

**SELECT COMMITTEE INTO
THE DEPARTMENT OF EDUCATION AND TRAINING**

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
TUESDAY, 28 NOVEMBER 2006**

SESSION SEVEN

Members

**Hon Giz Watson (Chair)
Hon Norman Moore
Hon Graham Giffard**

Hearing commenced at 4.09 pm.

McMAHON, MR LANCE

Policy Officer, Office of the Minister for Education and Training, examined:

CHAIR: On behalf of the committee, I welcome you to the meeting. To start with, will you state your full name, contact address and the capacity in which you appear before the committee?

Mr McMahon: Yes, Lance William McMahon and my contact address is 2 Havelock Street, West Perth, Dumas House, 12th floor, Minister for Education and Training's office. The capacity in which I appear before the committee is a little bit complex and I ask the committee to bear with me. I was a ministerial adviser to the minister prior to her becoming the Minister for Education and Training. On 10 March 2005, she became the minister, as the committee is probably aware. I remained a policy adviser to her until 28 July this year, when I resigned. I resigned for personal reasons and I am happy to share those with the committee. A close member of my family was dying of cancer, and subsequently died at the end of October, and I advised the minister that I could not give her 100 per cent and support my family in that regard.

[4.10 pm]

I am now not on a term-of-government contract, but on a short-term contract. I returned on 8 November. The reason that I resumed on that date is that the minister asked me personally if I would return to her office as another officer had been seriously ill for quite some time and the volume of work was mounting, which would have put additional pressure on that officer when that officer returned. So I agreed to that request from the minister. That basically gives you the period of my service, but I am sure you have those dates.

CHAIR: You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

Mr McMahon: Yes; I have.

CHAIR: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document to which you refer during the course of this hearing for the record. Please be aware of the microphones and try to speak into them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that your evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your evidence is finalised, it should not be made public. I advise you that premature publication or disclosure of public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Would you like to make any opening comments or an opening statement?

Mr McMahon: Yes, I have some opening comments. As a policy officer I would like to try to give some background to the way information was dealt with from a policy point of view. I have just heard the committee express an interest in the media side of things, but I do not think that the policy side has had an airing as yet. As in all ministerial offices - I am certain for many decades now - there are set procedures by which information is conveyed to and from the public service subject to the Public Sector Management Act and is regulated. In our office we had a variety. I will give an overview for the committee and the record's benefit.

Each year we received an annual program file which covered all the programs of the department - every single one of them. I think also, when I was policy adviser in one of those periods, a similar

file was provided to the shadow minister to give the shadow minister a full briefing. I am certainly aware that other program briefings were given to shadow ministers as well. These documents are not secretive in nature, but are documents where the department actually states what all the programs are, and maybe some comments on problems or issues with some of those programs. We also had an internal document developed in conjunction with the departments. The departments are asked to identify any contentious issues that may attract parliamentary or media attention, or the minister's immediate action. They were delivered quarterly from all departments. We are only concerned with one here. Just on a review of those, I had a look through them and they had approximately 50 issues in them, which the department thought were particularly critical. If I can just ask the indulgence of the committee, in this current incarnation, I looked at the most recent one, which was dated 13 October; I checked with the acting director general at the time, Mr Peter McCaffrey, whether he indeed signed off on that contentious issue file on 13 October; he said that he did; it was passed up to the ministerial office on 15 October; and the matter that we are looking at primarily in this inquiry was not mentioned in the roughly 50 contentious issues. Of course, it has become the most contentious issue of the second half of the year. I am just trying to illustrate by that that these matters were meant to be in contentious issue files, and the matter with which this committee is concerned was not in any of the quarterly contentious issues files.

The other internal file - not to be shared with the opposition - is the minister's parliamentary file. The minister's parliamentary file would be updated with contentious issues on a daily basis. Something has happened; the minister needs to know about it because there could be a question without notice of which some notice is given - usually in this house - and so the minister's file would be updated. When the Parliament was not sitting, that file would fairly well lie dormant, but in the week or so preceding Parliament resuming, it would be updated. The department was expected to provide, again, the top contentious issues that it identified, as well as those identified by the minister's office.

