

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON PUBLIC SECTOR EXECUTIVE APPOINTMENTS MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART, ON FRIDAY 6 NOVEMBER 2009.**

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**Mr RICHARD McCREADIE**, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Harriss) - Richard, you would be aware that we are inquiring into announcements by the Premier that you were to be appointed as the acting commissioner, and that was an announcement in the Parliament, as I recall, on 16 October last year. Then we would further want to inquire into the subsequent announcement by the Premier that he understood that he was not able to proceed. We will need to understand the circumstances surrounding both of those announcements by the Premier. We will need to understand from both yourself and other witnesses the process which led - there was not much intervening time - from the announcement of one to the other and the matters leading up to them.

We have also, during all of the proceedings of this committee, been very vigilant to the live matter relating to Jack Johnston, so we will likewise be vigilant to that matter today. If any witness is giving evidence today and at any time we are concerned that it is potentially trespassing on that issue then we will clearly indicate that to the witness and we will not be proceeding any further down those paths.

We have a range of questions that we want to ask witnesses. Also, when we wrote the summons to you, and it was the same to every other witness - witnesses will be required to answer certain questions concerning the purported appointment to the office of Secretary and/or Commissioner of Police and Emergency Services as announced by the Premier, as I said, on 16 October last year.

**Mr McCREADIE** - Can I interrupt. I do have a summary of my evidence. I am in your hands so I just want to make that clear that I have really summarised. I have two submissions; one that was done in anticipation that you would hear from me the first time and a second one that goes more directly to the matters of complaint. I am quite happy to be guided by you about how they should be managed. Having read the instructions that Mr Huntley sent me it was of course not to read them but to dot point them on the way through. So there are a lot of matters in that dot pointing that perhaps should come out that all go to my appointment and my dismissal. But I am happy to take questions first.

**CHAIR** - Certainly, and I think that historical record will come out as we ask the questions. So it really is just that process, as we have with other witnesses at previous times, of asking questions to determine what the circumstances were regarding, for instance, the aborted appointment of Simon Cooper. We simply went down that track of asking questions.

**Mr McCREADIE** - There are some matters that Mr Ellis presumed to speak on my behalf in relation to evidence I think that he gave before Mr Wilkinson's committee that I take issue with and so forth, that also go to the thinking behind the interruption of the appointment. But I am happy to be in your hands. I am happy to answer the questions

and if there are any residuals left after that I would seek your acquiescence to maybe cover off on some of those issues.

**CHAIR** - Okay and they are matters which we will question Mr Ellis on as to the precise detail of what he advised the Premier on not being able to proceed with your return. So we will need to get that directly from Tim Ellis. We will not be making any presumptions about any of that. We will want to get that directly from him.

**Mr McCREADIE** - I do make some presumptions about it because I believe that I know what it is and I believe there are some issues around that that are worthy of this committee's examination. Anyway, that is a matter that might come out as well.

**Mr WILKINSON** - What can always happen Richard, as you know, if there are other matters in relation to, let us say, matters outside the questioning, if it is the committee's wish it can always go in camera, see what is involved in relation to it, and proceed from there.

**Mr McCREADIE** - Sure.

**CHAIR** - Richard, can you indicate to the committee what was the first direct contact made with you by either the Premier or the Premier's ministerial office or the Department of Premier and Cabinet regarding your availability to become acting secretary and/or Acting Commissioner of Police.

**Mr McCREADIE** - If I could preface that by saying I was in retirement but I still had three years of my contract and I could have been Commissioner until March 2011 had I chosen.

The first contact came when I received a telephone call from a lady whom I presumed to be an assistant or personal assistant or somebody from Rhys Edwards' office.

**Mr WILKINSON** - Do you know when that was?

**Mr McCREADIE** - It was about the Tuesday or the Monday before I got axed, so you can relay it back. I am not good on dates, but assuming that the Premier went back on the Monday or the Tuesday, there was about a week in this process. So it was about the Tuesday before the Monday that I finished up. The date is in my submission. I can get it for you.

**Mr WILKINSON** - So six to seven days before.

**Mr McCREADIE** - Maybe five or six days. We can find the date but it all revolves around the day that I started work, which I think was 20 October. I need to look at that. I haven't sat here and lined up on the dates. It is not like the old days where we used to memorise all this, Mr Wilkinson.

**Mr WILKINSON** - And had your hat so you could look at the evidence. You have it in front of you, though.

**Mr McCREADIE** - I have plenty of notes.

**CHAIR** - So Thursday, 16 October the Premier announced in Parliament.

**Mr McCREADIE** - So it was about the Tuesday before, Mr Harriss. In the week before - about the Tuesday.

**CHAIR** - So either Tuesday 14 October, that same week, or the week before.

**Mr McCREADIE** - Tuesday 14 October would be my preference. I received a phone call from a lady saying could I come in and see Rhys Edwards. I asked what that was about and was told that it was a confidential matter. I agreed that I would do that and my memory is short as to whether I went that day or the next day and had a discussion with Rhys Edwards.

The discussion was about a plan that had been conceived by the Government that they would put an interim commissioner in place during the time that it took to resolve the Johnston matter and they thought that I would be admirably suited to fit that bill. So I was asked whether in fact I was interested -

**CHAIR** - At that meeting with Rhys Edwards?

**Mr McCREADIE** - At that meeting. Well, yes, interested in taking up the position. Obviously I have a family to consider. I have a son in the job and so I wanted to consult family, so I said, 'I'm not dismissing it but I need to talk to family and I will ring you in the morning if I am prepared to further it with the Premier'. So I went home, had some discussions with my family, told them some of the thinking behind the proposal, and the next morning, which was probably the Wednesday or the Thursday, I rang Mr Edwards to say I was happy to come in and have direct discussions with the Premier about my appointment.

**CHAIR** - Leading up to that - and we will take it at this stage as Tuesday, 14 October - are you aware of any advocacy in any arena for the possibility of you returning as acting commissioner?

**Mr McCREADIE** - No. Certainly, there was none from my perspective. I was happily retired. I need to make that point. I had three years left on the contract. I wanted to take my life in a different direction. I might say that, whilst the association - and I do not want to get too far off into left field - would have the belief that they chased me out on the basis of a vote of no confidence, that failed and failed miserably. It only got up in one district out three and they had no mandate to do it again. So it is nothing about that. It was about the completion of the EB and some other educational matters, and at that time I wanted to take my life in a different direction. My wife is a businesswoman. She employs 40-plus young Tasmanians. She was struggling to keep abreast of her responsibilities and I had made the decision that it was time, having done two-and-a-half terms, 12 years, to move on and do other things. So, it was nothing about that. It was poppycock, quite frankly, from the association.

**CHAIR** - Were you involved also with the university with the police studies down there?

**Mr McCREADIE** - That was one of the issues. We were signing off on the professional development course and since that time I was appointed as an adjunct professor to

provide education to the university in terms of police matters, but this has interrupted that very significantly.

**CHAIR** - So, you had the meeting with Rhys Edwards at some later time. It might have been the next day.

**Mr McCREADIE** - It was the next day that I rang him, and I arranged to meet the Premier later that day or the day after. The sequence was all compacting. The phone call came. I met him. It may have been that day or it may have been the next morning. Then I rang the next morning to say that I could meet with the Premier and, in terms of sequence, I think it was that day, but I am not going to be nailed to the cross on that. So, the sequence was, he rang, I responded, I spoke to him, went home, considered my position, rang him and said, 'Okay, I'll go the next step, talk to the Premier and see where he wants to be with this' and that happened. Does that make it clear?

**CHAIR** - Yes, it does. You met with the Premier in his office?

**Mr McCREADIE** - Yes.

**CHAIR** - What time of day, roughly?

**Mr McCREADIE** - I think mid-morning. I have to be honest. It was about mid-morning on maybe the Thursday that he announced it in Parliament. But, once again, I am not going to the cross on the Wednesday or the Thursday. It was in that time frame.

**CHAIR** - So, it was on the Thursday that he made the announcement in Parliament.

**Mr McCREADIE** - It could have been that morning, mid-morning.

**CHAIR** - He made the announcement in response to a question from Mr Best.

**Mr McCREADIE** - I did not know that. I knew he had made the announcement because I read the paper.

**CHAIR** - Was the announcement made before he spoke with you, Richard, or after he spoke?

**Mr McCREADIE** - No, no, no. We had a meeting where we discussed a range of issues about the Johnston matter and other matters that were important to the Government, and having taken all of those on board I decided that I could help them in their desire to have an interim commissioner. They put forward a range of business reasons and they are fully detailed in my submission. I can go to those and they were persuasive enough for me to say, 'Okay, I'll pull the socks on again'.

**CHAIR** - It was 10.35 a.m. when the question was asked in Parliament by Mr Best.

**Mr McCREADIE** - Then it must have been the day before, I suspect.

**CHAIR** - So would it have been the day before that you spoke with the Premier?

**Mr McCREADIE** - I could have even been in there by 9 a.m. I have got to be honest. I am not going to be tied up on that. It may have been that I presented myself at 9 a.m. that morning and had the discussion, or it may have been the day before. I am just not clear. But the discussion happened and it was with the Premier and Mr Field in his office.

**CHAIR** - That is what I am trying to find out, approximately. I know you did not probably take notes when you had the discussions.

**Mr McCREADIE** - My preference is that it was that morning and that it probably went to Parliament that afternoon and said that I had accepted the decision and that he intended to appoint me.

**CHAIR** - Because the actual statement by the Premier was made very soon after 10.35 a.m. on 16 October, which is the Thursday.

**Mr McCREADIE** - It may well be that I had the meeting pre that. I am not ruling that out at all - but they may have notes. I mean, I didn't take notes. I was a pensioner. I was being rebirthed, I think.

**Mr WILKINSON** - What I am looking at is if we look at the time, it would be your best belief that it occurred either at 9 a.m. or thereabouts that morning, or the day before.

**Mr McCREADIE** - Or the day before. His announcement did not precede my agreeing to help them out. There is absolutely no doubt about that.

**CHAIR** - Just on that meeting you had with the Premier, was anybody else present?

**Mr McCREADIE** - Mr Field. There may have been one other but as I remember, Mr Field was there.

There were some important issues that we discussed that were persuasive to me that I think should be of interest to this committee.

**CHAIR** - That was going to be my next question. What were the reasons advanced by the Premier for your return? Of course, we will be cautious about where we go here.

**Mr McCREADIE** - And I will be cautious too. I understand my responsibilities and so forth.

In the discussion with the Premier he was not critical of Mr Hine. He recognised that the department had been through a very tough period and that it would be a very unsettling period. That was one issue. He recognised that Mr Hine had been the Deputy Commissioner for a matter of days when he was elevated and that that was an onerous task, as well having to investigate Mr Johnston.

He was keen that Mr Johnston got the full benefit of the presumption of innocence and that if there was any opportunity to return him to work, having been found not guilty of any impropriety, then that was the Government's position. There were discussions about rumours that 'If we can't get him at law, we'll get him with a code of conduct breach'.

**CHAIR** - Those sorts of matters are not germane to our inquiry as to your coming back. You may feel that it is -

**Mr McCREADIE** - Well, I'm sorry. I mean, these were the discussions and I will be very circumspect. I can give you a brief with all these things in it and you can have a look if you like and pick out the ones you want to talk to me about. I'm not here to fire exocets.

**CHAIR** - No, and in that respect I -

**Mr McCREADIE** - But it was part of the discussion that persuaded me that it was opportune to take the job.

**CHAIR** - Okay, so let's just take it that you were persuaded by the Premier because of the difficult circumstances facing the police force at that time, or in the lead-up to that.

**Mr McCREADIE** - Well, there were some details. There was public disquiet about the body search and how that had come about and whether that could or should be inquired into.

**CHAIR** - Okay. Let's pause there for a moment. I have a couple of questions here which I want to be specific about and then you can answer those questions and, again, if we feel we need to return to that process we can, because these questions go to the things the committee wishes to understand that you may have discussed with the Premier.

In your discussions with the Premier, was there any discussion as to whether the Police Service Act may have been transgressed in regard to your return, given that there is a section in the Police Service Act which indicates that the Deputy Commissioner will become the Acting Commissioner in any absence of the Commissioner.

**Mr McCREADIE** - No.

**CHAIR** - That was not discussed?

**Mr McCREADIE** - No.

**CHAIR** - Did the Premier discuss with you the timeline leading up to the commencement of your duties? After you had this discussion that he intended to announce your return, did he indicate to you where he saw the pegs then fitting in holes subsequent to his announcement you were to be appointed Acting Commissioner? Did he indicate to you when you would commence duties?

**Mr McCREADIE** - Yes.

**CHAIR** - Can you share that date and the timeline with the committee, please?

**Mr McCREADIE** - Well, in essence, he wanted me to start straight away, but I recognised there would probably be some interest from the Police Association and maybe some interest from the DPP and I advised him of that and I told him that a more convenient time to start would be Monday.

**CHAIR** - That would have been Monday the 20th.

**Mr McCREADIE** - Monday the 20th.

**CHAIR** - Did you discuss the particular process which might be followed prior to the Monday as to who you might need to meet with, whether the Premier would need to meet with the Police minister or whether you would need to have meetings with the then Acting Commissioner, Darren Hine, and who was to advise Darren Hine of your return?

**Mr McCREADIE** - There was no discussion about who was to advise Darren Hine of my return. There was really no discussion at that time about who I was to report to. There are two dilemmas that I should point out. One, I heard you this morning on the Tim Cox show and I think you are perfectly right. The issue about the Government needing to appoint the commissioner is one aspect, but the Premier and Cabinet appoint secretaries and I was being asked to fulfil the role left vacant by Johnston in his dilemma. So I was in no doubt that I was being asked to be secretary of the department and Commissioner of Police. That is the basis on which I accepted the position and pre-Monday 20 and maybe the Friday I received a phone call from probably Gerald Jones, from the minister's senior police adviser, saying that the minister wanted to meet with me and have discussions about his issues, if that is the right word, pre me going to police headquarters and pre that, the police department delivered a car and keys to my address. On the Monday at about 8 o'clock I met with the minister.

**CHAIR** - Can I just rewind a fraction? Did the Premier indicate to you whether Cabinet had approved the matters he was talking to you about?

**Mr McCREADIE** - No, but I got a text message from Terry Field after I had accepted the position saying that the senior cabinet members were, in essence, delighted that I had accepted the relieving position.

**CHAIR** - So that was after you had the meeting with the Premier.

**Mr McCREADIE** - After the meeting with the Premier, and I suspect some time later in that day the text came, so I assumed from that that the senior cabinet members who had been involved in the decision to go through this process and had identified the business needs as they thought, and the reason behind my being appointed, had been told and they were, as he said, delighted that I had accepted the temporary position.

**CHAIR** - Is it true that Darren Hine would have also at that time not only been acting commissioner but also acting departmental head?

**Mr McCREADIE** - Absolutely. The two are inseparable and we need to talk about that - how that came about and why it came about and the tensions between the two. But yes, in the department the secretary and the commissioner are as one.

**CHAIR** - Okay. Did the Premier indicate to you whether he had discussed your acting appointment with the leaders of the other major political parties?

**Mr McCREADIE** - No, there was no such discussion; no indication one way or the other.

**CHAIR** - Did he ask you, given that there was the public issue related to a vote of no confidence at an earlier time - and you have already visited that matter with us - whether you expected any opposition to the appointment from within the service?

**Mr McCREADIE** - Yes, he did, in fact. He said, 'What's the downside of this appointment?' and I told him. I told him that the association would not be excited and that Mr Ellis probably wouldn't be excited. That was my personal view. I've already made the point about the association that trumpeted about a vote of no confidence. It was in the middle of an EB. It failed in two districts out of three and to suggest that it was carried is an absolute nonsense. It is mischief.

Bear in mind that I have been commissioner for 12 years and perhaps I ought to talk about that. I mean, we are in the middle of an EB and there had never been another vote of no confidence, but what had happened was that in Mr Hine's area under Mr Johnston there had been three outstanding sergeants' vacancies for a period of 12 months not being able to be filled, and that was the responsibility of the assistant commissioner of planning and development. I was concerned about that because on the community get-arounds, everywhere I went people were saying, 'When do we get our sergeant?', and when I raised that issue there was a view in the department that people thought that they were immune from transfer if they had family relationships and bits and pieces, and of course my view was that the public came first and if you signed up and swore to serve then you would serve if there was a need.

So a transfer policy was developed by Johnston and Hine that I accept total responsibility for, but that was the tipping point, I guess, in terms of the association. They were not happy that some people who had never been transferred in the whole time up to the rank of sergeant were required to pull up digs and go. So it was very much about that issue and I think that needs to be on the public record. It is a complex issue and whilst they have trumpeted it, I have told them that they need to be very careful about how they put it. It failed in two out of three districts. There was no support in the northern district or the western district. There was support in the southern district because that is where two of the people had been transferred up to fill longstanding 12-month-old sergeant vacancies that couldn't be filled.

**CHAIR** - Okay, so you alerted the Premier to those historical issues.

**Mr McCREADIE** - Well, I alerted him to the fact that Mr Ellis mightn't be excited and certainly the association wouldn't be excited - and I was right.

**CHAIR** - Okay. At that time of your meeting with the Premier before he announced it in Parliament, were you given any contract or any other instrument to sign about your appointment?

**Mr McCREADIE** - No. No, but I have a view that there was offer and acceptance and consideration. I mean, I was being offered a job. I was happy in retirement, I make that point again. I was called out of retirement. They made an offer that said, 'We would like you to act as the commissioner' and, whilst they perhaps did not say it, that inferred all of the Johnston responsibilities, let's put it that way, which I interpreted to be the commissioner and the secretary's job, for the period that it took to resolve the Johnston matter one way or the other. They were very interested in a person who had no long-



term aspirations for the job because they felt that there was some disadvantage in it going a different way. So, offer, acceptance and consideration are the implicit parts of the contract. Was it signed? No. Did I get a call from the minister? Did I start work? Yes. Did I get fired, that night, or dismissed? Yes.

**CHAIR** - Richard, you had previously been the commissioner. On that appointment, was there a contract signed? Were you expecting a contract on that occasion?

**Mr McCREADIE** - No, I never had a contract. What I got were two things. One, an appointment from the Premier of the day saying, 'You are appointed as Secretary of the Department of Police and Emergency Management for five years- it starts here and finishes there.

**Mr WILKINSON** - This was 12 years previously.

**Mr McCREADIE** - Yes, 12 years previously, but there were two renewals in that time, because I did two-and-a-half contracts. You also get a commission from the Governor to say you are appointed as the commissioner. I think you are right that that is a process. Cabinet select the commissioner and the Governor and Executive Council formalise it. Could I start work as the secretary? The Premier dictates who the secretaries are and there was no impediment to my starting work as the secretary so I started work as the secretary, but I really carried out the roles and responsibilities of the commissioner because in some ways, the swearing-in of the commissioner is about if you need to exercise the powers of a police officer. Of course, a lot of your work is administrative. It is not about exercising powers, but of course, over the years, history tells us that a couple of our commissioners got mixed up in demonstrations and bits and pieces and probably unwisely got involved in arrests and bits and pieces. So, you see, it really is an administrative - I don't want to say 'technical' - but an administrative process.

**CHAIR** - So the Premier didn't mention to you that at some stage down the track he would produce a document for you to sign?

