

**SELECT COMMITTEE  
INTO THE POLICE RAID ON THE *SUNDAY TIMES***

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
Monday, 9 June 2008**

**SESSION FOUR**

**Members**

**Hon George Cash (Chairman)  
Hon Adele Farina  
Hon Giz Watson**

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**Hearing commenced at 2.39 pm**

**GREGSON, MR WAYNE**  
**Assistant Commissioner, Specialist Crime Portfolio,**  
**Western Australia Police,**  
**sworn and examined.**

**ALBRECHT, MR ARNO**  
**Detective Inspector, Commercial Crime Division,**  
**Western Australia Police,**  
**sworn and examined:**

**JANE, MR ALLAN**  
**Detective Sergeant, Major Fraud Squad,**  
**Western Australia Police,**  
**sworn and examined:**

**The CHAIRMAN:** Good afternoon, gentlemen. Thank you for attending the Legislative Council committee offices this afternoon. As you are aware, the committee has been directed by the Legislative Council to inquire into and report on all circumstances surrounding the police raid on the *Sunday Times* on 30 April 2008.

On behalf of the committee, I welcome you to the meeting. Before we begin, I ask you to take either the oath or the affirmation.

[Messrs Gregson and Albrecht took the oath.]

**The CHAIRMAN:** Please state the capacity in which you appear before the committee.

**Mr Gregson:** Assistant commissioner for the specialist crime portfolio.

**Mr Albrecht:** I am the detective inspector that oversights the fraud squad.

**The CHAIRMAN:** You will have signed a document entitled "Information for Witnesses". Have you read and understood that document.

**Mr Gregson:** Yes.

**Mr Albrecht:** Yes.

**The CHAIRMAN:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you in due course. However, to assist the committee and Hansard, would you please quote the full title of any document you refer to during the course of this hearing for the record, and please be aware of the microphones and try to talk into them and ensure you do not cover them with papers or make noise near them. If both of you are going to respond to a particular question, please speak in turn so that Hansard can determine which officer is speaking. The fact is that this can be a private or public hearing, but you should note that the committee retains the power to publish any private evidence. The Legislative Council may also authorise publication of that evidence. This means that your private evidence may become public. Please note that you should not publish or disclose any private evidence to any other person at any time unless the committee or the Legislative Council has already publicly released the evidence. I advise you that the premature publication of private evidence may constitute a contempt of Parliament and may

mean that the material published or disclosed is not subject to parliamentary privilege. Do either of you wish to make a general statement to the committee?

[2.40 pm]

**Mr Gregson:** No. I have no strong feelings one way or the other.

**The CHAIRMAN:** We must deal with the question of whether this is to be a public or private hearing. I should indicate that if it is a public hearing and you believe that you need to raise matters that you would not want published at this stage, you can indicate that to the committee and the committee will have regard for your request to go in camera for particular matters. Obviously, if the evidence is given in private, it will be private all the way through. However, I say again that this committee and the Legislative Council reserve the right and have the right to publish your evidence in full.

**Mr Gregson:** I do not intend to canvass anything that I would imagine would need to be discussed in camera.

**Mr Albrecht:** Nor I.

**The CHAIRMAN:** This will be a public hearing. You are aware that the Parliament has wide powers to require persons to answer questions and produce papers. I make it very clear that it is neither the wish nor the desire of this committee to interfere with any police investigations. To avoid any interference with a police investigation, I again repeat that you may request that the committee take any of your evidence in private and if the committee agrees, the committee room will be cleared of any members of the public or media. They are the ground rules.

I must read another document now that we are holding a public hearing. Again, I welcome you to this meeting. 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 the 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 public evidence is finalised, it should not be made public. I advise you that premature publication or disclosure of any public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. There is a distinction between giving private evidence and public evidence.

I understand that Detective Sergeant Allan Jane is unable to attend today at this stage because he has some previous commitments in the District Court.

**Mr Gregson:** That is correct.

**The CHAIRMAN:** We intend to commence the hearing and if, if necessary, we will call Detective Sergeant Allan Jane at a later stage if he does not turn up in time. Assistant Commissioner Gregson, it would be convenient if I refer to you as Mr Gregson rather than your full title when I address you. Equally, that is the case with Mr Albrecht.

**Mr Gregson:** You can call me anything you like, Mr Cash; I am sure I have been called it before!

**The CHAIRMAN:** That is what I always say!

**Mr Gregson:** If it would assist the committee, as a result of this matter we have conducted an internal investigation. If you felt it was appropriate, I would be happy to go through the findings of that internal investigation, which would, in fact, establish the chronology of events from the police perspective and also determine what investigative actions were taken before, during and subsequent to the raid on the *Sunday Times*. That would provide a summary of this investigation from a police perspective.

**The CHAIRMAN:** The answer is that it would be helpful for you to do that in so much as it would be a chronological account of the events. I am sure some questions will be asked subsequently

because it may be that the internal inquiry does not cover every aspect of the matter that we are interested in. With the agreement of the committee, I will hand it over to you, Mr Gregson, to tell us what you have to say in respect to the knowledge, understanding or involvement of the police in the police raid on the *Sunday Times* on 30 April 2008.

**Mr Gregson:** Very well. On 12 February 2008, Mr Mal Wauchope, the Director General of the Department of the Premier and Cabinet, officer of the director general, made a complaint to the officer in charge of the major fraud squad alleging disclosure of confidential information.

**The CHAIRMAN:** Obviously, you will refer to communications between various parties and the police.

**Mr Gregson:** That is correct.

**The CHAIRMAN:** I need to get from you a copy of that correspondence or that documentation. It may be that you refer to the complete internal review in the first instance on the understanding that I will ask for those documents in due course rather than interrupt you every few minutes and ask for a particular document.

**Mr Gregson:** I have gone to the trouble of preparing a copy from which members can extract in its entirety and copy from the file anything they wish.

**The CHAIRMAN:** Thank you.

**Mr Gregson:** The matter involved the disclosure of confidential information that was prepared for submission to the expenditure review committee—the ERC—to the media or a third party who subsequently released it to the media. The submission was prepared by Mr Peter Easom, the manager of communication policy and reporting in the Government Media Office. The submission was a confidential document as it was still before the cabinet. The October 2007 *Cabinet Handbook* at page 10 states that the confidentiality of cabinet documents, discussions and decisions is a long-established and essential principle. The Premier's circular, cabinet confidentiality 2003, number 14, requires public servants to maintain confidentiality of any cabinet documents unless authorised by the relevant minister. Section 9(b) of the Public Sector Management Act requires public servants to be scrupulous with the use of official information. Following dissemination to numerous ministers and others for comment, the matter was considered by cabinet on 17 December 2007 and it was an attachment to the minutes of the cabinet's subcommittee on communication meeting held on 4 December 2007.

[2.50 pm]

The Treasurer, Hon Eric Ripper, MLA, signed the ERC submission prior to going on leave in January 2008. The submission before the ERC was to seek approval for a grant of \$16 million to be used for strategic advertising for the government over a three-year period. The approach detailed the breakdown of the \$16 million, including time frames and expenditure. A leak in relation to the submission was first discovered on 8 February 2008 when Lampathakis, a *Sunday Times* journalist, approached Mr Stuart McLagan, the media adviser to the office of Hon John Kobelke, MLA, who was Acting Treasurer at that time. Lampathakis asked questions concerning the submission detailing specific knowledge of the contents. No comment was provided to him by McLagan. McLagan referred the matter on to Mr Kieran Murphy, the director of communications at the office of the Premier, due to concerns about the nature of the inquiry. Mr Murphy then raised these matters with the complainant, Mr Wauchope. On 10 February 2008 the *Sunday Times* newspaper published an article entitled "Bid to 'buy' Labor win: Ripper wants \$16 million for poll". The article was recorded as an exclusive by the journalist Lampathakis. The article made reference to specific amounts of moneys requested by the Treasurer, which corresponded correctly with the submission sent to the ERC. Certain phrasing used in the submission was also found in the article. Lampathakis quoted a government source as the reference for his information. The name of the government source was not disclosed in the article. Public sector investigation of the major fraud

squad received the complaint of the disclosure via written correspondence from Mr Wauchope dated 12 February 2008. The complaint was processed in the usual and ordinary course of business and instant management on an instant report number 15020815205891 was submitted.

On 21 February 2008 the Corruption and Crime Commission was notified of the existence of the complaint by the major fraud squad as per normal practice. On 26 February the CCC received correspondence from Mr Tim Marney, the Under Treasurer, from the Department of Treasury and Finance. This letter outlined in part that within the DTF the agency resources business unit had access to a draft version of the submission that was prepared for the Treasurer to sign in December 2007. The specific date was not identified. Three working copies were made of the document, which is standard practice, and placed on separate files. None of the papers was passed on to anyone else. Marney supplied four names of persons from the AR business unit of the DTF who had viewed the submission. On 27 February 2008 Mr Tony Wood, the assessor/reviewer for the CCC, wrote to Detective Senior Sargeant Dom Blackshaw, the officer in charge of the major fraud squad. The CCC advised that it had received notification of the complaint from the Department of the Premier and Cabinet and suspected misconduct by an unknown public officer. It was aware that the matter had already been assigned the major fraud squad file number PSI08/38. The correspondence stated that in accordance with sections 33(1)(c) and 37(3) of the Corruption and Crime Commission Act, the commission had decided to refer the complaint to the Western Australia Police for investigation within a reasonable period. On 28 March 2008 Wood forwarded a copy of the correspondence from Marney of DTF to the major fraud squad. Included in the letter from Wood was confirmation the CCC had referred the investigation to the police. The matter progressed through normal major fraud squad allocation channels. On 8 April the investigation was assigned to Detective Mansell. Mansell commenced the investigation on the same day by contacting the nominated liaison person, Ms Lisa Ward, the acting principal policy officer of the Office of the Director General of the Department of the Premier and Cabinet. Ward initially provided Mansell with the names of six people who had access to the document in question. She also provided Mansell with the mobile telephone number of Lampathakis. A further email was sent by Ward to Mansell stating the cabinet submission labelled "Minister Only" was provided to the following offices on 13 and 14 December 2007 for comment: the Premier's office, Minister Ravlich's office, Minister Roberts' office, Minister McHale's office, the Under Treasurer's office, the office of the director general of the DPC and policy division. Following this the submission was provided to all ministers as part of the cabinet agenda file late on Friday, 14 December 2007. Copies of the submission were delivered to the ministers by cabinet services branch at various locations and not necessarily to their respective offices. Ward conceded that a great number of persons had access to the document.