The other way in which we would receive policy from the department was by briefing notes. Sometimes they were sparked by the media; sometimes they were sparked by an event; for example, a storm may have damaged a school badly and we would immediately request a briefing note so that the minister could be fully apprised of the key issues. They are normally about one page in length.

The other important aspect of getting information up from the department would of course be parliamentary questions - I include in that, estimates and other activities of the Parliament - where, obviously, it is very important that the facts are exactly right so that the minister is not accidentally misleading the Parliament. That is a critically important part of the process.

In addition to that there are regular formal meetings with the department executive and the director general of the department we are concerned with. They were roughly once a fortnight, but quite often, if there were issues of concern, they would be far more frequent. These would have a formal agenda with a one-page - sometimes longer - briefing note or supporting document explaining what the issue was. Again, the department was always not only at liberty, but expected to bring to the minister's attention important matters in those meetings.

There were also regular incidental contacts. Obviously, the minister would speak to the director general at least once a day and usually many times a day over the phone. I would speak to the director general, I would say, roughly once a day, sometimes more. Also, obviously the director general would accompany the minister travelling to and from ministerial business, conferences etc to visit schools and educational facilities around the state. So there would be an awful amount of time when the minister and the director general would be in direct contact and able to talk to each other about matters. In those contexts they would usually be with myself, or whichever ministerial officer had accompanied the minister would be there as well. It could be like an informal meeting, often taking place in an aeroplane where an issue would be discussed.

That is the first thing I wanted to do, to set, for the benefit of the committee, the procedures that formally existed. I then just quickly wanted to take the committee through, as we are concerned with the CCC, what the minister's office understood about the CCC. I have to speak on behalf of myself; I also spent 14 years as an academic in public management and public policy, so perhaps I am quick on the uptake. I cannot speak for others who received the briefing, but on 20 July 2005 the CCC - Dr Froyland and Roger Watson - came to the ministerial office with a PowerPoint presentation and supporting documents - I think they did this for every ministerial office - and explained what their role was and what activity we could expect from them in departments. That is an awfully long time ago and I am operating off memory, but I recall that in the presentation it was said that the Department of Education and Training would be one of the departments they would be most active in because of its size.

[4.20 pm]

Obviously, you have heard of 50 000 group certificates a year and 30 000 full-time equivalent staff. The nature of the organisation also means that there is a lot of activity that would be brought to the CCC's attention. Of roughly two and a half thousand investigations - allegations or inquiries - there would be roughly 250 in DET, which is about 10 per cent of the CCC's activities. From memory, in their last annual report, it was 243. That is an awful lot of activity in the department. I wanted to point to that first of all. Secondly, I wanted to point out that there was a matter I brought to the CCC's attention in August 2005. I am mentioning it to show cooperation between the minister's office and the CCC, although it is not germane to this inquiry as such. The CCC made it clear, as it had at the briefing, that the matter I had taken to them was not to be disclosed to any other party, especially the media. They constantly reinforced the view. Obviously, operationally we could see how an investigation could be frustrated if matters were disclosed. I just bring that to the committee's attention by way of background.

I then wanted to refer to ministerial 1-8942, which is a letter to the minister. It was in late May. I am sorry that I am just referring to notes rather than reading the document. Let me give the gist of the document. Can I also assure the committee that every document that was in our possession and within your terms of reference has been passed to the committee. We have been very diligent in making sure that was there. This was a letter to all ministers just advising of the relationship between the CEO and what the CEO could disclose to ministers or not disclose to ministers. In fact, this one implies that the CEO could share information with the minister. I sent that to the department, as would be normal - and not making the assumption that they already had a separate copy as it was addressed to the minister - for their action. They were confused by this and responded back to me. I think you have a copy of the e-mail, which was of 6/12/06 or thereabouts. It was between Ann Wright and myself. Ann Wright asked for clarification -

Hon GRAHAM GIFFARD: Sorry, what was the date of that?