**Mr McCREADIE** - No, but I have been around- and Mr Wilkinson made the point - I had been commissioner for 12 years. In that time I had had three contract periods, but never a formal contract. There wasn't a performance-based contract and often you'd go months before you got your precept from the Government saying 'You are now reappointed'. I mean, that was just administrative claptrap. Does that make the point?

**CHAIR** - I am quite clear about that.

**Mr McCREADIE** - So, did I have any concern that I was operating without a mandate? Not at all, because most secretaries start work and there's a catch-up period where the appointment signed by whomever the Premier of the day is, saying, 'You are now the secretary of the department' happens. So there was no impediment to my starting work as the secretary. Could I do work as the commissioner? Probably. Would I go out and exercise powers of arrest? Not at all, because I was not a sworn member of Tasmania Police. Does that make it clear for you?

**Mr HALL** - Richard, were there two or three renewals in that 12-year period?

**Mr McCREADIE** - Three. I was in the third one. I had two fives and then I got a third five at the behest of and I probably should have gone earlier, but in any event, each time there was some solicitation about stopping and stopping and stopping, and so the first one came and the second one and the third one and then two years into the third one, I decided that it was time to take my life in a different direction.

**Mr WILKINSON** - So you were satisfied, and understandably so, that you were going to be the commissioner in that period until the Johnston matter was finalised?

**Mr McCREADIE** - That was the deal. The secretary was to take on all the responsibilities of Johnston until his matter was resolved one way or the other, the issue being that they wanted someone who could walk at the end of that and they could attract the widest range of applicants and not disadvantage four or five people within the job whom they thought would present as reasonable prospects for it, and they did not want to have a situation where, if somebody acted for a long period of time that they were seen to be a shoo-in and people who might have been admirable applicants would not apply for the job on the basis that, 'Well, he has been there forever'. So they wanted somebody who would do the job and would walk away from it quite happily at the end of it. That was part of the business thinking.

**Mr WILKINSON** - I understand that. Immediately following your meeting with the Premier, either that morning or the day before the announcement was made, did you tell anybody about your impending return to the police service.

**Mr McCREADIE** - Yes. Well, no, but the day I started work I dealt with -

**Mr WILKINSON** - That was the following Monday, though, wasn't it?

**Mr McCREADIE** - The following Monday.

**Mr WILKINSON** - What I am looking at is in between because it would seem, doing our homework, that -

**CHAIR** - There were reports in the media.

**Mr WILKINSON** - Yes - Christine Nixon was aware that you may well have got the job on the night of the 14th.

**Mr McCREADIE** - I am not sure that she knew but Christine and I are good friends and I consulted her about the wisdom or otherwise of going back. I told her that the proposition had been put to me and I think from Rhys Edwards asking me and me accepting, on that night I rang Christine and said, 'What do you think?'. Recycling is a difficult issue as a commissioner, I have to be honest. So I had some discussion with her but I am not sure I actually discussed it after that to say that I had accepted. Once again, bear in mind that this was not something that I needed to have jot and tittle record of. It was just an evolving process and in the time that has transpired since, it is a bit of a blur in some areas. But I have a very accurate memory of the important things.

So did I discuss it with Christine Nixon? Yes. It was not an easy decision to go back. I knew there were issues. I retired for good reason. You always know that there is going

to be a bit of stick about it from the association. You know that your family suffer the brunt of that and so it goes. The media were going to be pretty full on about it and they were, so they were all issues. So, yes, I certainly had a discussion with Christine as a friend, but whether I told her I had the job or whether I was asking about the wisdom of going back is the issue. My best memory is that it was about, 'Look, I've been asked to go back. What do you think? How do you think that would be received amongst fellow commissioners?', and so forth.

**Mr WILKINSON** - When did you first discuss the return with Darren Hine?

**Mr McCREADIE** - On the Monday after I started work there were two things that had happened. I had a very vigorous set of debates with Mr Coates from the Crown who demanded that I present myself for video interview by him, but I do not want to get too far into that. So we will leave that alone.

**Mr WILKINSON** - No. I was just going to cut that short.

**Mr McCREADIE** - Okay, okay. The issue was the management of the Johnston file. So I met with Hine as the very first thing after I met with the minister. I dealt with the minister -

**Mr WILKINSON** - That was on the Monday that you started work?

**Mr McCREADIE** - Yes, on Monday the 20th. I remember the date because it was my father-in-law's funeral.

**Mr WILKINSON** - Was your father-in-law's funeral the 15th?

**Mr McCREADIE** - No, the 20th. Later that day. In the afternoon.

The issue was that I had no discussion at all with Mr Hine until I left the minister's office and went to headquarters and by then he had vacated the office and greeted me and was gentlemanly enough to say, 'Well, the job's bigger than both of us and I'll do whatever is necessary for the job'. He was gracious about it, there is no doubt about that, but then he became progressively concerned about the announcement in Parliament that, sort of, he interpreted that the stress factors were too big for him. I do not think the Premier meant that but I know that Mr Hine thought that he had been done a disservice. He was genuine. I have no doubt that he thought that it was not the greatest deal he had ever been dealt.

So my discussion with him about why it had happened and what was on the agenda happened that day. I thought I spent a couple of hours with the minister. I think he has a different view of that. He says maybe an hour from parliamentary things. I am not going to argue about that. I thought maybe a couple of hours. So the deal was 8 a.m. the minister's office, fairly detailed discussion with him about some aspects, go to headquarters, deal with Hine, deal with Mr Wilkinson, the Assistant Commissioner, to tell them why and the thinking behind why I was back and then make the phone call to say to the association, 'Perhaps you'd better come down and see me', so I dealt with Mr Kadziolka and Mr Wierenga. Then I went about some other duties and discussions.

To get right back to your point, the only discussion I had with Mr Hine, and he knew at that stage, because we had discussion about who was going to sign the annual report, that he had been basically restored to his former position, but you will talk to him about that.

**Mr WILKINSON** - Had you had any previous conversation with him at all, or was that the first one?

**Mr McCREADIE** - No, none at all.

**Mr WILKINSON** - That was the first one. Did he contact you by phone at all?

**Mr McCREADIE** - No.

**CHAIR** - Richard, were you aware that on Friday the 17th the association was questioning the application of the Police Service Act?

**Mr McCREADIE** - Probably from the media. The media was pretty lively, and my understanding is that somehow or other - and this is a bit of hearsay - they had some delegates at an interstate conference who had found out that I was going to be appointed as a result of whatever, and then that bounced back here and, quite frankly, it was on. So I did.

**CHAIR** - Given that you became aware from the media announcements about that, did you seek any assurances from the Premier or the Police minister about the continuation or the progressing of your return, given that there may have been a legal impediment?

**Mr McCREADIE** - No. Quite frankly, I did not ever believe that there was a legal impediment, and I did not seek assurance at all. I believed that I had a mandate that was to start work on that Monday. My view was that Cabinet could put a proposal to the Governor and the Premier could appoint, with Cabinet, secretaries, so I didn't get into nuances of whether in fact a deal was a deal. My belief was that it was covered. I didn't worry about that sort of detail, to be honest, Mr Chairman.

**CHAIR** - So after the announcement by the Premier you had no further contact with him or the minister until you presented for work on Monday the 20th?

**Mr McCREADIE** - Except to say that I got the message, 'Would you come to the minister's office before you start work because he wants to talk to you about', you know, my approach to the job, I guess.

**CHAIR** - And that was on the Monday you met with the minister?

**Mr McCREADIE** - On the Monday, yes, at eight o'clock.

**CHAIR** - Okay. The committee will judge this, but I do not think we need to go into detail, but what was the range of topics you discussed with the minister?

**Mr McCREADIE** - He made the point in Parliament, I think, that there was some opposition from the association.

**CHAIR** - The minister or the Premier?

**Mr McCREADIE** - No, the minister. This is the minister we're talking about, isn't it?

**CHAIR** - Yes.

**Mr McCREADIE** - He made the point that there would be some opposition. I made the point that I would need to have some discussion. I think I felt that when people knew that the Government had committed to a temporary commissioner they might have been more enamoured with me than an outside commissioner, someone completely strange to the organisation. That was my thinking - probably wrong as it turns out. There was a range of issues, and indeed Mr Cox was sensitive to the Hine issue and asked whether in fact I would mind if he went to a governmental meeting that he had already arranged for Mr Hine to go to, and I said certainly not. I couldn't have cared less. So there was a range of sensitive sort issues of 'How do we approach this? There'll be a bit of flak from the association. Mr Hine's going to be a little upset, and justifiably so'. I understand his position perfectly. So it was about those sorts of issues and about the fact that whilst there was some opposition, I have to say that we had a discussion about -

**CHAIR** - I am listening. I am just taking some advice on procedural matters, but I am still listening. Go ahead.

**Mr McCREADIE** - Perhaps I will wait for this one because it might be procedural.

There was discussion about my potential appearance before you, that application, and what that might involve, and so it went, so the minister was aware that I was seeking - and whilst I heard you this morning, that I had some matters that would come and, even if I was appointed in a temporary capacity, that I still intended to carry through on that. So the detail was about, I suppose, how to be sensitive, what his expectation was about trying to ease the association through this thing, about being sensitive to the needs of the organisation, and then getting on and hopefully doing the job and helping steer the organisation through a very difficult period.

**CHAIR** - During your tenure as commissioner, were you involved in any redrafts of the Police Service Act?

**Mr McCREADIE** - Yes.

**CHAIR** - I again want to understand what your belief was about that particular section of the act. Was the Police Service Act amended to either insert that clause relating to the deputy commissioner becoming -

**Mr McCREADIE** - Yes.

**CHAIR** - and then what you believed that to be. As the commissioner, did you ever have a view about the fact that if ever you were unavailable or out of the State on business the deputy commissioner would become the commissioner?

**Mr McCREADIE** - Sure. Yes. I was in fact the author of the notion that we needed to revamp. The old act was 1898 or something like that. It was as old as Methuselah. A

great dream of John Johnson, my predecessor, was that he would reform the act before he went, but it never started. So, I had some issues with the act and I tasked basically the deputy commissioner and the assistant commissioners to get on and do it, and the organisation did it, it was not me saying, ' ... '. But to answer very directly, yes, in the normal set of circumstances, it would be common and proper that the deputy commissioner relieve the commissioner, and that was built in. But these were extraordinary circumstances where you were going to have the potential for a commissioner to be away for 12-18 months, hopefully less than that, and during that time, if somebody was able to fill that position, that it would be deleterious to a range of other people who might have been suitable applicants. We had an executive development program that was aimed at developing a whole raft of people within the organisation who would be presented as suitable applicants for the commissioner.

We all know that if somebody sits in a job long enough, it is likely that everyone will say, 'Well that's a shoe-in. What's the point'. We had been through a period where Mr Hine was seen as so dominant in the Deputy's job that nobody else applied. He was the single applicant. I was a bit concerned about that because the executive development program was designed to prevent that and to present a range of people, but that was their choice.

**Mr WILKINSON** - The situation is, it seems to me - and tell me if I am wrong - that the Police Services Act was built, it came before Parliament. There was legislation. You are obviously aware of the circumstances in relation to the Police Services Act and what the legislation was but it was outside your control because you were asked to come back and after considering it, discussing it with another expert in the field, Christine Nixon, you could argue - you would argue and understandably so - you said yes, you would assist. Is that a fair summary?

**Mr McCREADIE** - That is exactly right. My assumption was that the Government had taken advice about their ability to do this. They did not tell me that they had taken advice and they have laid it all out. When they discussed it with me, the assumption from me was that they knew what they were about and that there were good, sound business reasons - and I have not got to all of them yet - for me agreeing to help them out and as a result of that, I did so. So, what they did in the first, second and third part of that process is a matter for them. But I assumed, rightly or wrongly, that they had their powder dry, that they knew that they could act in that way and that the reasons that they had put forward to me were in some ways compelling, and so I said, 'Yes, I will help'.

**CHAIR** - You have indicated just now, Richard, that there were compelling reasons. The committee will probably think about that. It may be something which we will go into camera to discuss with you. From what I have read in the media, you have lodged a complaint, if that is the right term, with the - what is the name of your legal practices board or whoever they are?

**Mr McCREADIE** - Legal Profession Board.

**CHAIR** - Okay. So that is a matter that is live, that is an issue that you have taken up in that arena.

**Mr McCREADIE** - For the record, I have also complained to the Governor and, because Mr Ellis' evidence was that he is accountable to Parliament, I think in Mr Wilkinson's committee, I have given the complaint to the Leaders in both Houses. Where that goes is a matter for them. So, on the record, that is where the complaint lies at the moment.

**CHAIR** - We will consider that as we go on. I think we have covered off on the matters with regard to your return, apart from one that I do want to ask you about. When you presented for duty on 20th, did you give any instructions in that new role, given that, as you have said, you were sacked the same day?

**Mr McCREADIE** - Yes, I did. I alluded to some discussions I had with Mr Coates - I am not going to go into what they were - that as a result of that I gave Mr Hine very clear instructions in relation to the management of the Johnson file. That is all I need to say.

**CHAIR** - That is true.

**Mr McCREADIE** - So, did I give instructions? Yes. That is your problem. Do not want to see it. Not interested in it. That is as far as I take that.

**CHAIR** - So you are at Police headquarters, you had proceeded to take up your duties. When did you leave?

**Mr McCREADIE** - I think the funeral was at 2.30 p.m., and I left at about 2 p.m.

**CHAIR** - And you did not return?

**Mr McCREADIE** - No, but I got the DCM on that night - a phone call from -

**CHAIR** - That was going to be my next question. Can you please indicate to the committee how it was that you were advised that your appointment would not proceed and who informed you?

**Mr McCREADIE** - I received a phone call from the Solicitor-General to say that the Premier had decided that he would not proceed with the appointment and that was that. It was after the funeral, I think about sevenish, between seven and nine o'clock that evening. It could have been a bit earlier or a bit later but within that time frame. It was a phone call that simply said that the Premier had basically changed his mind and that he could not proceed with the appointment.

**CHAIR** - Richard, you have indicated earlier that you had been provided with a vehicle and keys to the office. Did you say that was by somebody in the department?

**Mr McCREADIE** - Well, there were two things: one, I think on the Sunday, and I do not how it happened, I think they delivered a car to my place with keys to the office; but the other thing that happened when I went to the minister's office was that they were very quick to give me security keys to his area. Not to his office, obviously, but it still proudly sits on my dressing table.

**CHAIR** - What?

**Mr McCREADIE** - The security key to the minister's office, which has obviously been decoded.

When I arrived at the minister's office the staff were fluffing about and 'This is your pass to be able to get up onto this floor', so there was no doubt that they were of the view that I was starting work.

**CHAIR** - Did you receive any salary or other employment benefits than the vehicle and the key? The vehicle is an employment benefit, I suppose.

**Mr McCREADIE** - The short answer is no.

**Mr WILKINSON** - So you have had nothing at all as a result?

**Mr McCREADIE** - Nothing but pain.

**Mr WILKINSON** - Yes, paid and not paying.

**Mr McCREADIE** - Not 'paid', 'pain', for the benefit of the media.

It is a moot point but there has been no recognition of the day's work or the two-thirds of a day because I did go to my father-in-law's funeral. I really have not heard a word from government since that time.

**Mr WILKINSON** - Just yes or no. Were you given any reasons as to why they said they could not proceed?

**CHAIR** - That may be something we need go in camera for.

**Mr WILKINSON** - That is why I was saying at this stage just yes or no.

**Mr McCREADIE** - I think that is an in-camera matter. I could talk to you people about it but in fairness to other players I think that there are good reasons for me not to be blurbing that here.

**Mr WILKINSON** - That is why I asked just yes or no.

**Mr McCREADIE** - Yes. If we go in camera I think I could give you some sense of where that was at but it would be an injustice to put it out in the public.

**Mr HALL** - Through you, Mr Chair - something like 12 months, Richard, has passed since that day. Have you lodged any claims in regard to redress or anything else in regard to that?

**Mr McCREADIE** - No, I have not. I have never heard from government. I must say that once I rang Mr Ogle to tell him that the star reason, as I believe, for my dismissal was he had found himself in difficult circumstances and so we had a bit of a discussion about the potential for some compensation. Have I ever lodged? No, I have taken some legal advice but I have not acted on it at this stage.



**Mr WILKINSON** - You can answer the question as far as I went with it, Richard, if you want and that is yes or no, were you given any reasons you could not continue? Then we can go in camera.

**Mr McCREADIE** - It is a matter for in camera.

**Mr WILKINSON** - So the answer, it would seem to me, is yes, but we will go into it at a later stage in camera.

**Mr McCREADIE** - Yes, there are some issues that were sort of put up.

**CHAIR** - Were you given any reason by the Solicitor-General? Yes or no?

**Mr RANDOLPH WIERENGA**, TASMANIA POLICE ASSOCIATION, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED VIA TELEPHONE LINK.

**CHAIR** - Thanks very much, Randolph. There are numerous members of the media here, we have Hansard and our usual secretarial support. We will be advising all witnesses of this, but you are perfectly aware, as we are, that the matters still alive with regard to the Jack Johnston proceedings are sensitive and we have always been vigilant about those matters. We will not be going anywhere near any of that and I know that you are sensitive about that, as well. The process we have been following already today with Mr McCreadie is that we have a range of questions, which we would want to put to you, and if you are happy to proceed that way, we will then proceed.

Greg Hall is going to commence proceedings with regard to questions, Randolph.

**Mr WIERENGA** - Thank you.

**Mr HALL** - How and when did you become aware that a decision was made to bring Mr McCreadie back as Acting Secretary and/or Acting Commissioner of Police and Emergency Services?

**Mr WIERENGA** - I first became aware on the Wednesday afternoon.

**Mr HALL** - What date? That was the -

**CHAIR** - The 15th of October?

**Mr WIERENGA** - The 15th I think.

**CHAIR** - The day before the Premier announced it in Parliament.

**Mr WIERENGA** - Yes, the day before the Premier made the announcement in Parliament so it was the 15th. In that mid to late afternoon when I received two phone calls in quick succession from a couple of journalists who told me that they had heard that Mr McCreadie was going to be appointed as interim commissioner.

**Mr HALL** - So was the association asked for its views prior to the Premier's announcement?

**Mr WIERENGA** - No, there was no consultation with the association.

**Mr HALL** - No consultation at all?

**Mr WIERENGA** - When I became aware of the issue, and I am not quite sure in which order but I spoke to Mr Hine, the Acting Commissioner - a senior meeting about it - and he said that he knew nothing. I then spoke to the police minister's office, and the person there informed me that he knew nothing about it. So I rang the journalist back and basically said that I thought the information was incorrect.

**Mr WILKINSON** - Randolph, does the Police Association normally get notice of who is to be the next commissioner prior to the commissioner being appointed?

**Mr WIERENGA** - Well, there haven't been many appointments of commissioners since I have been involved in the association so I don't really know. Certainly we weren't advised when Mr Johnston was appointed commissioner, and we have had our say in relation to the process around that previously to your committee.

**Mr HALL** - So once the announcement was made, certainly your association voiced some disquiet. The question is what was the basis of your concerns about that appointment? Why did the association believe that such an appointment was not legally possible?

**Mr WIERENGA** - We explored another avenue. You just need to go back and look at the history of the issue in relation to Mr McCreadie. Prior to his retirement in I think March of that year, the members of the association were quite agitated in relation to some of the things that had occurred under his leadership. At the time of his resignation the members were considering having a vote of no confidence in both him and Mr Johnston. It so happened that that vote was circumvented by Mr McCreadie retiring but certainly the feelings were there amongst the membership about him. When we became aware that Mr McCreadie was going to be reappointed there was an overwhelming reaction from the membership about that appointment. As a result, the executive met and passed some motions and one of them was to go out to the branches and speak to all the different members in those branches about the appointment and to re-instigate the vote of no confidence in Mr McCreadie should the appointment go ahead.

