

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

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
THURSDAY, 30 NOVEMBER 2006**

**SESSION FIVE**

**Members**

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

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**Hearing commenced at 2.34 pm****SMITH, MR DARON****Policy Adviser, Minister for Education and Training, examined:**

**CHAIR:** Good afternoon. On behalf of the committee, I would like to welcome you to the meeting. You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

**Mr Smith:** Yes, I have.

**CHAIR:** These proceedings are being reported by Hansard. A transcript of the evidence will be provided to you. To assist the committee and Hansard, 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 microphone and speak into it. 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 public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Would you like to make an opening statement?

**Mr Smith:** Madam Chair, I do. I wish to make an opening statement based on comments made on 6PR last night and also in *The West Australian* today that relate directly to comments that came out of this inquiry that relate to my integrity with regard to issues relating to the CCC and also to sexual misconduct. There was an interview last night with Hon Peter Collier on 6PR by Howard Sattler. I have a copy of the transcript, if the committee wishes to have a copy.

**CHAIR:** Yes, please.

**Mr Smith:** The head of the document states -

**DATE:** NOVEMBER 29<sup>th</sup>, 2006

**TIME:** 5.11 PM

**STATION:** 6PR DRIVE (SATTTLER)

**SUBJECT: COLLIER - RAVLICH EVIDENCE TO PARLIAMENTARY INQUIRY**

Do I need to wait until the committee has a copy of the documents?

**CHAIR:** That is okay; proceed. We will get one.

**Mr Smith:** Part of Mr Collier's statement at that interview related to some issues that came directly out of this inquiry yesterday - evidence that was given by Michelle White with regard to a telephone conversation that occurred between Ms White and me. A number of issues arise out of that interview, but the one that I wish to bring to the attention of the inquiry relates directly to me. Howard Sattler said -

Now, that's an indication of how seriously she thought it, I mean, she thought to ring him out in the field -

Being myself -

where he was with the Minister, she at least was thinking this is pretty serious stuff.

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That was made in relation to Michelle White calling me directly. Hon Peter Collier made a comment -

Precisely, I mean, and I think it's just, again it's inconceivable that the policy officer -  
Being myself -

you know, on the four hour trip back to Perth didn't think it was sufficiently serious enough to mention to his Minister that the CCC were investigating alleged sexual misconduct. I find this just extraordinary.

That comment was made on West Australian radio. It was also reported in *The West Australian* this morning. I just wish to stress to the inquiry that I take very, very seriously issues relating to the CCC. I find it absolutely deplorable, despicable and it makes me sick to think that people are involved in sexual misconduct allegations with juniors or minors. I just wanted to point that out before I take any questions, because this may be the only avenue I have to publicly announce, first of all, my respect for the CCC, but second, my views with regard to those issues relating to sexual misconduct, particularly with minors. Thank you.

**CHAIR:** Thank you. Mr Smith, did you travel to Wiluna with the Minister for Education and Training on 1 June 2006?

**Mr Smith:** Yes, I did.

**CHAIR:** Did you on that day speak to the minister's press secretary, Ms Michelle White?

**Mr Smith:** Yes, I did.

**CHAIR:** Could you tell the committee what you spoke about?

**Mr Smith:** Sure. I have a very clear memory of events on that particular day, particularly leading up to that phone conversation. After we had undertaken an inspection of the school, we then went back to the shire offices. We met with a number of people at the shire offices, including local indigenous elders, members of council, including the CEO and the shire president, and there were also a couple of representatives there from the local mining companies. My phone was switched off during that meeting. Being the policy adviser to the minister, my phone was switched off during that meeting. The minister made an announcement during that meeting that she would be spending \$5 million on a new school at Wiluna. At the conclusion of that meeting, we left to go outside - that is, everybody who was there, and there was a considerable amount of backslapping and handshaking going on. I distinctly remember the principal of the primary school coming to me and saying that he had just been advised by the school that the ABC were chasing him with regard to a comment. I asked him if he would mind withholding a comment until such time as we arrived back in Perth so that we could formulise a correct media statement. He agreed with that. I then turned my phone on and contacted Michelle White. I phoned Michelle White. The comment and the conversation we had was restricted entirely to the media statement with regard to the new Wiluna primary school, or the relocation of the primary school. Never at any time was there anything else spoken of during that conversation. At the end of the conversation I made comment to Michelle that we were only an hour and a half away, or an hour and three quarter's flight time, at which time the minister would be returning to the ministerial office. We would then be in a position to formulise a correct media statement, but that in the meantime she may receive phone calls from the ABC and other interested media outlets.