The investigation falls within the ambit of the major fraud squad charter as it is an investigation into criminal conduct by public servants relating to the duties and functions of their office. Major fraud squad also has a responsibility to notify the CCC of and to conduct investigations into misconduct by public officers other than police officers of a corrupt or criminal nature. There is a reference to our police manual. The offence that pertains to this investigation is disclosure of official secrets, section 81 of the Criminal Code. The person who, without lawful authority, makes an unauthorised disclosure is guilty of a crime and is liable to imprisonment for three years. It is a summary conviction penalty. Major fraud squad detectives carried out preliminary inquiries through call charge records in an endeavour to identify persons of interest. One telephone number of interest subscribed to Mr Trevor Rob was identified. Rob is the media adviser for the office of Hon Eric Ripper and, as such, can be expected to make and receive calls from journalists. Therefore, no POI was identified and the next step of this inquiry was to approach Lampathakis for an interview and obtain any document or other evidence that would identify the person or persons responsible for making the disclosure of the information. On Wednesday, 30 April 2008, Mansell briefed Detective Inspector Albrecht on the status of the investigation and presented a proposal to attend the *Sunday Times* office. The purpose of the visit was to interview Lampathakis and seize any evidence relevant

to the investigation under search warrant. Albrecht discussed this matter with Detective Superintendent Randall. It was agreed at the meeting that Albrecht would consult with the CCC with a view that it would be more appropriate for the CCC to carry out the investigation. It was considered that the CCC powers to conduct private coercive hearings would be the appropriate course of action. Albrecht made the request through CCC investigator Paul White. White advised that his supervisors would assess the matter. Subsequently, White telephoned Albrecht and advised that the CCC had reviewed the matter and considered that the Western Australia Police should continue the inquiry. Albrecht disagreed and requested a contact to discuss the matter further. White nominated CCC Deputy Director of Investigations, Mr Trevor Wynn. Albrecht appealed further to Wynn for assistance from the CCC. He was informed that the CCC would not consider the offence serious enough for the CCC to use its coercive powers. Albrecht argued the matter further without success. A briefing note was submitted outlining his concerns.

With respect of the search warrant, it is standard operating procedure for detectives of major fraud squads to attend a business area, such as a bank, accounting or law firm and take possession of documents whether they are notes, records or other statements. Protocol and legislation dictate that the items are seized under search warrants. Mansell consulted the legal services branch prior to compiling an application for a search warrant under section 41 of the Criminal Investigation Act 2006 and issued under section 42 of the CIA. The grounds drafted by Mansell for the warrant were reviewed by a senior officer. Major fraud squad Detective Sergeant Allan Jane was briefed on the inquiry and requested to supervise the execution of the search warrant. Advance notice was forwarded by email to Assistant Commissioner Gregson in the form of a briefing note advising him of the impending search. Detectives attended at the *Sunday Times* building with the intention of producing a search warrant, searching the desk/office area occupied by Lampathakis for the mentioned items and, if located, seize them under the provisions of the search warrant. The search warrant was executed at the *Sunday Times* building in Stirling Street, Perth, at 14.06 hours on Wednesday, 30 April 2008.

[3.00 pm]

The search was recorded on video, as per standard operating procedures. Initially, five major fraud squad staff attended the *Sunday Times*. This is in line with major fraud squad standard operating procedures. In an effort to minimise any disruption, only Jane and Mansell entered into the business area to inform the *Sunday Times* management of the investigation and their intention to execute a search warrant to seize documents. The editor of the *Sunday Times*, Mr Sam Albert Weir, questioned the validity of the search warrant and requested legal advice. As a matter of courtesy and professionalism, detectives did not commence the search and waited for the solicitor, Mr Stephen Edwards, to arrive and privately consult with Weir. When advised of the nature of inquiry, management at the *Sunday Times* initially declined to inform detectives of the location of Lampathakis's workspace and personal or allocated property. During the course of the search warrant, staff at the *Sunday Times* continually took photographs and video footage, and placed audio recording devices into the faces of detectives whilst they carried out their duties. The *Sunday Times* staff also initiated a direct live link to the perthnow internet site. Major fraud squad staff made no issue of this and progressed the warrant in a methodical and professional manner. A video excerpt of the search can now be found on the perthnow website—I have given references to that—and YouTube—I have given references to that. Albrecht and Blackshaw, together with other staff from major fraud squad, attended to assist with the management of the search. This was at the request of Jane, due to the unhelpful nature of the *Sunday Times* staff. Weir later addressed the *Sunday Times* staff and outlined what lawful directions could be made of them. Lampathakis was not present at the search, and the management of the *Sunday Times* declined to make contact with Lampathakis. After several attempts to telephone Lampathakis, Mansell eventually made contact with him via his mobile telephone and asked if he could attend at his office for interview and cooperate with the search. Lampathakis declined to attend, stating he was too far away.

During the search warrant the *Sunday Times* staff ceased duty, requiring major fraud squad detectives to man the exit points and speak to staff as they were leaving, using discretion to search briefcases and bags under the provisions of the CIA search warrant. Searches were conducted to avoid the possible loss of potential evidence, whilst endeavouring to cause minimal disruption to persons involved.

Computer crime squad investigators also attended the *Sunday Times* at 1703 to assist the major fraud squad to seize relevant information located on Lampathakis's computer. Following discussions with the *Sunday Times* IT staff, it was ascertained that the files were not held on personal computers but on a central server. At 1720 hours computer crime staff downloaded information from the *Sunday Times* server, with the assistance of the *Sunday Times* IT staff. The download was restricted to a particular time frame and location, to ensure relevancy and adherence to the grounds of the warrant. Two documents and a number of audio cassettes were seized during the search warrant. On further information, none of the items seized were of value to the inquiry. The search warrant was completed at 1810 hours. Investigators have continued efforts to locate and request an interview with Lampathakis without success. I understand that he has formally declined subsequently in writing. Lampathakis is a witness in the major fraud squad investigation, and as a receiver of the disclosed information has never been treated as a criminal suspect or person of interest. In the absence of any nominated POI, he is the primary person that could assist investigators with this matter.

Investigators obtained reverse call charge records—RCCRs—for Lampathakis's mobile phone for a two-week period leading up to the publication of the article, on the rationale that any communications between the offender and Lampathakis would increase around the time of the publication. The RCCR showed 872 telephone calls during the period 27 January to 12 February. The records were analysed against any known telephone numbers of persons who had knowledge of the information. The only telephone number that was of interest is that of Robb—I have already discounted that.

With respect to accoutrements, Jane discussed with Blackshaw the issue of whether attending officers should wear their accoutrements and consideration was given to not wearing firearms, but it was decided that the search warrant should be treated the same as any other operational warrant. It was noted that if officers wavered from standard operating procedures by not wearing their accoutrements, and an issue arose where they required them, they would be open to criticism. The officers attended in plain clothes and covered these items with jackets and police identification vests.

Three issues that were beyond the control of detectives aggravated and complicated what could have been a straightforward procedure —

- (1) The editor of *The Sunday Times*, Weir, questioned the validity of the search warrant and requested legal advice. As a matter of courtesy and professionalism, detectives did not commence the search and waited for the solicitor to arrive.
- (2) When advised of the nature of the inquiry, management of *The Sunday Times* declined to inform detectives of the location of Lampathakis's workspace and personal area.
- (3) Contact was made with Lampathakis and he was requested to attend for interview and cooperate with the search, but he declined to attend his office. Detectives have since attempted to contact Lampathakis to request assistance with this inquiry.

Although the report states “to date he has not responded”; as I alluded to earlier, he has. At no stage were staff detained unnecessarily at the *Sunday Times* building. Discretion was used to search the briefcases and personal items of staff as they ceased work and left the building, in an endeavour to locate any documents or records of relevance.

The major fraud squad acted with impartiality on a legitimate complaint, after forming a reasonable suspicion that an offence may have occurred. There is no evidence to suggest that there is any improper conduct or attempts to influence the course of this investigation received from any government minister or persons of authority. Major fraud squad displayed good governance by maintaining running sheets, recording their actions and critical decisions throughout this investigation. They are annexures to this report. Officers involved in the execution of the search warrant displayed professional conduct whilst under media scrutiny. Major fraud squad inquiry practices were utilised, consistent with a standard investigation into similar complaints. Detectives took logical and methodical steps in this matter, investigating all possible avenues. It is reasonable to anticipate that witnesses such as Lampathakis will not assist police, as it would be to their professional detriment to reveal their source. Nevertheless, this line of inquiry has to be progressed and exhausted; I have indicated that that has occurred.

Ultimately, 27 police officers were utilised at the search warrant over a period of four hours—although the report says five, it is actually four. If management of the *Sunday Times* had assisted police in their lawful duty, the number of staff deployed would have been minimal and completed in a timely manner, approximately one hour. At the request of internal affairs, Blackshaw completed a review of the investigation, and a debrief will be conducted once the inquiry is complete.