**Mr HALL** - So, given that, did you have an opportunity then to express those views to the Premier's office, that the association was concerned prior to the appointment?

**Mr WIERENGA** - No, not prior to the appointment. On the Thursday morning I rang the Premier's office because I had become concerned that the alleged rumour had some actual legs to it. I tried to make an appointment with the Premier but was unsuccessful. I spoke to the minister who confirmed that the Premier was going to make an announcement and I informed the minister that we were not happy about that situation.

**CHAIR** - Randolph, you mentioned at the start of that answer the day. Can you revisit that with me please?

**Mr WIERENGA** - The Thursday morning?

**CHAIR** - Which would be the 16th?

**Mr WIERENGA** - Yes, that is the day Mr Bartlett made the announcement.

**CHAIR** - And an approximate time for that, please? Because the Premier made the announcement at about 10.35 a.m. in Parliament that day.

**Mr WIERENGA** - It was before that. It was well before that. It was as soon as I got into work. The reason I made the call was that after the minister's office had dismissed the notion that Mr McCreadie was being reappointed and I'd spoken to Mr Hine and he also said that he knew nothing about it, I then received some calls from colleagues interstate

who were at a function that evening who told me that a then Commissioner in another State was saying that -

**CHAIR** - Which evening, please?

**Mr WIERENGA** - That would be the Wednesday evening.

**CHAIR** - The 15th?

**Mr WIERENGA** - Yes, the 15th. He told me that that Commissioner was saying that McCreadie was going to be appointed. I then tried to make a meeting with the Premier the following morning, the 16th, as soon as I got in to work at about 6.30 a.m.

**CHAIR** - Who did you speak to in the Premier's office about trying to get that appointment?

**Mr WIERENGA** - I am not sure. I think it was a receptionist. I'm not sure who I spoke to.

**CHAIR** - Please describe to us the sort of message you left with that person.

**Mr WIERENGA** - It was a request to speak to the Premier about the alleged rumour and that we would certainly have something to say if it was true. They said that they would pass the information on. There was certainly an amount of urgency in the request. Whether that was relayed to the Premier or his advisers, I do not know.

**Mr HALL** - If I can just go back, Randolph, to a couple of questions ago, when I asked you why did your association believe that the appointment was not legally possible. Could you expand on that, please?

**Mr WIERENGA** - We had some advice in relation to the Police Service Act. I cannot quite remember the details of the advice at the time, but our advice was that it was quite possible that the appointment was illegal because of the way the Police Service Act was written. I guess we were all scrambling trying to find out what was going on. What eventually unfolded in terms of that legal advice, in any event over the weekend it turned out that perhaps the advice that we had first got may have been not correct because of the Acts Interpretation Act, as I recall it, allowing such an appointment to proceed.

**Mr WILKINSON** - In relation to that appointment, Randolph, are you aware of the Police Services Act which talks about the deputies to immediately step in to the head position if the Commissioner leaves the State or is unwell or matters like that?

**Mr WIERENGA** - Yes, and that is where we first thought that the appointment may be illegal. But as time progressed people had time to look at that section and then take a further look at the Acts Interpretation Act, I think, which basically said that they could do what they were going to do, but we received that advice probably on Tuesday, I think, and by that time everything was over.

**CHAIR** - Tuesday, 22 October?

**Mr WIERENGA** - Yes, I think that is when we got the full advice, that maybe what they were doing was legal.

**CHAIR** - Tuesday, the 21st. The day after -

**Mr WIERENGA** - I don't have a calendar in front of me.

**CHAIR** - That's fine. I just wanted to confirm that it was the next week after the Premier's announcement.

**Mr WIERENGA** - Yes.

**Mr WILKINSON** - So, as I understand it, at first you believed it to be not legal as a result of the Police Services Act, but then on further consideration by other legal people, you believed that what occurred was legal? Is that fair?

**Mr WIERENGA** - Yes, that is fair. But it took some time for them to get that. I think it was after the appointment process had ceased.

**Mr HALL** - Randolph, this question is a little bit delicate. And if you can, could you please answer the question without jeopardising any current or ongoing police operations or investigations and live prosecutions. In October 2008, was the association aware of any reason why the Government would want to stand Mr Hine down and replace him with Mr McCreadie?

**Mr WIERENGA** - No.

**Mr HALL** - None at all?

**Mr WIERENGA** - None at all. In our view Mr Hine was doing a very good job under trying circumstances but he had a lot of support from the membership in the job that he was doing.

**Mr HALL** - Thank you for that. You will also be aware that this committee was provided with non-operational police files under summons by Assistant Commissioner Hine. So the question is, is there a view within your membership that this decision played any part in the decision to stand down Mr Hine?

**Mr WIERENGA** - I don't think there is a view within the membership. There is possibly some finer detail that they may not be aware of. Certainly a number of theories were thrown around in relation to why Mr Hine was pushed aside and Mr McCreadie was brought in. I guess it is in the area of speculation and rumour and I do not have any evidence to back up those rumours or speculation so I do not really wish to go there.

**CHAIR** - It is astute that you don't. It was an appropriate question and if it is pure speculation then it is not appropriate for this committee. We appreciate that.

**Mr WIERENGA** - Okay.

**CHAIR** - I don't have any questions right at the moment, Randolph, so I will just defer to Mr Wilkinson for a moment.

**Mr WILKINSON** - Can I just summarise what you have told us please, Randolph. One is that you heard a rumour that Richard McCreadie was to be inserted as Commissioner.

**CHAIR** - Acting Commissioner.

**Mr WILKINSON** - As Acting Commissioner. How many days was it prior to that becoming public by way of a comment in Parliament by the Premier?

**Mr WIERENGA** - It was the previous day, so it was on the Wednesday the 15th, and the Premier made the announcement in Parliament on the morning of the 16th.

**Mr WILKINSON** - So the first time you were aware of this rumour was the 15th.

**Mr WIERENGA** - Yes.

**Mr WILKINSON** - And you became aware of the rumour as a result of comments that came from interstate. Christine Nixon, the former Commissioner for Police in Victoria, commented to somebody that that was going to be the case. Is that right?

**Mr WIERENGA** - I didn't mention that name but you have and that is correct, but I was also told by some journalists prior to that.

**Mr WILKINSON** - Okay, but still on the 15th.

**Mr WIERENGA** - Yes.

**Mr WILKINSON** - As a result of that you sought to have a meeting with the minister?

**Mr WIERENGA** - With the Premier, as I understood it was going to be the Premier's announcement. I don't know how I was told that.

**Mr WILKINSON** - And it was on the 15th you asked for a meeting with either the Premier or the minister. Is that right?

**Mr WIERENGA** - No, that was on the morning of the 16th.

**Mr WILKINSON** - And who did you want that meeting with?

**Mr WIERENGA** - The Premier, and I left a message with the Premier's office. I then spoke to the minister. I can't recall whether he called me or I called him but he confirmed to me that it was going to go ahead and the Premier was going to make an announcement in Parliament that morning. The minister was quite aware of our views.

**Mr WILKINSON** - What time did you endeavour to have a meeting with the Premier?

**Mr WIERENGA** - It would have been first thing in the morning, so probably about 8 or 8.30 a.m.

**Mr WILKINSON** - So that was when you first made it known to the Premier's office that you wanted a meeting with him.

**Mr WIERENGA** - Yes, that is right.

**Mr WILKINSON** - Did you say that it was urgent?

**Mr WIERENGA** - Yes, and that it was about the proposed re-appointment of Mr McCreadie and that we certainly had a view in relation to it.

**Mr WILKINSON** - Were you aware that a statement at that stage was going to me made later that morning?

**Mr WIERENGA** - Only after I spoke to the minister.

**Mr WILKINSON** - What time did you speak with the minister?

**Mr WIERENGA** - Sometime between 8.30 and 10.00, but I am not quite sure of the exact time.

**Mr WILKINSON** - Did you express your concern to the minister?

**Mr WIERENGA** - Absolutely, and the minister understood our concerns.

**Mr WILKINSON** - Did you ask that that concern be relayed to the Premier prior to the statement being made?

**Mr WIERENGA** - Yes, that's correct, and he said he would do his best.

**Mr WILKINSON** - And that was minister who?

**Mr WIERENGA** - Jim Cox.

**Mr WILKINSON** - Then did you hear anything further from anybody prior to the statement being made in Parliament?

**Mr WIERENGA** - I am not sure whether the minister's office rang back or someone from the Premier's office rang back and said that a meeting wouldn't be possible prior to the announcement being made in Parliament. By that time it was quite obvious that they were going to make an announcement about the appointment of McCreadie. So in order to facilitate a meeting with the Premier, myself and Mark Kadziolka and Gavin Cashion, who is on the executive, went down to Parliament House.

**Mr WILKINSON** - I was going to say that, because as I understand it there were at least three who went down to Parliament House that morning to endeavour to have a meeting. Is that right?

**Mr WIERENGA** - That's right.

**Mr WILKINSON** - And that was before the statement was made in Parliament by the Premier?

**Mr WIERENGA** - That's right.

**Mr WILKINSON** - So for how long were you waiting before you had a meeting or anybody commented to you?

**Mr WIERENGA** - After the Premier made the announcement we were outside, because Parliament was in the dining hall - I think it was being refurbished - and we were just outside in the foyer there. Terry Field came out and spoke to us, and once again we expressed our unhappiness about the process and what had happened. We stressed to him that we wanted to talk to the Premier about it. The Premier then came out and met with us very briefly. We pointed out to him that this appointment was going to cause all sorts of problems, but he was quite resolute in what he had said and basically indicated that he wasn't going to change his mind.

**Mr WILKINSON** - Were you informed at any later time as a result of the change of mind?

**Mr WIERENGA** - On the following Monday morning I was in the police headquarters and we were still trying to sort out what was going on. I ran into a police photographer. I can't remember who it was, but they said to me, 'It is not happening', and I said, 'What do you mean?' They said, 'The appointment is not going ahead', and I said, 'How do you know?' They said, 'We were supposed to go up to Government House to take photographs, but it has been cancelled and we were told it is not going ahead'. I wish I could remember who the photographer was, but I can't.

**Mr WILKINSON** - So you spoke with a police photographer and the police photographer was requested to go to Government House to take the necessary photograph of the Governor having Mr McCreadie sign the necessary documentation. Is that right?

**Mr WIERENGA** - That was my understanding of the conversation, yes. So after that myself and Mark Kadziolka met with the minister again, who basically confirmed that the appointment was still going ahead.

**Mr WILKINSON** - So that was that morning that the photographer told you it wasn't going ahead, and the minister told you it was going ahead?

**Mr WIERENGA** - Yes. After I had met with the photographer, which was a chance meeting, we went down to the minister's office where we had an appointment to see him.

**Mr WILKINSON** - Can I ask approximately what time it was you met with the photographer by chance?

**Mr WIERENGA** - Probably about 8 or 8.30 in the morning. I had just got a cup of coffee.

**Mr WILKINSON** - What time was it that you spoke with the minister to be told that it was still going ahead?

**Mr WIERENGA** - Around 9, 9.30 or 10 a.m., something like that. So the minister told us it was still going ahead, and was really unable to give us an explanation as to why the appointment had been made, apart from repeating the lines that Mr Bartlett had used



about the police force being in an unsettling period and requiring experience and leadership.

**Mr WILKINSON** - At what time were you made aware that the new acting commissioner, Mr McCreadie, was not going to take his position?

**Mr WIERENGA** - Monday evening, probably around about 6.30 p.m. or 7.00 p.m. that same day.

**Mr WILKINSON** - Who made you aware of that?

**Mr WIERENGA** - I cannot remember because my phone went into meltdown basically and I received a number of calls from a number of people but I know I did confirm it with Mr Hine. Who told me first? I am not sure. If I think about it, it might have been the minister but I am not 100 per cent sure of that.

**CHAIR** - Can I go back to the discussion you had with the minister prior to the Premier announcing it. You were telling Jim that you had had a discussion with the minister. I was scribbling frantically trying to get the chronology there. In that discussion you had with the minister about the Government's intention to put Mr McCreadie into the acting commissioner role, did you ask the minister anything about the event or the processes leading up to it and when the minister first became aware that it was the Government's intention to put Mr McCreadie into the position?

**Mr WIERENGA** - I cannot recall asking him about process. Is this the Thursday meeting with the minister or the Monday meeting with the minister?

**CHAIR** - The Thursday.

**Mr WIERENGA** - I cannot recall asking him about the process but I can certainly recall asking him why it was happening, and he was basically unable to say what happened.

**CHAIR** - Did you gain any understanding as to how long it was that the minister was aware of the Premier's intended announcement?

**Mr WIERENGA** - No. All I can say is that on the Wednesday evening or the Wednesday afternoon the minister's office told me that it was not happening. On the Monday after we met with the minister, myself and Mark Kadziolka then met with Mr McCreadie in his office and had a discussion about a number of issues. We told him that the membership was very unhappy about his return and they would be holding mass meetings with the members all that week to discuss the issue and it was quite likely that the vote of no confidence in him would go ahead.

**CHAIR** - Could you indicate the time when you and Mark Kadziolka met with Mr McCreadie?

**Mr WIERENGA** - It would have been around 10 or 11 a.m. It was after the meeting with the minister.

**CHAIR** - Okay, because later that day on Monday, 20 October of course Mr McCreadie had his father-in-law's funeral to attend.

**Mr WIERENGA** - That is right. He said he was going from our meeting to the funeral.

**CHAIR** - What was his reaction when you indicated to him that there was disquiet within the service and that there would likely be a vote of no confidence?

**Mr WIERENGA** - His reaction was, 'So be it. The Government has made the decision and I have accepted doing what the Government has asked me to do.'

**CHAIR** - Is it true that at an earlier time a motion of no confidence in Mr McCreadie was defeated? Only one of the districts voted to support the motion. Was there an earlier motion of no confidence in Mr McCreadie?

**Mr WIERENGA** - There was no earlier motion of no confidence. At the time of Mr McCreadie's retirement the motion of no confidence was still on the books. As a result of his retirement it was decided not to go ahead with that motion.

**CHAIR** - Has there ever been a motion of no confidence put within the districts regarding Mr McCreadie?

**Mr WIERENGA** - Not been put to a formal plebiscite, no.

**Mr WILKINSON** - When you spoke with Richard on the Monday, did you believe that he was back in his position as acting commissioner?

**Mr WIERENGA** - It was a funny conversation because he said to us that he was only there for a short time, that in effect Mr Hine would be running the show and most decisions would be made by Mr Hine, that he would not roll back any of the changes made since his retirement and that the process of change that was ongoing since his retirement would continue, which made us question why he was returning in the first place.

**CHAIR** - Mr McCreadie indicated to you that the major decisions would continue to be made by Mr Hine. Did the minister indicate to you during your meeting with him, which I recall was at Parliament House in his Parliament House office, what he understood Mr McCreadie's role would be?

**Mr WIERENGA** - A lot of things happened in a very short time. I am not sure. I cannot recall.

**Mr WILKINSON** - The meeting that you had, was that in the commissioner's office?

**Mr WIERENGA** - Yes, it was.

**Mr WILKINSON** - So Mr Hine moved out of that office and Mr McCreadie moved in?

**Mr WIERENGA** - I do not know the nuts and bolts of it. It was just in the commissioner's office. I do not know whether Mr Hine had moved his papers out.

**Mr WILKINSON** - So, to all intents and purposes, did you believe that Mr McCreadie was now the new acting commissioner?

**Mr WIERENGA** - There was every indication that he was the acting commissioner, but it wasn't with our blessing.

**CHAIR** - So, given that Mr McCreadie had indicated to you that Darren Hine would be making all the big decisions - so you could not understand then why he would be brought back - for all intents and purposes it might be observed that he would be a lame duck acting commissioner?

**Mr WIERENGA** - That was certainly a view that was discussed and seemed to be a reasonable conclusion to draw. But, as I said, I do not know why he was brought back and to this day I have not received a satisfactory explanation as to why he has been brought back. We have since had discussions with the Premier on the issue. The Premier has quite clearly indicated that it was a mistake and that he should have sought more advice in relation to it. But who advised the Government that it was important or necessary to bring Mr McCreadie back, I do not know.

**CHAIR** - Thanks for your time. We appreciate that, given that you had other commitments already arranged for today.

**THE WITNESS WITHDREW.**

**ACTING COMMISSIONER DARREN HINE**, TASMANIA POLICE, **Mr MARK MILLER**, PRINCIPAL LEGAL OFFICER, DEPARTMENT OF POLICE AND EMERGENCY MANAGEMENT, AND **COMMANDER COLIN LITTLE**, TASMANIA POLICE, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

**CHAIR** (Mr Harriss) - Darren, Mark and Colin, thank you for responding to the summons to appear before the committee today. You would be aware from recent public announcements, I suppose, that when Richard McCreadie said what he said about his hiring and firing, for want of a better term, we felt it of sufficient public interest that we proceed to inquire into the matter as it relates specifically to our terms of reference with regard to the appointment of senior public sector officials. So we are now at this point where we need to do that. As we are advising and have advised other witnesses who have already appeared before the committee, we are very sensitive to the matters which are still on foot regarding proceedings against Jack Johnston and we will be very precise about that. If ever there is a time when we determine that we are even going close to any of that, we will advise you of that.

The process today has been and will continue to be that we have a series of questions which we have been putting to witnesses. We have likewise some questions which we would like to put to each of you as regards the appointment announcement of Mr McCreadie as Acting Commissioner and the subsequent discontinuation of that process as announced likewise by the Premier. We want to understand the circumstances which led up to both the announcement of the appointment and the subsequent announcement that the Premier felt he was not able to proceed. So if we can set the scene, I suppose, in some respects with regard to this committee's deliberations and our requests to the Police Service at an earlier time by virtue of summons with regard to certain documents, and so I guess, Darren, if I could address this to you, and certainly if Mark or Colin have contributions to make, we would appreciate that. It is a matter of the public record now that you were served with a confidential summons by this committee for certain non-operational police files on Friday 2 October last year. What legal advice, if any, Darren, did you receive in connection with that summons?

**Mr HINE** - When I was served with that summons for the documents, I informed the people that actually served that summons that I would seek legal advice before I could hand over the files. Mr Miller was with me at the time, and Mr Miller and I spoke about the summons and the documentation and then Mr Miller drafted up a letter to the Solicitor-General to gain advice in relation to what our obligations were under the summons to produce those documents. On 6 October we received a letter back from the Solicitor-General in relation to our obligations in relation to the summons, and I believe on 10 October we handed the file material over to the committee.

**Mr MILLER** - If I could just expand on that a bit, Mr Hine's only concern with complying with the summons was the potential for some of the material on the files to prejudice Mr Johnston's trial. He requested me to seek advice from the Solicitor-General in relation to that issue only. I sought advice from the Solicitor-General that day and my written request stressed that Mr Hine did not in any way wish to impede the inquiries of the committee but he was only concerned as to whether it was appropriate to provide the committee with the material relating to the allegations concerning Mr Johnston.

The written advice provided by the Solicitor-General on 6 October was far more extensive, if I can put it that way, that what was envisaged in response to the request. It identified a number of perceived deficiencies in the summons issued by the committee to Mr Hine and identified limitations upon the powers of the committee in relation to the issue of the summons, and it also questioned the scope of the terms of reference of the committee.