Mr McMahon: I think it was 6/12/06.

Hon GRAHAM GIFFARD: I am not sure it would be.

Mr McMahon: I am sorry, it is 12/06/06. I am getting ahead of myself. On that date or thereabouts there was an exchange of e-mails. They are usually one-liners. The department asked for clarification as to why that letter from Hammond had been sent to them. My reply was, "It was for DET's information and noting or action if there is a matter of concern current as mentioned in the letter." That is, if there is a matter that could be disclosed that the CEO knows about, please advise us. The reply we got back some time after for the minister's signature, which was then forwarded to Mr Hammond, was basically a reassurance that the executive of the department fully understood the content of the letter and the accompanying document that I just referred to.

The final thing I wanted to draw to the committee's attention before moving to questions is that there was an article in *The West Australian* newspaper on 29 June 2006. "Teachers have been

denied justice” was the title of it. In questioning I will be happy to answer my own role in looking at the media. Upon reading that early in the morning - I think Parliament was about to be in session; no, Parliament was in session that day - I requested a briefing note. The wording I used was, “Brief, one page; BN on the Browne report on the CMU by 1.00 pm”. That was forwarded on 29 June to myself. I used it in preparation in case there was a question in the Parliament. I do not believe there was that day. Again, the content of that briefing note is clearly an invitation to provide information about the Browne report and the CMU. The committee have a copy of that so you can see what the response was. Just in conclusion, at no stage was I aware as an adviser to the minister of knowing that there was a separate inquiry other than the Browne report - a separate inquiry about sexual contact. I was not aware of any conflict between the CCC and the department. I am certain that the minister was not either because her forthright nature is such that she would act immediately on that, as she did later this year. On that point I am happy to move to questions.

CHAIR: Did the minister’s office receive news summaries from the Government Media Office?

Mr McMahon: Yes. I can add a little bit to that because my role is slightly different. I get in roughly at 7.00 every morning; sometimes a little earlier, sometimes a little later. The first thing I do is read the hard copy of the newspaper and start having a look through for matters that are there. I would then log on a little bit later because the GMO was just firing up at that early hour of the morning. I would then log on and I would quickly scan through all of the clippings. As you understand, that would include an aspect of school funding in Victoria or something from *The Age* or *The Sydney Morning Herald*. It was not just confined - there was quite a lot of material there. If I spotted anything that was worthy of bringing to the minister’s immediate attention, I would do that. I did my own sort of media monitoring because by the time the media monitoring, the transcripts or other e-mails would come out, I would have moved on to other policy matters by that stage in the day. By eight or nine o’clock I would be finished with that process.

CHAIR: In terms of news summaries in particular, were they also sent to you -

Mr McMahon: Not all of the time. There would be occasions when I was not near my computer where I would be given a wad of newspaper copies - photocopies of pages - from the GMO’s web site. I sometimes received transcripts of radio or whatever. Not so much television, but maybe a radio interview. That tended to be if it was referred to me by the media officer. I did not get a comprehensive package like the media officer would.

CHAIR: What did those news summaries contain?

Mr McMahon: The way the GMO would work it is that they would have different portfolios so there would be education or education and another agency. All of the ones that came up in that field would be sifted apart from if there was one that mentioned the minister in another context. That would be there as well. We would not get ones about the Attorney General or another agency.

CHAIR: What happened to the news summaries that were provided to the minister’s office? Were they stored or kept?

Mr McMahon: My understanding is, under the records management act, that they are all kept because if it is e-mailed to you it is kept and it is archived. They are all retained. The hard copies that were printed out for people to use would be destroyed or retained if the media officer wanted to have a file or whatever. The minister did not actually have a file. As I said, all of the information I ever received is archived and is subject to the records management act.

CHAIR: What was the practice of the minister’s office in relation to media that you or other members of the minister’s staff considered the minister should know about?