The following remains outstanding in this investigation: interview of Robb regarding his knowledge of the disclosure, if any, and the interview of Lampathakis—which will now not be occurring. Neither of these persons can be compelled to speak with the police. All of the references I have made are footnoted, and the annexures accompany the report.

**The CHAIRMAN:** I am listening, Mr Gregson, I assure you. I am just dealing with a particular point. Mr Gregson, the person, Robb, you referred to, you referred to him on a number of occasions. I thought at one stage you indicated you had discounted his involvement—is that —

**Mr Gregson:** The point I made is that he is a media officer with one of the government ministers, so it would be perfectly correct, one would assume, for him to be in constant contact with various journalists.

**The CHAIRMAN:** Yes, I understood you made that point, that he had a reason to be in contact. The point that I wanted to make—and I will just consult my colleague—is that Mr Robb is apparently someone who you wish to interview, contingent —

**Mr Gregson:** Yes.

**The CHAIRMAN:** When that is convenient. The committee is of the view that to raise his name in public—it is quite proper that you should raise it with the committee, but the committee takes the view that there is no public interest at the moment in Mr Robb's name being communicated to the media. Do you have a view on that?

**Mr Gregson:** I do not have any view on it. I mean, Mr Robb is just one of many people. It serves no - I mean, I will be guided by the committee. It has no —

**The CHAIRMAN:** As I understood it, you indicated there were a number of outstanding matters, and in respect to interviews, you are still attempting to interview Mr Lampathakis.

[3.10 pm]

**Mr Gregson:** We will not be now because he has written to us saying he is not prepared to be interviewed. So that closes that.

**The CHAIRMAN:** And Mr Robb?

**Mr Gregson:** That closes the last —

**The CHAIRMAN:** The point I am making in respect of Mr Robb is that you finished off by saying you are still wishing to interview him, but in the earlier comments that you made you indicated that,



whilst Mr Robb had had contact with Mr Lampathakis, you believe that was not unreasonable given the knowledge you have at the moment in respect of the matter, because of the nature of his employment?

**Mr Gregson:** Yes.

**The CHAIRMAN:** The committee would not want to have read into any need for you to contact Mr Robb and investigate him anything other than part of your ongoing inquiries.

**Mr Gregson:** That is correct.

**The CHAIRMAN:** In that regard I think it would be appropriate that Mr Robb's name be suppressed.

**Mr Gregson:** Certainly would not be inappropriate. I think that is quite proper.

**The CHAIRMAN:** Until such time as someone can advise otherwise, it seems to me that we have singled out one particular person. On one hand you are saying that he has —

**Mr Gregson:** His is the only phone number that came up correlating —

**The CHAIRMAN:** Quite so. But I do not think that just because that is the case anything should be read into it. I am not suggesting that you are reading anything into it —

**Mr Gregson:** Certainly not.

**The CHAIRMAN:** — but I am suggesting that if his name is suppressed for the time being, that will enable you to get on with your inquiries and we will not be seen to be interfering with your inquiries. That was one of the prime matters that this committee is concerned about. We do not wish to in any way interfere with your continuing investigations.

**Mr Gregson:** That would certainly be, to me, a very sensible way forward.

**The CHAIRMAN:** We will have to give that some additional consideration. We will excuse both Mr Gregson and Mr Albrecht for the time being. We assure you we will come back to you, Mr Gregson. The media, if you will excuse yourself, we need to determine a couple of matters. Thank you. For the time being there is a suppression order in respect to Mr Robb's name.

#### **Proceedings suspended from 3.11 pm to 3.15 pm**

**The CHAIRMAN:** Mr Jane, thank you for your attendance. We understand the reasons for your delay this afternoon.

Before I move on to swearing you in, we have got a matter we were dealing with prior to you arriving. In respect of the publication of the name "Mr Robb", the committee does not propose to suppress that name. I just say to the media present, firstly, if you are going to report the name, would you kindly report it in the context that it was mentioned by Assistant Commissioner Gregson. There were a number of references to Mr Robb and it is important that they are reported in accordance with that context. I cannot ask you to do any more than that. I am sure the media will do the right thing.

You will have to excuse me while we deal with Detective Sergeant Jane on a swearing-in basis. Firstly, detective sergeant, welcome to the Legislative Council Committee Office. On behalf of the committee I would like to welcome you to the meeting. Before we begin, I must ask you to take either the oath or the affirmation.

[Mr Jane took the oath.]

**The CHAIRMAN:** Please state the capacity in which you appear before the committee.

**Mr Jane:** I am a detective sergeant attached to the major fraud squad.

**The CHAIRMAN:** You would have signed a document entitled "Information for Witnesses". Have you read and understood that document?

**Mr Jane:** I have read and understood that document.

**The CHAIRMAN:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, would you please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphones and try to talk into them and ensure you do not cover them with papers or make unnecessary noise near them. If more than one speaker wishes to answer a question at the same time, could you please speak in turn so that Hansard is able to record accurately what is being said.

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 the 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 public 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 the material published or disclosed is not subject to parliamentary privilege.

Do you wish to make any opening statement to the committee, Mr Jane?

**Mr Jane:** No, thank you.

[3.20 pm]

**The CHAIRMAN:** For ease of reference, we have agreed that Assistant Commissioner Gregson will be referred to as Mr Gregson, Detective Inspector Albrecht as Mr Albrecht and, in your case, Mr Jane. It saves us using all the titles that you have. Mr Jane, just to bring you up to date, so far Mr Gregson has read to the committee the content of a report that I understand was an internal review of the matters surrounding what is now known as the raid on the offices of the *Sunday Times* on 30 April 2008. Have you had access to that report? Are you aware of the content of that report?

**Mr Jane:** I have not had access to that report. I have contributed towards the report. I have not seen the full report.

**The CHAIRMAN:** We will go back to where we were. Mr Gregson, you have said that you are tabling that report —

**Mr Gregson:** Yes.

**The CHAIRMAN:** — and that the documentation—that is, the documents, including any emails, letters, file notes and other material pertaining to this matter—will be tabled for the benefit of the committee. You indicated that you have a file. Will you go through again what that file comprises?

**Mr Gregson:** Okay; the file comprises the report that I read into evidence —

**The CHAIRMAN:** You do not have to go through it individually.

**Mr Gregson:** — and all the attachments that are referred to in that report, any supplementary media items, copies of the websites that I alluded to, copies of the various statutory authorities that I alluded to and any of the annexures or attachments.

**The CHAIRMAN:** Mr Gregson, would you say that that comprises all the documents, including, but not limited to, the emails, letters, file notes and other material relating to this matter?

**Mr Gregson:** I believe so.

**The CHAIRMAN:** If in due course you find that there is some additional material, will you ensure that the committee receives a copy of that additional material?

**Mr Gregson:** Yes.

**The CHAIRMAN:** Thank you. In that material, can you tell me whether there is a copy of a file note between Mr Albrecht and the CCC, possibly Mr Trevor Wynn, dated 30 April 2008?

**Mr Gregson:** Yes, I believe there is.

**The CHAIRMAN:** Would the file also contain any conversations prior to 30 April 2008 that may have some bearing on any discussions between Mr Albrecht and Mr Wynn?

**Mr Gregson:** I believe there is a briefing note in which there is reference to those conversations. I have not checked personally, but I would imagine that there would be running sheet entries. Then there is a subsequent file note with respect to the conversation.

**Hon ADELE FARINA:** Would it be possible to get a copy of the file now so that we can flick through it while we continue to take evidence?

**The CHAIRMAN:** Mr Gregson will hand up that file, which will be exhibit 4A. We will check to see whether it is possible to copy it now. Mr Gregson, I will direct my questions to you, but please understand that Mr Albrecht or Mr Jane may respond if they deem it appropriate because they may have knowledge about the matter that you do not have. They may also have a contrary view that they may wish to put. Can you tell me whether any officer of the WA police service was provided with the original document or a copy of the document or documents said to be the source of the unauthorised disclosure?

**Mr Gregson:** Yes, I can. Yes, they were.

**The CHAIRMAN:** Are those documents included in this file?

**Mr Gregson:** Yes, they are.

**The CHAIRMAN:** Thank you. What inquiries did you make of those documents to ascertain the status of the documents?

**Mr Gregson:** I believe that inquiries were made with a nominated representative from the Department of the Premier and Cabinet.

**The CHAIRMAN:** Yes? I am sorry could you repeat that?

**Mr Gregson:** I believe that preliminary inquiries were made with the nominated person from the Department of the Premier and Cabinet who was referred to in the correspondence from Mr Wauchope.

**The CHAIRMAN:** Yes. Is it reasonable to believe that the police formed the view that there had been the disclosure of confidential documents without authorisation?

**Mr Gregson:** That was the allegation.

**The CHAIRMAN:** Yes, and I asked you whether or not the police believed, having regard to their inquiries into the status of the document, whether or not that was the case.

**Mr Gregson:** Yes.

**The CHAIRMAN:** And as a consequence of forming that view, the police would conduct further investigations?

**Mr Gregson:** Correct.

**The CHAIRMAN:** Can you tell me whether there are any departmental or police policy or guidelines setting out when leaks should be investigated; and, if there are any policy documents or guidelines, can you provide the committee with a copy of such documents?

**Mr Gregson:** I do not believe there are documents that specifically relate to leaks, but there are certainly policies, processes and procedures that relate to general criminal investigation. There are also protocols for public sector investigations, and they are contained within the file.

**The CHAIRMAN:** What would an investigating officer turn to when confronted with a requirement to investigate the unauthorised release or disclosure of this confidential information?