**CHAIR:** When you returned to Perth, did you have a conversation with Ms White about the aforementioned media - the media that related to the CCC that the office received on 1 June?

**Mr Smith:** No, not with regard to the CCC. In fact, I have never actually seen that media release at all. I have never read it. I am obviously aware of it because of these proceedings, but I have never actually read it, and certainly Michelle White never made me aware of it on that occasion.

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**CHAIR:** And not on any subsequent day either?

**Mr Smith:** No. If that issue had been brought to my attention - it was not - my views of sexual contact between adults and children are fairly strong. My reaction would have been not only to inform the minister, but also to make her aware of my own views as well. That never occurred. I can also say that I have known the minister for a number of years. Had I had that conversation with her, and had it come to my attention, her reaction would have been very strong. The minister takes these issues very seriously, particularly if they relate to the CCC. I could imagine the minister being rather upset if I had brought it to her attention, which I did not, because it was not brought to mine.

**CHAIR:** Have you at any time discussed that media statement from the CCC with the minister?

**Mr Smith:** I probably never discussed it. I daresay that in light of these proceedings there has been some discussion in the minister's office about that media statement and probably other things, but I have never had a discussion with the minister about that media statement.

**CHAIR:** Did you ever brief or provide any information to the minister, either in writing or verbally, on any CCC investigation or proposed report into allegations of sexual contact with children against any officer of the department?

**Mr Smith:** I never provided a briefing, but I was with the minister. Part of my role is to travel with the minister within the state. In fact, I cannot remember an occasion over the past 12 to 14 months when the minister has travelled without my company. I was with the minister on the Monday following the release of the CCC report. She was visibly upset by it. I thought in my own mind at the time that it was something she had been - for want of a better term - stewing on all weekend. It was obviously something that had come to her attention. My own view is that she knew nothing about it. It had come to her completely out of left field. She was visibly upset, and we sat down and had a cup of coffee during a half-hour window in the daily itinerary. We had a half-hour coffee break, and my view from the discussion we had then was that she was obviously very upset and it was very much at the forefront of her mind. As I said, having known the minister for a considerable number of years, I am able to pick her moods, and her mood that day was very quiet and solemn. "Upset" is probably the wrong word, but she was definitely visibly shaken.

**CHAIR:** When did you become aware that the CCC intended to publish a report on the five selected case studies of sexual contact with children by persons in authority in the Department of Education and Training?

**Mr Smith:** I phoned Darren Klarich, who was the chief of staff, the afternoon that the minister and, I think, the chief of staff had their briefing with the CCC. That was my first knowledge with regard to that report.

**Hon NORMAN MOORE:** I will ask you a couple of questions related to the evidence given by Michelle White. This is an uncorrected copy, so there may be some amendments to it. The chairperson asked -

Did you or another member of the minister's staff inform the minister of the CCC investigation into the department or its proposal to table a report; and, if so, how was that information conveyed to her and when?

Ms White replied -

I can remember when I first got the CCC release -

That is, the 1 June press release -

and the stories were first coming up that I could not get hold of the minister because her schedule was just so packed around that time. However, I mentioned it to the policy officer who was travelling with her and to the chief of staff so that if anyone managed to get

through to her mobile they could mention it to her. I did not directly speak to her about that on those days.

Further information was provided, and then Hon Graham Giffard asked -

You did speak to the policy officer?

Ms White replied -

Yes, on the phone.

Later on, Ms White also said -

To put it into context when I was speaking to him, after I had I finally got through to him, the conversation was also about Wiluna, the announcement up at Wiluna, media controversy about some comments the minister had made about the Governor General, OBE. It was a massive conversation with this also thrown into a whole heap of other pretty key media issues that we were dealing with at the time.

That is the evidence of Michelle White. She indicates that she spoke to you on the phone and that she advised you of the CCC media release. Are you saying that that is not the case?