Mr McMahon: As I have already said, if I was aware of an issue that may crop up - I was more concerned with the policy side of things than the Parliament side of things - I would advise the minister of it. I was not involved in getting her groomed to give responses or helping her to come up with the special lines for using on radio or whatever. I was more general: this is a matter that is

likely to be raised in the Parliament and I have ordered a briefing note from the department. It would come out and I would do a summary of that and give it to the minister for her parliamentary file.

CHAIR: I understand that you did, from time to time, brief the minister of relevant media?

Mr McMahon: Yes.

CHAIR: How was that information on media conveyed to the minister? You have mentioned the parliamentary file.

[4.30 pm]

Mr McMahon: Normally what I do is attach, let us say, the one page of the article reduced and a briefing note from the department, if one had been requested - it was normal that one would be requested - then I would do a one-page dot point summary for the minister so that when she is on her feet she can refer to the key dot points and then refer back to the other documents if she needs to. I would also do that if Parliament was not sitting but there was a matter that she may have to address, in addition to the support she would get from our media officer.

CHAIR: Were you working in the minister's office on 1 June this year?

Mr McMahon: Yes, I was.

CHAIR: Did you receive the GMO media on that day in particular?

Mr McMahon: Yes, I did.

CHAIR: Can you tell me whether you would have seen that document on that day?

Mr McMahon: The radio news summary document you just handed to me? No, definitely not, and I would not have heard the radio either. Can I return to why I would not have heard the radio?

CHAIR: Yes, sure.

Mr McMahon: Is it appropriate to do so now?

CHAIR: Yes.

Mr McMahon: Okay. On 1 June - I actually remember the day quite well - the minister was going to Wiluna and was paired out of the house. The opposition had decided, although the minister was paired, to move an urgency motion. I therefore had to go down to the house very early and brief Minister Chance to take my minister's role in the debate on the urgency motion, which was related to outcomes education. Minister Chance, as agriculture minister, was not really strongly across the outcomes education issues and so that took considerable time, with Minister Chance also attending to the business of the house. In the afternoon, Minister Ford answered questions on behalf of my minister, so I stayed at the house until about 6.30 - I think the house rose roughly 6.25 pm - and probably got back to the main office about seven. Then I went through very rapidly my e-mails. There was an e-mail from GMO that related to this matter, but it was referring to the CCC media release. I scanned that. I thought there is nothing in this release at this point that is necessary for me. The minister was airborne at this stage, I think, coming back from Wiluna. I was also of the view that *The West Australian* newspaper would be the trigger for me to pursue this further or, indeed, the opposition in Parliament. Neither *The West Australian* nor the opposition in Parliament ever raised the matter of the CCC having a special inquiry. I want to clarify this, and it is very important: I did not realise this was a special inquiry as such. Maybe I was lax in reading the full transcript. I just scanned it, recognised that it was about a teacher and the AFP, so I cannot in all honesty say that I really triggered that this was what became later the "Sexual Contact with Children" report. I did not refer it to the minister. *The West Australian* newspaper ran an article the next day or the day after, for which I did draw up a briefing note for the minister for her file. That did not refer to that CCC reference. The opposition did not ask any questions. So the normal triggers that would have triggered me to pursue that as a policy issue were not there. Equally it was

not raised by anyone else with me. I would also add that I would find it extremely strange from the public policy and public admin point of view that an important matter is conveyed to a minister by way of press release. So if there was something more substantial to it, I would have expected a substantial document to follow. It is also clear that the department was not telling the ministerial office anything at all about this matter, and there was no follow-up with me either verbally or in writing about that matter.

CHAIR: I have a couple of questions. You were saying that on that morning you were otherwise engaged in briefing Mr Chance. In your absence from the Minister for Education's office, was there not somebody else doing the media monitoring, as you were not there?

Mr McMahon: The media secretary would do the media monitoring but quite commonly if I was working in the ministerial office, I would have the radio on either 6PR or ABC; but in the cramped conditions of Parliament if I tried to put a radio on, I would be thrown out by the other two ministers that we share that room with. So it was not possible for me to in any way monitor daily broadcasts. I did not see this at all.