**Mr Gregson:** I am not sure what you mean by what he would "turn to".

**The CHAIRMAN:** What would he turn to so that he knew that he was examining it in an approved or particular manner? Would he refer to the administrative instructions that you may have—the policy or the guidelines?

**Mr Gregson:** There is a whole range of policies and guidelines that relate to how an officer conducts a criminal investigation. He would obviously turn to his training, his experience, various policies that cover whether a matter ought to be investigated, search warrant procedures, and evidential capturing procedures. Running sheet entries are all covered conjointly through detective training and through various manuals and administrative directives.

**The CHAIRMAN:** Are you saying that leaks are investigated no differently from any other matter that could constitute a crime?

**Mr Gregson:** That is correct. At the end of the day, an allegation is made that a criminal offence has occurred. The only difference here is that the allegation is that the likely suspect is a public servant and therefore it falls within the remit of the major fraud squad. That is part of the arrangement with public sector investigations so that there is greater oversight of some of those matters.

**The CHAIRMAN:** Have the police previously had occasion to act—when I say “act”, I mean investigate—in respect of leaked material or other documents; and, if so, did the previous investigations generally follow the line that has been pursued in this investigation?

**Mr Gregson:** I cannot remember a single investigation in very recent times that relates to this. I know historically that there have been such investigations. They would be following much more advanced investigative processes than would have perhaps once been followed. We are now subject to the Criminal Investigation Act. The warrant procedures, for example, are different. The standard operating procedures for warrants nowadays are that they are video recorded. There may well have been a number of enhancements, but at the end of the day, this is just another criminal investigation.

**The CHAIRMAN:** When you say “just another criminal investigation”, is it fair to say that the investigating officer would turn to the appropriate manuals and his other training or experience, but he would also have the ability to turn to more senior officers for advice on the way in which the investigation might be pursued?

**Mr Gregson:** Yes. If he thought it was necessary or appropriate, he would have a whole suite of investigative sources or educative tools that he could turn to. Additionally, he could also seek consultation with senior officers or team leaders. In fact, I make the point that when this particular matter was originally referred to a detective senior constable, on the aspects of the search warrant, the superintendent and the inspector at commercial crime felt that it ought to get greater oversight and so a detective sergeant was appointed to supervise the search warrant.

[3.30 pm]

**The CHAIRMAN:** Does the police service have a policy or guidelines in respect of the right of a journalist to preserve the confidentiality of their sources?

**Mr Gregson:** I do not think they have any rights in that sense, if it is a criminal offence. The only confidentiality, I understand, is parliamentary privilege. Even medical records and journalistic privileges are not substantiated at law, to my knowledge.

**The CHAIRMAN:** Yes. I was more interested not in the law as such, but whether or not the police service had a policy or guidelines with respect to that matter.

**Mr Gregson:** No, not to my knowledge.

**The CHAIRMAN:** Mr Albrecht and Mr Jane, if you have a view, please let me know.

You referred in this document to the search warrant that was obtained to enter the premises of the *Sunday Times*. Did the police seek a search warrant to enter and search any other premises in respect of this matter?

**Mr Gregson:** A search warrant has to particularise a specific location. The location that this particular warrant specified was the *Sunday Times*. I do not believe any other search warrants were executed in relation to this inquiry.

**The CHAIRMAN:** There was no other premises that you wished to look at at this stage?

**Mr Gregson:** Not to my knowledge, no.

**The CHAIRMAN:** Can you tell us whether at any time during the inquiries into the 10 February article whether you were acting on behalf of the CCC, or at the request of CCC?

**Mr Gregson:** The matter was referred to police for investigation by the CCC, or I should say, confirmed that we should continue with the investigation because, of course, we had concomitant advice. The matter was referred to the police for investigation by the CCC under their act.

**The CHAIRMAN:** Was the original advice from the Department of the Premier and Cabinet on 12 February 2008 to both the CCC and the police?

**Mr Gregson:** That is correct.

**The CHAIRMAN:** Subsequently, the CCC advised the police formally that they were referring the matter to the police.

**Mr Gregson:** Yes, that is correct.

**The CHAIRMAN:** What implications does that bring with it with respect to police obligations?

**Mr Gregson:** It requires the police to report back to the CCC on the outcomes of their investigation when the investigation is complete. It also imposes a right, if you will, for the CCC to review that investigation and then make other directions or comments in respect of the investigation.

**The CHAIRMAN:** What about the ongoing monitoring of the investigation once it has been referred, but prior to the completion of the formalities?

**Mr Gregson:** I would have to double check that, but I would imagine that the CCC could intercede or take back an investigation or review an investigation at any time.

**The CHAIRMAN:** Did the police at any time invite the CCC to take back the investigation?

**Mr Gregson:** Yes, I believe so.

**The CHAIRMAN:** When did that occur?

**Mr Gregson:** It occurred prior to the execution of the search warrant. Mr Albrecht made an approach to the CCC and conveyed the point of view that he felt it would be more appropriate for the CCC to conduct this investigation.

**The CHAIRMAN:** Do you have a date on that?

**Mr Albrecht:** It was 30 April.

**The CHAIRMAN:** Being the day.

**Mr Albrecht:** Yes.

**The CHAIRMAN:** Who were the discussions between in respect of the WA Police and the CCC?

**Mr Gregson:** Originally, the matter was discussed between Albrecht and Detective Superintendent Randall. It was agreed at this meeting that Albrecht would consult the CCC with the view that it would be more appropriate for the CCC to carry out an investigation. It was considered that the CCC powers to conduct private coercive hearings would be the appropriate course of action. Albrecht made the request through the CCC investigator Paul White. White advised that his

superiors would assess the matter. Subsequently, White telephoned Albrecht and advised that the CCC had reviewed the matter and considered that WAPOL should continue the inquiry. Albrecht disagreed and requested contact to discuss the matter further. White nominated CCC Deputy Director of Investigations Mr Trevor Wynn. Albrecht appealed to Wynn further for his assistance from the CCC. He was informed that the CCC did not consider the offence serious enough for the CCC and their use of coercive powers. Albrecht argued the matter further without success.

**The CHAIRMAN:** Because we are dealing very much with Mr Albrecht and 30 April and in the documentation that Mr Gregson has provided, there is, as I understand it, a summary of the conversation with CCC officers by Detective Inspector Albrecht, perhaps, Mr Albrecht, you would be good enough to explain the reasons why you contacted the CCC and, as I understand from what Mr Gregson said, invited the CCC to take back the inquiry.

**Mr Albrecht:** The reasons for contacting the CCC was that quite clearly this is an allegation of official corruption against a member of the public service. As such, the CCC was a body that was set up to investigate official corruption by government officials. As such, after discussions with Detective Superintendent Randall, it was considered that, given the additional powers that government had given the CCC to facilitate such inquiries, which powers the police do not have —

**The CHAIRMAN:** Which powers? Can you be specific in what powers you are referring to?

**Mr Albrecht:** Powers to hold private hearings and powers to compel individuals to answer questions. They are the powers. Given (a) the allegation against the public official and (b) the potential media and public interest in such a matter, it was felt that it was most appropriate that it would be dealt with by the CCC, so I contacted them.

**The CHAIRMAN:** What did the CCC say to your request to take back the inquiry, having regard for their greater investigative powers?

**Mr Albrecht:** Initially, I spoke to Paul White, who requested time to consult with his supervisors. After consulting with Paul White, he came back and said that they had reassessed it and stood by their decision that they did not consider it a matter appropriate for the CCC to undertake. He could not explain to me why, so I said, “Can I please speak to someone who you would recommend and who is more senior who could provide that explanation.” Consequently, I spoke to Trevor Wynn, who I believe was the acting deputy director of investigations. I put the matter to him. The basic argument from the CCC was that they did not consider it serious enough to warrant them using their hearing powers or compulsion powers to answer questions.

**The CHAIRMAN:** By that response, I assume that you believe that they were indicating that the investigation was to continue with the police?

**Mr Albrecht:** Exactly.

**The CHAIRMAN:** Is it fair to say, Mr Albrecht, that at that stage the police were unhappy with having to continue the investigation? I will explain: the police had identified a potential media circus developing if they were to continue along the lines that they were considering pursuing.

**Mr Albrecht:** We were not unhappy to conduct a criminal investigation. Quite correctly, we were very concerned with the amount of possible media fallout from this which could affect the efficient conducting of an investigation. We were looking at ways to minimise damage to the investigation and we saw utilising the CCC for this purpose. However, they did not see it that way, so we proceeded.

**The CHAIRMAN:** Was there any requirement for you to conduct the raid on the *Sunday Times* on 30 April? Was it possible, for instance, for you to delay your search of the *Sunday Times* to a later date to enable you to have more discussions with the CCC on the possibility of them assisting you?

**Mr Albrecht:** When I spoke to Trevor Wynn I put this to him: I said that we were prepared to withhold executing the search warrant to discuss the matter further to possibly work with the CCC

or have them take over the inquiry. However, he advised that this could not be done as a joint operation in any event as they could only undertake such joint investigations that related to organised crime. For the CCC to take it back it would have to undertake the inquiry themselves and they were not prepared to do so. I said, therefore, that given that was the stance of the CCC there was not point in delaying the matter any further and we would proceed on the day.

[3.40 pm]

**Mr Gregson:** I am not so sure that is correct advice, mind you, I might add.

**The CHAIRMAN:** In respect to Mr Albrecht's advice to the committee or the CCC's? Please just clarify that.

**Mr Gregson:** I think Mr Albrecht's advice is accurate. I do not think the advice that was given to Mr Albrecht at that particular point in time by that officer was correct. I think it is within the remit of the CCC to do joint investigations with the police on matters of misconduct at least, not organised crime.

