ERC would  
48 be obtained?---Correct.

49



1 And I just want to clearly put to you that the approval for  
2 an SBP from the ERC would be just an appropriation of funds  
3 without any consideration of the merit of a project  
4 referred to in the terms that you have done in the SBP  
5 that's on the page?---I just unambiguously reject that.  
6 That's certainly what the Treasurer is saying.

7  
8 Well, in any event, on the basis we accept your evidence  
9 that the ERC were approving the merits of a major OECD  
10 project in the Asian region, would you agree that that is  
11 all the information they were given in which to make the  
12 assessment?---Ah, they were given the information that  
13 would have been provided up until including the SBP process  
14 considerations, that would have been iterations of emails  
15 between my staff and Treasury officials. Ah - - -

16  
17 In terms of settling the SBP?---Correct, correct. So,  
18 there would have been a series of - there was a series of  
19 emails, um, between my office and Treasury officials about  
20 the SBP. Um, and then what they would have beyond the SBP  
21 - well, I don't know, I can't answer that question.

22  
23 Well, it's nothing that you or your office provided?---No,  
24 no, that's - that's correct, beyond - beyond - yes, very  
25 good, counsel. I - I don't know what they had, but I know  
26 what we had, and we had provided, um, the SBP and the  
27 emails that preceded the SBP.

28  
29 Now, after sending that letter to the Treasurer on  
30 13 November, did the Treasurer then respond on  
31 20 November?---I don't have a photo recollection of the  
32 date, but there certainly was another letter, correct.

33  
34 And do you recall that in that letter, the Treasurer didn't  
35 accept your explanation that you had given in your letter  
36 of 13 November?---Ah, didn't accept it, did you say?

37  
38 Well, perhaps I'll show you the letter. 0159^.

39  
40 0159^

41  
42 ?---I think the answer is yes, but I'll - - -

43  
44 So, the Treasurer said first - the third paragraph down, in  
45 effect that you did not have authority to enter into the  
46 agreement under the Financial Management Act?---Correct.

47  
48 And then second, that there was nothing in the  
49 Parliamentary Commissioner Act that authorised you to enter

1 into the agreement?---Correct. Yes, correct, that's what  
2 she's saying.  
3  
4 And finally that the SBP submission dated 1 February 2023  
5 was in very general terms and was not a - in effect a  
6 sufficient basis upon which government to give - - -?---  
7 Correct.  
8  
9 - - - you approval to enter into the agreement?---Correct.  
10  
11 And then over the page on page 2 the treasurer's asked you  
12 to engage with the OECD in relation to looking at  
13 termination of the agreement?---Correct.  
14  
15 And then to write back to her after you've got a response?--  
16 --Correct.  
17  
18 And did you engage with the OECD on that basis?---Ah, no.  
19 I thought the treasurer's letter was wrong in - on every  
20 count.  
21  
22 And I understand that you wrote again to the treasurer nine  
23 days later on 29 November?---Correct.  
24  
25 And that's 0399. Madam Associate, I think we've got hard  
26 copies of this document. If that could be handed out,  
27 thank you.  
28  
29 0399^  
30  
31 **THE COMMISSIONER:** Sorry, what's the number again?  
32  
33 **NELSON, MS:** It's 0399. Thank you, Commissioner.  
34  
35 I'll just give you a minute to familiarise yourself with  
36 that document. It's eight pages long?---I - I certainly  
37 don't have a photo recollection of every word but I'm  
38 broadly familiar with the letter.  
39  
40 Did you draft the letter, Mr Field?---I drafted it with  
41 assistance from counsel.  
42  
43 Did you get assistance from Ms Poole?---I don't recollect  
44 getting assistance from Ms Poole.  
45  
46 And much of what is in this we have already covered. I  
47 just want to ask you about a couple of new things. Page 6,  
48 thank you, of the letter. If we could have page 8 of the  
49 document, page 6 of the letter. Thank you. I'm interested  
50 in the paragraph that starts:

1  
2 On the contrary, the application in the terms it was  
3 presented to ERC was advised to me as being in acceptable  
4 terms by treasury. I note here the record of a  
5 conversation between my deputy ombudsman and Mr Matt Stubbs  
6 of treasury which was relayed by an email to me by my  
7 deputy ombudsman on 13 January 2023.

8  
9 And then you've quoted some of that and underlined that the  
10 wording is fine with them and - so what was the point of  
11 putting that paragraph into the letter to the treasurer?---  
12 Ah, the point was to talk about those antecedent  
13 discussions as it had occurred prior to the actual  
14 submission of the SBP. So the emails that had been  
15 exchanged between my office and treasury in development of  
16 the SBP.

17  
18 Can I have 0402?

19  
20 0402^

21  
22 So your deputy at the time was Ms White?---Correct.

23  
24 I'll just give you a minute to refresh your memory about  
25 that email exchange?---Correct.

26  
27 And if we could go to page 4. So the early iteration of  
28 the streamline budget process from your deputy had nothing  
29 to do with the OECD project it would appear, Mr Field?---I  
30 would - counsel, I'd - the only reason I don't want to  
31 agree with that is I - I - I checked this when I settled  
32 this letter, and it was my recollection that that  
33 particular referencing was a referencing, um, to, ah, that.  
34 If that's not the case, that was an inadvertence to which I  
35 would apologise to the Commission. But I thought I had  
36 actually checked that at the time. It certainly was not  
37 deliberate. I'd have to go back and check my own records  
38 about that.

39  
40 In any event, would you - would you agree that the treasury  
41 officials - so that's the Department of Treasury - are  
42 reviewing the certification document for a - for its form  
43 and its content whether it's within the parameters of the  
44 SBP for that particular financial year?---Yes.

45  
46 And they're not assessing the merits of the substance of  
47 what's in the description?---Hard for me to say what's in  
48 their mind, um, but, ah, my understanding is they're  
49 assessing it as to whether it's, ah, something suitable,  
50 um, to, ah, be placed within an - I think very similar to

1 what you said. Is it something that otherwise, um, would  
2 be, ah, in the context of an ERC? For example, does it  
3 involve, um, ah - would it involve every current liability?  
4 If it does, then it's not necessarily within an ERC. So  
5 correct. Um, and it would be my understanding this - the  
6 members of the ERC themselves - the treasury and the  
7 ministers who must go to the substantive matters, um, on  
8 advice from treasury.

9  
10 And - - -?---But where - where treasury starts and stops on  
11 that, um, it's not been my understanding it's exclusively  
12 on those matters. I think it would also go to the  
13 substance of matters as well.

14  
15 And in fact, in this particular financial year, I think  
16 that salaries or FTE as it's called was not going to be an  
17 acceptable basis of a submission?---Correct. That was a  
18 change - my recollection is that was a change they made in  
19 that physical year, ah, that you couldn't incur salary, um,  
20 ah, ah, liabilities.

21  
22 Thank you. If we could go back to 0399 which is the letter  
23 to the treasurer that you drafted dated 29 November. And  
24 page 9 I think it is.

25  
26 0399^

27  
28 In the middle of the page there's a paragraph that starts:

29  
30 I did brief the then honorary premier and treasurer's chief  
31 of staff about the work with the OECD commencing in 2022.

32  
33 Who was that chief of staff that you're referring to?---Ah,  
34 that was - well, wasn't then premier - but it was  
35 Daniel Pastorelli - is Daniel Pastorelli.

36  
37 So when exactly in 2022 did you commence briefing him about  
38 work with the OECD?---Um, when I met with him. During  
39 meetings with him I would - that would be one of the  
40 multitude of things I would brief him about.

41  
42 And when you say work with the OECD, do you mean the actual  
43 OECD project - - -?---Correct.

44  
45 - - - that we've come to refer to or just the - - -?---  
46 Correct.

47  
48 - - - fact that you were meeting with the OECD?---Oh, no.  
49 Um, ah, the - the - what I was discussing with  
50 Daniel Pastorelli was the same as what I was discussing

1 with the others. But specifically to your question, um, it  
2 was, um, ah, what the OECD project was. Um, it - I was  
3 excited about the project and I was trying to brief people  
4 about it. I was trying to say, "Hey, isn't this a benefit  
5 that's coming from me being the Ombudsman and the president  
6 at the same time?"

7  
8 Well, Mr Field, we've seen many documents that would  
9 suggest that the project in the form that you signed it  
10 didn't exist until well into the beginning of 2023. The  
11 project proposal didn't exist until at least 9 January 2023  
12 from your point of view. That was the first occasion you  
13 received - - -?---No. The - - -

14  
15 - - - the proposal?--- - - - project idea I had dated back  
16 to whenever it was - 2020, '21 - when I first became aware  
17 that it wasn't just when I actually downloaded the report.  
18 I knew about it because we'd been a contributor to the  
19 report, and that certainly was post, um, meeting with  
20 Mathias Cormann. And that was absolutely an ongoing  
21 briefing matter from the time I met Mathias onwards - or  
22 the secretary general of the OECD onwards which each of the  
23 most senior decision makers in government. That included,  
24 um, the premier's chief of staff. And it wasn't just  
25 briefing. It was exuberance cos I thought it was a - it  
26 wasn't a matter of ego. I just thought it was a fantastic  
27 outcome coming from the fact that I was president - that  
28 there was just this added bonus for the state of  
29 Western Australia.

30  
31 The project proposal came from the OECD to you, not the  
32 other way round?---No. That's - that's just not correct at  
33 all. I met with the secretary general and said I would  
34 like to do a project. His chief of staff then gave me her  
35 card as I walked out the room and we organised a time for  
36 the OECD to meet with us so we could discuss projects that  
37 could be done. The - there would have - - -

38  
39 My question was the project proposal - - -?---Yep.

40  
41 - - - that ended up being a part of the agreement that you  
42 signed did not exist until January 2023 from your point of  
43 view?---Well, no. I don't agree.

44  
45 Okay.

46  
47 **THE COMMISSIONER:** Well, the documents will speak.

48  
49 **NELSON, MS:** Thank you, that can be taken down. And then  
50 the treasurer subsequently replied to you again on

1 29 January this year?---Ah, yes. Oh, sorry. I don't  
2 remember the date, but I certainly remember another  
3 response.

4  
5 0400. Page 4, thank you.