I provided advice to Mr Hine that the files should be produced, and in providing that advice I advised Mr Hine that I believed it was appropriate to interpret the terms of reference of the committee broadly. I expressed the view that it was clearly in the public interest that the members of the committee have the information in relation to the appointments with which they were concerned. I had regard at the time to recent statements of the Premier concerning the commitment of his Government to openness and transparency, and I also had regard to the advice of the committee that it would ensure the details of the investigation would remain confidential. The delay between the receipt of the advice on the 6th and the provision of the material to the committee on the 10th was due to the fact that it was necessary to edit some of the material, having regard to prohibitions contained in Commonwealth legislation, and with the agreement of the committee we also deleted some of the references that related solely to the allegations concerning Mr Johnston, and my covering letter to you, Mr Harriss, pointed out the particular areas that have been vetted. But I should stress that at all times Mr Hine was acting on my advice and the advice of the Solicitor-General.

**CHAIR** - So insofar as there seems to have been - and correct me if I am wrong - differing advice, the Solicitor-General raised matters, as Mark has just indicated, of the form of the summons and so on, and then Mark gave Darren advice that it was proper to proceed to respond to our summons, is there was any compelling reason you took that advice rather than not specifically the Solicitor-General's?

**Mr MILLER** - With the two lots of advice I had received, certainly we could have gone back and given you advice back about what the concerns were, but in the end there was a legal right to give you the files, so I took that decision to give it over to the committee as soon as possible, with those additions that we needed to make with the file. I wanted to give it over to the committee, taking into account the two lots of advice as soon as possible.

**CHAIR** - Thank you. Given, as you have already indicated, that on Friday 10 October those files were released and we received them, subsequent to that have you as the Acting Commissioner, or anybody I suppose in the force, been subject to any criticism or adverse comment within Government for that decision to deliver the files?

**Mr HINE** - I have never informed the Government or anyone within Government that I had given the files over. I gave the commitment and I had the commitment back from the committee to keep it in confidence so I have had no discussions with Government in relation to handing the files over.

**Mr MILLER** - Unfortunately, throughout a lot of this period there were a number of rumours circulating around the place from various sources, and I heard rumours the following week that the decision to bring Mr McCreadie back was due in some degree to the

Government's displeasure with Mr Hine readily handing over files to the committee. In fact the reference I heard was that he was not dragged screaming and kicking in front of the committee to produce the files. Whether it was true or not I can't say. It was certainly said to be sourced within Government. I know from the Government's response to the committee's interim report that at least the secretary of the Justice department has expressed some displeasure about the way the committee questioned her, and particularly not having made mention of the police files. Of course that was consistent with the undertaking that the committee gave to maintain confidentiality. I know she has expressed a contrary view, but I would not have thought that the requirements of procedural fairness required the matters to be put to her in a context where we were just endeavouring to ascertain the truth of the matter. But that is another matter.

**CHAIR** - We have had that similar debate in the House on occasions.

**Mr WILKINSON** - Can I ask, Darren, when you were made Acting Commissioner was any indication given to you as to the longevity of that, whether anybody would be brought in in the interim for whatever reason? Can you give us some understanding as to what happened when you were made Acting Commissioner and the conversations that took place about the longevity of your reign?

**Mr HINE** - Mr Wilkinson, there was certainly no mention of bringing someone else in. It was certainly my understanding that I would remain the Acting Commissioner until this matter was sorted out. The first I was made aware that the Government was considering bringing someone back in was on 15 October.

**Mr WILKINSON** - Up until that stage there had been no indication given to you at all that somebody else, or Richard McCreadie, was going to be brought in to replace you.

**Mr HINE** - That is correct. Yes.

**Mr MILLER** - Mr Hine's expectation would have been that it would continue at least until such time as Mr Johnston's appointment was terminated by virtue of the provision of section 9 of the Police Service Act.

**Mr WILKINSON** - I was going to get to that, and you would have probably been a party to that Police Service Act coming into being, and the sections in relation to it. Did you have an understanding of who was to step up and for how long if the commissioner was unable to carry out his duties for whatever reason?

**Mr HINE** - I was of the firm belief that it was quite clear, that the Deputy Commissioner was the one under the act that would step up into the commissioner's position. I certainly had that quite clear in my mind.

**Mr WILKINSON** - Was that the advice that was made known throughout the Police department when the Police Services Bill was being debated and then when it became the Police Service Act?

**Mr HINE** - It has probably been in even the previous act for 100 years. That has always been the situation, and the current act certainly made it quite clear in my mind, as did the

advice of Mr Miller that I received as well, that it was quite clear that the deputy commissioner does step up in the absence of the commissioner.

**Mr MILLER** - And, indeed, in recognition of that, Mr Johnston on the day that he stood down circulated an e-mail to all members advising them that Mr Hine would act in his absence, whilst he made no reference to the statutory provision in accordance with that.

**CHAIR** - Am I to assume that that e-mail advice does not need to be accompanied by any sanction of a minister, that it is just simply a procedural matter?

**Mr MILLER** - It is just by virtue of the act. There is a similar provision in section 10 of the act in relation to assistant commissioners acting up in the absence of the deputy commissioner. The only distinction between the two is because we have two assistant commissioners. One has to be authorised to act as deputy. The act is quite clear, in my view. I sat on a panel that was responsible for the development of the current act and it was certainly my understanding that it was not meant to change the status quo in any way. There is a good reason for that because of the pyramid structure of the organisation and the requirements necessary to advance up that structure. The deputy commissioner is the one person in the organisation judged to have the skills and experience to act in the absence of the commissioner.

**Mr HINE** - And can I say, I did have a letter from the Premier indicating to me that I was to act as the commissioner, acting commissioner.

**Mr WILKINSON** - And when was that letter given to you?

**Mr HINE** - It was the day or the next day after Mr Johnston stood aside.

**CHAIR** - So that was in August 2008 when Mr Johnston stepped down while under investigation.

**Mr HINE** - Yes.

**CHAIR** - Are you aware as to whether the Acts Interpretation Act qualifies the elevation, if I can use that term, of the deputy commissioner to commissioner?

**Mr MILLER** - There is a general provision in the Acts Interpretation Act, section 21, which deals with appointment in vacant office but that is subject to an earlier section in the Acts Interpretation Act that says the whole act is subject to any contrary intention in this specific act.

By 17 October, of course, Mr McCreadie's return had been announced. I sought advice from the Solicitor-General on 17 October in relation to the issue and the advice referred to the fact that prima facie it fell within the general provision of the Acts Interpretation Act. My view was that this specific provision in the Police Service Act overrode the general provision.

**Mr WILKINSON** - Was there any other legal advice contrary to your view in relation to that?

**Mr MILLER** - Not at that time. In fact, the Acting Assistant Commissioner Brazendale raised the issue with me on the morning of the 17th. I wrote to the Solicitor-General and received advice back that day which was jointly addressed to myself and Ms Vickers from the Department of Premier and Cabinet. I perceived, both from the manner of addressing and the speed of the return, that there had been an earlier request from Ms Vickers or someone in DPAC. That written advice I examined over the weekend and on the Monday I provided Mr Hine with detailed written advice contrary to the Solicitor-General's advice.

I worked in the Solicitor-General's office for many years and I am well aware of the convention that the Solicitor-General's advice prevails and binds the State so I provided the Solicitor-General with a copy of my advice to Mr Hine and a written request for him to review his advice because I was concerned that if Mr McCreadie came back there was clearly potential for any actions he took to be challenged and rendered unlawful. I never received any formal response to that. I understand from the formal advice from the Solicitor-General that he adhered to his views but he did not see any need to answer my request because the situation was overtaken by events in relation to the Premier's decision not to push on with Mr McCreadie's return. It became somewhat hypothetical.

**CHAIR** - We've just got to the 17th. Can we rewind to 15 October last year, which was Wednesday, the day prior to the Premier announcing in Parliament that Mr McCreadie was to be installed as deputy commissioner. Darren, a specific question to you, if I might, and again your colleagues can contribute. Can you turn your mind back to Wednesday 15 October last year and advise the committee of the circumstances in which you came to understand that you were about to be replaced by Mr McCreadie?

**Mr HINE** - It probably started about 2.30 p.m. on Wednesday 15 October when I received a phone call from the then acting deputy commissioner, Mr Scott Tilyard, who stated he had just received a phone call from a journalist who was asking for Mr McCreadie's contact details and that he believed that Mr McCreadie was returning to act as the commissioner. Mr Tilyard passed that on to me and I said, 'Oh, it is just pure speculation' and that I had heard nothing. I didn't believe there was any truth in the rumour and that's all it was - a rumour. But fairly shortly after that telephone call, I did receive a telephone call from Randolph Wierenga, the Police Association president, who said that he had also received a telephone call from a journalist stating that Mr McCreadie was about to return as the acting commissioner. I told Mr Wierenga that I'd heard no rumour and that it would no doubt be pure speculation. Then I spoke to the senior advisor in the minister's office, Mr Gerald Jones, and he said that he'd had the same inquiry from a journalist, so I gathered at that stage that it was the same journalist.

**CHAIR** - When you said you spoke to Mr Jones, was that at your initiation or his?

**Mr HINE** - That was at my initiation. I told him about the rumour and he informed me he knew nothing of it and he agreed with me that it would be pure speculation.

**CHAIR** - Did you question him as to whether his minister knew?

**Mr HINE** - No, I didn't ask him about that. I just informed him of the rumour and said that from my point of view it was speculation and he agreed that it was pure speculation and he had not heard it either. Do you want me to continue?



**CHAIR** - Yes, please.

**Mr HINE** - I went to a farewell function for a person that evening and then I happened to have a look at the *Mercury* web site and observed a press release from the Premier -

**CHAIR** - Before you entered the function?

**Mr HINE** - No, after - about 6.30 p.m. I had a look at the web site and the wording of what the Premier said caused me a little bit of concern, putting into perspective the rumour that had been circulating that I was to be acting commissioner in the interim. So there was a little bit of a change of language and that caused me a little bit of concern, so I made a phone call to Mr Rhys Edwards, the secretary of the Department of Premier and Cabinet about 7.25 p.m. on the same night, the 15th, to inform him of the rumour and to ask if he knew anything, because obviously if the rumour was going around, I was concerned that other people would be hearing it and I needed to know so I could inform people. I also informed him about the Premier's press release and he told me that he didn't know anything about the press release or what the Premier had said, and he also said that he didn't know what the Government's intentions were, so he was going to talk to the Premier the next morning.

Later that evening, I received another phone call from Randolph Wierenga who said there were further rumours circulating around there was a function on in Victoria and former Chief Commissioner Christine Nixon was at that function and had actually let it be known that Mr McCreadie was coming back as the acting commissioner. Again, I said, 'I don't know anything about it', and I did inform him that I had actually spoken to Mr Rhys Edwards and he knew nothing about it or could not inform me about it.

Then at about 9 that evening, Assistant Commissioner Wilkinson was at that same function in Victoria and he said that he'd heard the same rumours, that Mr McCreadie was coming back, and he had actually heard it from Christine Nixon's husband that, yes, he was coming back. So obviously by then, there was a number of rumours going around and various telephone calls around people. So that was that evening.

**CHAIR** - Can I go back to the same day? Were you comforted by Gerald Jones' response when you asked him whether it was true that Mr McCreadie was coming back? This was all before you attended the function yourself. Did you feel comforted by his response?

**Mr HINE** - Well, it's just that that's what he told me. It's a matter that he seemed to have the same opinion about that I had - that it was just rumour.

**Mr WILKINSON** - So you heard the same comment from Phillip Wilkinson in relation to his comment as a result of speaking with Christine Nixon's husband. What happened then?

**Mr HINE** - The next morning at 7 a.m. I received a phone call that the Premier wanted to see me at 8 o'clock that morning so I actually checked the web site of a certain newspaper and saw the story about Mr McCreadie returning and obviously realised that maybe that was what the Premier wanted to speak to me about. I went to the Premier's office at 8 a.m. that morning.

**CHAIR** - With regard to police operational matters, can I direct a question to you, Colin? Were you aware of Mr McCreadie's impending return and, if so, how did you become aware?

**Mr LITTLE** - That same evening, 15 October, I was at home. I can't recall the time but I received a phone call from Commander Smith, who at that point was the commander of the north-west police district, who informed me that he'd received a phone call from a colleague I think in Victoria Police who was at a function in Melbourne that Christine Nixon was at and his information from that contact in Victoria Police was that Mr McCreadie was returning. I dismissed it out of hand, really, and told him that it would be rumour or rubbish but he was pretty insistent that it was good information. Following that phone call, I dwelt on it for a little while, I suppose, and I made a phone call to Randolph Wierenga to see whether or not he had heard anything. That probably prompted Mr Wierenga's phone call to the commissioner that evening.

**CHAIR** - Thanks. Darren, if you can pick up where you were. You attended a meeting with the Premier at around 8 a.m. on Thursday, 16 October last year.

**Mr HINE** - That's correct, and Mr Terry Field was there as well during the meeting. In it I informed the Premier that I thought I probably knew what it was about. I informed him of the rumours that I'd heard the evening before and the fact that it was actually in the *Examiner*. The Premier basically informed me that Mr McCreadie was returning and he was going to announce the matter in Parliament that day and I would return to my substantive position, that of deputy commissioner.

**CHAIR** - So prior to your meeting with the Premier, did you raise any legal questions with Mr Miller as your senior counsel, I suppose, as to legal matters which you ought be aware of before your meeting with the Premier?

**Mr HINE** - Yes, I actually rang Mr Miller that morning. When I had seen it on a newspaper's website I rang Mr Miller and asked if I could inform the Premier of certain matters and Mr Miller gave me the advice that I should and could raise certain matters with the Premier so the Premier had the full information to make his decision, so I certainly got Mr Miller's advice.

**CHAIR** - For the purposes of confirmation, I suppose, Mark, what was your advice to Darren?

**Mr MILLER** - It was earlier, about 7.10 a.m. I do not know if the committee wants us to detail the issues, but the matters were certainly, in my view, directly relevant to the issue of whether it was appropriate for Mr McCreadie to return to office as commissioner. My advice to Mr Hine was that not only could he raise the issues with the Premier but also that he should do so, and I also advised Mr Hine that he should encourage the Premier to contact the Director of Public Prosecutions to discuss the issues with him as well.

**Mr WILKINSON** - And that was at 7.10 a.m. on 16 October.

**Mr HINE** - I've actually got it noted down as 7.05 a.m. in my notes, but it was certainly around then.

**Mr MILLER** - Certainly after 7 a.m.

**Mr HINE** - Just for accuracy.

**Mr WILKINSON** - Mark sets his clock a bit fast so he's at work early, you see.

**Mr MILLER** - Well, no, actually, quite the opposite. I was at home in my bedroom. I was awake, but not far advanced in the day.

**CHAIR** - The matters to which you refer - and you prefaced your comments, Mark, by saying you didn't whether the committee wanted to know of the matters - it seems to the committee that the matters are not in any way prejudicial to the proceedings against Mr Johnston. That being the case, am I right in concluding that you were aware of the circumstances as to why it would be inappropriate for Mr McCreadie to be returned?

**Mr MILLER** - Yes.

**CHAIR** - Because those matters are not, in our judgment - and if you think otherwise, please tell us - prejudicial to the proceedings against Mr Johnston, our judgment is that there is nothing wrong with this committee being aware of what those circumstances were in a general sense.

**Mr MILLER** - No. There are a number of matters that might link on the periphery to matters affecting Mr Johnston, but I have taken some advice from the DPP in relation to any possible prejudice to Mr Johnston's trial and his advice to me is that he had no concerns about my raising the issues. One of the primary matters of concern was the fact that Mr McCreadie had admitted that he had made a disclosure to Minister Llewellyn the previous year. Commander Little would be able to help with the date, but I believe it was September the previous year.

**CHAIR** - I am just conscious of the detail. My judgment is, and the committee will consider this as well, that the committee does not need to know the detail of any statement that Mr McCreadie may have made to his minister or anybody else. It is more to the issue of what may have, in a legal sense, been unwise for the Premier to have proceeded with Mr McCreadie's return.

**Mr MILLER** - If I can put it in more general terms, and stop me again if you feel necessary, the disclosure that Mr McCreadie admitted to making rendered him liable to prosecution under section 108 of the Criminal Code. It also rendered him liable to sanctions under the Police Service Code of Conduct.

**CHAIR** - Okay. And given that you were aware of that, you, in that telephone call with Darren, advised him that it would be prudent for him to in fact alert the Premier to those issues?

**Mr MILLER** - Yes. Our understanding was that there was a possibility that the DPP may in fact charge Mr McCreadie with a criminal offence.

**CHAIR** - Thank you for that. That being the case, in your meeting with the Premier, Darren, did you follow through on the advice that Mark had given you and alert the Premier to those issues?

**Mr HINE** - I asked him if he had spoken to the DPP and he informed me that he had not and that he had made a conscious decision not to. I also informed the Premier that the DPP was considering charges against Mr McCreadie and I felt the Premier needed to know that for his decision-making process. He said that that did not dissuade him. Then I also raised the matter about the Police Association as well. So he had a complete picture so he could make an informed decision.

**CHAIR** - What was your reaction then when I presume you heard that the Premier had announced in Parliament later that morning, after meeting with you, Mr McCreadie's return?

**Mr HINE** - Before the meeting finished with the Premier - it only took five or six minutes, it was not a very long meeting; maybe 10 minutes - he had certainly informed me that he was going to go ahead with the appointment and announce it in Parliament. I asked him if I could tell the organisation, the commanders and the management team - I did not want them to read it in the paper or hear it in Parliament as well - and he said that yes, I could. So even before the meeting had concluded, he had informed me that he was going ahead with the appointment.

**Mr WILKINSON** - What time did the meeting conclude?

**Mr HINE** - It was literally 8.10 a.m. or something of that nature, Mr Wilkinson. It was a very short meeting.

**CHAIR** - Am I right in concluding - or for the committee to conclude, I suppose - that the Premier could be of no misunderstanding that first, the Premier should speak with the DPP before announcing the return of Mr McCreadie and second, that you were quite precise in advising the Premier that the DPP may be or was considering charges against Mr McCreadie; those two issues being the case, it was inappropriate for the Premier to proceed to announce Mr McCreadie's appointment?

**Mr HINE** - I certainly passed that information on to the Premier, so he had the full information to make his decision. The appropriateness of it or not was a matter obviously for the Premier, but I wanted to make sure that he was aware of that so he could make an informed decision.

**Mr WILKINSON** - Was anyone else present when you gave that information?

**Mr HINE** - Mr Field was certainly present.

**CHAIR** - Did Mr Field make any contribution to that meeting?

**Mr HINE** - No. Oh, he said a couple of words when I came in and came out.

**CHAIR** - So did you feel at that stage that you had the full confidence of the Premier and therefore his Government in you as the Acting Commissioner, and that you were going to return to being the Deputy Commissioner?

**Mr HINE** - I left the meeting. I think the Premier used the words he wanted to put me on ice while this matter was going through with Mr Johnston, so it really wasn't my concern whether he had confidence or not. I basically had to get back and inform the organisation and get on with business as usual in providing policing services, and to have as little disruption as we possibly could, so my mind was racing ahead to try to inform people before the announcement by the Premier. So it really wasn't my concern. It was my concern that we could have as little disruption as we possibly could.