**The CHAIRMAN:** You are referring to the CCC advice.

**Mr Gregson:** Yes.

**The CHAIRMAN:** Mr Albrecht, given that you had formed the view—correct me if I am wrong and it was not you and it was someone else—that a raid on the *Sunday Times* could create a media circus, how far up the police hierarchy was the matter referred prior to the final decision being made to carry out the search?

**Mr Albrecht:** In accordance with protocols that are established when there is going to be a high profile matter—and this was going to be a high profile matter given that it was a raid on the *Sunday Times*—a briefing note was prepared, which was circularised to Assistant Commissioner Gregson. It was also circularised to our media director Mr Neil Stanbury for the information of the commissioner. Unless they had some specific issue, on a day-by-day basis they would not interfere with a murder inquiry or any inquiry unless there was a specific issue. This certainly does not rate up with anything like a murder inquiry, so the likelihood of any interceding by senior officers was unlikely.

**The CHAIRMAN:** Did Mr Gregson respond to the communication with you or notification that you ensured he received?

**Mr Albrecht:** Not to my knowledge.

**The CHAIRMAN:** Did you find that strange or, as you have said, given that it was not a murder inquiry and, using your terms, it was not unusual for the senior officer not to respond?

**Mr Albrecht:** Generally, the only thing that would occur would be a request for further information, and that request was not forthcoming, so it was considered that the briefing notes that we had provided, which are contained in the file, were sufficiently detailed.

**The CHAIRMAN:** Can I take from what you are saying that where you do not get a response back from the senior officer, there is an assumption that the senior officer does not intend to interfere, so to speak, or make any other recommendation, and that he has noted whatever communication has been sent and that you are free to proceed in the manner that you have determined?

**Mr Albrecht:** I would put it this way: we would not be waiting for a response. We proceed. The commissioner has the same powers of office of constable as any other officer, and in relation to investigation of criminal matters, one would not expect any interference at any level.

**The CHAIRMAN:** Can I presume from the way in which the system works within the police department that if Mr Gregson, in this case, wanted to offer comment or change the proposed course of action that you were recommending in your papers to him, it was up to Mr Gregson to do it with haste so that any change was drawn to your attention?

**Mr Albrecht:** If he wished to do so.

**Hon ADELE FARINA:** Can I just clarify, the decision to conduct the search, who made that decision?

**Mr Gregson:** Those decisions are made by the senior investigating officer. Every criminal investigation has a senior investigating officer appointed. He makes a decision that a search warrant may or may not be appropriate in a given circumstance. He details his grounds. He has to present his grounds to a senior officer of an NCO rank or above and then he takes his grounds to a justice of the peace or a magistrate to have that search warrant endorsed.

**Hon ADELE FARINA:** That procedure was followed in this instance?

**Mr Gregson:** Yes.

**Mr Albrecht:** If I may elaborate, in this instance the case officer, Detective Senior Constable Mansfield, entered into discussions with senior officers at the major fraud squad, two detective senior sergeants, and also discussed with myself.

**Mr Gregson:** I also believe the grounds were run past our legal services people as well.

**Hon ADELE FARINA:** Mr Albrecht, when you spoke to Trevor Wynn, did you intend for your telephone conversation with Trevor Wynn to be a formal approach from the police to the CCC for the CCC to either have a joint operation with the police or to use their coercive powers?

**Mr Albrecht:** Yes.

**Hon ADELE FARINA:** Do you believe that Trevor Wynn would have understood by the tenor of your conversation that it was a formal approach?

**Mr Albrecht:** When you have a commissioned officer from one organisation speaking to the deputy director of investigations from the CCC, one would presume—and given it was about an alleged offence of disclosure of confidential matters from Parliament—that one would consider it a formal approach.

**Hon ADELE FARINA:** Are there any other accepted protocols between the CCC and the police that would have been followed to ensure that it was clearly understood that a formal approach was being made?

**Mr Gregson:** Can I make the distinction? At the operational level officers from various multi-jurisdictions have day-to-day liaison, so if we were working on a job with Customs or something, we talk to them coalface to coalface; we do not write to each other requesting advice, because of operational imperatives. At the higher level there are a number of operational forums that exist between us where we could table matters to canvass at the operational level, so there is an operational liaison committee between the police and the CCC, and I also understand there is a formal meeting between our two respective commissioners. Obviously, there would be no operational matters raised at that level.

**Hon ADELE FARINA:** Yes, sure, but for an operational matter such as this it was quite proper for the approach to be made by way of a telephone conversation from one senior officer to another?

**Mr Gregson:** Yes.

**Hon GIZ WATSON:** Just following up on that, it seems to me that when the decision was made whether the CCC or police would take the inquiry on, because there seems to be some tension there, is there not a mechanism for resolving right at the outset whose powers were best? It seems to be that because you had started your own inquiry, that was the main reason the CCC said —

**Mr Gregson:** “You are already underway.” That is right.

**Hon GIZ WATSON:** Whereas in fact there are some elements in this that might have meant that the converse was true.



**Mr Gregson:** The CCC have the autonomy to make a decision as to whom they refer it. They can either keep it themselves to do the inquiry. My understanding is they can do a joint investigation with the relevant department or they can refer it to the relevant department for investigation. They do that formally in writing. It was referred to Western Australia Police. There is no mechanism for us to go back to them, other than at the operational level, and say, “We would like to access some of your extraordinary powers.” From time to time on investigations we may consider having access to coercive hearings or assumed identities or some of their other extraordinary powers, as we do with the ACC, for example.

**Hon GIZ WATSON:** Is that a common occurrence in operational matters, that there is an approach to the CCC to use some of the powers that —

**Mr Gregson:** No, it is not common for us to approach the CCC historically.

**Hon GIZ WATSON:** It would have to be a particular —

**Mr Gregson:** I would have to be a specific matter, reviewed on a case basis. If we had a matter where we thought we would get further through investigative avenues by utilising some of their special powers, we would consider an approach to the CCC to do that.

**The CHAIRMAN:** From what has been said by both Mr Gregson and Mr Albrecht, can I make the assumption at the moment that the decision to go ahead to raid the *Sunday Times* was given by a commissioned officer?

**Mr Gregson:** I would say that the governance of the execution of the search warrant was overseen by a commissioned officer. The go, no go decision to execute the search warrant is made by the senior investigating officer. Obviously, there are checks and balances in that process because to get that search warrant it has to be reviewed by a senior officer. It then has to be signed off by a justice or a magistrate, and in this case, as I made the earlier point, it was reviewed by legal services and the commissioned officer cadre at the commercial crime division, being Superintendent Randall and Inspector Albrecht and, I would imagine, their operations manager would have been well across the warrant.

[3.50 pm]

**The CHAIRMAN:** So, the non-commissioned officers—the non-commissioned officer in charge of the raid, who was that person?

**Mr Albrecht:** In relation to the actual conducting of the physical raid was Detective Sergeant Allan Jane.

**The CHAIRMAN:** Yes, was there some other non-commissioned officer who Detective Jane was working with? You mentioned Detective Randall.

**Mr Albrecht:** No, Detective Superintendent Randall—he is the officer in charge of the commercial crime division, which the major fraud squad is a part of.

**The CHAIRMAN:** What I am trying to establish, Mr Albrecht, is that—and I am looking at Mr Jane—Mr Jane believed when he embarked on the raid at the *Sunday Times* that he had, firstly, the acknowledgement and whatever authority he may have needed from a commissioned officer.

**Mr Albrecht:** He certainly did. What occurred is that after I had my discussions with the CCC and they declined to work jointly on the matter or take it back—or take it over I should say—I went over and informed Detective Senior Sergeant Dom Blackshaw, who is the officer in charge of the major fraud squad. We then decided to proceed with the matter. We considered, again because of the potential outcomes, that a detective sergeant should have carriage of the actual operational execution of the warrant. Detective Sergeant Allan Jane was then called into his office and briefed on the matter, and he was then given the authority or imprimatur to continue with the operation, to establish the methodologies to be utilised, the number of resources etc and consequently accepted that and went away and undertook the operation.

**The CHAIRMAN:** Is it fair to say Mr Jane was not involved in the preplanning or the referral of the allegation prior to being instructed that he was to be the officer on the ground to lead the raid, so to speak?

**Mr Albrecht:** No, it was a surprise to him.

**The CHAIRMAN:** Yes. The reason that I am keen to find that out is to establish just what knowledge certain officers had, and from what you have said, Detective Sergeant Jane has come in late in the piece, so to speak —

**Mr Albrecht:** That is correct.

**The CHAIRMAN:** — without a lot of prior knowledge of any matters that have been discussed between the police and the CCC. He has been instructed to carry out, as the supervising officer or commanding officer, a particular raid.

**Mr Albrecht:** That is exactly right, and he was briefed on the discussions that had occurred.

**Hon ADELE FARINA:** Perhaps he should answer for himself.

**Mr Albrecht:** He was briefed on all those prior matters that had been discussed; however, he was not a part of those and you are quite correct.

**The CHAIRMAN:** As my colleague has just pointed out to me, Mr Albrecht, perhaps Mr Jane might like to speak for himself.

**Mr Jane:** Thank you. As discussed, I was appraised of the investigation to date. When Mr Albrecht —

**The CHAIRMAN:** Are we talking about 30 April?

**Mr Jane:** Yes. I met with Mr Albrecht, also the officer in charge of major fraud squad and the investigating officer, and those matters that have already been brought to your attention were discussed. I had a look at the investigation to date and satisfied myself that I both had an authority to walk out the door and conduct a warrant, and also had a look at some avenues of inquiry that we might exhaust before we walked out of the door, and those avenues of inquiry have already been mentioned.