6  
7 0400^

8  
9 We can see it's signed by the treasurer. And if we could  
10 just scroll back up to the beginning of the letter,  
11 thank you. And in this communication the treasurer has  
12 said she still does not accept your explanation and has at  
13 the bottom requested that you urgently engage with the OECD  
14 to ask whether the agreement can be terminated and to  
15 inform her in writing, correct? That's what - - -?---  
16 Correct.

17  
18 - - - it says? Did you contact the OECD after receiving  
19 this letter dated 29 January?---Ah, well, my one syllable  
20 answer is no.

21  
22 Thank you, that can be taken down. Now, I want to change  
23 tack entirely and - - -

24  
25 **THE COMMISSIONER:** Just - - -

26  
27 **NELSON, MS:** - - - talk about - - -

28  
29 **THE COMMISSIONER:** - - - give you a moment to reconnect.  
30 I should say just for Mr Field's benefit that at about  
31 three we'll take a five-minute break.

32  
33 **NELSON, MS:** Thank you, Commissioner.

34  
35 Now, I just want to talk to you about travel generally,  
36 which you have been examined about previously. I want to  
37 put to you a proposition that your role as parliamentary  
38 commissioner of administrative investigations is limited by  
39 the functions as outlined in the Parliamentary  
40 Commissioner's Act and any other legislation within  
41 Western Australia that appoints you a function by virtue of  
42 you holding that office - - -?---I - - -

43  
44 - - - such as the Telecommunications Interception Act, for  
45 example?---It wouldn't just be churlish of me to disagree.  
46 I'd be fundamentally wrong to disagree. I agree with you.

47  
48 And following from that, I'd suggest to you that that  
49 limits your functions - you performing your functions to  
50 the borders of Western Australia unless it's reasonably

1 necessary for you to go outside the state of  
2 Western Australia. But otherwise, you're expected to  
3 perform those functions under those various pieces of  
4 legislation within the geographical boundaries of  
5 Western Australia or within our jurisdiction?---The only  
6 answer to that I think is yes.

7  
8 Now, previously you've given evidence about your travel,  
9 particularly in 2022 and 2023 and have said that was for  
10 the purpose of performing your role as president of the  
11 IOI. So I want to suggest to you that using  
12 West Australian funds or the funds of your office here to  
13 travel internationally to perform the role as the president  
14 of the IOI is outside your proper purpose because it's not  
15 - you can't perform your functions outside the state?---Ah,  
16 I was on a rolling very strong agreement with you, counsel,  
17 but on that basis, no. I have to disagree. I don't think  
18 that's correct.

19  
20 And I gather from earlier evidence - but correct me if I'm  
21 wrong - that you believe you can still perform your  
22 functions as parliamentary commissioner of administrative  
23 investigations outside Western Australia, or have you  
24 changed your mind about that?---No. I - I've not changed  
25 my mind. I think that's a matter of statutory  
26 interpretation. But I do know that different people have  
27 different views, and I respect that entirely. And I could  
28 be wrong about my good faith statutory interpretation about  
29 the absent from the state provisions.

30  
31 Well, if you are wrong about it, do you accept that the OWA  
32 should not be paying for your international travel as  
33 president of the IOI?---Oh, no. I think it's absolutely  
34 proper, um, that contributions, um, ah - when I was elected  
35 president, there was, ah, contributions that would be made  
36 by the Western Australian taxpayer, contributions made by  
37 the IOI and contributions made by members that I'd be  
38 visiting. I thought that was the three proper sources of  
39 funding for the role as president.

40  
41 You didn't seek a particular appropriation of funds from  
42 the West Australian Government in relation to your travel  
43 as president of the IOI though?---I wouldn't have sought it  
44 from government. I would have sought it from Parliament.  
45 And if I had sought it from - the only reason I didn't seek  
46 it from Parliament is because, um, ah, ah, the - the travel  
47 budget was one that was otherwise, um, affordable in our -  
48 in the appropriation that we'd otherwise been provided by  
49 Parliament for that fiscal year.

1  
2 You're given an appropriation by Parliament to perform your  
3 functions under your - the legislation in  
4 Western Australia?---Correct.  
5  
6 Not to perform functions for a non-Parliamentary  
7 Commissioner Act purpose overseas?---I don't accept that at  
8 all.  
9  
10 Do you accept that the role of president of the IOI is not  
11 a function conferred under the Parliamentary Commissioner's  
12 Act?---Ah, no. I believe to be Ombudsman and to be  
13 president are roles that can be concurrently held as a  
14 function under the Act.  
15  
16 **THE COMMISSIONER:** What function?---Ah, well, it's either  
17 a function that's incidental to other purposes under  
18 the Act, potentially. Or alternatively, um, ah, it's a  
19 function which, ah - yes, you're right, Commissioner.  
20 Not - - -  
21  
22 Well, I haven't said anything. I'm just - - -?---Oh, okay.  
23  
24 Counsel asked you?---Sorry, Commissioner.  
25  
26 I'm just asking what function. You said you believe it to  
27 be a function under the Act. Simple question. What  
28 function?---Well, I think it's, ah, properly implied into  
29 the legislation that an ombudsman can undertake, ah, a  
30 function as the president of the international ombudsman  
31 body, ah, and that be utterly lawful.  
32  
33 **THE COMMISSIONER:** So when I am considering and looking, I  
34 should be looking for an implied function under your Act?  
35 Is that what you've just told me?---(No audible answer)  
36  
37 I mean, what function can you point to, if it's implied  
38 function, it's implied function, that permits the  
39 expenditure of state money on IOI business?---Well,  
40 Commissioner, there are 200 plus ombudsman around the  
41 world, and I don't know that any one of those - - -  
42  
43 I'm not interested, with great respect, Mr Field, in 200.  
44 Just in you, and just in an answer to counsel's question?--  
45 -Well, there's going to be - there's going to be thousands  
46 of corrupt public servants in the world because, on that  
47 basis - - -  
48  
49 No, no?--- - - - (indistinct) have those functions.  
50



1 Just - with great respect, you're not answering the  
2 question. You should - after all, you've spent lots of  
3 state money. You should be able to point to me to the  
4 function that allows that?---Being ombudsman allows you to  
5 be president or it doesn't. I accept if it doesn't.  
6  
7 It might allow you to be president. That's not the issue?--  
8 --Yeah.  
9  
10 The issue is does it allow you to spend state money?---I  
11 believe it does.  
12  
13 Yes, I know you do, but - and I'm going to hand back to  
14 counsel because I didn't want to do this - - -?---I can see  
15 your - - -  
16  
17 - - - but - - -?--- - - - frustration, Commissioner.  
18 I - - -  
19  
20 I - - -?--- - - - apologise.  
21  
22 I haven't heard from you yet other than an implied  
23 function, what function it is that allows you to spend  
24 state money?---And - and so the, ah, honest answer to that,  
25 um, Commissioner - - -  
26  
27 Well, I hope every answer's been honest?---Well, sorry.  
28 That's - it's a Bob Hawke turn of phrase to try to say  
29 something while I'm thinking. I'm - apologise to you very  
30 sincerely. Um, what I - what I, um, should say is I don't  
31 see under the Act that there's, ah, something that  
32 appropriates to me that specific idea of a travel any more  
33 than any other function that I have. I - I'm the  
34 ombudsman. I have an appropriation of moneys to undertake  
35 my role as ombudsman. As ombudsman, I can be president,  
36 and that appropriation can be in part used to be president  
37 of the IOI.  
38  
39 That is merely restating what you have said over and over.  
40 It still doesn't answer the question what function.  
41 Statutory functions - you agree with counsel at the  
42 beginning about statutory functions. Which one?---It - it  
43 - it - it's the - it's the statutory function to be the  
44 ombudsman.  
45  
46 Very well.  
47  
48 Sorry, counsel.  
49

1 **NELSON, MS:** Would you agree that performing the role as  
2 president conflicts with your role as ombudsman in this  
3 state in that it - it takes you out of Western Australia  
4 for a good period of the year while you're travelling?---  
5 Ah, in - well, I would absolutely agree with that if I  
6 wasn't working 80 hours a week. I would agree with you  
7 entirely.  
8  
9 It - working on OWA work whilst you are overseas requires -  
10 requires you to accept that your role has no geographical  
11 constraint, that you can - you can perform functions  
12 outside of state of Western Australia?---Yes, you can.  
13  
14 Okay?---Ah, you can't if there's no Internet or other  
15 facilities to do so, but otherwise, you can.  
16  
17 **THE COMMISSIONER:** Or if the statute forbids it, because  
18 the statute says, absent from the state, the powers devolve  
19 onto the deputy?---Agreed, but, ah, in absolute good faith  
20 and long before I was the president of the IOI, I took the  
21 view that that could not conceivably be what the parliament  
22 meant by that provision, because that would have, for  
23 example, meant I was - it was unlawful for me to go to  
24 South Australia for an - an annual ombudsman meeting. I  
25 would have been unlawful to be in South Australia. It  
26 couldn't possibly have been what they meant, is my view.  
27  
28 **NELSON, MS:** I want to take you to particular aspects of  
29 the travel that you have undertaken. If I could have  
30 document 0444?  
31  
32 0444^  
33  
34 **NELSON, MS:** And this is an aide-memoire compiled by the  
35 Commission. It's two pages long - well three pages,  
36 actually. You could look at 2022, so it's recorded there  
37 that you travelled to New York from May the 4th to the  
38 16th - - -?---Correct.  
39  
40 - - - at a total cost to the state of \$19,991?---Correct.  
41  
42 So the air fares were \$6,000-odd - sorry, the accommodation  
43 was 6,000-odd, air fares of nearly 11,000, meals of 2,000  
44 and gifts that you took with you of \$700?---Ah, I - - -  
45  
46 Can you (indistinct)?---I don't have a photo recollection  
47 of this, but I'm - I'm accepting that.  
48

1 Was it your usual practice to take gifts from Western  
2 Australia with you when you went overseas to perform IOI  
3 presidency work?---Correct.

4  
5 Where did those gifts - where were they normally  
6 purchased?---Ah, almost exclusively, um, purchased from  
7 either aspects of Kings Park or the Perth Mint.