**Mr Smith:** I can certainly accept that we had a conversation on the phone. The conversation lasted for possibly one minute. It was such a short conversation because it was focused purely on the Wiluna issue. The other problem was that the minister was starting to leave the party - walking away, shaking a few hands and heading back to the car. It was at that point that I probably said to Michelle that I had to go, or words to that effect, and would have hung up the telephone. It was only a very short conversation, and it was very strictly about the Wiluna issue. I do not remember the exact words of the conversation but I recall that it was a very short conversation.

**Hon NORMAN MOORE:** Did you discuss the Governor General?

**Mr Smith:** There may have been some words about the Governor General related to Wiluna. I think we were standing not far from where someone had suggested that the Governor General had actually been born. It was a room very close to where we were, so that could well have been part of the conversation because it related to Wiluna, but there was no other part of the conversation relating to any of the other issues you have raised.

**Hon NORMAN MOORE:** Can I ask you whether the staff who work in the minister's office have spent any time in the past week discussing the evidence before this inquiry?

**Mr Smith:** Discussing their evidence?

**Hon NORMAN MOORE:** Yes, or what they would be saying at this inquiry.

**Mr Smith:** What they would be saying to the inquiry? No. I certainly have not discussed my evidence with anybody and I have not been part of a conversation in which others have been talking about their evidence.

**CHAIR:** Are you saying that you have not been involved, and you are not aware of anyone else having been involved in any conversations about this inquiry?

**Mr Smith:** I have not had a conversation with anybody else about their evidence.

**Hon NORMAN MOORE:** You mentioned that you have had a long friendship with the minister.

**Mr Smith:** Correct.

**Hon NORMAN MOORE:** Can you give the committee some indication of the nature of your past association with the minister?

**Mr Smith:** I first met the minister 10 or 12 years ago, because I was involved with a union at the time, and I believe I met her at an ALP function. I was introduced to the minister at that stage. We do not mix socially a great deal, however, we do catch up at some social occasions. The minister is

involved in the same political faction as I am. We have some common friends. In terms of our friendship, I would say that we are good friends. I would not say that we are lifelong buddies, so to speak, but we are certainly good friends and have known each other for a considerable period of time - eight or 10, and possibly even 12 years.

**CHAIR:** I will take you back to that media statement of 1 June. Are you aware that, further to that media statement, there are transcripts of ABC radio news broadcasts that referred to the media statement, on both 1 and 2 June? Are you aware that that information was also available?

**Mr Smith:** I am aware now that it was available. At that time, no. My role in the minister's office is to deal with a couple of issues. Issues relating to CCC investigations or issues that come up from department do not fall within my responsibility. My responsibility relates predominantly to capital works and maintenance issues, which is one of the reasons I attend a lot of schools with the minister. A lot of issues related to those sorts of things that pop up. I am also responsible, to some degree, for some parliamentary business, and liaison with other members of Parliament on behalf of the minister. Those sorts of policy issues would not necessarily come to my attention.

[2.49 pm]

**CHAIR:** So you would not have expected to have that sort of a transcript brought to your attention?

**Mr Smith:** No, not normally; not in the normal course of my business; no. That would not necessarily come to my attention.

**Hon NORMAN MOORE:** I presume that your office keeps phone records in respect of conversations that you might make using a ministerial office mobile phone. Did you use a mobile phone at Wiluna?

**Mr Smith:** Yes.

**Hon NORMAN MOORE:** They work there, do they?

**Mr Smith:** Absolutely, they do.

**Hon NORMAN MOORE:** Do you think you could provide the committee with the record of your phone conversations on that day - not any transcripts of them, but that information provided by the whoever is the deliverer of the phone -

**Mr Smith:** In terms of the timing?

**Hon NORMAN MOORE:** Yes. The times the phone calls were made to the office and how long the calls lasted.

**Mr Smith:** Sure. I imagine those sorts of records are available.

**Hon NORMAN MOORE:** In respect of 1 June while you were in Wiluna.

**Mr Smith:** Yes.

**Hon NORMAN MOORE:** Thank you.

**CHAIR:** Mr Smith, thank you very much for your time today.

**Hearing concluded at 2.51 pm**

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