**The CHAIRMAN:** Could you just refresh our memory on those particular matters?

**Mr Jane:** The immediate risks that there would be a media response to any action that we took were apparent. I discussed approaching the CCC, which had already been discussed and I was aware of Mr Albrecht's actions in relation to that. I was also aware of a note in a report from the Department of the Premier and Cabinet addressed to the officer in charge of major fraud squad titled "Referral of Public Sector Matter — Disclosure of Confidential Matter", signed by Mr M.C. Wauchope, director general, and dated 12 February 2008, that mention was made of preliminary inquiries conducted by Mr Murphy on page 3. I directed Senior Constable Mansell to contact the Department of the Premier and Cabinet to see if there was any additional information that we were lacking.

**The CHAIRMAN:** That is, speak to Mr Murphy?

**Mr Jane:** I asked her to contact the Department of the Premier and Cabinet to ascertain whether there was any additional information.

**The CHAIRMAN:** This was on 30 April?

**Mr Jane:** Yes.

**The CHAIRMAN:** As it turned out, do you know who your officer spoke to in the Department of the Premier and Cabinet?

**Mr Jane:** You would have to ask Detective Mansell.

**The CHAIRMAN:** I see. All right, but anyway we understand the context in which the contact was made.

**Mr Jane:** I was later advised that there was no further information that was available to us.

**The CHAIRMAN:** Do you think the officer at the DPC was told you were about to raid the *Sunday Times*?

**Mr Jane:** I cannot answer that question; I do not know.

**Mr Gregson:** I would hope not.

**The CHAIRMAN:** I am asking the question; it is relevant to our inquiries. Thanks, Mr Jane. In respect of the preplanning of the raid, what were the objectives in respect to the raid on the *Sunday Times* on 30 April?

**Mr Jane:** To see if we could obtain any corroborating information that would support the allegations that had been put to police.

**The CHAIRMAN:** Did you have some idea of what you were looking for when you say “seeking corroborating information”? How wide is that?

**Mr Jane:** The warrant was quite prescriptive. The warrant grounds —

**The CHAIRMAN:** Just before you go on, the warrant is contained in this document, is it, Mr Gregson—the grounds for warrant?

**Mr Gregson:** Yes, it is, and if I can assist, Mr Chairman, it is —

Any or all documents pertaining to the information held by Sunday Times employees pertaining to the investigation conducted for the article titled “Bid to ‘buy’ Labor win: Ripper wants \$16m for poll” published on page 3 of the Sunday Times, 10th February 2008, including source details, notebook entries, records of conversations, editorial notes . . .

Scribblings —

**The CHAIRMAN:** Scribblings or scribings?

**Mr Gregson:** Scribings —

telephone records, any form of recording (electronic or otherwise) and records of conversation

**The CHAIRMAN:** My colleague has just shown me the document, thank you, that is contained in your file.

We were dealing with the objectives and, Mr Jane, you have indicated that, as I understand it, the objectives were generally set out in the warrant. What was contained in the warrant was what you were looking for?

**Mr Jane:** Yes.

**The CHAIRMAN:** Were you successful?

**Mr Jane:** We found items that fall within those prescribed by the warrant and we seized those items. The subsequent investigation is something that I took no part in, so I cannot answer that particular question.

**The CHAIRMAN:** I am also conscious—and I have mentioned it to the other two gentlemen—that we, as a committee, do not wish to interfere with your investigations, so be aware of that. We want you to provide us with information but we do not want you to prejudice any ongoing investigations. Now, you have talked about the objectives, can you tell us what criteria the WA police service requires to be satisfied in determining the number of police officers necessary to take part in the raid when executing a warrant and, in this case, the particular warrant that we refer to on 30 April? Now, Mr Jane, I understand you came in late, but you were very much the operational officer—you

were selected as a person very capable of exercising and executing the warrant. But, if you wish to defer to Mr Gregson or Mr Albrecht in the first instance, just let me know. This is not to look for a scapegoat —

**Mr Jane:** I understand.

**The CHAIRMAN:** — that is why I want to clarify when you came into it, but I am interested in the criteria that the WA police service require. Mr Gregson.

**Mr Gregson:** When a search warrant—prior to a search warrant being executed, there is ordinarily the senior investigating officer will conduct a risk management exercise and determine the appropriateness of or the number of appropriate staff. So, if you are going to do a lawyer's office, the *Sunday Times*, a bank, for example, you can usually do with one person—you present the warrant; you get your documents. If you are going to do a bikies clubhouse, you will probably take more than two people. So, you make a risk assessment based on what you consider would be the appropriate number of people. Now, in this matter initially, five were dispatched and then you would imagine that there would be contingencies put in place—and I defer to Mr Jane—but if I had been the operational commander, I would have had perhaps a couple of senior officers who I could have called upon if things got a little tricky. Perhaps I could have called on some computer crime people had I required to seize electronic evidence, which I believe occurred in this occasion, so it is as much about contingency planning and risk management. As a general rule of thumb, five is a good number, which is just a traditional thing—one for each corner of the house and one to put the front door in.

**The CHAIRMAN:** You talked about the—and you referred to the person as the senior officer or senior —

**Mr Gregson:** Senior investigating officer.

**The CHAIRMAN:** Okay, who is it in respect of this matter? When you talk in general terms, I understand what you are saying, but who are we dealing with in respect of the *Sunday Times*? Who was the senior investigating officer—would have considered the criteria necessary to determine the number of police officers required?

[4.00 pm]

**Mr Gregson:** No; that component was assigned to Mr Jane.

**The CHAIRMAN:** In this case Mr Jane was that person.

**Mr Gregson:** With respect to the specificity of the search warrant, that component of the investigative program was assigned to Mr Jane, so he would be, for the purposes of the execution of the search warrant phase of the investigation the, SIO.

**The CHAIRMAN:** Mr Jane, can you tell the committee how you determined the number of police officers that you required to conduct the raid with you. Before you do that, I understand that when Mr Gregson was referring to the internal police report, he mentioned the figure 27. Is that right, Mr Gregson?

**Mr Gregson:** I think ultimately there were 27 people involved in the whole exercise.

**The CHAIRMAN:** I am interested in working our way through to the 27, whoever they represented. You tell us in your words what occurred.

**Mr Jane:** Prior to departing for a warrant, and in this case specifically for this warrant, I grabbed a team of five staff. It was always our intention to tread lightly, to walk in and approach the editor of the newspaper and ask for their cooperation.

**The CHAIRMAN:** What do you mean “tread lightly”? Was this going to be handled any differently from any other investigation?

**Mr Jane:** When we talk about risk management, we look at all types of contingencies—what ifs. The superintendent has already alluded to it. If I go into a house where I expect the wife to be home with two children, I approach that differently from attending a club house and so on.

**The CHAIRMAN:** I understand the context in which you are talking.

**Mr Jane:** I intended to go there and try not to raise the height of media awareness. I think the term you used before was “media frenzy”. I tried not to instigate a media —

**The CHAIRMAN:** Media circus was what was used with the committee. I did not invent it, I assure you.

**Mr Jane:** I tried to make sure that a media circus did not come to fruition. I approached the editor of the newspaper.

**The CHAIRMAN:** Can you give us some times so that we understand what was occurring. When did you leave your headquarters or base initially with your five departments?

**Mr Jane:** Those timings would more accurately be reflected after reviewing a video record that was prepared by police. Rather than try to recall each of those times for you, at the risk of making errors, that might be a more credible way of approaching it.

**The CHAIRMAN:** My colleague Hon Adele Farina has just referred to a disk at the back of the notes that Mr Gregson has provided.

**Mr Gregson:** You will note also that there is an annexure 17 which articulates the times commencing at 1406 through to the search completing.

**The CHAIRMAN:** So there is a running sheet contained in here. Yes, I have that running sheet before me now. All right, Mr Jane, if you can assist in very broad terms with timing, it will help us get the afternoon in perspective, recognising the running sheet is the document we are to rely on for the accuracy of the times.

**Mr Jane:** At about six minutes past two in the afternoon, five police officers attended the offices of the *Sunday Times*. It was my intention to go in with two people to start with. A third joined us after we had walked through the door, and the third was a video operator so that we could record what was going to happen. I spoke with desk staff, the assistant to the editor and then Mr Sam Weir, the editor, and I explained to him that we were in possession of a warrant. I also detailed what the warrant identified that we should search for. He immediately asked for legal counsel. I afforded him the courtesy of making a phone call to get legal counsel. Then there was a period of time, I would estimate between 15 to 20 minutes, whilst we waited for legal counsel to arrive at the newspaper. The legal counsel was a Mr Edwards. When Mr Edwards arrived, he was quite adversarial. I want to put that in context. When I say “adversarial”, he was probably acting in the very best interests of his client. He certainly did nothing unlawful and was, in all respects, proper. Nevertheless, it was an adversarial confrontation. He was naturally looking out for the best interests of the newspaper. We had some discussion and that discussion, on and off, would have occurred over about 10 minutes. During the course of this toing and froing, trying to determine where Mr Lampatharkis’s desk was and whether we could have access to it, I made a critical decision, and that critical decision was to call for additional staff. My reasons were very simple: it was a normal crime scene. The purpose of the warrant was to obtain corroborating evidence, and I needed to ensure the security of that evidence. I also have a duty of care once I execute a warrant at a place for everyone inside that place. Because of the adversarial nature and the initial confrontation, I felt at the time that we would not get the cooperation that I initially sought. As pre-briefed, I had a staff member contact the officer in charge of major fraud squad.

**The CHAIRMAN:** Who was that person?

**Mr Jane:** Detective Senior Constable Paul Sofield. I asked him to make a telephone call.

**The CHAIRMAN:** To whom?

**Mr Jane:** Detective Senior Sergeant Dom Blackshaw. I had already discussed this eventuality with Senior Sergeant Blackshaw. In accordance with our pre-briefing, he arranged for the officers of major fraud squad to attend, and they did.