8  
9 And they were purchased using OWA funds?---Correct.

10  
11 And who were they gifts for, generally?---Ah, senior  
12 dignitaries. Um, some may have been from - when they were  
13 more regularly, ah, ombudsman, but it's just as regularly  
14 for, ah, presidents, prime ministers, ambassadors, consul  
15 generals of other nations.

16  
17 And you received gifts in return?---Correct.

18  
19 Did you receive gifts normally on a trip around about the  
20 same cost as what you had given? So would you expect to  
21 receive gifts around about \$700 or - - -?---Don't  
22 recollect, um, things. I think we would tend to receive  
23 less, um, than what we get back, so that was a - ah, that  
24 is a higher amount because there was a number of senior  
25 meetings in that particular period, um, but, um - ah, yeah,  
26 certainly, we would receive gifts. In relation to the  
27 parity of those, um, I don't have a photo recollection.  
28 I'd have to check all of my records.

29  
30 And Ms Poole accompanied you, and her - the net cost of her  
31 travel was nearly \$21,000. There has been no business case  
32 located for her travel. Why would that be?---Ah, sorry, is  
33 this for New York?

34  
35 Yes?---There certainly should be, and there would be  
36 absolutely no reason why there shouldn't be.

37  
38 And then she also accompanied you to Vienna, Styria and  
39 Paris, June the 2nd to the 17th, which is the same period  
40 in time in which you met Mathias Cormann?---Ah, correct.

41  
42 There's no business case for her travel either?---Very  
43 surprised about that. I would have to go back and look at  
44 my records. There should be absolutely no reason why there  
45 wouldn't be, um, and I will look at my records to - to - to  
46 see why you haven't been able to define one.

47  
48 **THE COMMISSIONER:** Well, it's always hard to prove a  
49 negative, so to - so to speak, so probably the question  
50 should be, we have been unable to locate - - -?---Yes.

1  
2 - - - a business case?---And - and - and I completely  
3 accept, um - well, the mere fact you've been unable to  
4 locate it, I partly blame myself, because it should have  
5 been readily available. Um, but I will look to find that  
6 business case. I - there were always business cases.  
7 There should have always been business cases prepared.  
8  
9 **NELSON, MS:** And if we look at the Vienna, Austria Styria  
10 travel, which is the second line, June the 2nd to the 17th,  
11 on the last occasion that you came in for examination,  
12 Mr Field, I showed you that business case and asked you  
13 questions as to why it had been signed by yourself after  
14 the travel had been taken. Do you recall that?---Ah, yes,  
15 I think I do.  
16  
17 I'll show you that document. 0238.  
18  
19 0238^  
20  
21 **NELSON, MS:** Sorry, I think it's the wrong number. 0233.  
22  
23 0233^  
24  
25 **NELSON, MS:** So we go - track through to page 2. At the  
26 bottom of the screen, there's a paragraph that says that  
27 you will be accompanied by your chief of staff?---Yes.  
28  
29 And then over to the top of page 3, 2 June is the - the  
30 date of the travel to 17 June?---Yes.  
31  
32 And then if we go to the last page, can see it's signed by  
33 yourself on 21 July 2022?---Correct.  
34  
35 And by Ms White on 12 August 2022?---Correct.  
36  
37 So that's - both of you signed it after you had taken the  
38 travel?---Yes.  
39  
40 I think the - the Commissioner asked you on the last  
41 occasion what the purpose of the business case was, given  
42 that it wasn't actually approving travel prior to you  
43 undertaking it?---(No audible answer)  
44  
45 You're nodding your head?---Ah, I don't recollect that, but  
46 I - I'm absolutely prepared to accept that's what the  
47 Commissioner said.  
48  
49 And particularly since we go back to page 2, that the  
50 document at the bottom of the screen talks in the future

1 tense about you being accompanied by your chief of  
2 staff - - -?---Yes.  
3  
4 - - - and you're approving it post travel. So what is the  
5 purpose of the business case, Mr Field?---Ah, the purpose  
6 of the business case, um, is, ah, to - well, it's - be - in  
7 - effectively, in the shortest possible sentence, it's to,  
8 ah, demonstrate, if it - if it can be demonstrated, value  
9 for money for the Western Australian tax payer undertaking  
10 travel.  
11  
12 It documents the fact that you have spent the money?---No.  
13 There's two - there's two forms we have. One is a business  
14 case, which is a - can it be demonstrated? Is it  
15 demonstrated that there is value for money for the tax  
16 payer from undertaking this travel, and then there's a  
17 second form, which is effectively a reconciliation form of,  
18 um, the amounts that were spent and any differentials  
19 between the amount and the business case.  
20  
21 Well, a document like this which pretends to approve  
22 something, in fact, that has actually occurred, is a sham.  
23 Is it not?---A - a - a sham in the sense you're saying I've  
24 - I'm not quite following.  
25  
26 A sham in the sense that you are purporting to approve  
27 travel that has already occurred?---Well, the - well, what  
28 I do want to do - I don't want to answer that question now,  
29 only for one reason, with your indulgence, Commissioner, I  
30 would like to check my own records about that, um - ah, as  
31 to why that signature - that date is different. That is -  
32 and it is, you'll - I - I hope, from the various other ones  
33 you've seen, is unusual that there is a post dated business  
34 case. I would like to check my own records before I  
35 respond to that, if - if the Commissioner will indulge me,  
36 I would - I would do that overnight.  
37  
38 **THE COMMISSIONER:** You can do that overnight and tell us  
39 in the morning?---Thank you.  
40  
41 **NELSON, MS:** Thank you. That can be taken down. I want  
42 to show you a gift benefit and hospitality provided form,  
43 0414.  
44  
45 0414^  
46  
47 **NELSON, MS:** This form - if I could just scroll up? See  
48 it's unsigned, but it records that a gift was given to  
49 Werner Amon, the secretary general of the IOI - - -?---  
50 Correct.

1  
2 - - - and ombudsman of the Republic of Austria on 8 June  
3 2022?---Correct.  
4  
5 And the gift was a gumtree sculpture to the value of  
6 \$430 - - -?---Correct.  
7  
8 - - - which would have been paid for by the OWA - - -?---  
9 Correct.  
10  
11 - - - and bought by your executive assistant on your  
12 behalf?---Ah, yes, correct - ah, I'm not sure who bought  
13 it, but it would have been someone from the office,  
14 correct.  
15  
16 And under the box that says:  
17  
18 Relationship of gift giver and receiver - International  
19 Ombudsman Institute colleagues -  
20  
21 - is the relationship?---Correct.  
22  
23 Do you recall filling out this form?---Ah, no. The form  
24 would have been filled out by someone in my office, but I  
25 certainly would have seen the form and signed the form.  
26  
27 And you would have provided the details that went into the  
28 form?---Ah, the level of the detail into the form, yes,  
29 correct.  
30  
31 See underneath the nature of the relationship description,  
32 it says:  
33  
34 Can the receiver make decisions in relation to the offerer  
35 or giver.  
36  
37 ?---Correct.  
38  
39 And:  
40  
41 No -  
42  
43 - is - - -?---Correct.  
44  
45 Been nominated?---Correct.  
46  
47 Does - do you have any personal relationship with Mr Amon?--  
48 --Ah, I know Mr Amon as first the - well, then, um - ah, I  
49 didn't know Mr Amon particularly well. Um, he was, at that  
50 point, the secretary general of the International Ombudsman

1 Institute. I've come to know him much better since that  
2 time, but that point, I knew he was the secretary general  
3 of the IOI - - -

4  
5 And - - -?--- - - - and, in fact, I - in fact, I think the  
6 first time I'd met him in person, um, was not long before  
7 that.

8  
9 And in June 2022, you were the president of the IOI?---  
10 Correct. Correct.

11  
12 So could Mr Amon have made decisions that affected you in  
13 his role as secretary general of the IOI?---Ah, no.

14  
15 He couldn't?---(No audible answer)

16  
17 Okay. I'll - underneath that, it says:

18  
19 Previous - - -

20  
21 ?---Secretary general reports to the board, not the other  
22 way around.

23  
24 But you have a relationship with him in which you would  
25 communicate about matters that need to go before the board,  
26 for example, or other matters that the IOI board would need  
27 to consider, such as the OCD[sic] project - I mean, OECD  
28 project?---Oh, well, I see what you're suggesting. Um,  
29 the, um - so, first of all, that gift wasn't a gift given  
30 to Mr Amon. It was a gift given to the Volksanwaltschaft  
31 that was given to the Austrian Ombudsman Board, gifted on  
32 the occasion of the 45th anniversary of the Austrian Board,  
33 and it was placed in the offices of the Austrian Ombudsman,  
34 of which Mr Werner Amon is one ombudsman.

35  
36 **THE COMMISSIONER:** Who - who gave the gift?---Oh, I did.

37  
38 No, but in what hat?---Um, as the ombudsman and president  
39 of the International Ombudsman Institute.

40  
41 **NELSON, MS:** And previously, you had given Mr Amon a -  
42 another gift, a lunch and two dinners in March 2022?---Yes.  
43 He visited Western Australia for the - or he visited me for  
44 the first time post the COVID, ah, restrictions.

45  
46 If we could - - -

47  
48 **THE COMMISSIONER:** When you're finished with that form,  
49 we'll have - - -

50

1   **NELSON, MS:**    I have.

2

3   **THE COMMISSIONER:**   - - - the break.

4

5   **NELSON, MS:**    Thank you.   Thank you, Commissioner.   Yes.

6

7   **THE COMMISSIONER:**    Then we'll have a five-minute break.

8

9                                (THE WITNESS WITHDREW)

10

11                               (Short adjournment)

12

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

14

15   **NELSON, MS:**    And, Mr Field, in December 2022 when you went  
16 to the Ukraine, did you also sign your business case during  
17 travel, and it was endorsed, ah, by Belinda West after you  
18 returned from the Ukraine?---Ah - - -

19

20 Can we have 0236, thank you.

21

22 0236^

23

24 Do you recall that, Mr Field?---Yes.   Oh, sorry.   I - I  
25 don't.   I'll also check, ah, that.   As I say, the, ah, um,  
26 standard practice would have been to sign beforehand.   Um,  
27 even if I had signed after, does it make it a - a sham?  
28 Well, of course not.   It's a record of the business case  
29 for official air travel.   And all of those assessments were  
30 made prior to the travel, ah, that we reduced to writing  
31 mostly as I recollect and signed before I left.   But the  
32 idea that it makes it a sham that it was reduced to writing  
33 and signed during or immediately after the trip is simply  
34 something I don't accept.