**Mr WILKINSON** - So it is fair to say you weren't really thinking of yourself, were you, you were thinking of the police force as a whole? It is obvious that's the answer.

**Mr HINE** - That was the bigger picture. The organisation has to be bigger than one or two people.

**CHAIR** - Following that meeting you had with the Premier at about 8.10, what did you do?

**Mr HINE** - I immediately went back to the office and started to phone the Acting Deputy Commissioner and the management team, and then I phoned all the commanders as well to let them know as quickly as I could before they started to read newspapers or hear on the news or before the Premier made the announcement. So that was certainly my main concern, and then I actually phoned Richard McCreadie himself at about 8.45 a.m.

**Mr WILKINSON** - Was that the first time you spoke with Richard?

**Mr HINE** - That's right, yes.

**CHAIR** - And what were the proceedings of that telephone conversation with Richard?

**Mr HINE** - The conversation started off with the basic pleasantries, and I said I was still trying to get my head around what had occurred, and he didn't understand what I was talking about. His father-in-law had died the day previously and he thought I was phoning about that, and I said no, I wasn't aware of that, and I passed on my condolences, and I said it was about him returning as the Acting Commissioner. He said that he didn't know what I was talking about, and I said, 'I've just met with the Premier. He's told me that you're coming back'. He still said he didn't know what I was talking about, so I persisted along that line. I had to get a little bit forceful and say, 'Look, I know you're coming back, it's okay', and again he said, 'I don't know what you're talking about', but after we got through that he said, 'I didn't know who knew what', and basically he said that he was coming back because he thought the organisation would accept him back better than someone else from outside. I said that seeing that that decision had been taken, he obviously had my support in the role of the Acting Commissioner, and I informed him that the Premier had told me that he was going to start on Monday. And then there was a little bit of another conversation. He was obviously concerned. He thought his house was bugged and his phone was tapped and a few other things of that nature, and I said no, they weren't. He wanted to let me know that I shouldn't be playing games with him, and I said no-one was playing games. He

mentioned a situation where he ran into one of the investigators and he thought that person was playing games. I said I was not aware of that and I know there were not any games being played, and he just concluded that maybe he had been a little bit paranoid.

**CHAIR** - So the Premier has made the announcement in Parliament. You have gone down the path of alerting your senior people to the fact that it is the Government's intention to appoint Mr McCreadie. Against the landscape that you have already advised the Premier of the circumstances which you have mentioned, that it would be inappropriate, did you then seek any further legal advice from Mark as to what ought to happen now? You have alerted the Premier to possible criminal proceedings.

**Mr HINE** - I did not actually say it was inappropriate for the Premier. I just gave him that information so that he had that knowledge. I was not making any conclusion to the Premier.

**CHAIR** - Okay, thanks for clarifying.

**Mr HINE** - I just gave him that information so that he could make that decision. As you could imagine, after it was in a press release and it was announced in Parliament, there were a number of phone calls that I was receiving in relation to the matter from Mr Little and Mr Miller and a number of other people were phoning.

**Mr MILLER** - Mr Hine did not seek any advice at that time. Mr Brazendale the next day sought advice in relation to the validity of the appointment. Mr Hine gave me general advice as to the meeting with the Premier and specifically that he was going ahead with the appointment and had made it clear to Mr Hine that he was not going to consult the DPP. That was at about a quarter past nine that morning. At twenty past nine I telephoned the DPP myself.

**Mr WILKINSON** - That is twenty past nine on the 16th?

**Mr MILLER** - On the 16th.

**CHAIR** - Can I just intervene, Darren? Colin has just advised me that you do have commitments. Work commitments?

**Mr HINE** - Yes.

**CHAIR** - What is your timing on that please?

**Mr HINE** - Well, it is shortly, but I am certainly in your hands, Mr Harriss.

**CHAIR** - I was thinking there would be questions that we want to specifically ask Mark which may not involve you. It is just purely his involvement in the process of giving you legal advice. Maybe those matters we can come to in our specific questions to Mark.

**Mr MILLER** - Yes, certainly.

**Mr WILKINSON** - I will be as quick as I can, Darren, and thanks for your indulgence. When did you realise that you were going to get your pips back again?

**Mr HINE** - I received a phone call from Mr Edwards on the Friday. Basically I was to continue as acting commissioner over the weekend because, as you would be aware, the commissioner role has certain functions and powers that need to be intact. Then on the late Monday evening I received a phone call from Mr Edwards basically saying that Mr McCreadie's appointment was not going ahead and I would be continuing as the acting commissioner.

**Mr WILKINSON** - What time was that on the Monday?

**Mr HINE** - I was at home and I have a feeling that it was 6 o'clock, 7 p.m. It was certainly around after dinnertime.

**Mr WILKINSON** - So that was the first time that you were told that they were not proceeding with bringing back Mr McCreadie.

**Mr HINE** - Yes, because Mr McCreadie came in on the Monday. He had a meeting with me on the Monday morning and then I was told in the evening on that Monday that the appointment was not going ahead and I was to continue in the role.

**Mr WILKINSON** - Right.

**CHAIR** - I want to try to understand. Given that you had identified for the Premier certain issues that he ought to be aware of, nonetheless he announces in Parliament that Mr McCreadie is to be appointed as the acting commissioner. You have just gone about your duty, phoned the relevant people and let them know. Given that that then comes into place and you had a meeting with Mr McCreadie and it all seems to be in place and it is going to proceed, did you reflect on your conversation with the Premier? Did you form any opinion about the wisdom of having still proceeded, notwithstanding that you had alerted him to certain matters?

**Mr HINE** - There were a number of issues from an investigation side of things that were going on with Mr Johnston. I suppose my main concern was just getting on with business and to make it as seamless as possible. As you can understand, the weekend was full of telephone calls, a number of people had a number of concerns, there were lots of rumours flying around. My main concern was trying to settle things down as quickly as we could, to get on with business. I was aware that Mr McCreadie was not sworn in by the Governor and I had received no advice to the contrary so I still had those obligations under various acts of parliament as the acting commissioner. I was aware of that. Did I have time to reflect on those things? I think a lot of other people were reflecting for me. I had a job to do and I just had to get it on, get doing it as quickly as I could and try to settle the organisation and get on with business.

**Mr WILKINSON** - Did the Premier speak to you at all or was it only Mr Edwards to say that you were back in the position?

**Mr HINE** - That was Mr Edwards.

**CHAIR** - And no communication from anybody in the Premier's office or the department between the 16th when Mr McCreadie's appointment was announced until the 20th, the following Monday, when you were informed that you would be continuing on.

**Mr HINE** - No, there was no communication.

**Mr WILKINSON** - Has there been?

**Mr HINE** - I have certainly spoken to the Premier and it is about a number of issues and, again, it is just business as normal.

**Mr HALL** - Can you think of any reason why the Government would have wanted to stand you down in the first place?

**Mr HINE** - I suppose others were reflecting, Mr Hall, on those issues. There were lots and lots of rumours around in relation to it but again I suppose my main concern was just getting on with business. I had no evidence or facts to say why they wished to bring in another acting commissioner.

**Mr HALL** - Obviously it was of concern to you when it happened.

**Mr HINE** - I suppose there were lots of emotions going around but again it is one of those things in this business. It is about crisis management and you deal with the situation and the cards that you are dealt with.

**Mr MILLER** - There were a number of rumours circulating at the time that suggested that the service was -

**Mr WILKINSON** - If there is any rumour that can be substantiated we could probably listen to that, but as to rumours and speculation it is probably not going to get us far, unless you think otherwise, or unless you feel that it might be worthwhile mentioning in camera.

**Mr MILLER** - It is always a matter of weight. I would have thought that the rumours to some extent tied in with the Premier's subsequent comments that might have at least suggested that he had turned his mind to those issues.

**CHAIR** - That as a preface is reasonable.

**Mr MILLER** - The rumours being circulated were that the service was disunited and that Mr Hine was struggling as acting commissioner. A number of senior officers and I had ideas about where these stories might have been coming from. I should say that we did not think that there was any basis in them and that the service was quite united behind Mr Hine and it continues to be united behind Mr Hine, and Mr Hine was discharging the duties as acting commissioner admirably. At about that time, when the Premier made the announcement he referred to great stress being placed on Mr Hine and the fact that he was under stress. To my mind at least that tied in with these rumours and I remarked to a number of people that I was certainly working closely with Mr Hine and he had not been under any more or less stress than he had had since the commencement of the investigation into Mr Johnston and he certainly was not exhibiting any signs of stress. To my way of thinking there had not been any change at all in his demeanour or



performance, but there was a whispering campaign going around. The fact is we cannot source things, particular people have ideas about it but it was there. It was happening and Mr Hine was not the only one that was the subject of a whispering campaign. Other office holders were as well.

Just before Mr Hine leaves, I am not sure if the committee was interested, but Mr McCreadie did make some mention to Mr Hine of his intentions in regard certain issues upon his return. They were issues that I might refer to later. I am not sure whether you wanted to ask Mr Hine in relation to those.

**CHAIR** - I am reflecting on our terms of reference and the best practice for the appointment of individuals and we are talking about the aborted appointment of Richard McCreadie. Given that he was, for all intents and purposes, as far as he was aware and the Government was concerned, he was appointed, maybe, Darren, you can describe to us what happened on 20 October. We understand that Richard presented for duty, and on with business. Keys to the office? The vehicle?

**Mr HINE** - Yes, about mid-morning. I believe that he had contacted our asset management services and arranged his vehicle and all those things. He came into the office on that morning after, I gather, a meeting with the minister. It was about mid-morning and I got called into his office and we had a conversation. Yes, I assumed that he was the secretary of the department, but I was aware that he still was not sworn in, so he could not perform the role as acting commissioner, therefore I had to continue on as the acting commissioner, even though he did not say that, but there are obviously legislative requirements.

That was a little bit awkward in itself. He made a couple of comments that I thought were interesting about how he thought certain people did not run the Government or the department and he also made mention of a tit-for-tat investigation.

**CHAIR** - If there is anything to do with the proceedings against Mr Johnston, we will not be hearing those in open session.

**Mr HINE** - No, it was another issue.

**CHAIR** - Okay. The matters to which you refer a moment ago, Mark -

**Mr MILLER** - They were the matters that Mr Hine has just referred to in general terms.

**Mr LITTLE** - From an investigative perspective there were a range of general considerations that I was aware of but there were also a range of specific considerations that related to the ongoing investigation into Mr Johnston that were relevant in my mind to a determination of whether Mr McCreadie could have or should have come back. The DPP would have been aware of those concerns.

**CHAIR** - Okay.

**Mr DARREN HINE WITHDREW.**

**CHAIR** - We have had the historical circumstances regarding Darren's meeting with the Premier, and the Premier proceeded to announce the return or the appointment of Richard McCreadie. From a legal perspective, did you have some concerns about that announcement and, if so, what action did you take in terms of somehow alerting the relevant people?

**Mr MILLER** - I should say that the communication to the Premier was only in relation to one concern, but there were other concerns relating to the appropriateness of returning Mr McCreadie to the position. The concern that was raised with the Premier was the one that was unquestionable fact in terms of it being based upon a statement by Mr McCreadie and our knowledge of the DPP's considerations.

There were a number of other issues which were based on beliefs by certain people as to conduct that Mr McCreadie had engaged in and his intentions in relation to certain matters if he returned, and general issues. But the issue that was raised with the Premier at that point was basically the one - and quite frankly I thought it was enough. The fact that someone might be the subject of charges under the Criminal Code, quite frankly, I thought was enough at least to cause him to consult with the DPP.

Following Mr Hine's advice to me that the Premier in fact intended to go on and announce the appointment at 10 a.m. and had said that he wasn't going to discuss any issues with the DPP, I, of my own volition, contacted the DPP at about 9.20 a.m. on that morning, 16 October, to tell him that. I told him that Mr Hine had met with the Premier that morning and that, acting on my advice, he had told the Premier that there was a possibility that Mr McCreadie would face criminal charges and that he was encouraged to raise the issue with the DPP or to seek advice from him. Essentially it was to give an opportunity for Mr Ellis, at that late point, to endeavour to contact the DPP himself, which I understand he subsequently did but he will be able to assist you with that.

Now, beyond that, obviously when I looked the next day - and I must confess I hadn't turned my mind to, at that point, the issue of the legal validity of the appointment - I had real concerns as to whether, in fact, the reappointment of Mr McCreadie would be a valid one. That is one that would create, quite frankly, havoc if in fact it was later adjudged to be invalid.

**Mr WILKINSON** - Havoc because, I would imagine, a number of complaints issued under his name could be deemed invalid.

**Mr MILLER** - The service utilises a large number of delegations and they had all been redrawn - not all of them but certainly the critical ones had been redrawn under Mr Hine's hands - so they would effectively have to be redone under Mr McCreadie's hands. A whole range of statutory powers could be brought into question, some of them affecting quite serious investigations.

**CHAIR** - Can I go back to your phone to the DPP because of your concern for a legal perspective? What was Mr Ellis's response when you raised these matters with him - the fact that the Premier was still going to proceed?

**Mr MILLER** - I cannot recall the detail of it but I think he made it pretty clear to me that he was going to. Certainly the substance was that he had a firm view as to the appropriateness of Mr McCreadie returning and he would endeavour, in that time available before the public announcement, to prevent it happening. But the detail of it, I don't recall.

**CHAIR** - Mark, were you made aware or did you become aware that the Police Association had some concerns as to the legality and the application of the Police Service Act?

**Mr MILLER** - Yes, in fact, it was Mr Brazendale that made me aware of that the next morning. That was when I focussed my mind on that issue and sought the advice from the Solicitor-General.

**CHAIR** - Okay, so you sought his advice. His advice was to what extent?

**Mr MILLER** - It was that the Acts Interpretations Act provision could be relied on. So, in other words, the appointment could proceed.

**CHAIR** - And did you share that view that the Solicitor-General had provided to you?

**Mr MILLER** - No, certainly not. In fact, I spent some time on the weekend actually working back through the statutory provisions. I had my own understanding of the operation of the Police Service Act through working for a decade in the job and through working on the panel that was responsible for the development of the new act. There was no material difference between the provision under the old 1890 act and the new 2003 act. But, from a legal perspective to give opinion, I trawled back through all the provisions, both in the Police Service Act and the Acts Interpretation Act, and considered Mr Sealy's advice.

**CHAIR** - Are you aware as to whether the Solicitor-General subsequently advised the Government that there was no impediment from the perspective of the Police Service Act?

**Mr MILLER** - Certainly the advice provided to me was addressed jointly to Ms Vickers, who works in the Department of Premier Cabinet, so that advice would have flowed through. I do not know what transpired but, given the circumstances, I would expect that the written advice might have confirmed oral advice that the Solicitor-General provided concerning the issue. I don't know when DPAC first sought his advice.

**CHAIR** - So can you identify the date of that written advice?

**Mr MILLER** - The written advice to me was 17 October, which was in fact the same day I requested it, which of course is very speedy service but that suggested to me that there had been an earlier request for advice.

**CHAIR** - Whatever the case, there were differing legal opinions.

**Mr MILLER** - Oh yes, I accept that. Whether it is right or wrong, I accept that the Solicitor-General's advice prevails and the Government ought act on it. Notwithstanding, I

provided detailed written advice to Mr Hine on Monday and copied that to the Solicitor-General with a request that he review his advice in the light of my view of it.

**CHAIR** - On Monday 20 October, which was the same day that the Premier subsequently announced that he wasn't able to proceed.

**Mr MILLER** - Yes. It went first thing Monday. I had actually worked on it over the weekend.

**CHAIR** - So that was Monday 20 October. Mr McCreadie has presented for duty and subsequently been advised that the Premier wouldn't be able to proceed with that. So can we turn to Tuesday, 21 October? I presume you would have become aware of Tim Ellis's views about what had occurred. There was plenty of media comment about Mr Ellis's concern at the appointment.

**Mr MILLER** - I was aware that Mr Ellis had written to the Premier and, I understood, copied it to the opposition members of parliament, and I was aware that he had stated the fact that there were matters that made it inappropriate for Mr McCreadie to return. I was aware that the correspondence had indicated that the DPP was not prepared to discuss those issues with the Premier but with the Governor, and I was aware of media coverage which described the situation as perhaps a constitutional crisis or something of that nature. There certainly, from my perspective, seemed to be an impasse between the DPP and the Premier. I was concerned that there were a number of comments from the Government which were critical of the DPP, and I was concerned about the relationship between the Premier and the DPP. Indeed, I was concerned that there might have been the beginnings of some sort of move under the DPP act in relation to the tenure of the DPP, because there were other issues going on in relation to the DPP, other rumours going on, which suggested that there was some sort of campaign against him, to my mind.

**CHAIR** - Did you provide any advice to the Government or the Solicitor-General about those matters?

**Mr MILLER** - What I did, and again of my own volition - and I don't believe Mr Hine even knew until after it was done because I didn't want to involve him in it - I wrote to the Solicitor-General on 22 October, which was the Wednesday. I delivered it to him personally, and in the letter I referred to a number of allegations that I had heard suggesting that the DPP had played an inappropriate role in the investigation of Mr Johnston, what I would describe as a whispering campaign against the DPP. I referred to information suggesting that Mr McCreadie was being brought back to conduct an investigation into Mr Ellis. I alluded to the fact that I was aware of some comments made by Mr McCreadie which tended to corroborate that whether it was the Government's intention or not, that was certainly his intention. I basically made it clear that the DPP's role in the investigation was entirely appropriate, that in my view the decision by the DPP and his Assistant DPP, Mr Coates, to charge Mr Johnston was appropriate and that I knew nothing of anything that would warrant an investigation into his conduct. I did make the point that if anyone in government or anyone else had any information which suggested that there should be some sort of investigation, they should report the matter to Tasmania Police.

Finally, I confirm that I was aware of the matters of concern to the DPP in relation to the proposed appointment of Mr McCreadie and that I concurred with his view that they made it inappropriate for Mr McCreadie to return to office. I expressed the view that I did not believe that it was necessary for the Premier to know of those issues given that he had abandoned the appointment, but I was happy to inform the Solicitor-General of those. I did not set them out in the letter. I subsequently met with the Solicitor General and he read my letter and said, 'Anything you tell me I have to tell the Premier', and I said, 'That's fine'. I had no issue with that. I was not intending to suggest that I tell the Solicitor-General that he should keep it confidential. I expected and indeed it was entirely appropriate for the Solicitor-General to convey the substance of my letter and my conversation with him to the Premier, which I do not know but I would infer he would have. It was at that time that, if you like, there was some reconciliation between the Premier and the DPP. My perception is there was some misunderstandings on both sides as to the other party's actions or statements and I understand that a meeting was held on that Friday which cleared the air, if you like.

**CHAIR** - Friday the 24th?

**Mr MILLER** - Yes, that was my understanding of the meeting and in fact I think there were press releases at that time. It is unfortunate that the issues were not canvassed earlier because I have no doubt that if these issues had been canvassed earlier, the appointment would not have been far advanced and there would not have been any of this public coverage in relation to it.

**CHAIR** - But they were canvassed by Acting Commissioner Hine to the Premier.

**Mr MILLER** - Yes, if they had been canvassed with the DPP certainly because, as I say, there were other issues other than the possibility of criminal charges.

**CHAIR** - But as you said earlier -

**Mr MILLER** - One would have thought that was enough.

**CHAIR** - That one was enough?

**Mr MILLER** - Yes, one would have thought so.

**Mr HALL** - I asked Acting Commissioner Hine earlier on regarding the provision of files for this committee, if you recall. I asked whether he had heard any feedback on that provision. In your opinion, do you think that the provision of those files had anything to do with the replacement?