**The CHAIRMAN:** How many additional police officers are we talking about?

**Mr Jane:** In total, 27 staff finally attended.

**The CHAIRMAN:** To start with, five attended with you.

**Mr Jane:** Yes.

**The CHAIRMAN:** And entered the building at various stages. One of your officers made a phone call to the detective sergeant seeking additional police officers to support you. Did 22 more arrive at the one time or were they staggered? Can you run through the phases that occurred?

**Mr Jane:** It is very difficult to mobilise 22 people and get them there right on time with a minimum of notice. The officers arrived in staggered lots, but not preordained staggered timings, just timings as officers became available. Within approximately 20 to 30 minutes, I had 27 staff at my disposal.

**The CHAIRMAN:** I understand. Who was instructing those officers as they arrived in what they should or should not be doing?

**Mr Jane:** I gathered all staff together.

**The CHAIRMAN:** Meaning your staff or the *Sunday Times* staff?

**Mr Jane:** I gathered all of the available police officers and I briefed the available police officers. I identified other supervisors within major fraud squad and gave them specific briefings. By way of example, I briefed one sergeant to take charge of all exits, and I explained to him what I wanted in relation to that. He subsequently detailed off other staff during the normal form of delegation. Once all of those roles that we had managed to identify were accounted for—once we had staff to account for all those particular tasks—we went about running our warrant, as we would with any normal warrant.

**The CHAIRMAN:** Can I interrupt you to ask on which previous occasions have you had 27 officers on a job that the CCC described as not sufficiently grave and serious for them to take over? They are not the exact words.

**Mr Jane:** I have never conducted a warrant in which I required 27 staff, and I have been in the Police Service for 12 years. However, I have run several operations in which that number of staff has been readily available, or made available, to us for a particular operation or for an eventuation that has occurred.

**The CHAIRMAN:** I think Mr Albrecht wanted to comment.

**Mr Albrecht:** Just by way of clarification, the execution of search warrants by a police officer on major commercial premises is fairly rare. I have been involved in a number of raids on commercial premises, be they accounting firms, law firms or general business premises. In this instance, the *Sunday Times* is a substantial building. If you would like to ask Detective Sergeant Allan Jane how big the premises was, you would get some idea of some of the reasons why you would have that many staff. It is like a large warehouse on the second floor, containing approximately 40 desks. You would have to speak to him; he would know more correctly how large.

[4.10 pm]

Then there are the other floors. Again, another impact was the time of day; it was nearing knock-off time for the staff and we did not want to inconvenience them. To enable a smooth egress from the building, we had staff assigned to the various exists so that they could check the bags so the people could go home. That is why so many staff were needed. If you want further details on the specific size of the building, I am sure Mr Jane could provide that.

**Mr Gregson:** Could I also make the point that, with respect, the warrant was first executed by five people. Mr Jane then called supervisory support, which was Mr Blackshaw and Mr Albrecht, and six of the additional staff that arrived were IT specialists or from computer crime because clearly if we were going to seize computers and intercede into data bases and things like that to execute the warrant, their specialist expertise would have been required.

**The CHAIRMAN:** Thank you, Mr Gregson. Am I to understand from what Mr Gregson just said that Mr Albrecht attended?

**Mr Albrecht:** I did, indeed.

**The CHAIRMAN:** Did you take over the inquiry?

**Mr Albrecht:** No. Detective Senior Sergeant Dom Blackshaw and I arrived with another contingent from the major fraud squad office. Detective Sergeant Jane briefed us on what was occurring. He advised us that the *Sunday Times* had decided to cooperate. He introduced me to all the senior staff and then once I had observed that the execution of the search warrant was proceeding without any further disruption and that sufficient staff and resources had been made available, I departed.

**The CHAIRMAN:** Mr Albrecht, from what you said then I very much understood you to infer that Detective Sergeant Jane was in charge of the operation and you attended but did not interfere and satisfied yourself that things were underway so to speak and moved on. Did it ever cross your mind that 27 officers at the *Sunday Times* was too many officers?

**Mr Albrecht:** No. As I said, if you inquire about the size of the building, it takes up virtually half a city block. Something like that is a progressive thing. Officers come and go. The 27 officers include me, and I came and departed. I would have been included in the 27, and there were the IT officers. I am not sure whether we released any staff during the execution of the —

**The CHAIRMAN:** Meaning police staff?

**Mr Albrecht:** Yes.

**The CHAIRMAN:** Mr Jane.

**Mr Jane:** Six IT staff came late in the warrant. That takes it down to 21 people. There were approximately two people on each of the exits. There are five exits, which means 10 officers, which takes the total to 16. Five people were conducting the search and coordination, and there were supervisors to supervise the remainder of those staff. For the purpose of the search, about five officers were available for that particular search, including me. Of the remaining staff, six searched the computer mainframe and the network at the *Sunday Times*, and the remaining staff were there to ensure everybody's safety and to ensure that no evidence was removed from the *Sunday Times* through any exits.

**The CHAIRMAN:** I asked Mr Albrecht if he believed at any time that 27 was too many police officers. I will ask you the same question, Mr Jane. In hindsight, was 27 too many? Could it have been done with fewer officers?

**Mr Jane:** At any later review of risk management you could always say that more could be done with less in our current climate. However, I think it is more prudent that the 27 police officers who attended at the time conducted themselves very well. Not one single complaint has been received by the police service in relation to the conduct of any one of those officers, and no complaint has been made by the *Sunday Times*, to my knowledge, about the conduct of any of those officers. They performed very well under quite arduous conditions, and I would commend the performance of the officers who assisted.

**The CHAIRMAN:** Thank you. Mr Jane, you will be aware of the media comment following the raid, and I think the paper quoted that 16 officers had been in attendance. That threw in a fair bit of derision in some of the reports that were published on the matter. You will understand my questioning when I ask you whether 27 officers was really necessary. Later on—I will let you reply;

I did not want to cut you off—I will ask you about what you would have done in hindsight. Would you have done anything differently? You may have alluded to that. Do you believe that 27 officers was the appropriate number at the time?

**Mr Jane:** Given the time, place and the circumstances, the 27 police officers who we had there was the correct number for the job. May I say that if more had been available to me, I might well have utilised more.

**The CHAIRMAN:** All right. You may say it, and you did—may I say that I am surprised to hear that, but you were the operational officer on the ground; you are entitled to make your views known.

**Hon ADELE FARINA:** How many computers were you looking at at the time? I assume that by this stage the *Sunday Times* had showed you the journalist's desk and you were able to contain the investigation in some respects; that is, you did not have to search the whole premises.

**Mr Jane:** No, and we made a conscious decision to search the journalist's direct area, but although his computer has a certain amount of standalone capacity, it is my understanding that it is networked and that access to the server was required. Liaison between the computer crime staff who attended and also the system administrator from the *Sunday Times* was required in order to access the information that we were after.

**Hon ADELE FARINA:** So the six IT officers was not an unreasonable amount of officers in the circumstances for the task at hand?

**Mr Jane:** No.

**Hon ADELE FARINA:** Were the two officers at each of the exits there to help facilitate the departure of the *Sunday Times* staff because it was the end of the workday?

**Mr Jane:** I have not made any inquiries into the exact number of staff who were there, but I estimate that between 300 and 350 staff were there. We wanted to facilitate the orderly entry and exit of the premises and we wanted enough staff to search people for any of the items specified on the warrant.

**Hon ADELE FARINA:** What sorts of searches were conducted?

**Mr Jane:** Just searches of the people's baggage as they left. No searches went any further than asking to look into people's bags or any articles they were carrying as they entered or left the building.

**Hon ADELE FARINA:** Thanks.

**The CHAIRMAN:** Mr Jane, did you find the document or documents that were said to be the source of the unauthorised disclosure?

**Mr Jane:** I think that I would need to confer with my supervisor before I disclosed any of that information.

**The CHAIRMAN:** That is fine. Please do that. Mr Gregson has heard the question anyway and Mr Gregson has also made some reference to what was seized when he referred to the internal police report.

**Mr Gregson:** I have no problems with issues of disclosing what was seized and is evidentiary. If the committee wants to explore what was seized and what evidence was there, I am happy to go down that path.

**The CHAIRMAN:** I would be more interested, Mr Gregson, in general terms—firstly, I ask: did you find the document or documents you were looking for?

**Mr Gregson:** Sometimes you endeavour only to scope what you are looking for and what turns up is not always within the scope. To ask if we found what we were looking for—a whole range of



issues were particularised in the warrant. I am not sure whether you are asking if we found a copy of the specific cabinet document or if you are asking —

**The CHAIRMAN:** The answer is yes; I will ask that question and allow you to answer it, Mr Jane.

**Mr Jane:** No. We did not find any document that categorically and exclusively gave us that evidence.

**The CHAIRMAN:** Yes, but you removed certain documents and papers were taken from the *Sunday Times*. Are they part of an ongoing investigation?

**Mr Jane:** As I have already made you aware, I am not part of any ongoing investigation but I can tell you that as a matter of procedure, documents seized under warrant by the Western Australia police service are recorded on the WA Police interim receipt and exhibits log.

If you refer to the document that has already been given to you, you are looking at Western Australia Police interim receipt and exhibit log No 121636.

[4.20 pm]

**Mr Albrecht:** It is item 17.

**The CHAIRMAN:** The documents are not numbered. Are you indicating that whatever was taken is contained in that document?

**Mr Gregson:** That is correct. It is in the file that I tabled and it relates to three items. The first item is two documents. The second item is some mini cassettes with various names on them. The third is a DVD that was taken from our IT people, which I know was an extract from the database.