CHAIR: I guess I am asking: would there not have been somebody else in the Minister for Education's office who might have picked up on that?

Mr McMahon: Might have, but it was never raised with me, so I cannot say one way or the other.

CHAIR: What I am understanding you are saying is that despite the fact that that information which you got later in the day indicated that the CCC was going to publish a report with regard to the department, you still did not feel it was necessary to convey that to the minister?

Mr McMahon: I cannot actually recall seeing that part of that document. I think I probably just quickly opened it, saw it was referring to something I expected to be in the media and did not read it carefully at seven o'clock at night; and I received roughly 50 e-mails that day that I needed to attend to. I have subsequently looked at that document. Obviously I have come back and we have compiled all these documents and received documents from the department to forward to this committee. It does not say "publish"; it says "table", and it is not clear to me that the matters that this committee is looking into are clearly conveyed in that media statement. That is with the benefit of hindsight. Equally, if it was such an important matter, is it appropriate for any agency of government to communicate to a minister via a press release? That was not picked up. It was picked up by the diligent journalist at the ABC but was not picked up by *The Australian*, *The Australian Financial Review* or *The West Australian*, which at that stage, and has continued, any negative media that they can find on my minister they used. So they did not pick it up. This goes beyond my period of leaving, but I am not aware of any question that pertained to that media release from the opposition until 12 October. So I suppose I am saying I am not alone in missing it.

CHAIR: You said that the Department of Education and Training did not actually contact you. If the Department of Education and Training did not contact the minister, considering you were aware that the CCC issued that particular media statement -

Mr McMahon: Nobody from the minister's office ever told me about that media statement or any action that they had taken with regard to that media statement. Also, I am of the very strong opinion that they would not have told the minister either, because the minister would have reacted to it.

Hon NORMAN MOORE: I refer to evidence given by Mr Albert the other day in respect of this 1 June press release from the CCC, which you have described as being a very important issue and should not have been made public by way of a press release, but then told us it was not important enough for you to tell the minister about it.

Mr McMahon: No, I'm sorry, that is not what I said.

Hon NORMAN MOORE: Okay, you can correct me.

Mr McMahan: Yes, okay.

Hon NORMAN MOORE: Mr Albert advised, and in fact the question was -

You commented earlier that when the media release - which was quite scathing - was issued by the CCC on 1 June, you referred it to the minister's office.

Mr Albert said -

Anything like that is automatically referred. In fact, the policy is that all media has to be referred to the minister's office. That was definitely referred . . . -

I should add that I am quoting from the uncorrected version, so I put that caveat on it -

The minister's office was always communicated with before a determination was made about whether the department or the minister's office would respond to the situation. That was for every media issue.

Mr Albert has informed the committee that that particular press release was referred to the minister's office. Do you know of anybody in the minister's office who received it?

[4.40 pm]

Mr McMahan: No, I do not.

Hon NORMAN MOORE: If it was not you, who would it have been?

Mr McMahan: Normally media inquiries between the department and the minister's office are between the relevant media officers in both organisations.

Hon NORMAN MOORE: With respect to this particular press release that Mr Albert says was sent to the minister's office, it is fair to assume that it would have gone to the media adviser?

Mr McMahan: That would be my assumption.

Hon NORMAN MOORE: It did not go to you?

Mr McMahan: No, it did not go to me.

Hon NORMAN MOORE: To your knowledge, it did not go to the minister?

Mr McMahan: To my knowledge, it did not go to the minister. I am not saying that that was not an important media release. I am saying that I missed that it was an important media release. Equally, I would be confident that if I missed something that was in a media release, it would be picked up in other media or it would become the subject of an official letter, which this never did. You have one chance of reading a media release and if you miss something, normally you would have other mechanisms in the policy process that would alert you to the importance of a matter.