**Mr MILLER** - I just do not know. As I say, there was a story going around that the Government was not happy with Mr Hine for making the files available so readily. But that could be absolutely untrue. It could be absolutely true. I just do not know.

**Mr HALL** - Yes.

**Mr MILLER** - You have to bear in mind that at the same time, over the same period, Mr Johnston was charged so it was pretty clear to the Government at that point that he would

not be able to return to his duties for some considerable time. We also did hear some talk that the Government was considering bringing someone in from interstate over the top of Mr Hine. Whether it was linked to one issue or another or a combination of issues or none of them, I simply do not know. I would not like to speculate.

**CHAIR** - Colin, I understand that there may be matters that are sufficiently sensitive that ought be heard in camera. We will not be able to make a judgment about that, I suppose, but if you believe that would be appropriate, then clearly you would be aware that our Standing Orders facilitate the committee reporting. Notwithstanding that the matters may have been heard in camera, the committee is at liberty to make some judgments about that, but we would obviously come back to the people who have provided their evidence in camera. Is there anything that has not been covered that you feel ought be covered but in camera?

**Mr LITTLE** - I guess it has all been covered in a general sense. There are more specific considerations that arise as a result of Mr McCreadie's association with Mr Johnston and his involvement in the investigation as a witness that in my mind -

**CHAIR** - Okay. We need to then make a judgment as to whether that is germane to this particular inquiry about Mr McCreadie being appointed acting commissioner. They may not be. I suggest to the committee that we do resolve into an in-camera session and then we will make the relevant judgments about that.

**Mr TIM ELLIS** SC, DIRECTOR OF PUBLIC PROSECUTIONS, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Tim, thanks for your attendance in response to our summons. We have found the process today to be productive in that we have some questions we would like to put to you and we believe that will help us make our judgments about the appointment and the subsequent announcement by Mr Bartlett about not proceeding with the appointment of Mr McCreadie, and that goes specifically to the terms of reference related to senior public sector appointments and process, procedure and so on. Could you indicate to the committee the circumstances in which you came to understand that the Government intended to replace Mr Hine with Mr McCreadie?

**Mr ELLIS** - About 9.30 a.m. or maybe a little bit before 9.30 a.m. on 16 October, Mark Miller, the Police legal adviser, rang me to tell me that that was to be announced at 10.00 a.m. that day..

**Mr WILKINSON** - So it was the 15th?

**Mr ELLIS** - The 16th, sorry.

**CHAIR** - On the same day. The Premier subsequently did make the announcement in response to a question from Mr Best.

**Mr ELLIS** - Right. It was a Dorothy Dixer then.

**CHAIR** - Indeed it was.

**Mr WILKINSON** - Did you know before then?

**Mr ELLIS** - No.

**Mr WILKINSON** - Did you have any indication at all that it might happen and if so, how?

**Mr ELLIS** - No. It was put to me by Mr Miller again that those associated with Mr McCreadie and Mr Johnston were saying 'something big is going to happen'. That was about it.

**CHAIR** - So that was on the 16th. You hadn't been sought out by the Premier?

**Mr ELLIS** - No.

**CHAIR** - On past occasions, with regard to the appointment of a Commissioner of Police, if you'd been in the job on the past occasions, was your advice ever sought?

**Mr ELLIS** -No, not in the case of Johnston, anyway. He is the only commissioner appointed while I have been DPP.

**CHAIR** - We have just discussed with you your response as to Thursday 16 October when the Premier made the announcement in Parliament. Prior to that date, was it necessary or

did you advise anybody in Tasmania Police that there were outstanding inquiries in connection with Mr McCreadie?

**Mr ELLIS** - No. People in Tasmania Police knew - well, there were people in Tasmania Police who I had contact with who were investigating the Johnston matter and discussions were had by me and my assistant DPP, Mr Coates, concerning Mr McCreadie. Yes.

**CHAIR** - Can the committee reasonably assume that Mr Mark Miller who is the senior legal counsel in the Police Service would have been in possession of that same information prior to the 16th?

**Mr ELLIS** - Yes, I think so. Yes, I am sure he would be. I do not have a specific recollection of discussing it with him but I probably did.

**CHAIR** - So, on the day of the 16th, the day the Premier makes the announcement, consequential to a question posed to him by Mr Best, were you made aware of a meeting between Mr Hine and the Premier?

**Mr ELLIS** - No.

**CHAIR** - Or at any time, not on the 16th?

**Mr ELLIS** - I do not know whether it was on the 16th or before. I think, again, I was told by Mr Miller that there had been a meeting between the Premier and Mr Hine, which was around about the 16th, and that was the first Mr Hine knew about the appointment. I am not sure of the timing of when I was told. I might have even been told at the 9.30ish call that he had made.

**CHAIR** - That who made?

**Mr ELLIS** - That Mr Miller made to me to tell you.

**CHAIR** - To let you know that?

**Mr ELLIS** - An announcement was to be made.

**CHAIR** - Given that you were aware of - it was your department who would have been proceeding - possibly live matters relating to Mr McCreadie and given that you were further advised by Mark Miller of the Premier's intention to announce, what was your reaction? What did you do?

**Mr ELLIS** - - I telephoned Terry Field, who is the Premier's Chief of Staff. Do you want me to tell you what I told him?

**CHAIR** - Did Mr Field take your call at that time?

**Mr ELLIS** - No, he did not. It was at 9.30 a.m. that I tried to telephone him. I was told that he was on his mobile phone. It was not suggested that he was not in the office. I left a



message for him to call me back, please. I think it was urgently. I certainly wanted to speak to him before 10.00 a.m. But that did not happen.

**CHAIR** - Did he subsequently call you?

**Mr ELLIS** - He called me back at 10.42 a.m. and I wasn't available. I called him back shortly after that.

**CHAIR** - Are you aware that the *Hansard* of that day's proceedings records that Mr Best asked the question of the Premier at 10.35 a.m. and that Mr Bartlett concluded his answer at about 10.40?

**Mr ELLIS** - I haven't looked at the times that closely.

**CHAIR** - Okay, you've just indicated to the committee that Terry Field phoned you at 10.42.

**Mr ELLIS** - Yes, 10.42, because I had a message that I later translated to a file note.

**CHAIR** - A whole two minutes after Mr Bartlett concluded his announcement to the Parliament.

**Mr ELLIS** - Seems to be, yes.

**CHAIR** - I suppose the committee doesn't need to know of specifics, but in general terms, what did you advise Mr Field during that telephone call at 10.42?

**Mr ELLIS** - I said that there was evidence McCreadie had leaked in the same way that Johnston had, that if he was to be returned as commissioner there would need to be a consideration of further investigation of that and there would be at least a complaint under the code of conduct against him made by me, which was not available when he was not a police officer. Now the code of conduct is under a section of the Police Service Act and number 1 is to maintain appropriate confidentiality about information acquired in the course of the job. This applies to the police commissioner as much as to any other police officer. I said to Mr Field that his Government were fools not to have consulted me beforehand and were fools to have listened to Max Bingham, because I was quite persuaded that somewhere in there Max Bingham would have been involved.

**CHAIR** - Can I conclude from what you've just said, Tim, that Terry Field would have been in no doubt at all about the nature of your concerns from that telephone conversation?

**Mr ELLIS** - That's right.

**CHAIR** - So Mr Bartlett announced that Mr McCreadie was going to be installed as acting commissioner -

**Mr ELLIS** - Yes, and on the Sunday Mr Bingham gave a quote to the press about what a good thing it would be now that he could hold the fort.

**CHAIR** - And then on the Monday, of course - Monday 20 - Mr McCreadie had a meeting with the Police minister, subsequent to that presented at headquarters and proceeded to

go about the duties of I presume secretary of the department but also, to all intents and purposes, notwithstanding that he hadn't yet been sworn, as Commissioner of Police.

**Mr ELLIS** - Apparently so.

**CHAIR** - So on that Monday 20 October, did the Solicitor-General seek your formal advice about the announced appointment of Mr McCreadie?

**Mr ELLIS** - No, he never sought my advice in terms of legal advice. Something had happened with McCreadie's proposed appointment; I'm not privy to exactly what it was but it struck a snag and on that Monday the Solicitor-General presented me with a letter containing a very closed question - very closed - which admitted of a yes or no answer and said that the Premier insisted that I give him a reply by letter, which I did.

**CHAIR** - If it is not in any way going to impact adversely on the proceedings against Jack Johnston, can you indicate to the committee the nature of that closed question?

**Mr ELLIS** - Oh, yes. Can I read it?

**CHAIR** - Yes, please.

**Mr ELLIS** - This has been tendered in public hearings and might have even been tabled in your hearing or another one, but it's been on the table.

**CHAIR** - Not here.

**Mr ELLIS** - It's been tabled in Parliament in the lower House, so there's no trouble about these letters. I can hand you the letter from the Solicitor-General. It says:

'I am advised by the Premier, the Honourable David Bartlett MP, that it is his intention to advise His Excellency the Governor to appoint Mr Richard McCreadie, the former Commissioner of Police, temporarily to the offices of Commissioner of Police and Secretary of the Department of Police and Emergency Management.'

And this is the closed question here -

'In those circumstances I am instructed to seek your formal advice whether there are any matters which are known to you and which, if true, would prevent the Premier from properly so advising His Excellency. Your urgent response to this request would be gratefully appreciated.'

**CHAIR** - As you have indicated the closed nature of that just simply requires you to say yes or no.

**Mr ELLIS** - Yes or no, that is it.

**CHAIR** - Are there any matters known to you?

**Mr ELLIS** - Which if true?

**CHAIR** - Yes.

**Mr ELLIS** - Yes. I might say too at this point, of course, my call to Field was entirely private, not a public matter. The discussion in the letter between me and the Solicitor-General was entirely private, not a matter that I had chosen to make public at all.

**Mr WILKINSON** - In relation to the answer you wrote back, was that also made public, the letter that you wrote back?

**Mr ELLIS** - It was eventually when my position was misstated by the Premier in Parliament the next day.

**Mr WILKINSON** - So when you say 'eventually', when was it?

**Mr ELLIS** - The next day.

**Mr WILKINSON** - And the answer was?

**Mr ELLIS** - The answer was, I am asked whether there are any matters of which I am aware which, if true, would make it inappropriate for the Premier to recommend the appointment of Mr Richard McCreadie as acting commissioner of police, the answer to that is yes. I went on, probably unwisely, I did not need to go on but, 'I have reason to believe that the links between the Premier, Mr McCreadie and Mr Johnston are close and current links. I am not at this point prepared to discuss the matters affecting my answer with anyone except His Excellency the Governor, should His Excellency so wish.'

The letter I got referred to advice to His Excellency. The answer I gave was in terms of the closed response. I said links, not relationship or face-to-face contact. I used that carefully. I was not saying, as has been misinterpreted in that, that it was because of those links that it was inappropriate. I was saying that I knew of matters which, if true, would make it not appropriate but I was not prepared to say what those matters were.

At that point, of course, Johnston had only just been charged. He had not been supplied with documents except by taking his lawyer through them.

**Mr WILKINSON** - He stepped down on 14 August.

**Mr ELLIS** - Yes, but he had only been formally charged on 14 October. He stepped down -

**Mr WILKINSON** - While under investigation.

**Mr ELLIS** - Yes. So he had not had a supply of the documents of the investigation, therefore Mr McCreadie had not had those later, even though McCreadie is a witness in that case and he has been given total access to everything apparently.

Anyway, there is my reply. There is another paragraph. I will read it into the transcript if you like.

'I appreciate that the Premier is accordingly without sufficient information to agree or disagree with my view. As to the appropriateness of the proposed appointment, as to that dilemma which others which his precipitate announcement has posed for the administration of justice, I need to consider further.'

Thinking of course about the McCreadie matter.

**Mr WILKINSON** - Therefore, in summary, you first heard that the appointment might be made on the morning of 16 October. You endeavoured to contact the Premier to speak with him prior to any comment being made by him in Parliament.

**Mr ELLIS** - I did not expect to speak to the Premier directly. I expected Terry Field was close enough placed to be able to communicate it.

**Mr WILKINSON** - You expressed urgency in relation to that and the first you heard back was at 10.42 a.m. You were unable to speak with Terry at 10.42 a.m. so you rang back a short time afterwards.

**Mr ELLIS** - Yes.

**Mr WILKINSON** - Did you have any other conversation between 16 October and 20 October about the letters that you sent.

**Mr ELLIS** - With government? No, nothing.

**Mr WILKINSON** - Did they make contact with you at all?

**Mr ELLIS** - No.

**Mr WILKINSON** - Did you endeavour to make contact with them at all?

**Mr ELLIS** - No, I drew the obvious conclusion.

**CHAIR** - Go back to 16 October, the day the Premier made the announcement or more specifically answered the question. Were you aware that the acting police commissioner, Mr Hine, had alerted the Premier of a need to speak with you before the Premier made such an announcement?

**Mr ELLIS** - No, I was not aware of that on that day.

**CHAIR** - Have you subsequently become aware of it?

**Mr ELLIS** - Yes.

**CHAIR** - When did you become aware of that?

**Mr ELLIS** - Only very recently. There have been discussions with Mr Coates, I think, who briefed Mr Hine for some purpose to do with the Johnston trial.

**CHAIR** - What was your reaction?

**Mr ELLIS** - It confirmed what I had concluded, namely that the Government were not in the least concerned that the police commissioner might be leaking and in fact seemed to probably or maybe even want that as a quality.

**CHAIR** - As you have already testified, you told Terry Field that the Government were fools.

**Mr ELLIS** - Yes. 'Fools' is the word used.

**CHAIR** - Was that view of yours reconfirmed by the fact that you had discovered that Mr Hine had alerted the Premier to matters that we needed to discuss with you before?

**Mr ELLIS** - Yes. I was telling Terry Field that one of the very early things that would be done would be the same sort of mess that we had just got into - not interested.

**CHAIR** - And I can only presume - correct me if I am wrong - that had the Premier taken Acting Commissioner Hine's advice that it would be prudent to speak with you before any announcement, you would have alerted the Premier personally to that?

**Mr ELLIS** - Yes, and there would have been none of this publicly. As we will see as we go on, there was still always that option to do it in a more considerate manner rather than hanging me and Mr McCreadie out to dry. It was not taken.

**CHAIR** - In correspondence between yourself and the Solicitor-General, you, I recall from some documentation that we have before us, shared that with the Leaders of the Greens and the Liberals.

**Mr ELLIS** - I did.

**CHAIR** - What was your reason for doing so?

**Mr ELLIS** - I was listening to the broadcast of Parliament that morning, 21 October. The Solicitor-General had, I think, by that time given me already another letter wanting me to elaborate on matters I raised. As I was listening to Parliament, I heard the Premier say that I had advised him it was inappropriate to appoint Mr McCreadie, which had not been the case, and that 'He will not tell me the reasons. I do not know why he will not.'

Well, two reasons. He did not ask and he knew he did not ask for the reasons, quite carefully. And any way, I had gratuitously said that the links were close and current and I was not prepared to tell him the reasons.

**CHAIR** - Isn't it true, though, since you have subsequently found out and it has been evidenced to this committee in the open session, that Acting Commissioner Hine had already alerted the Premier to the need to speak with you because of possible criminal proceedings? That is all. He did not comment on whether it was going to be appropriate to appoint Mr McCreadie or not. So then - I think the committee will be interested and you have just indicated that it is a matter of the public record - the Premier's answer in Parliament was that he did not know because you would not tell him. But he had already been advised by Mr Hine.

**Mr ELLIS** - That is right, he has been advised by Mr Hine, but he did not know why I would not give him the reasons. He did not ask. He had not asked for the reasons. In any event, he was told why he would not be getting them, had he asked.

**CHAIR** - We are talking about Tuesday, 21 October now. It is a parliamentary day. Were you attended in your office on that day by the Solicitor-General and Rhys Edwards?

**Mr ELLIS** - No, the next day, Wednesday, 22 October.

**CHAIR** - What was the purpose of that meeting?

**Mr ELLIS** - By the late evening, I think it was, on 21 October. I had sent my letters to the Leader of the Opposition and Leader of the Greens in order that the parliamentary record be corrected and Parliament not be misled. I discussed with them the receipt of that and what I heard. In the evening, or later in the day at least, the Premier had gone into Parliament. I could see that on *Hansard* and I think might have made it public that I had falsely alleged there was a relationship in the sense of meetings with Johnston and McCreadie. Well, I have never done that. I have alleged that there were links. I can detail those links in camera or in public but they were certainly there. Now, that is a word chosen carefully. It was never about face-to-face contact. It was about links and the passage of information, if I were to give it to the Premier, back to Johnston and McCreadie at a time when there had to be some thinking done, certainly about Mr McCreadie.

I learnt from the Solicitor-General that this has been misused. This was not my point, and a meeting was arranged for the next morning. I think that is how it went. I am not quite sure of the mechanics of it but, anyway, by the next morning I had written a letter on my computer at home basically with a position statement. I do not still have that. I have deleted it. I met with the Solicitor-General in my office for that purpose. Mr Edwards was there. We were all on the eighth floor. The Solicitor-General's office is just down the corridor from mine and Mr Edwards was in that office. I gave the Solicitor-General my letter which made it absolutely clear that I was not alleging face-to-face contact or any corrupt arrangement but that there were links. He relayed that letter to Mr Edwards in his room. Mr Edwards had that in his hands by 9.30 a.m. that morning of Wednesday, 22 October - and sent the Solicitor-General out again. He was not happy with some form words but also said he did not want to have the letter so he gave the letter back to me because he does not want the Premier to have the letter and be called on to table it. It is this deniability strategy still, I presume.

**CHAIR** - Did he undertake to draw to the Premier's attention the content of the letter nonetheless?

**Mr ELLIS** - No.

**CHAIR** - Did you suggest that it would be prudent?

**Mr ELLIS** - Yes, it was perfectly obvious. I did not know what was going to happen at 10 a.m. I did not know that there was a strategy, as there clearly was, for the Premier to go into Parliament at 10 a.m. and tip the bucket on me under parliamentary privilege.

At 10.05 a.m. Mr Edwards had a form agreeable still to me and the Solicitor-General, as the earlier one had been, and by this time agreeable to him but he had taken no steps it seems to convey that to the Premier in any way. I know that messages can be passed in Parliament. I know that the Premier, up to 10 o'clock, must have been available by mobile phone to his secretary and yet none of that was done. The attack on my integrity under parliamentary privilege took place.

**CHAIR** - So that was on Wednesday, 22 October.

**Mr ELLIS** - Yes.

**CHAIR** - So the meeting you had with the Solicitor-General while Mr Edwards was in the Solicitor-General's office down the corridor concluded at what time?

**Mr ELLIS** - 10.05 a.m. As I say, by 9.30 a.m. Edwards had had it in his hand and given back a letter clarifying the position.

**CHAIR** - That means that because the meeting concluded at 10.05 a.m., Parliament had commenced.

**Mr ELLIS** - Parliament had commenced, yes.

**CHAIR** - So Mr Edwards, can I presume, would not have had a chance to talk with the Premier prior to -

**Mr ELLIS** - He had the chance from before 9.30 a.m., when he knew the true position, to 10 o'clock. He had the further chance to pass the message before the attack took place at about 11 o'clock or later.