35

36 Had you made all the arrangements for travel before you  
37 signed the business case if it was signed before you  
38 travelled?---No.   The - the process was the same on every  
39 occasion.   Um, and it certainly wasn't the case on this  
40 occasion that I would make an assessment whether I was  
41 going to undertake the travel at all.   That was a value for  
42 money assessment.   Um, could I appear remotely?   Um, were  
43 there other more efficient mechanisms for the taxpayer, um,  
44 ah, for the invitation that I'd received?   Um, I'd then  
45 look at the most cost-effective way if there was, um, to  
46 make that travel.   Ultimately, that would be reduced to  
47 writing.   I think on some occasions it was signed before  
48 the travel.   Perhaps on many occasions.   I'd have to check.  
49 Um, sometimes even during the travel and then sometimes  
50 after the travel.   And as I say, I think you indicated to



1 me earlier that was a sham. Um, quite the contrary. I put  
2 extensive thought processes into the value for money for  
3 travel with the West Australian taxpayer, um - - -

4  
5 **THE COMMISSIONER:** But you're still approving your own  
6 travel?---Oh, sorry, Commissioner. No question about it.  
7 And - and - and, Commissioner - and even further than that.  
8 Ah, no single suggestion simply because there's another  
9 signatory on that, um, which was simply to see if I'd made  
10 any mistakes in the way I filled it out - was anyone  
11 responsible for that but me.

12  
13 **NELSON, MS:** The document - if you were to pick it up and  
14 read it, it looks like it's a business case for you  
15 approving your own travel in advance of making any travel?--  
16 --It - it - if it comes across that way, it certainly  
17 wasn't intended to. Um, I can say this, um, that I  
18 received - this was an example. I received an invitation  
19 to attend the Ukraine to speak at that conference. I made  
20 an assessment about whether I should attend at all. That  
21 was a multilayered assessment based on security risk  
22 issues, based on the cost issues. A whole raft of issues  
23 went into that consideration of which there's an inordinate  
24 email chain about that - email chains about that. Um, ah,  
25 ultimately, I made the decision that it was beneficial to  
26 the Western Australian taxpayer that I attended that  
27 conference in my capacity both as the West Australian  
28 Ombudsman and the President of the International Ombudsman  
29 Institute. I completed a business case accordingly to  
30 record to - to make sure that that was all, um, ah, placed  
31 in writing. Um, I mean, the idea that it was a sham is  
32 about as far from what it could possibly be described as I  
33 would have thought. And this would far exceed the sort of  
34 businesses for travel you would see in other agencies.

35  
36 If we could - - -

37  
38 **THE COMMISSIONER:** Yes, but other agencies have someone  
39 else approving?---Well, not all. Not all.

40  
41 Well, anybody following the premier's circular does?---  
42 Well, that's - sorry, Commissioner. I profoundly reject  
43 that. I follow the premier's circular because I chose to  
44 do so.

45  
46 No, you don't. You don't follow it because if you did the  
47 premier would be approving your travel?---No, Commissioner.  
48 The premier's circular was utterly silent on whether, um,  
49 the Ombudsman - - -

50

1 I know your view about it and I don't want to get  
2 into - - -?---You're saying it as a fact.

3  
4 - - - wasting time?---It's not a fact.

5  
6 **NELSON, MS:** Perhaps if we could go - - -?---That would be  
7 prejudgment of that matter that's in dispute.

8  
9 **THE COMMISSIONER:** I'm not prejudging anything. I have  
10 listened with care. But I have - - -?---Well, I haven't  
11 even - - -

12  
13 - - - difficulty in - - -?--- - - - made my submissions.

14  
15 - - - accepting that a person who signs their own business  
16 case is following any procedure that's laid down in the  
17 premier's circular because the premier's circular requires  
18 approval by a minister. Now, I understand why you say that  
19 doesn't apply to you, but you are not following the  
20 premier's circular. You're following aspects of it?---The  
21 aspects that are applicable to the Ombudsman. Correct. In  
22 my view.

23  
24 **NELSON, MS:** If we could go to page 2 of this document,  
25 thank you. Down the bottom of page 2 you can see the dates  
26 of travel. So from 3 December to 14 December. Then if we  
27 could go to page 4, thank you. And down the bottom of  
28 page 4 the second-last sentence references the fact that  
29 the Ombudsman engages with the Department of Foreign  
30 Affairs and Trade?---Correct.

31  
32 In respect of the Ukraine, you had what could be described  
33 as a robust exchange of views with a high ranking DFAT  
34 officer in Canberra about whether you should go to Ukraine  
35 in December of 2022?---Not in the slightest did I have such  
36 an exchange. Ah, they had a robust exchange with me and I  
37 had a highly diplomatic response in return.

38  
39 Well, in effect, the email exchange was that they said you  
40 should not go due to security concerns?---Yes. That  
41 officer who I think is now our Ambassador to Greece did,  
42 um, ah, have that exchange with me. That is completely  
43 correct.

44  
45 And my question is, is it entirely transparent that you  
46 have just said that you engaged with the Department of  
47 Foreign Affairs without saying that they advised you  
48 against the travel and you decided to go anyway?---I think  
49 it is entirely transparent, um, because it is what it is  
50 that I engaged with the Department of Foreign Affairs about

1 that travel. Of course, when you say that's the engagement  
2 with the Department of Foreign Affairs and Trade, that's  
3 one component part of the engagement with the Department of  
4 Foreign Affairs and Trade. Um, I was receiving advice to  
5 the utter contrary from other, ah, members of the  
6 Department of Foreign Affairs and Trade.

7  
8 You didn't think it would be pertinent to put in the  
9 business case around your approval to travel to Ukraine  
10 that there had been differing opinions about whether you  
11 should go by officers at DFAT?---Look, I don't think it's  
12 an unreasonable point, counsel, whether that could have  
13 potentially been put in there. I have to say my view was  
14 that, um, I had done that engagement. I certainly wasn't -  
15 there certainly wasn't any lack of transparency about it  
16 because I was - there was email exchange. I was emailing a  
17 raft of other, um, ah, ah, people external to my agency  
18 about it. I certainly wasn't trying to hide it. There  
19 were lots and lots of email exchanges about it. Um, and as  
20 I say, not just within my office but outside of my office.  
21 Um, but no. I - I did think that that was - what is  
22 effectively that template word of text, um, captured what  
23 I'd done, which was that I engaged with, um - with DFAT.  
24 Um, and as I say - - -

25  
26 So it's - - -?--- - - - with multiple members.

27  
28 It's a template text that's been settled by you?---Yes,  
29 correct.

30  
31 To be applied in every situation in which you travel  
32 internationally?---Correct. And I have to say of all the  
33 times that I have travelled, um, the only time where such  
34 an issue has been raised on this occasion - and, counsel,  
35 it's a point - - -

36  
37 Well - - -?---It's a point I hear. I - I - I might have  
38 added something about that.

39  
40 It was a warzone at the time, Mr Field, and still is?---Ah,  
41 indeed it - indeed. Tragically, it absolutely is a  
42 warzone.

43  
44 And you were proposing to go back in December of 2023?---  
45 Correct.

46  
47 But that didn't eventuate because the - certain members of  
48 the IOI World Board thought that you should not go due to  
49 the cost of it?---Ah, correct. There was a view that  
50 because of the upcoming, um, ah, conference in the Hague,

1 um, that further travel, ah, wasn't necessarily, um -  
2 further costing - further expenditure on travel ought to  
3 be, um, constrained and, ah, retained for, ah,  
4 supplementing impecunious ombudsmen for their travel to the  
5 Hague.  
6  
7 So the IOI itself has quite a rigorous process for  
8 approving expenditure on travel by the president or - or  
9 the vice president?---Ah, no. There's only travel for the  
10 president. And the, um, ah, ah, ah, general rule of thumb  
11 has been established that there is up to €10,000 available  
12 per year, ah, which can be approved by the executive  
13 committee of the IOI World Board for a president's travel.  
14  
15 So there are some controls in place - - -?---Oh, yes.  
16  
17 - - - in that - - -?---Correct.  
18  
19 - - - the expenditure is capped per year - - -?---Correct.  
20  
21 - - - and you need to nominate the jurisdiction - - -?---  
22 Correct.  
23  
24 - - - of your destination - - -?---Correct.  
25  
26 - - - and you need to get the approval of the board?---  
27 Correct. Ah, the executive committee of the board.  
28 Correct.  
29  
30 Sorry. The executive of the board?---Oh, no. Don't  
31 apologise, but yep.  
32  
33 So to do that, do you need to do a business case?---No.  
34 There's not a requirement for a business case beyond  
35 actually just detailing what the actual trip is basically.  
36  
37 In the form of a memorandum similar to what you did for the  
38 OECD project - - -?---No. Less - - -  
39  
40 - - - approval?--- - - - than that. It would be along the  
41 lines of an email generally.  
42  
43 An email. If we could go to page 13 of this document,  
44 thank you, which is - attaches the corporate credit card  
45 for one of the executive assistants in the OWA,  
46 Ms Jamieson. And down the bottom of the page highlighted  
47 there are two airfares, one for yourself and one for  
48 Ms Poole to go - - -?---Correct.  
49  
50 - - - to the Ukraine?---Correct.