**The CHAIRMAN:** I will start with Mr Gregson and work through to Mr Jane. Mr Gregson, if you were confronted with another incident of an unauthorised disclosure of confidential information, would you conduct an inquiry into that matter any differently?

**Mr Gregson:** I personally would not conduct an investigation. Are you asking whether the Western Australia Police would handle a similar complaint in the same way?

**The CHAIRMAN:** Yes.

**Mr Gregson:** I understand that there have been discussions between the commissioners as to whether or not it is appropriate for the Western Australia Police to conduct these types of inquiries. Once an inquiry is referred to the Western Australia Police, or once the report of a crime or an alleged crime is referred to the Western Australia Police, an investigation is done—and would be done—in exactly the same way. I have no criticism of the investigation, having reviewed it from my level. It was done professionally and meticulously. Whether it is appropriate for the Western Australia Police to do these investigations in the first place is, of course, an entirely different matter. That is not a matter for the police to the extent that the our respective commissioners—the Commissioner of the Corruption and Crime Commission and the Commissioner of Police—have had some discussions as to whether we will do these types of investigations in the future. That leads to all types of problematic issues that are not within my remit.

**The CHAIRMAN:** Mr Gregson, are you aware of the correspondence that has passed between the Commissioner of Police and the Commissioner of the Corruption and Crime Commission about this matter?

**Mr Gregson:** I am aware that there has been correspondence between them. I am aware that they have met. I am not aware of the detailed outcomes of those discussions at this point.

**The CHAIRMAN:** Mr Albrecht, do you believe that an inquiry into the unauthorised disclosure of confidential documents would be conducted differently if the police were confronted with a similar situation?

**Mr Albrecht:** From an operational level, the operation was done professionally. I see no reason to change anything that occurred. I have reviewed the matter. I was present during the search and I observed the conduct of the police officers. I cannot fault them professionally. The operation was extremely well led by Detective Sergeant Jane. I would not change anything. With regards to the question about the number of staff, given the size of the location and my experience in dealing with those sorts of matters, I do not see anything wrong with it, particularly given the number of people who were in the building.

**The CHAIRMAN:** Are you referring to *Sunday Times* staff?

**Mr Albrecht:** Yes. Detective Sargeant Jane and his team did extremely well.

**The CHAIRMAN:** Mr Jane, would you do anything differently if a similar situation occurred in the future?

**Mr Jane:** With respect to policy, I would always defer to my superintendent. With respect to the operational running, I think that anything that needs to be said has been said quite well by Mr Albrecht. Operationally, given the time, place and circumstances, that is what transpired. I do not wish to comment on whether it could have been done better or whether there can be improvements. However, I can say that, at the time, given the resources we had and the circumstances involved, we worked as professionally as we could and we worked within all the standard operating procedures and guidelines provided to me as an investigator with the Western Australia Police.

**The CHAIRMAN:** The committee is interested in making positive recommendations for future investigations into the unauthorised disclosure of documents. Can any of you gentlemen offer advice or suggest any recommendations? Mr Gregson, if you would like time to think about it, we would be pleased to receive that advice from you in due course. I do not expect you to come up with recommendations now unless you have them somewhere in your file! We are keen to see this in a positive light. If you can make recommendations that would assist future investigations of this type, the committee would be very interested to hear them.

**Mr Gregson:** The Commissioner of Police is disinclined to take on investigations of this type in the future. He has a particular view which, I think, is a shared view, that they ought to be done by someone else. Of course, the current arrangement is that the CCC can refer investigations to us for inquiry. We then have two options. Either we do the investigation thoroughly, professionally and appropriately, as we did in this case, or we refuse to do it.

**The CHAIRMAN:** Do have a right to refuse?

**Mr Gregson:** We do have a right to refuse. I do not think the CCC can compel us to do an investigation. However, where does that leave us? The CCC may then review our investigation and it may say that it was entirely appropriate for us to do nothing. It can direct or request us to do other things. My understanding is that if we do not do that and we again say that we do not want to go down that road for these particular types of inquiries, the CCC has the right to report to Parliament that we have not done so. That puts us in a rather circuitous position. One recommendation could be that legislation states which body should do these types of inquiries.

**The CHAIRMAN:** When you say “these types” of investigations, what are you specifically talking about?

**Mr Gregson:** We dealt with this issue as the reporting of a criminal offence. We would do the same in any circumstance. However, if the committee is suggesting that the disclosure of public information by public servants should be a separate type of criminal offence that is investigated by a certain body, that is problematic. However, it is an option.

**The CHAIRMAN:** Earlier I thought you referred to the type of investigation as being more suited to the CCC because it had coercive powers and that was one of the weaknesses, so to speak, in your

investigation, unless you proceed to consider it a criminal investigation and do your usual investigation.

**Mr Gregson:** I do not think I am in a position to make recommendations at this point. It becomes quite problematic. The question is: are the police going to do these types of investigations? If they are, we will follow the usual and ordinary course of business. If we do not, who will pick them up? Is everyone happy with the CCC referring these types of investigation to us and for us to prioritise them and say that they are of no consequence and that it is no longer important whether public servants disclose cabinet information? It is open slather.

[4.30 pm]

**The CHAIRMAN:** I will leave it with you, if there are any further recommendations or advice you want to tender to the committee. Mr Albrecht, I was interested in your discussions with Mr Wynn. Do you think that the police were left—and if I can use the terminology—“to hang out to dry” when the CCC did not offer to either take back the investigation or join you as part of a joint investigation? I assume that you wanted that because of the coercive powers; you talked earlier on the about the coercive powers of the CCC.

**Mr Albrecht:** It is not only the coercive powers that I was looking at; I was looking at the private hearing, really.

**The CHAIRMAN:** Right; yes.

**Mr Albrecht:** As you alluded to earlier, I knew this was going to turn into a media circus; it was quite evident that it would, and that is self-defeating to an investigation. I sought to try to find another avenue, a more appropriate avenue, as considered by ourselves at the commercial crime division, to move forward, and that was to go back to the CCC.

**The CHAIRMAN:** Yes.

**Mr Albrecht:** As I said, it was unsuccessful, so we proceeded as we proceed with all criminal investigations.

**The CHAIRMAN:** Mr Jane, do you have any comment in respect to recommendations generally?

**Mr Jane:** No.

**The CHAIRMAN:** Thank you. Further questions?

**Hon GIZ WATSON:** Just for my clarity: are inquiries still ongoing into this matter?

**Mr Gregson:** Yes, they are —

**Hon GIZ WATSON:** I do not need to know any more than that; I am just curious to know.

**Mr Gregson:** There are some loose ends that we will put up before we bundle it back and send it off to the CCC for review.

**Hon GIZ WATSON:** In respect of the material that was taken from the *Sunday Times*, that, I assume, would be returned once the investigation was complete?

**Mr Gregson:** Once it has either got no further evidentiary value, or it has been used in the fullness of the investigation, it is returned.

**Hon ADELE FARINA:** Just one question for Mr Albrecht, again in relation to that telephone conversation with Mr Wynn on 30 April. During the course of that conversation, did you make it clear to Mr Wynn that the police were proposing to execute a search warrant on the *Sunday Times*?

**Mr Albrecht:** Most certainly. That was what the conversation—I pre-empted the conversation by explaining what we were doing, that given that the CCC had no interest in the matter, that we were considering executing the search warrant. However, given the nature of the complaint, I asked could the CCC consider either working jointly with us or take it back. They had discussions amongst

themselves; obviously, they considered that it was not serious enough for them to participate in either of those options. I said, "Well, given your stance, I am prepared to put the execution of the search warrant off if it would be of any benefit to further explore avenues". He advised that it would not, so I said, "The search warrant will proceed as of today and you'll see the results in the news."

**The CHAIRMAN:** Just one final question to each of you gentlemen. Are you aware of any minister, parliamentary secretary or member of Parliament attempting to influence the police in respect of this matter?

**Mr Gregson:** No, absolutely not.

**The CHAIRMAN:** Mr Albrecht?

**Mr Albrecht:** No.

**The CHAIRMAN:** Mr Jane?

**Mr Jane:** No.

**The CHAIRMAN:** Thank you. In respect to recall, you have presented us with a number of documents and we have obviously got to read the transcript of evidence from each of you. Should it be necessary to seek further clarification once we have read the documentation, then we will advise your office accordingly. Thank you, Mr Gregson, for coming down this afternoon, Mr Albrecht, and Mr Jane. We appreciate your attendance. The committee has finished with its questioning today and you are discharged.

**Hon ADELE FARINA:** Sorry, Mr Chairman, I have just noted that on the front of this file it says: "This document is subject to caveat and is not to be disseminated in any form to a third party without the express approval of the OIC Internal Affairs Unit". You may need to address that with —

**The CHAIRMAN:** I accept that that is written there, and it is important that it be there. Mr Gregson, what is the position in respect to this qualification? Can I just indicate to you that if you had have handed us the documents not in the file —

**Mr Gregson:** You would not have seen it.

**The CHAIRMAN:** It is not that; you would have been tendering the documents as is required anyway.

**Mr Gregson:** I think the documents are taken as tendered. The documents are not the subject of FOI and so we would probably wish to enter into discussions with you if there was an FOI application. However, in terms of the use of those documents for the committee and any other purposes that the committee may deem appropriate, then you are at liberty, sir, as they are fully tabled.

**The CHAIRMAN:** But it is proper that Hon Adele Farina raised the issue.

**Mr Gregson:** Or if you wanted to give me the folder back.

**The CHAIRMAN:** I think that is what you are after.

**Mr Gregson:** Given our stationery resources.

**The CHAIRMAN:** We will endeavour to give the file back to you in due course.

**Hearing concluded at 4.35 pm**