**CHAIR** - 10.11 a.m., I thought, in the *Hansard* report on 22 October. Are you further aware then, Tim, that when the Premier made that contribution in the House that he clearly indicated that he had not been briefed on your meeting that morning by Mr Edwards?

**Mr ELLIS** - No, Mr Edwards had deliberately not done so, in my view.

**Mr WILKINSON** - Was there anything said further in Parliament relaying the contents of the letter that you gave to Mr Edwards to Parliament, clearing up some issues that you believed it may clear up, that day or the next day?

**Mr ELLIS** - No, I do not believe so.

**Mr WILKINSON** - What happened after that, as far as your meetings with Mr Edwards or -

**Mr ELLIS** - It was agreed that the Premier and I would meet on the Friday.

**Mr WILKINSON** - How did that come about?

**Mr ELLIS** - I think it is fair to say the Solicitor-General negotiated that as a peace-keeping move.

**CHAIR** - Friday, 24 October, Tim; is that correct?

**Mr ELLIS** - Yes.

**Mr WILKINSON** - That took place?

**Mr ELLIS** - Yes.

**Mr WILKINSON** - Who was present at that?

**Mr ELLIS** - The Solicitor-General, Mr Edwards, the Premier and myself.

**Mr WILKINSON** - No doubt the letter was discussed?

**Mr ELLIS** - Quite a few things were discussed. I would prefer to keep it, especially between the Premier and me, confidential. There was something discussed between Mr Edwards and me - quite a few things as well.

**Mr WILKINSON** - At the meeting, did Mr Edwards or the Premier provide you with any insight as to how the idea of replacing Mr Hine with Mr McCreadie arose?

**Mr ELLIS** - Yes, certainly. Mr Edwards said he consulted people. I said, 'That means Max Bingham, doesn't it? He said, 'In the early stages'. That confirmed my belief. I also said to him, 'And you asked Damien Bugg, didn't you?'. He was taken aback about this but Mr Bugg had told me about that in the days previously. He said that Edwards had asked him what he thought and he thought it would not be a bad idea, but as he said to me, 'I thought then that McCreadie and Johnston were still enemies, as had been the case when I was DPP'. He had not realised that position had changed.

**Mr WILKINSON** - So Mr Edwards was saying that from conversations he had with other people they thought it would be a good idea.

**Mr ELLIS** - They were the only two mentioned. I basically advanced both of them. He did not advance any others.

**CHAIR** - What matters did you raise with Mr Edwards at that meeting?

**Mr ELLIS** - I told him my grievance that he deliberately did not communicate with the Premier that the attack on me was going to be based on a completely wrong foundation. He said, 'I could not contact him'. I said, 'That is absolutely untrue. You could have passed the message to him if he was in Parliament and anyway you had from 9.30 a.m. to 10.30 a.m. to ring him and you did not.' He had no answer to that.

**CHAIR** - So when did Mr Edwards leave 15 Murray Street on that day?

**Mr ELLIS** - Probably 10.15 or 10.30 a.m., no great rush.

**CHAIR** - So he could have grabbed a phone in your office and phoned through the advice?



**Mr ELLIS** - Yes, if he did not have a mobile phone on him.

**CHAIR** - Yes. Nothing has come of these matters to this time?

**Mr ELLIS** - How do you mean?

**CHAIR** - With regard to the matters which were under consideration against Mr McCreadie at the time?

**Mr ELLIS** - No.

**CHAIR** - Nothing has come of those matters? Why is that so?

**Mr ELLIS** - Mr Coates and I have discussed that position. We have not sought to advance it at the moment because the law is unclear and there was a ruling in the Johnston case. That is subject to an application for special leave to appeal. Obviously, as Mr McCreadie never became a police officer again, no code of conduct complaint can be legitimately made. There is basically not a lot of need to advance that now the evidence has been made public, to an extent, in Johnston's preliminary proceedings. He chose to make that public. He chose to examine Mr Llewellyn and examine Mr McCreadie.

**CHAIR** - I am satisfied that the committee has investigated the situation with you to satisfy ourselves about the circumstances surrounding Mr McCreadie's appointment.

**Mr ELLIS** - This is not an attack. Can I just make it clear: Mr McCreadie has been reported as saying that I have had 12 months to make these reasons public. As you have heard, I have never been asked to by the Premier. I was never asked, 'What were the reasons?'. I do not expect to be asked now, but I have never been asked by McCreadie either. About three or four weeks ago I was walking down Elizabeth Street and he was outside his wife's hair product shop and saw me coming and ducked inside. He could have asked me then and I would have been happy to tell him face to face.

**CHAIR** - Thank you very much, Tim.

**Mr ELLIS** - Thank you.

**THE WITNESS WITHDREW**

**Mr RHYS EDWARDS**, SECRETARY, DPAC, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Harriss) - We are investigating the Premier's announced intention for the Government to appoint Richard McCreadie as the acting commissioner and the subsequent announcement by the Premier that it was impossible for him to proceed. They are the issues we will be visiting with you today. We will want to proceed by asking you a range of questions. We are trying to develop the chronological process that was undertaken. We note that you have appeared here as a result of an invitation to the committee. We appreciate that and the fact that you didn't require a summons. We think it is appropriate to note that.

**Mr WILKINSON** - We have questions solely surrounding the 'appointment' and 'dismissal' of Mr McCreadie.

**Mr EDWARDS** - Okay.

**CHAIR** - With those opening remarks, we will clear the room because we do need to discuss a matter with Rhys in camera. But it should only take a few minutes.

**CHAIR** - We are now back in public session.

**Mr WILKINSON** - Rhys, we are talking specifically in relation to the appointment or otherwise of Richard McCreadie in relation to the acting commissioner's job and also what led up to that appointment and what occurred after the appointment was originally announced in Parliament until it was announced on the 20 October or thereabouts that it would not be taking place. When exactly did you become aware that the Government was first considering the proposal that Mr Hine should be replaced by Mr McCreadie?

**Mr EDWARDS** - I think it would have been the week at the beginning of October.

**Mr WILKINSON** - So the first week in October.

**Mr EDWARDS** - First or second week, yes.

**Mr WILKINSON** - In relation to that appointment, why was it considered necessary to, first, say to Darren Hine that he should be put on ice, so to speak - I think they were the words used - as opposed to allowing him to continue in the acting role?

**Mr EDWARDS** - I hadn't heard those words but they may well have been used. If you are seeking the intention of the Government then you really need to ask the Government, as such, but I can certainly give you my view about why such an appointment might have been considered, but take into consideration that is my view about that.

**Mr WILKINSON** - I think we are going to be at odds because the evidence that I would like is in relation to what you knew about it, as opposed to what your speculation in relation to it was.

**Mr EDWARDS** - Okay.

**Mr WILKINSON** - Some others might want to ask questions in relation to what your views were but I am looking at the cold, hard evidence at the moment.

**Mr EDWARDS** - I think you will find in the *Hansard* for the Assembly that the Premier talked about his thoughts about why this might happen, and certainly spoke to people, including myself, about it.

**Mr WILKINSON** - And that was in the second week in October?

**Mr EDWARDS** - I suspect it was some time in the second week of October, yes.

**CHAIR** - Which is the week before Parliament sat and the Premier made the announcement on 16 October.

**Mr EDWARDS** - So it would have been in the week leading up to 16 October.

**Mr WILKINSON** - Were you asked to make any inquiries as to who would be an appropriate person to fill the position?

**Mr EDWARDS** - I wasn't asked to make inquiries but I had a view about McCreadie. I can give you the context about the thinking, at least from my perspective, and that should help inform you. I think it has to do with issues around organisational capacity, some issues around continuity and also, at the end of the day, availability. This was incredibly unusual for me. I was recently appointed Secretary of Premier and Cabinet with a recently appointed Premier, and you had an unprecedented circumstance. You had the police commissioner charged with a crime and stood down. So the issues in discussion were about how you preserve the capacity of the police force through that process. People seemed to take the intention to appoint McCreadie as a slight on Darren Hine and it certainly wasn't thought of in that way.

If I think about my own organisation, if I lost the person at the top, yes, the 2-IC can step up to the plate, but you still lose a large amount of organisational knowledge and capacity. If you think about the police force, it was only five or six months earlier that McCreadie had retired and you had the elevation of Jack Johnston and the elevation of Darren Hine to deputy. So if you then lose Jack Johnston in the space of six months, you have lost two very longstanding, long-serving police officers. Their combined experience must be over 60 or 70 years' worth of policing. So, in my mind at least, it was around organisational capacity.

When you think about the availability aspect too, if you didn't have a recently retired commissioner who had been held in good regard available to come and step back in then maybe a temporary appointment would not have been thought about. You might have said, 'It's not the greatest thing but we'll just have to muddle through and do with the resources we have'.

**Mr WILKINSON** - Did the police give you any indication that they were struggling?

**Mr EDWARDS** - No, but remember that organisations are very adaptable. Public service organisations have good succession planning and those sorts of things, but it is fairly unusual to have transition from a retirement of a CEO to a new CEO - always a time of great change. So to have a retirement and change of CEO, then to have your CEO stood down, is a considerable challenge to an organisation, regardless of whether the police came and told me about that or not.

**Mr WILKINSON** - It had already been two months that Darren Hine was in the position. I think Jack Johnston stood down on 14 August, so these discussions when the seed was first sown would have been in the first or second week in October. So if those decisions were to be made two months earlier, or a month earlier even, would that have been a better time to make it rather than two months after Darren Hine had already been in the position?

**Mr EDWARDS** - I think Jack was formally charged, though, in October, so the Government was told that he was under investigation and he stood down, but he wasn't charged until October so I don't think we would have done that. I don't think it would have been in anyone's mind about replacement until he was actually -

**Mr WILKINSON** - I understand that. Who made the original suggestion to inquire as to whether Mr McCreadie would be able to slip into the position?

**Mr EDWARDS** - I don't know. I had certainly had discussions with the Premier about the fact that one option was to find someone to stand in. I think this comes back to the availability question. There was a recently retired police commissioner and we should see whether he was interested in that. That is in effect what I did; I contacted McCreadie.

**Mr WILKINSON** - Were you tasked with the project of endeavouring to find a person or alternatively tasked with the project of seeing whether Mr McCreadie would be available?

**Mr EDWARDS** - I was asked whether I would talk to McCreadie to see if he was interested.

**Mr WILKINSON** - When did that occur?

**Mr EDWARDS** - I met with McCreadie on Tuesday, 14 October.

**Mr WILKINSON** - In all these jobs, I suppose, people do their homework to see whether the person whom they have in mind is an appropriate person or would be an easy transition into the position. Did you speak with anybody in relation to whether Mr McCreadie should be in that position - such as the DPP?

**Mr EDWARDS** - I did not speak with the DPP and it is not usual. Then again, I had only been the secretary for five or six months and I had never been involved in a process to appoint a police commissioner or a process to stand down a police commissioner, but it is not usual in any senior appointment that I have been involved in that we would ask the DPP.

**Mr WILKINSON** - Did you ask any previous DPPs?

**Mr EDWARDS** - I had a conversation with a former Commonwealth DPP, Damien Bugg, about whether McCreadie - I did not know Richard McCreadie personally - would be a suitable person for undertaking the job.

**CHAIR** - For the record, Damien Bugg was also the Tasmanian DPP.

**Mr EDWARDS** - He is also Chancellor of the University and I sit on the University Council so he is a person who is known to me and whose opinion I would respect.

**CHAIR** - When did you ask Damien Bugg?

**Mr EDWARDS** - I would imagine sometime in the lead-up to having a meeting with Richard McCreadie, in that week leading up to 14 October.

**CHAIR** - You indicated that the discussions first started some time in the first week of October?

**Mr EDWARDS** - I think so. I know I met with McCreadie on - I have written down here - 14 October.

**CHAIR** - Which is the same day Mr Johnston was charged.

**Mr EDWARDS** - Yes, although I would not have known on what day Mr Johnston was charged.

**CHAIR** - No. Are you aware that this committee summonsed documents from Acting Commissioner Hine on Thursday, 2 October?

**Mr EDWARDS** - No.

**CHAIR** - You are not aware of that as we speak?

**Mr EDWARDS** - I saw an ABC news report that in some evidence given today by Mr Miller - I think it was Mr Miller - it was about having a negative view of Darren Hine because of the provision of documents to this committee, but I was never aware of police files being given to this committee until, I think, after the evidence given with Lisa Hutton, whenever that occurred.

**CHAIR** - I think from memory she was the first person who raised it. We just said we did not comment because there was a confidentiality cover over that.

**Mr EDWARDS** - But the police would never have talked to me about whom they had given police files to.

**CHAIR** - No, I am not suggesting they needed to speak with you; I am asking whether you were aware.

**Mr EDWARDS** - No.

**Mr WILKINSON** - So you spoke with Damien because of your connection with him -

**Mr EDWARDS** - Because he had been Tasmania's DPP. One of the things about my career in the public sector here is that it hasn't, at the most senior levels, overlapped the careers of people like Richard McCreadie and Jack Johnston and others. I did not have any personal knowledge of or relationship with them so I sought out someone who I thought would.

**Mr WILKINSON** - Did you speak with any other people, or they contacted you or made contact with the Premier that you were aware of?

**Mr EDWARDS** - Not that I can recall. I would have probably discussed it with the Police minister or former police ministers in the current Government, but I don't recall any specific discussions about it.

**Mr WILKINSON** - Max Bingham at all?

**Mr EDWARDS** - No. In preparing for here I looked in my diary. I took a phone call from Max Bingham at some stage where I think he phoned me to express his concern about what was happening with Jack Johnston.

**Mr WILKINSON** - Remembering as best you can, you spoke with maybe some previous Police ministers - who?

**Mr EDWARDS** - Llewellyn and Cox.

**Mr WILKINSON** - Did you speak with Jim Cox?

**Mr EDWARDS** - I thought I would have done.

**Mr WILKINSON** - Do you know for a fact whether you did or not?

**Mr EDWARDS** - I can go back and check. At the time most of my discussions were with the Premier. This was an idea. I would talk to McCreadie about what we thought and whether he was interested or not. Then, as I said, I talked to Damian Bugg about it and then my task was to see if McCreadie was interested and, if so, then those discussions could continue at the next level.

**Mr WILKINSON** - Did you speak with Gerald Jones at all?

**Mr EDWARDS** - No.

**Mr WILKINSON** - So you were tasked with speaking with Richard to see whether he would be available; when was the first time you spoke with him?

**Mr EDWARDS** - That was Tuesday, 14 October.

**Mr WILKINSON** - Was he told that he had the job?

**Mr EDWARDS** - No. My discussion with him was to see whether he would be interested in taking that on.

**Mr WILKINSON** - And his reply?

**Mr EDWARDS** - He said at the time he would have to talk to his family. He said he'd have a think about it. He said he wasn't opposed to the idea. He thought it might be something he'd be interested in but he'd really need to talk to his family.

**Mr WILKINSON** - Did he tell you there could be any impediments to it?

**Mr EDWARDS** - No, not in the meeting with me.

**Mr WILKINSON** - Any impediments, such as the police association might not be too susceptible to it or there might be some argument from the DPP or something like that?

**Mr EDWARDS** - Not that stands out. We may have talked about the view of the police association on his appointment but it wouldn't have been a matter of much issue.

**Mr WILKINSON** - So I take it you had the one phone call with him?

**Mr EDWARDS** - No, we had a meeting. He came to my office.

**Mr WILKINSON** - And on 15 October obviously you made contact again?

**Mr EDWARDS** - I don't think he spoke to me. I think he spoke to the Premier's office to say, 'Yes, I'm interested', and the next step was to organise a meeting with the Premier.

**Mr WILKINSON** - What happened as far as your involvement from 14 October onwards?

**Mr EDWARDS** - My involvement was to have a meeting with McCreadie to see if he was interested. Given that he was, I passed it on so that an appropriate meeting could be set up between the Premier and McCreadie.

**Mr WILKINSON** - He didn't speak with you on 15 October?

**Mr EDWARDS** - He may have called me to say, 'Yes, I'm interested', but I don't think he did. I think he made that call to the Premier's office or the Premier.

**Mr WILKINSON** - Do you know when you next became involved? Obviously you had a number of things going on; you were new in the job.

**Mr EDWARDS** - Involved in what exactly?

**Mr WILKINSON** - In the process of the appointment. It would seem you didn't speak with him on 15 October; he spoke with the Premier. Were you made aware of the discussions in the meeting he had with the Premier on 15 October?

**Mr EDWARDS** - I was aware that he was meeting with McCreadie but that was the extent of it. I was aware that the Premier was going to meet with Darren Hine - I think on Thursday, 16 October - to inform Darren of his intention. This was the subject of some discussion last time we meet. I took a phone call from Darren Hine, I think on the night of Wednesday, 15 October, in relation to a story that was going to run in the *Examiner* about the potential appointment of McCreadie.

**Mr WILKINSON** - Did you speak with Darren Hine at all about Richard's appointment?

**Mr EDWARDS** - I took that phone call from Darren Hine -

**Mr WILKINSON** - Prior to the decision being made, did you speak with him about the suitability or otherwise of it?

**Mr EDWARDS** - No.

**Mr WILKINSON** - Did you know what the terms of the agreement were going to be with the Government and Richard in relation to his coming back? Was it just to be for the duration of the Jack Johnston court matters? Was it to be for a fixed period? Are you able to enlighten us on that?

**Mr EDWARDS** - My discussion with Mr McCreadie was that the Government was considering appointing if McCreadie, if he was interested, for the period of time in which the issues around Jack Johnston would take to get resolved - something like that. This is



why we were doing it and even if they did get resolved one way or the other, then you would not need the services of a temporary commissioner. Although, presumably you might have someone in place while you ran a process around conducting interviews for a new commissioner, ultimately, if Mr Johnston did not return to the job.

**Mr WILKINSON** - So you would have been aware that the Premier met with Richard on 15 October 15?

**Mr EDWARDS** - Yes.

**Mr WILKINSON** - You were not a party to that meeting, as we have already stated. What happened after that, as far as your involvement was concerned?

**Mr EDWARDS** - The next step was the Premier announcing his intention to appoint McCreadie as acting commissioner, which was on Thursday, 16 October.

**Mr WILKINSON** - Was the Minister for Police and Emergency Services included in the process once Mr McCreadie stated that he had had that meeting with the Premier?

**Mr EDWARDS** - I am sure the Premier discussed it with his Cabinet colleagues.

**CHAIR** - In regard to that can I rewind? In answer to an earlier question from Jim as to the people with whom you may have discussed the Premier's action to appoint Mr McCreadie, you indicate that you may have discussed it with the relevant minister, who would have been Mr Cox at the time. You said that you might have even discussed it with former ministers but you would be able to check your diary and inform the committee of that.

**Mr EDWARDS** - I would.

**CHAIR** - I suppose my only concern there - and it is not a criticism, it is a concern - is that we were quite specific in our letter to you as with everybody else, to bring with you to the hearing any document, including diary entries and file notes in your possession that may assist the committee with its inquiries. Do you have them?

**Mr EDWARDS** - I would not have had a formal meeting with the Police minister or former police ministers. You asked me earlier about the people I discussed it with and I said that I definitely discussed it with Damien Bugg. I may have discussed it with the Police minister. I never sought a particular meeting to discuss the issue. This was about the process leading up to the Premier deciding to go ahead with the intention. I would not be surprised if I discussed with those gentlemen, but I have reviewed my diary, as requested, and I did not meet with Minister Cox. I am in and out of Parliament and see ministers all day, every day.