Hon NORMAN MOORE: Without wanting to be argumentative, you have indicated to the committee that you believed the matter was an important matter and you felt the way in which the CCC had released the information to the public was inappropriate; that it should have been done by some other mechanism other than a press release. I think you are probably right. It is only a personal view. You indicated that you did not refer the matter to the minister, other than that you prepared a briefing note some time later, which you filed.

Mr McMahan: I remember seeing the media clipping from *The West Australian*, which did not refer to the CCC's involvement; it just referred to the charges under the AFP and that investigation. From memory, that was on the Thursday. I think that appeared in Saturday's *The West Australian*. It will be in the information that we provided.

Hon NORMAN MOORE: You said you provided her with a briefing note.

Mr McMahan: It may not have been a briefing note; it may have been verbal.

Hon NORMAN MOORE: Or a file note.

Mr McMahon: Yes. If it is in written form, it is with the committee. If not, where there is an issue like that, the minister would have it drawn to her attention if it was going to become an issue for the Parliament.

CHAIR: You said that it was not picked up by other media. My understanding is that it was and Mr Buswell, the member for Vasse, asked questions in the house about this matter. Are you aware of that?

Mr McMahon: It was picked up by the ABC. That is the only media that I am aware of. Can I see the *Hansard*?

CHAIR: We are just looking for that. While we are chasing that, I will ask another question. The next question relates to a meeting of the Ministerial Council on Education, Employment, Training and Youth Affairs. Did you attend that meeting with the minister?

Mr McMahon: Yes, I did.

CHAIR: Do you recall the then Director General of the Department of Education and Training advising the minister of the draft CCC report into "Sexual Contact with Children by Persons of Authority in the Department of Education and Training of Western Australia"?

Mr McMahon: Definitely not. If he had advised the minister, the minister would have immediately sought action. Whilst I was not in the minister's hearing all the time - within earshot of it - I am confident that that was not raised with her. It certainly was not raised in my presence, and I was with her most of the time. Certainly her reaction on the twelfth would have been the same. She took these matters very, very seriously and there were a range - regardless of the Buswell question - of parliamentary questions on this much earlier. Hon Barry House asked some the previous year. The minister always sought very firm assurances that these matters were dealt with exactly as the department advised; that is, immediate removal of the teacher or staff member from contact with children. We were given a cast-iron guarantee that that happened all the time. There had to be procedural fairness under the various acts to ensure that the civil rights of the teacher were not harmed. It would automatically be referred to the police, the child protection unit and the CCC and, I think, other welfare agencies if there are other matters of that nature in some cases. The minister was always very firm and very straightforward about the fact that that was to happen in every case; there would be no exception. Again, prior to the CCC's letter of 18 January, there were opportunities for matters to be brought to the minister's attention, which the department chose not to.

Hon NORMAN MOORE: I wish to ask a further question on the MCEETYA meeting. We have been provided with evidence from Mr Albert and Ms O'Neill that the matter was raised by the former director general with the minister at that meeting. Is it possible that that could have happened unbeknown to you?

Mr McMahon: As I said, and having worked with my minister for such a long period, I would be extremely shocked if that information had been conveyed to her and I did not pick up that she had received that information.

Hon NORMAN MOORE: I am asking whether it is physically possible that you were somewhere else when this matter was discussed.

Mr McMahon: Certainly it was possible that I could not overhear every conversation the minister had with the director general and the now acting director general as I would have to collect documents or attend to other matters as the course of the meeting unfolded. If I was getting my eggs at breakfast, maybe the conversation could have taken place but I am very confident from my knowledge of the minister's character that had she been given that information, she would have responded in the way she did when given that information on the twelfth.

Hon NORMAN MOORE: I refer you to another occasion when Mr Albert testified that he informed the minister of this matter. It goes back to April or May 2006 during a briefing of the minister in relation to the parliamentary estimates hearing. Mr Albert advised this committee - again, I quote from the uncorrected version -

When briefing the minister on the findings and recommendations of the review conducted by Mr Peter Browne, at the time I indicated that although the CCC was represented on the review, it was conducting its own inquiry. I remember saying that I was not sure why it was continuing, given that it was part of the Peter Browne review and had signed off on the recommendations.