1  
2 So these were bought on 22 November 2022?---Correct.  
3  
4 Well before the business case was settled?---But - they're  
5 certainly purchased before the business case is settled,  
6 not before the decision is made about whether travel ought  
7 to be undertaken and what is the lowest cost provider, um,  
8 which is done by examining all of the relevant providers.  
9 Um, but the earlier you purchase the fares the better  
10 because they become more and more and more expensive closer  
11 to the date.  
12  
13 Well, wouldn't it be better to actually do the business  
14 case and then buy the airfares?---Well, the business case  
15 is being done though. What is - there is - there is an  
16 invitation that's received. As I say, that's all part of  
17 the business case. The business case is initiated - the  
18 process is initiated by an invitation that's received.  
19 Then thought is given to, um, should someone be travelling  
20 at all. If so, whom? Um, ah, what is the least cost way  
21 of doing it? Um, and then one of the very first decisions  
22 that's made is, um, to - once you're past that hurdle, um,  
23 is to make sure that, ah, if you get past that hurdle is to  
24 make sure that airfares and accommodation are booked  
25 because it's dramatically cheaper to do that earlier rather  
26 than later. Ah, and of course, that can always be refunded  
27 if something goes awry in the meantime.  
28  
29 Of course. But I'd suggest to you that the proper process  
30 would be to actually put - do the business case for the  
31 approval of the travel before you actually put any travel  
32 arrangements in place. But I gather you have a different  
33 view?---The reduction to writing of the business case is  
34 done. That's not to suggest that a business case isn't  
35 being done through that process. It absolutely is. I  
36 mean, you - those things couldn't have been booked if those  
37 matters hadn't been gone through in the office.  
38  
39 Well, by those matters you mean if you hadn't sent an email  
40 to your executive assistant saying, "Book tickets for me  
41 and Becky to Ukraine"?---But I don't receive an invitation  
42 to go to Ukraine and then send an email saying, "Book  
43 tickets". I receive the invitation and go through a whole  
44 raft of processes internally in, um - - -  
45  
46 On some occasions, do you nominate where you will travel  
47 prior to receiving the invitation from the destination  
48 country?---Um, I can only think of two occasions that  
49 haven't been through an invitation. One was to meet with  
50 the secretary general of the IOI and I think a second was

1 to visit the UK Parliamentary Ombudsman. I think they're  
2 the two occasions of all of the trips that haven't been  
3 preceded by an invitation.

4  
5 The IOI board or executive committee doesn't dictate where  
6 you travel, do they? They leave it up to you to decide?---  
7 Oh, there may be views - first of all, within the board  
8 there may be board directors who have a view, um, about  
9 places that they would, um, like me to travel. The board  
10 itself might have to. But I think you're broadly correct  
11 in saying - you're certainly correct in saying the board  
12 wouldn't be saying, "You have to go here. You don't have  
13 to go here". Correct.

14  
15 And on this occasion, Ms Poole didn't end up going to the  
16 Ukraine?---Correct.

17  
18 And in fact, the Commission is not being able to - has not  
19 been able to locate a business case for her?---Well, she -  
20 she didn't go.

21  
22 Her travel though was cancelled very soon before the  
23 departure date from Perth though, wasn't it?---She made a  
24 personal decision that she didn't want to attend, one that  
25 I respected entirely and respect, ah, to this day. Um, um,  
26 and therefore, no business case eventuated because there  
27 was no, um, travel that occurred.

28  
29 Now, if we could go to Pakistan, which was a trip you took  
30 in May 2023. The Commission has been able to locate a  
31 business case on that occasion for Ms Poole. I have 0242.

32  
33 0242^

34  
35 Do you have any recollection as to why in 2023 Ms Poole,  
36 um, started doing business cases that we've been able to  
37 locate?---A recollection? Oh, I think what - I think at  
38 one point there was a - ah, business cases were combined  
39 with the one document. And I think at one point as I  
40 recollect it, um, we separated them into two documents. We  
41 felt that was the most appropriate. It also may have been  
42 - I actually don't have a particular recollection of it I  
43 have to say.

44  
45 Do you recall the auditor general's office asking your  
46 office why approval was given by yourself for your own  
47 international travel - - -?---Ah - - -

48  
49 - - - at any point in the last couple of years?---There was  
50 - it wasn't asked of me personally but, um, I recollect

1 being briefed. I - it might have only been once but it  
2 referred to two separate times, um, in relation to the  
3 auditor general asking about approval, ah, of myself -  
4 well, me approving the travel. Correct.

5  
6 And were you briefed about any suggestion from the OAG that  
7 the practice be changed so that you got approval from an  
8 external party?---No. I've never been giving that  
9 briefing. In fact, the briefing I got was quite the  
10 contrary.

11  
12 The briefing you got was that you didn't need to change the  
13 practice at all, is that what you're saying?---The briefing  
14 that I - well, here's my recollection. Plus I also, um,  
15 have a recollection of an email, um, that I have seen about  
16 this, um, where the staff from the auditor general's office  
17 or a staff member had asked about it, um, and that was a  
18 couple of years ago. Um, and there was some discussions  
19 held at the time with my staff and that officer. Um, and  
20 then I think in the most recent financial year - so not  
21 this financial year obviously - well, it hasn't occurred -  
22 but the previous financial year that same question was  
23 asked. I think it was asked as I recollect because - I was  
24 told because the auditor general herself had asked the  
25 question. Um, and there was some discussion as to whether  
26 I was a parliamentary secretary. And if I was a  
27 parliamentary secretary, therefore I should be having my  
28 travel approved. And there was a discussion obviously that  
29 "No, he's not a parliamentary secretary". And they said,  
30 "Oh, yes, that's right. Now we remember the conversation  
31 from a couple of years ago. Yes. He is, um, not mentioned  
32 in the premier's circular and, um, ah - and it doesn't  
33 apply to him in relation to signing his travel. He can  
34 sign his own travel".

35  
36 When you went to Bahrain in October of 2023, you were on  
37 annual leave?---Correct.

38  
39 And your accommodation and airfares were paid by Bahrain?--  
40 -Kingdom of Bahrain. Correct.

41  
42 And Ms Poole did not accompany you?---Ah, no.

43  
44 The Commission has a record that you took gifts paid for by  
45 the OWA with you on that occasion?---I have a recollection  
46 of that.

47  
48 If you're on annual leave and therefore not on official OWA  
49 business, why was the - the office paying for the gifts

1 that you took to Bahrain?---Ah, I was on annual leave  
2 because of, ah, the fact that I was, um - ah - - -

3

4 **THE COMMISSIONER:** The question wasn't why you were on  
5 annual leave. It seems to be a fact - - -?---All right.

6

7 - - - that you were?---Yep.

8

9 So counsel could ask the question again.

10

11 **NELSON, MS:** If you were on annual leave when you  
12 travelled to Bahrain, and therefore you weren't doing  
13 official business, why did the office pay for the gifts  
14 that you took with you?---So I don't agree that I wasn't on  
15 official business. I was acting as the ombudsman, and the  
16 president of the International Ombudsman Institute, and in  
17 accordance with, um - ah - ah, Australian and Western  
18 Australian, ah, polices. Um, I was presenting, um - ah -  
19 ah, gifts, ah, to, ah, international dignitaries.

20

21 So you were on annual leave from being the parliamentary  
22 commissioner for administrative investigations?---Mm.

23

24 So you weren't officially performing those duties while you  
25 were over there. You were on leave?---Ah, no. I was of  
26 the view I was, um, acting as both the ombudsman and the  
27 president of the International Ombudsman Institute, or put  
28 a different way, for the front page of the West tomorrow, I  
29 was working on annual leave.

30

31 **THE COMMISSIONER:** I can understand on annual leave  
32 performing function's as president of the IOI. Having a  
33 little trouble understanding why you're performing  
34 functions as the WA ombudsman?---I just see them as one in  
35 the same thing though, Commissioner, that it - it goes to  
36 the point, Commissioner, that you made before, and I  
37 answered so inelegantly, not deliberately misleadingly,  
38 what functions do I have to be the ombudsman - to be the  
39 president. The answer is none. I have a function to be  
40 the ombudsman, and I see it as, um - ah, coincidental, um,  
41 and a corollary to being the ombudsman that I can be the  
42 president.

43

44 **NELSON, MS:** And whilst you were in Bahrain on annual  
45 leave, did you instruct staff back here at the OWA to  
46 perform activities on behalf of the IOI?---Ah, this is one  
47 of these answers where I - I don't have a recollection, but  
48 I might well have. If you can remind me, I - I would be  
49 help - I would be - - -

50



1 Well - - -?--- - - - able - - -

2

3 - - - 0266.

4

5 ^0266

6

7 **THE WITNESS:** I - I - I'm - it's absolutely possible.

8 Yes. That's definitely something I would have sent.

9

10 **NELSON, MS:** So you're asking Mr Heritage to prioritise  
11 doing something on behalf of the IOI?---Well, it's about a  
12 three-minute job, but, yes. I - I'd written the stories.  
13 I'm just asking them to be posted on Linked In. I did - he  
14 - I'm not asking him to write the stories. I've written  
15 all those stories, and I'm just saying, "Could you post  
16 them?"

17

18 I - I think on the last occasion, I showed you a series of  
19 emails in which Ms Italiano-Schmidt and Mr Heritage had  
20 drafted Linked In stories - - -?---Correct.

21

22 - - - and you said that you would be redrafting them  
23 ordinarily?---Correct. So those are ones I would have  
24 written myself from scratch, is my recollection. Oh, in  
25 fact, I'm - I'm - I've misled you entirely. I haven't  
26 asked for those to be put into Linked In. I have written  
27 the story, posted it myself on Linked In, and then I'd sent  
28 it to Mr Heritage for him to place - to send - so you have  
29 to change it from the third person to the first person, um  
30 - um - ah, sorry, no, from the first person to the third  
31 person, and place it on the IOI Friday newsletter. It's a  
32 two or three-minute job.

33

34 But not something you could have done yourself then?---Ah,  
35 I - yes, I - I - I - I - I could have done it myself. Um,  
36 I wrote the Linked In stories myself. I posted those. Um,  
37 I actually wasn't sure who was the best person at the IOI  
38 secretary to actually send that to. There was - I think  
39 there was a particular person we were sending those  
40 newsletter stories to, so I wasn't actually sure of that,  
41 but I could have. There - there was at least one contact I  
42 knew, and I could have sent it myself. It seemed like a  
43 very, very minor (indistinct) on - on his time.

44

45 When you went to Italy, which I think was in 2023 - - -?---  
46 Yes. Correct.

47

48 - - - that was for IOI purposes?---Ah, yes. Correct.

49

1 Can you recall what you actually did while you were there?  
2 I'm just trying to find the business case?---Ah, I can. I  
3 - do - would you like - I'll stop talking.

4  
5 And was it your usual practice when you were away to use  
6 chauffeur driven cars to get between appointments?---Ah, it  
7 would depend on the location, but normally, the rely - the  
8 - it would always be about a cost issue as well, but it was  
9 generally around the reliability and the certainty that  
10 they'd be there on time and get you where - do - you needed  
11 to be on time. That was the - that was the value of them,  
12 um, as compared to using, ah - - -

13  
14 So what - - -?--- - - - other services.

15  
16 - - - the cost issue that you're referring to?---Oh, you -  
17 you wouldn't use a chauffeur car which would be, you know,  
18 a Rolls-Royce. You would use a - a basic car, but what you  
19 did know is you were booking it for a service. I won't  
20 name the companies, but they were just standard sort of,  
21 ah, companies where you had an absolute confidence that  
22 they would arrive on time, be waiting for you, um, and that  
23 was important.

24  
25 Well, why would you need to have a car, if you're in Rome,  
26 for example, to get to a - an appointment? Why did you  
27 actually need a car? Could you not walk?---It would be the  
28 timing between events. There might not have been time to  
29 walk from one event to another, for example.

30  
31 All right. I'll show you Ms Sharp's corporate credit card,  
32 0475.

33  
34 0475^

35  
36 **NELSON, MS:** And if we could just scroll up so we can see  
37 from 15 September 2023? See there's reference to -  
38 numerous references to Blacklane?---Correct.

39  
40 And are they the - the chauffeur that you used when you  
41 were in Italy?---Correct. Well, so there'll be transfers  
42 to and from airports, um, and there'll also be - and that's  
43 at either end, and then there'll be, potentially, transfers  
44 intra, um, Rome, um, between meetings. I mean, we  
45 certainly walked between meetings. I walked between  
46 meetings countless times when I've been on international  
47 travel. I - I couldn't even begin to count how many times,  
48 um, but, um if we knew there was a certain timing between  
49 one event and another, and there wasn't time to walk there,  
50 we would organise a car to do so.

1  
2 So you can see on 15 September, there's - was Blacklane,  
3 used \$218, and then 17 September:  
4  
5 395 VIP charter Perth.  
6  
7 Is that for a - a transfer to the airport from your home to  
8 the airport in Perth or the other - - -?---Yes - - -  
9  
10 - - - way?--- - - - it wouldn't just be one, and I don't  
11 know what that 600 actually contains. That's not just one  
12 transfer.  
13  
14 Both you and Ms Poole get transfers from the airport at  
15 Perth to home?---Ah, she would usually go from her house,  
16 pick me up, then go to - cos I was on the way, um, to the  
17 airport, ah, so it would usually only be one car.  
18  
19 Then there are two entries for Blacklane on  
20 20 September - - -?---Yes.  
21  
22 - - - at \$217 and then 309, and then over the page, two  
23 more for the same date, \$330 and \$217 respectively?---I - I  
24 can't comment upon these out of context, um - um - ah,  
25 other than to make that general statement, but I'd have to  
26 know which - what they're appending to as to - to reply to  
27 it more specifically, but - - -  
28  
29 Could I have 0583, thank you?  
30  
31 0583^  
32  
33 **THE WITNESS:** I - this is helpful.  
34  
35 **NELSON, MS:** So there are three separate chauffeur  
36 vehicles on the Wednesday, and two on the Thursday?---  
37 Correct, and they simply would have been worked out on the  
38 basis of, um, what is the timing, um, between events from  
39 one event, ah, to another was the general rule, um, that  
40 was, ah, applied, um, and what other meetings we had in  
41 place.  
42  
43 Why was it necessary for the vehicle to wait for you whilst  
44 you were in the meeting? For example, I'm looking at:  
45  
46 Wednesday, 2.30 pm Australian Embassy to the Holy See.  
47  
48 ?---Oh, well, it was my - I - one thing I'd have to check,  
49 ah, my recollection is with those there's a certain time,  
50 ah, that you book, and it can be just as economical for

1 them to actually meet, wait (indistinct) the specific time  
2 and then take you back to where you were going as opposed  
3 to drop you off, go away, come back.

4  
5 **THE COMMISSIONER:** This was all IOI business?---Ah, yeah,  
6 well, you know, my answer to that, um, Commissioner,  
7 is - - -

8  
9 I know that - - -?---Yeah.

10  
11 - - - your answer is they're the two?---Yeah, so - but the  
12 - the - so the answer is it was the two.

13  
14 **NELSON, MS:** The information that the Commission has is  
15 that the meeting with the ambassador at the Holy See was a  
16 - a four-minute car ride from where you started the trip,  
17 or a 13-minute walk. Would that be correct?---I'd have to  
18 check, um, the records.

19  
20 Well, on the basis of the records the Commission has, I can  
21 show you 0651.

22  
23 0651^

24  
25 **NELSON, MS:** So this is a Commission record compiled from  
26 various business records that we have obtained from the  
27 OWA?---Yes.

28  
29 You can see the - the purpose is to transport you and  
30 Ms Poole to a meeting with the ambassador of the Holy See,  
31 and the - the track that the car has taken is there on the  
32 map, and in the - down the side, on the right - sorry, the  
33 left side of the map, you can see it's a 13-minute walk or  
34 a four-minute car ride in light traffic?---Well, all I can  
35 say, um, counsel, is something very, very simple. Um - ah,  
36 not one part of using - you're calling them limousines and  
37 chauffeur cars - not one part of using a car was ever done  
38 with any form of personal pretentiousness in any  
39 circumstance. It was done particularly in places where -  
40 I'd never been to Rome before. Had no clue where I was,  
41 um, and I knew - I had a meeting with the ambassador. I  
42 knew I was in a hotel and I had to get there, and I wanted  
43 something that I could rely upon in relation to it was  
44 going to be at the hotel, um, and then I would be, ah,  
45 taken to the embassy, so that's the reason it was used. In  
46 fact, to make the point even further, there - we had a car  
47 booked, um, by the conference organiser, ah, not the  
48 wonderful ombudsman of (indistinct) fault that was meant to  
49 pick us up on the last day just didn't even turn up, so, um  
50 - ah, it was always vital to me, um, that I knew there

1 would be a car downstairs, um, that knew where it was going  
2 and would be - get me to where we're going when I had no  
3 clue where I was geographically - - -

4  
5 You had chief of staff with you though, Mr Field, didn't  
6 you?---Yes.

7  
8 She could have worked out where you had to go?---I - I -  
9 I'm not sure that either of us had - had - would - would  
10 describe ourselves as being geographic - geographically  
11 particularly - - -

12  
13 **THE COMMISSIONER:** Well, you don't need to be these days.  
14 You just have to have a phone?---Well, that's - in - and -  
15 and - and can I say, there were absolutely occasions, um -  
16 I can remember this, for example, vividly in, um - in, ah -  
17 in, ah, Manchester where, ah, we were walking around the  
18 streets with the Google, ah, looking for things and got  
19 hopelessly lost doing it. Um - ah, and spent half an hour  
20 walking around Manchester for something that should have  
21 taken two minutes to get to, so it was not done through any  
22 sense of anything other than will there be a car there when  
23 I get downstairs? Yes. Will it know where it's going?  
24 Yes. Is that one less thing I have to worry about? Yes.

25  
26 **NELSON, MS:** It comes at - at a bit of a cost though to  
27 the WA tax payer, doesn't it, Mr Field?---And - and I'm  
28 mindful - and I'm absolutely mindful of that. The cost of  
29 living in this state is significant. Um, I'm absolutely  
30 mindful of the costs of this travel, including those travel  
31 costs. I am not cavalier about them. I do not take them  
32 for granted at all. Um, I'm extraordinarily privileged to  
33 undertake the role I undertake, and I absolutely did not do  
34 that, um, through any sense of being, ah, pretentious or  
35 wanting to be in a car like that. Not one iota. I did it  
36 because, um, I wanted to have that comfort that when I  
37 walked out of my room, there was a car there waiting, that  
38 I wasn't going to be late for meetings with people like  
39 presidents, prime ministers, ambassadors. That was  
40 fundamental to me that I would not be late. Um, you never  
41 know when it's going to rain, for example. That's another  
42 issue. Um, all those sorts of things. And - well, it's a  
43 serious issue, um, counsel. If you're going to meet with,  
44 you know, the president of a country, you don't want to  
45 turn up soaking wet, so these are all things that we would  
46 always take into account, and I thought the cost outweighed  
47 - the benefit outweighed the cost, but I'm not cavalier  
48 about the cost at all.

49

1 All right. I'll show you another example from the  
2 following day, 0652.

3  
4 0652^

5  
6 **NELSON, MS:** So this was an event at the ambassador's  
7 residence?---Correct.

8  
9 So a dinner or some kind of event like that? Cocktail  
10 event?---Ah, no. I was - that's an event at the ambassador  
11 to the Holy See, and I was, along with the outstanding  
12 Julie Inman Grant, Australia's Cyber Safety Commissioner,  
13 um - ah, who's the president of the cyber safety body, um -  
14 ah, also without any reference to that in her act, um - um,  
15 and she was there in Rome, um - ah, with, um - ah - ah,  
16 speaking at the ambassador to eh Holy See's event, um, with  
17 a range of people from the Vatican, um, and I was one of  
18 the two guest speakers, and I can assure you, I did not  
19 want to be late to that event, and I wanted to be there -  
20 and be there on time.

21  
22 So the distance was .8 of a kilometre, or you could have  
23 walked in 10 minutes according to this - this map. Would  
24 that be correct?---Yes, but that's - I - I also, as I  
25 recollect, by the way, on that particular day, was coming  
26 straight from the conference as well, so there was a real  
27 timing issue, as I recollect it, that we were very, very  
28 concerned about the timing of (indistinct) getting to that  
29 event, so you're showing that in isolation, but I'd been  
30 working that entire day, um, heavily engaged in conference  
31 and post conference activities, and we were concerned about  
32 actually getting from that event to that event on time. I  
33 actually remember that one, and I remember actually  
34 approving that one because I was very concerned about the  
35 timing of actually getting there. In fact, we were really  
36 concerned we wouldn't make it on time, and when that was  
37 originally booked, we also had a meeting with the, um - ah,  
38 the - well, I - I'm - I sincerely apologise to all  
39 Catholics, the CEO of the Vatican City - he's not called  
40 the CEO. Um, and that was on the other side of Rome, and I  
41 was very concerned about timing.