Were you present when that particular briefing took place?

Mr McMahan: There had been an Assembly estimates for the minister representing the minister in the Assembly. I believe I was present. I am aware of the file and the file reference. It does not make reference to the CCC. I have no recollection of that information being conveyed. I also say that these off-the-cuff -

Hon NORMAN MOORE: You cannot make an assumption.

Mr McMahan: I will make an observation. If you believe the CCC has instructed you not to tell somebody about a matter, as I have already referred to, you do not tell them about that matter, not even in the most oblique way.

[4.50 pm]

Hon NORMAN MOORE: This was, in fact, before the letter was sent to the minister or the department about what ministers should or should not be told.

Mr McMahan: The letter of -

Hon NORMAN MOORE: This was in April or May

Mr McMahan: In 2006?

Hon NORMAN MOORE: Yes, 2006. The letter was later than that, if my memory serves me right.

Mr McMahan: The letter was late May -

Hon NORMAN MOORE: The letter also states that there are circumstances in which the minister can be told. It is not a blunt instrument that says you cannot tell anybody about anything. In fact, it provides a number of opportunities for ministers to be advised. However, putting that to one side, the evidence of Mr Albert is that, on this occasion when he was briefing the minister in relation to the parliamentary estimates he advised the minister that the CCC was conducting its own inquiry. Is it possible that that discussion could have taken place between Mr Albert and the minister without you being present?

Mr McMahan: Not an estimates briefing. Can I just correct the dates? The letter from Mr Hammond, I think, came in late May. The estimates hearing in the Legislative Council was held in mid-June, so the briefing for the Legislative Council's estimates hearing would have been just prior to the estimates hearing taking place in the Legislative Council.

Hon NORMAN MOORE: Mr Albert talks about April or May, but we will need to find out the exact dates.

Mr McMahan: Yes.

Hon GRAHAM GIFFARD: While you were at the MCEETYA meeting, did you hear Mr Albert brief the minister on any matter related to the CCC?

Mr McMahan: No.

CHAIR: We will not be pursuing the issue with regards to Mr Buswell's comments, because they were actually made in the Assembly, and we cannot use them.

Were you aware of an additional Government Media Office summary on Friday, 2 June on this matter?

Mr McMahan: No.

CHAIR: Were you aware that this comment from Mr Buswell suggests that, according to the Government Media Office in the Premier's own department, this story was reported 20 times by five different radio stations?

Mr McMahan: No, I did not receive radio station transcripts, so I am not aware of that.

Hon NORMAN MOORE: By way of conclusion from my point of view, during the period between 18 January 2006, when this issue began, and the time you left on 28 July, were you aware of any CCC inquiry into the issues surrounding the ultimate report?

Mr McMahan: No, definitely not.

Hon NORMAN MOORE: You also said to the committee that, in your opinion, the minister also did not know. In respect of your understanding of her state of mind, does your view of her knowledge of this relate only to the time in which you worked in her office, which finished on 28 July, or does it relate to the time from then until 12 October, when the report was tabled?

Mr McMahan: I did not have direct contact with the minister at all. I think we spoke on the telephone a couple of times, just to catch up, and I think those conversations related to her concerns for my family.

Hon NORMAN MOORE: This is a hypothetical question. If she was briefed on 2 August by Mr Albert, is there any possibility you would have known about that?

Mr McMahan: No, I would not have known about something that happened after 28 July, until I resumed on 8 November.

Hon NORMAN MOORE: Basically, are you telling us that during the time you were employed in the minister's office, she did not know about it?

Mr McMahan: Yes, absolutely.

Hon NORMAN MOORE: But you do not know about what happened subsequent to that?

Mr McMahan: That would only be speculation and comment, as I have said, on her character. My strong view is that if she did know about it she would have responded to it.

CHAIR: Thank you very much, Mr McMahan.

Hearing concluded at 4.56 pm.