42  
43 Just on cyber security, did you take your OWA laptop with  
44 you when you went overseas?---Yes, I did.

45  
46 What precautions did you take in relation to the  
47 information that was on that laptop when - - -?---I  
48 took - - -  
49

1 - - - you were working on OWA matters overseas?---Thank  
2 you, counsel. It's an important matter, and I took the  
3 precautions that are appropriate to take under the relevant  
4 Western Australian policies, which are - are known to me.

5  
6 **THE COMMISSIONER:** And they are?---Oh, most of them are  
7 pretty obvious, Commissioner, in the sense that - oh, no,  
8 no. Sorry, I don't mean that in some sort of arrogant way.  
9 I mean, ah, they go through the sort of things you would  
10 expect, which is, you know, don't leave your laptop  
11 unattended. Don't use USB sticks you don't - shouldn't be  
12 using, et cetera, et cetera, et cetera, et cetera. There's  
13 a whole raft of them, ah, and - and they were particularly  
14 brought to my attention for the trip to Uzbekistan, and I  
15 didn't go, but that was because that was a known area of  
16 foreign state influence. I won't say which foreign state,  
17 but foreign state influence. Um, and there was particular  
18 cautions around Uzbekistan. Um, that foreign - that IT  
19 security was not an in briefing from ambassadors because I  
20 had an in briefing for all of these, so I had an in  
21 briefing from the ambassador to Italy. And that IT and  
22 briefing was virtually never done. Um, it was done for  
23 Uzbekistan, which was a serious - considered serious there.  
24 But I knew about them anyway.

25  
26 But did Ms Sharp mostly deal with your travel plans -  
27 making them or changing them in doing all the incidental  
28 matters that - - -?---Yes. The exceptional Ms Sharp, um,  
29 ah, um, was an enormous assistance to me throughout 2023 in  
30 doing that work.

31  
32 Let me just show you a couple of emails. 0259

33  
34 0259^

35  
36 So in this email from September last year you appear to be  
37 asking Ms Sharp to book Poland and Ukraine. You're nodding  
38 your head?---Correct. I'm so sorry. Correct.

39  
40 "For Becky and I when the dates are announced"?---Correct.

41  
42 So was that the travel that the IOI said that they would  
43 not - - -?---Correct.

44  
45 - - - pay any money towards?---Correct.

46  
47 And you ended up not going?---Correct.

48

1 Then the hotel that the Manchester event has nominated, is  
2 that in 2024 some time?---Correct. The Manchester  
3 memorandum.  
4  
5 And you've asked her also to book the train and to book a  
6 hotel in London?---Correct.  
7  
8 Um, you've asked her to book flights for Manchester and for  
9 Poland and Ukraine?---Correct.  
10  
11 And also for the Hague. Is that for May?---Correct.  
12  
13 2024?---Correct.  
14  
15 And I see you've got a reference to:  
16  
17 Becky, Ella and I for the Hague.  
18  
19 ?---Correct.  
20  
21 So Ms Italiano-Schmidt was going to go with you and  
22 Ms Poole?---For the 2024 Quadrennial World Conference.  
23  
24 And she had also accompanied you and Ms Poole to the 2023  
25 World Board Meeting?---Correct.  
26  
27 Did you approve her travel to do that?---I think that  
28 probably was approved by her line manager which would have  
29 been, um, Rebecca. But I - I'm - I can't be certain about  
30 that.  
31  
32 So what was the purpose of Ella attending at the Hague in  
33 2024?---Oh, experience for, um, a - a member of the  
34 Ombudsman's, ah, office. Ah, ah, ah, the Hague World  
35 Conference is - it's quadrennial, so it's held every four  
36 years. Um, it is the general assembly and world conference  
37 of the IOI, um, and I was looking to ensure that, um, I  
38 gave an opportunity to, um, ah, another staff member in the  
39 office. Um - we have a very profound commitment to women  
40 in leadership, and I thought as an outstanding young  
41 officer in the office who had a very bright future - ah,  
42 and she does - um, would benefit from the experience of  
43 attending that conference.  
44  
45 So the OWA was going to pay for Ella to attend the  
46 conference in 2024?---The OWA pays for staff to attend  
47 conferences throughout the year. Um, um, ah, and that was  
48 one of those examples.



1  
2 And the purpose was for her to get experience?---Yeah.  
3 Continuing professional development.  
4  
5 And that's the extent of the purpose?---Oh, it also would  
6 have been to assist - to assist in relation to - in the  
7 same way that when she attended the World Board Meeting,  
8 um, to provide assistance as well in relation to, um, um,  
9 the - ah, ah, ah - my chairing and the - all of the - the  
10 raft of the additional meetings that we had as part of the  
11 2023 board meeting. Um, but for the world conference my  
12 principal thinking was around CPD.  
13  
14 Meaning continual - continuing education for - - -?---Oh,  
15 I'm so sorry.  
16  
17 - - - Ms Italiano-Schmidt?---I - I hate acronyms. Ongoing  
18 professional development. Um, ongoing engagement for our  
19 younger staff with stakeholders, um, as we do with a - with  
20 a number of staff.  
21  
22 Was there any other reason why you were asking her to come  
23 to the Hague in 2024?---Um, well, beyond those two, no.  
24  
25 Could I have 0447, thank you.  
26  
27 0447^  
28  
29 Was another reason so that she could accompany you to a  
30 weekend with your dear friend Minister Amon in the north of  
31 Styria?---To - to go to the Hague?  
32  
33 Correct?---No, absolutely no connection whatsoever. The -  
34 the first that even such a suggestion would have - well,  
35 possibly even occurred to me - and it still doesn't occur  
36 to me - is when you just said it to me now.  
37  
38 Well, it occurred to Ms Italiano-Schmidt because she says -  
39 she replies:  
40  
41 Regarding travelling to the north of Styria, thank you. It  
42 would be a privilege.  
43  
44 ?---What's that got to do with the Hague?  
45  
46 I beg your pardon?---Well, what does that have to do with  
47 the Hague, her response?  
48  
49 You can't see the connection between the two emails,  
50 Mr Field?---(No audible answer).

1  
2 Can you not see the connection between the two emails?---  
3 Well, no. I absolutely cannot see the connection between  
4 the two emails. Um, to say that a person who was in the  
5 office of the Ombudsman of President - I mean, she's now  
6 not there but at that time was in the Ombudsman of  
7 President who'd attended the IOI World Board Meeting, um,  
8 who I'd identified with Rebecca as someone who I thought  
9 was a going forward staff member, um, in our organisation,  
10 um, and a potential future woman in leadership - and it was  
11 an excellent opportunity for her to attend the Hague. It  
12 was completely unrelated to this. Just had absolutely no  
13 relationship whatsoever.  
14  
15 I see. By this stage in May 2023, were you good friends  
16 with Minister Amon?---Um, we were professional friends.  
17 Correct.  
18  
19 Well, did you describe him as a dear friend on occasion?---  
20 Ah, yes. I - there are many, many, many - - -  
21  
22 **THE COMMISSIONER:** Well, I think the answer is yes?---Yes.  
23 Of - of many dear friends I have - - -  
24  
25 **NELSON, MS:** And were you going - - -?--- - - - in the  
26 international community.  
27  
28 - - - to reciprocate with the hospitality he'd shown you by  
29 bringing him back to Perth with an entourage in, um, mid -  
30 or to late 2023?---Wasn't reciprocation of an entourage.  
31 This was ah, um, ah, ah, the signing of a - what's  
32 misogynistically referred to as a sister state, now  
33 properly referred to as a memorandum of understanding  
34 between, um, the, um, extraordinary state of  
35 Western Australia and the great state of Styria. That's  
36 what that was. Wasn't about reciprocating hospitalities.  
37 It was about a relationship between two major subnational  
38 regions.  
39  
40 Could I have 0448, please?  
41  
42 0448^  
43  
44 Just scroll down, thank you. We can see your email in its  
45 entirety of 16 May at 12.42 am. Thank you. Is this a list  
46 of actions for when potentially Minister Amon would visit  
47 Perth?---Correct.  
48  
49 And did you instruct one of your officers at the OWA to  
50 book hotel rooms and other activities - cultural

1 activities?---I - we didn't get to the stage of booking as  
2 I recollect it, but it was to examine all of those  
3 possibilities.

4  
5 So when was this trip to occur?---Ah, it was when, ah - the  
6 date I don't remember. It was the date that  
7 Daniel Pastorelli gave me before the signing of the  
8 agreement in Parliament between, um, the Premier of  
9 Western Australia, the then excellent Premier Mark McGowan  
10 and, um, ah - and the Governor Drexler, the governor of,  
11 um, ah - of the state of Styria. Um, so that was all  
12 around the date that I was given by Daniel Pastorelli.

13  
14 So there's potentially bookings for rooms at the  
15 Ritz Carlton and a booking at Wildflower Restaurant for  
16 yourself, Becky, Ella, and other people presumably coming  
17 with Minister Amon?---Yes. He was bringing  
18 vice-chancellors, heads of chambers of commerce and  
19 industry, journalists, and a range of others as part of the  
20 signing ceremony.

21  
22 And this is the same minister that you had given gifts to  
23 that we saw in May 2022?---No. I gave a gift to the  
24 Austrian Ombudsman Board of which there are three members  
25 of which Minister Amon is one for their 45th anniversary,  
26 and also the ombudsman that is the secretary to the  
27 International Ombudsman Institute.

28  
29 And when you were in France and Styria for the weekend in  
30 May 2023, was that paid for by the OWA or paid for by  
31 Minister Amon?---Ah, I don't think it was paid for by  
32 Minister Amon. I think it would have been paid for by the  
33 state of Styria.

34  
35 And do you recall hosting a dinner during the course of  
36 your time in Austria on that occasion?---Ah, you'll need to  
37 remind me.

38  
39 There's an entry on the corporate credit card for a dinner  
40 of \$1,559?---Yes. Um, ah, in fact I think we hosted two  
41 dinners. One very small one - and that was a dinner for  
42 the Australian Ambassador to the Ukraine, um, for the  
43 Ukrainian Parliamentary Commissioner for Human Rights, um,  
44 and a range of other ombudsmen.

45  
46 Okay. Thank you, that can be taken down. In mid-2023, did  
47 you make arrangements for a consultant to come to the OWA  
48 to look into reclassifying the acting role that Ms Poole  
49 was in at the time to a class 3 level position?---Ah, I  
50 can't remember the exact time. There was - we were doing a

1 range of reclassifications at the time. But, um, I  
2 certainly - we certainly had one come in at some - a  
3 consultant coming or was it done internally? I'm not  
4 certain. It was one or the other. I do have a  
5 recollection of it.

6  
7 And was one of the bases upon which you were seeking to get  
8 that position reclassified the fact that Ms Poole was doing  
9 a lot of international work and you thought the role had a  
10 very international focus?---Yeah. I wasn't seeking to get  
11 anything classified. Um, what I was doing though was  
12 asking for the work that, um, that officer was doing, um,  
13 was it appropriately classified for the work that was being  
14 done. And certainly, you're right. Part of that was the  
15 international work. But I would have expressed a view  
16 about the fact that - yes, I would have expressed a view  
17 about the fact that I think that international work meant  
18 that the position was potentially under-classified.

19  
20 Could I have 0326 at page 5, thank you.

21  
22 0326^

23  
24 Just scroll down to see Mr Field's email of July the 16th,  
25 thank you, to Morgan Marsh. Just give you a minute to look  
26 at that email?---Thank you. I'm so sorry. If you just go  
27 down a tiny bit. I'm just not sure if that's - oh, yeah,  
28 just to the end. It's much more - thank you. And then to  
29 the end of the - yes, correct.

30  
31 You've given very clear instructions as to why you think  
32 the position should be classified higher than it is?---  
33 Correct.

34  
35 And predominantly that's because of the IOI international  
36 relations work that the position is required to do in your  
37 estimation?---It was three reasons as I recollect it - no,  
38 that's wrong. Two reasons. One, the base C1  
39 classification was for a - a position for complaints  
40 handling which was being undertaken by, ah, Ms Poole. That  
41 position had expanded to include investigations, um, and  
42 that moved it in my view further. And then in addition to  
43 that you also had, um, the international work as well, um -  
44 well, subnational, national and international policy work  
45 of which the international policy work was an important  
46 component. Correct.

47  
48 And did you tell Ms Marsh during the course of this process  
49 that you were expecting Ms Poole to act on behalf of you as  
50 President of the IOI on occasion?---Not act under the Act

1 if that's what you mean - ah, under the relevant provisions  
2 of the Act, but certainly - - -

3

4 No. As President of the IOI?---Well, certainly to  
5 represent me, um, on occasions and on times. Um, that's  
6 absolutely correct that she may have to actually undertake  
7 activities which were in effect ones that for whatever  
8 reason, um, I may not be able to do, which she did.

9

10 If we could go to page 3, thank you. Now, this is not your  
11 email, so I'll just give you a minute to look at that?---  
12 Mm hmm.

13

14 So Ms Marsh is telling the consultant that these are your  
15 instructions.

16

17 The Ombudsman has advised that in relation to international  
18 duties -

19

20 And then 1 through to 7. Does that reflect what your view  
21 was at the time that you had conveyed to Ms Marsh?---You're  
22 a slightly faster reader than I am, so I didn't quite get  
23 to that.

24

25 **THE COMMISSIONER:** Take your time?---I'm so sorry,  
26 Commissioner. I - I - this looks to me like it's a, um,  
27 not perfect but a good summary I think of, um, ah - of the  
28 information that I had given to Ms Marsh. Correct.

29

30 **NELSON, MS:** So if we go to paragraph 5 you can see that  
31 your - your vision is that the new position would undertake  
32 human rights missions?---Correct.

33

34 And then at 6 that the position would be required to be  
35 available seven days a week at all hours as required?---  
36 Most certainly.

37

38 And work long and unusual hours?---Most definitely.

39

40 And the position is responsible for all matters when acting  
41 in my role as the position would carry out my  
42 responsibilities as president.?---Correct.

43 And if we go to the - the top, number 1, that:

44

45 The position would be required to address international  
46 meetings and have multiparty bilateral exchange -

47

48 - will be included in that?---Well, indeed, the position  
49 was doing - already doing those things already.

50

1 So it would be fair to say that points 1 through to 7 are  
2 all activities related to IOI work?---I - I just want to  
3 read it to make sure I can just give an honest answer to  
4 the Commission, that's all. So the - I - I'll go through  
5 them individually. One, definitely. Two, no, is that's  
6 not the answer - the - where I'm referring to:  
7

8 The interest of the IOI, The Ombudsman Institution -  
9

10 - that is referring to liaison that's not strictly IOI  
11 liaison. Same with three. That wasn't limited to the IOI.  
12 six and seven aren't - sorry, six, um, is certainly not  
13 just IOI, nor is - ah, no, seven is, cos that would have  
14 been the deputy otherwise, so seven is, and eight, nine and  
15 10, um, are largely not the IOI, not - not the IOI.  
16

17 **THE COMMISSIONER:** A bit of a mix, according to the  
18 heading:  
19

20 Subnational and international duties.  
21

22 Yeah, I just read that, and I wonder whether that's, ah - I  
23 don't want to be critical of Morgan at all, but:  
24

25 The NPM -  
26

27 - ah, Australia's national preventative mechanism -  
28

29 - new functions of the office of the ombudsman own motion  
30 investigations -  
31

32 - none of those were IOI activities, um, but I think,  
33 certainly, it's true, counsel, there is a lot of IOI  
34 activities in there. I want to be absolutely frank about -  
35 clear about that. Um not all of it is, and eight, nine and  
36 10 almost exclusively is not. A couple of them, um, in one  
37 to seven include things that aren't just IOI.  
38

39 **NELSON, MS:** And as at July 2023, does this list of  
40 activities reflect what Ms Poole was doing when she was  
41 acting in that principal assistant ombudsman - - -?---Yes.  
42

43 - - - position?---Yeah. Yeah, and - well, in fairness to  
44 her, probably understates it.  
45

46 Understates it, did you say?---Mm, probably.  
47

48 I note the time, Commissioner. I just have one last matter  
49 to ask Mr Field. Thank you.  
50

1     **THE COMMISSIONER:**     Ask away.

2

3     **NELSON, MS:**     I just want to show you one of the exhibits  
4     that you have produced to the Commissioner under notice,  
5     which is - - -?---Thank you.

6

7     - - - 0560.

8

9     0560^

10

11    **NELSON, MS:**     On the previous occasion in which you were  
12    examined, I asked you about an internal budget  
13    document - - -?---Yes.

14

15    - - - that the CFO had prepared for you, and in particular,  
16    I asked you about a figure that was attributed to your  
17    expenses from the office of the president and ombudsman of  
18    \$225,240 - - -?---Correct.

19

20    - - - and I suggested to you that that was a figure that  
21    related to international travel for you and Ms Poole?---  
22    Correct.

23

24    And you have produced this table. Do I understand it that  
25    this table reflects how the CFO arrived at that total  
26    figure?---Exactly. Correct. And - and as provided to me  
27    by the CFO.

28

29    So the - the travel component, obviously, would be all  
30    those matters that have travel in the - the description?---  
31    Correct.

32

33    180,000, 36,000, 120,000 times two, which comes, I think,  
34    to just over 218,000?---Oh, easily (indistinct) correct.

35

36    So the expected expenditure from within your office of the  
37    president and ombudsman team - - -?---Yes.

38

39    - - - on travel for this financial year is expected to be  
40    218,000 or thereabouts?---Correct. On both non-IOI and IOI  
41    matters.

42

43    Thank you.

44

45    Nothing further. Thank you, Commissioner.

46

47    **THE WITNESS:**     Thank you.

48

49    **THE COMMISSIONER:**   Mr Field, I just want to be absolutely  
50    clear, because maybe (indistinct), what do you say is the

1 source of your power to expend state money on international  
2 matters?---Ah, I say that source of power, Commissioner, is  
3 the appropriation of moneys that I receive from parliament  
4 to undertake my role as ombudsman, of which I see the  
5 president as a, ah, part of undertaking that role, also  
6 with the parliament cognisant of the fact that I am  
7 undertaking that role, which I think is a relevant  
8 parenthetical.

9  
10 Thank you?---Thank you, Commissioner.

11  
12 Mr Porter, don't panic, I'm not going to call on you today.

13  
14 **PORTER, MR:** No panic, Commissioner.

15  
16 **THE COMMISSIONER:** I understand that you wish to further  
17 examine Mr Field?

18  
19 **PORTER, MR:** I do.

20  
21 **THE COMMISSIONER:** Unlike some of my predecessors, I do  
22 not limit the extent of questioning, because I find it's  
23 all useful. The only caveat I'd put on that is, obviously,  
24 an examination before the Commission has a number of  
25 purposes, one of which of course, is to give a witness an  
26 opportunity to comment on matters that may be adverse, and  
27 another is simply to gather information. I don't need any  
28 more information in relation to the matters that we already  
29 have information in, but that shouldn't restrict you from  
30 examining the witnesses to any matter that you wish, and  
31 raise any new matters. I just don't need old matters  
32 regurgitated.

33  
34 We will adjourn until 9.45.

35  
36 (THE WITNESS WITHDREW)

37  
38 AT 4.17 PM THE MATTER WAS ADJOURNED UNTIL  
39 WEDNESDAY, 20 MARCH 2024

40  
41  
42



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

The transcript of CHRISTOPHER FIELD heard on TUESDAY, 19  
MARCH 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 19th day of March 2024 by: Chris Millward,  
Joelle Burgess, Hannah Wood, Melissa Cain

Full Name:

CHRISTOPHER JOHN MILLWARD  
JOELLE BURGESS  
HANNAH WOOD  
MELISSA CAIN

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

Signature:

CHRISTOPHER JOHN MILLWARD  
JOELLE BURGESS  
HANNAH WOOD  
MELISSA CAIN

Epiq Australia  
Level 9, 16 St Georges Tce  
Perth WA 6000