**Mr WILKINSON** - Just as we had a discussion in the carpark on Monday or Tuesday or whenever it was. I have not diarised but it was not a formal meeting.

**Mr EDWARDS** - That is right.

**Mr WILKINSON** - But, do I understand that if you came across these people in your day-to-day work, you may have discussed it with them?

**Mr EDWARDS** - Yes. I may have said, if we were thinking of appointing a temporary commissioner, what was Richard McCreadie like?

**CHAIR** - No, that is fine. It is just that when you indicated that you could go back and check.

**Mr EDWARDS** - I have no meeting record of meeting with the Police minister.

**CHAIR** - You had indicated to Jim that, as far as you were aware, the Premier would have alerted the Police minister to the intended appointment of McCreadie. Are you aware of anybody in the minister's office making inquiries as to the rumours surrounding Mr McCreadie's return?

**Mr EDWARDS** - No.

**Mr WILKINSON** - Are you aware that Gerald Jones, on the fifteenth, phoned Darren Hine to ask about the rumours circulating about Mr McCreadie's return? Gerald Jones, of course, is Senior Private Secretary to Minister Cox.

**Mr EDWARDS** - No.

**Mr WILKINSON** - In relation to you contacting Darren Hine, I understand that contact was had on 15 October, is that right, by phone?

**Mr EDWARDS** - Yes.

**Mr WILKINSON** - You contacted him or did he contact you, which way was it?

**Mr EDWARDS** - My recollection is that he contacted me to say, 'Was I aware of a story running in the *Examiner* that the Government was intending to appoint Richard McCreadie.'

**Mr WILKINSON** - Your answer to that?

**Mr EDWARDS** - Which I have given in evidence previous to this committee was, 'No, I was not aware of the story running in the *Examiner*.' My recollection is that Darren said, 'Do you know what's going on?' I said, 'If an appointment is to be made around a temporary commissioner, the Premier would discuss it with you.' I think later that night arrangements were made for a meeting between Darren Hine and the Premier. I think that happened on Thursday, 16 October.

**Mr WILKINSON** - Did you make that appointment for the Premier or was that -

**Mr EDWARDS** - No, I mention in my diary that the appointment secretary to the Premier made it.

**Mr WILKINSON** - Would it not be your position to say, 'Yes, we are making inquiries as to whether Richard McCreadie could become the acting commissioner'; or, alternatively, 'Yes, we are considering appointing him acting commissioner?' Was that your job to say that or another person's job?

**Mr EDWARDS** - No, I wouldn't consider it my role. Appointments of Police commissioner are made on advice to the Governor and, as in *Hansard*, the Premier had been discussing that with his Cabinet colleagues in advance of the finalisation of any of those discussions and the decision by the Premier. It certainly wouldn't have been my role to talk to the acting commissioner.

**Mr WILKINSON** - You were aware at that stage that the cat was out of the bag, so to speak -

**Mr EDWARDS** - I was aware that the *Examiner* was running the story.

**Mr WILKINSON** - As a result of that, did you have anybody contact the Premier to say, 'The story's going to be in the papers the next day. Somebody should be contacting Darren to let him know what's going on' or 'Somebody should be contacting the police association to let them know what's going on'? Did that process occur? If not, why not?

**Mr EDWARDS** - Not by me, but the Premier did meet with Mr Hine - he met with him the next morning.

**Mr WILKINSON** - Did you have any contact with the Premier after the phone call with Darren?

**Mr EDWARDS** - I don't think so, no. The Premier was in Parliament when I took the phone call and he would have been tied up with parliamentary business.

**Mr WILKINSON** - And this was on 15 October?

**Mr EDWARDS** - This was on Wednesday, 15 October.

**Mr WILKINSON** - Or the 16 October?

**Mr EDWARDS** - No, the phone call was on Wednesday 15 October, towards evening.

**Mr WILKINSON** - Do you know what time?

**Mr EDWARDS** - No, towards the end of the day, though.

**Mr WILKINSON** - So Parliament was still sitting?

**Mr EDWARDS** - Maybe, I don't know.

**Mr WILKINSON** - What occurred on the morning of 16 October? The statement was made in Parliament on 16 October that Richard McCreadie was going to take over.

**Mr EDWARDS** - I think the Premier announced his intention to appoint McCreadie as acting commissioner.

**Mr WILKINSON** - Were you aware that the DPP had endeavoured to make contact with the Premier, yourself or whoever, in relation to speaking to somebody prior to the statement being made in Parliament?

**Mr EDWARDS** - No. The DPP hadn't attempted to make contact with me.

**Mr WILKINSON** - Are you aware that he endeavoured to make contract with the Premier?

**Mr EDWARDS** - I am not aware that he tried to contact the Premier. My recollection of events is that he had spoken to the Solicitor-General.

**Mr WILKINSON** - Do you know when he spoke with the Solicitor-General?

**Mr EDWARDS** - I think some time on Thursday 16 October.

**Mr WILKINSON** - Before the statement was made in Parliament?

**Mr EDWARDS** - I don't know. I don't think so.

**Mr WILKINSON** - As I understand it, at no stage prior to the statement being made by the Premier were you aware that the DPP was trying to make contact?

**Mr EDWARDS** - He certainly didn't try to make contact with me.

**Mr WILKINSON** - Are you aware of him endeavouring to make contact with anybody prior to it? Terry Field?

**Mr EDWARDS** - No. Subsequently I am aware that he had a discussion with the Solicitor-General on or about that day, but I didn't know at the time.

**Mr WILKINSON** - So still to this day, as I understand your comment just then, you were unaware that he was endeavouring to contact the Premier prior to the statement being made in Parliament?

**Mr EDWARDS** - That's right. Do you mean am I unaware now that he tried to do that?

**Mr WILKINSON** - Yes.

**Mr EDWARDS** - I don't know. I am not sure -

**Mr WILKINSON** - That's what I am saying, you are not aware that he was endeavouring to make contact with the Premier prior to the Premier making the announcement in Parliament that Richard McCreadie was going to be new acting commissioner?

**Mr EDWARDS** - No, because the whole events of the next couple of days were the fact that we had this belief - that I heard from the Solicitor-General - that Ellis had an issue with

the intention to appoint McCreadie and then part of what we did was to get the Solicitor-General to ask Ellis to tell us why, and he didn't.

**Mr WILKINSON** - Yes, but that was after the event wasn't it? That was after the announcement was made in Parliament by the Premier that the Government would be appointing Richard McCreadie.

**Mr EDWARDS** - Yes, the intention to appoint, but he had not been appointed. My awareness of that came through discussions with the Solicitor-General who said that Ellis had raised the fact that there was potentially an issue. The natural response to that is can you tell us what the issue is. Then the response from Ellis was, 'No, I can't.'

**Mr WILKINSON** - That was by letter wasn't it?

**Mr EDWARDS** - Yes.

**Mr WILKINSON** - So the Solicitor General first wrote to the DPP. Is that right?

**Mr EDWARDS** - No.

**Mr WILKINSON** - Is that the letter of 20 October you are talking about Rhys?

**Mr EDWARDS** - I have the response from Ellis to the Solicitor General, but I do not know whether that response is in relation to a verbal request from the Solicitor-General to Ellis for reasons or a written request.

**Mr WILKINSON** - Yes, because there is a letter that I have here,

**CHAIR** - Rhys has that same one that you are looking at. The request did come in writing from the Solicitor-General.

**Mr EDWARDS** - Right, but I have not got that letter.

**Mr WILKINSON** - You have not got this one. It has been read out before in an open forum. The letter was this: 20 October by Leigh to Tim. It says:

'I am advised by the Premier, the Honourable David Bartlett MP, that it is his intention to advise His Excellency the Governor to appoint Mr Richard McCreadie, the former Commissioner of Police, temporarily to the offices of Commissioner of Police and Secretary of the Department of Police and Emergency Management.

In those circumstances I am instructed to seek your formal advice whether there are any matters which are known to you and which, if true, would prevent the Premier from properly so advising His Excellency. Your urgent response to this request would be greatly appreciated.'

That was the letter of the 20th.

Were you aware that the DPP had attempted to make contact with the Premier prior to first the comment being made in Parliament on 16th? I understand though you did not know.

**Mr EDWARDS** - No, he certainly didn't approach me about it.

**Mr WILKINSON** - But then the letter that was returned from Tim to Leigh was this:

'I am asked whether there are any matters of which I am aware, if true, which would make it inappropriate for the Premier to recommend the appointment of Mr Richard McCreadie as temporary Commissioner of Police. The answer to that is yes. I have reason to believe that the links between the Premier, Mr R McCreadie and Mr J Johnston are close and current and I am not at this point prepared to discuss the matters affecting my answer with anyone except His Excellency the Governor should His Excellency so wish.

I appreciate that the Premier is accordingly without sufficient information to agree to disagree with my view as to the inappropriateness of the proposed appointment. As to that dilemma and others which his precipitate announcement has posed for the administration of justice I need to consider further.'

That is what we are talking about.

**Mr EDWARDS** - I have that letter, yes.

**Mr WILKINSON** - Was an attempt then made to make contact with the DPP.

**Mr EDWARDS** - Well, this was the attempt to make contact. This was asking the Solicitor-General to find out from the DPP the reasons the Premier should not proceed with his intention to appoint McCreadie as a temporary commissioner.

**Mr WILKINSON** - Were there any meetings had between anyone that you know of, rather than the letters being transferred backwards and forwards.

**Mr EDWARDS** - Meetings between -?

**Mr WILKINSON** - Between the DPP and the Solicitor General.

**Mr EDWARDS** - The DPP may have met with the Solicitor General, but -

**Mr WILKINSON** - Yes, I am wondering about were you aware.

**Mr EDWARDS** - not with me.

**CHAIR** - Can I pick up on the matter relating to concerns expressed by the Police Association that to appoint Richard would have been in contravention of the Police Service Act? You are familiar with the provisions of that act?

**Mr EDWARDS** - I am not particularly au fait with them but, yes, I understand the argument.

**CHAIR** - The general principle which enunciates that the deputy commissioner becomes the commissioner in the event of the absence of the commissioner for any reason.

On what date was the Solicitor-General's written opinion about whether that appointment would contravene the Police Service Act and subsequently delivered to the Government?

**Mr EDWARDS** - No, I don't know but I am sure I could endeavour to find out.

**CHAIR** - Were you party to that process in terms of satisfying the Premier that it was not a contravention of the act - in terms of seeking the Solicitor-General's advice?

**Mr EDWARDS** - If the advice was sought, it was probably requested through my department as to the Solicitor-General's views on this issue. I know ultimately, because this issue had a fair bit of debate, that two members of my staff briefed the opposition parties about the issue during the course of these events. It was not a matter handled by me personally, no.

**CHAIR** - I think the committee probably would want to understand the date on which that advice from the Solicitor-General was delivered to the appropriate person in the Government - both the date the advice was sought and then the date the advice was delivered. Are you aware as to whether the Solicitor-General provided any preliminary verbal opinion on the matter prior to the written opinion?

**Mr EDWARDS** - No, I don't.

**CHAIR** - Could you check that too, please?

**Mr EDWARDS** - Would I check whether he provided a verbal opinion to someone in my department?

**CHAIR** - Well, the Premier specifically, or anybody in your department, because there is concern expressed by the Police Association that it contravened the Police Service Act and that if Mr McCreadie was appointed and subsequently made decisions which rest with the commissioner and the head of the department, they may have been found to be invalid and would all have to be revisited, recommence proceedings or whatever.

**Mr EDWARDS** - I remember the argument and the view was that I do not think that is correct. Legal advice was sought and that advice said basically that is not correct. You asked me whether someone received that advice verbally? I do not know; I would have to go back and ask the Solicitor-General. Would you like me to do that?

**CHAIR** - Yes, please.

**Mr EDWARDS** - How will this operate? Will you send me some questions?

**CHAIR** - Yes. That will be important as to particular dates.

I then go to the situation of Mr McCreadie being advised that his appointment was not going to be progressed; that was on the afternoon of Monday, 20 October. I suppose from a practical level as much as anything else, are you aware who made the phone call or had a meeting with Mr McCreadie to provide him with that advice, and whether reasons were advanced at that time?

**Mr EDWARDS** - The Solicitor-General made that call.

**CHAIR** - And who instructed the Solicitor-General to make that call?

**Mr EDWARDS** - I do not know if anyone instructed him. McCreadie needed to be informed and the Solicitor-General called.

**Mr WILKINSON** - But somebody would have said he has to be informed. Ten people could have informed him -

**Mr EDWARDS** - That is right.

**Mr WILKINSON** - so therefore somebody must have tasked Leigh to do the job.

**Mr EDWARDS** - Or Leigh may have self-tasked someone for that, I do not know.

**CHAIR** - But it was the Premier who had a meeting with Mr McCreadie and indicated to him that he wanted him in the job. The Premier may have done that with the knowledge of his Police minister or he may not have; we do not know that at this stage. Given that the Premier had indicated to Mr McCreadie that he had a job lined up for him, how can it be that the Solicitor-General of his own volition -

**Mr EDWARDS** - I am sure there would have been a discussion that someone needs to inform McCreadie that we are not proceeding with the appointment and the Solicitor-General was the person who did it. I am not trying to read anything more into this. You have asked me who instructed him. Well, I don't know of anyone instructing; I did not tell Leigh to go and call McCreadie. The advice to the Premier about proceeding with the appointment and the issues about that were provided from the Solicitor-General to the Premier, so it does not surprise me that the Solicitor-General was also the person who phoned McCreadie.

**CHAIR** - I guess it would be appropriate if we were to ask the Solicitor-General rather than asking -

**Mr EDWARDS** - Interpreting through me. I am not trying to be difficult here.

**CHAIR** - I am not suggesting that at all.

**Mr WILKINSON** - In relation to the job itself, Richard obviously believe that he had the job and he was to start on the Monday. He received keys to upstairs, a security pass to get into the office and to all intents and purposes he believed that he -

**Mr EDWARDS** - I think he received a security pass to the minister's office.



**Mr WILKINSON** - Yes, so it would seem obvious - and say 'obvious' because it would seem that - that he believed he was starting work on the Monday, 20 October. Would you accept that?

**Mr EDWARDS** - He has said in the media and I assume here today that he believed that.

**Mr WILKINSON** - But there was nothing said to him to the contrary to give him the wrong opinion that he was about to start on the Monday, otherwise I suppose he would not have been given the keys to the car?

**Mr EDWARDS** - I do not know anything about keys to cars and those sorts of things but it strikes me that, having previously been appointed in these roles, people who are working in senior echelons of the public service understand the process. For something like this particular appointment you needed both the decision of the Governor, on advice, to become Commissioner of Police, and an appointment to the Office of Secretary of the Department of Police and Emergency Management, which is done by an instrument of appointment and neither of those things had happened.

**Mr WILKINSON** - But the Government would not give the ability to get into the minister's area by way of security card if they did not believe that he was going to take on that job. It would be silly to think otherwise.

**Mr EDWARDS** - I think the Government had, the Thursday prior to that, announced their intention to appoint McCreadie, so the Government had that intention.

**Mr WILKINSON** - Am I right in saying it was agreed that he start work on the Monday?

**Mr EDWARDS** - I don't know who agreed that he start work on the Monday. These processes are fairly well understood by people who get appointed to them. An appointment like that requires the Governor to make the appointment through Executive Council, so you have Executive Council documentation associated with it, and appointment of a head of agency requires an instrument of appointment, which is also a piece of paperwork that in this case was signed by the Premier - and neither of those things happened.

**Mr WILKINSON** - But are you really trying to say - I am not being disrespectful when I say it - that Richard arrived at work on the Monday, had a meeting with Darren Hine, had a police car already allocated to him, had the ability with the card to get to the minister's office, without him already starting work on the Monday?

**Mr EDWARDS** - I guess it depends whether there is a distinction between what we mean by starting work and being formally appointed. As I say, I was not involved in any giving of keys or security passes or why he chose Monday to turn up.

**Mr WILKINSON** - So you were not a party to any of that?

**Mr EDWARDS** - No; I do not know why it happened, but I do know that these processes require these bits of paperwork and that did not happen, and the Government announced that it was not going to pursue the intention.

**CHAIR** - Can I then go to the morning of Wednesday, 22 October, which is the following week after the Premier announced Mr McCreadie's appointment? Can you recall a meeting in the office of the Director of Public Prosecutions, attended by the Solicitor-General, while you were waiting in the Solicitor-General's office while those two met?

**Mr EDWARDS** - I do not have a meeting in my diary but I may have been up in the Solicitor-General's office.

**CHAIR** - The committee understands that at 9 o'clock on that day there was a meeting between Mr Ellis and the Solicitor-General in Mr Ellis's office, while you were waiting in the Solicitor-General's office at that same time.

**Mr EDWARDS** - Waiting for the Solicitor-General?

**CHAIR** - Well, awaiting the outcome of their meeting and the discussions that they were having, and they were significant discussions.

**Mr EDWARDS** - What about?

**CHAIR** - As to Mr Ellis offering the Solicitor-General a written clarification about the matters to which he had referred previously - 'close links' and words to that effect. The DPP had the specific intent to clarify what he meant by that because the Premier had said that he did not understand what the DPP was suggesting by that and so on. On that particular day that meeting was arranged so that Mr Ellis could clarify for the Solicitor-General what he meant by 'close and personal links'.

**Mr EDWARDS** - He may have arranged a meeting with the Solicitor-General but he did not arrange a meeting with me. It would be unusual for me to be hanging around in the Solicitor-General's office. I would more likely have been in my office.

**CHAIR** - Do you recall the Solicitor-General handing you, after the Solicitor-General met with Mr Ellis, the content of that written clarification by Mr Ellis so that you could be apprised of the clarification? This is on Wednesday, 22 October.

**Mr EDWARDS** - Yes, the DPP had obviously been having discussions with the Solicitor-General about one of the issues in the letter that was read out previously on 20 October, this issue about, 'I have reason to believe that links' of such and such 'are close and current'. Of course no-one knew what the DPP meant by this. The Premier, I think, had said in Parliament that he had met Mr Johnstone in his role as Premier once - which I think was the meeting to tell him that he needed to stand down. He had not met with McCreadie as Premier except the one discussion they had when he was asking McCreadie whether he would be interested in taking up the appointment .

My recollection of this - and I know it is of some moment to the DPP but it is not particularly to me - is that the DPP had said he had a clarification, which he provided to the Solicitor-General. The Solicitor-General came to me and said this is the clarification of the DPP. I think the DPP's intentions were that he wanted the Premier to read it out in Parliament. I do not have a copy of this form of words; it was not a formal letter from the DPP.

**CHAIR** - Did you read it at the time the Solicitor-General presented it to you?

**Mr EDWARDS** - Yes, I would have read it but I am not sure that it clarified anything in particular. The DPP did not speak to me personally about it; he spoke to the Solicitor-General. The Solicitor-General said something along the lines that the DPP is very keen that this clarification be publicly made. I do not recall the form of words but I think that my opinion at the time was that it did not actually clarify much. This is why I do not think I was not waiting in the Solicitor-General's office, because I think that the Solicitor-General brought this form of words down to my office in the Executive Building. I went over to Parliament, where question time was on, and I sat down. It was when parliament was sitting in the Reception Room while the renovations were on. I sat in the back until I was able to see the Premier, which was at the end of question time, and I gave him the note.

**CHAIR** - Where is your office in relation to -

**Mr EDWARDS** - On the seventh floor of the Executive Building.

**CHAIR** - So one floor below the other two.

**Mr EDWARDS** - Yes.

**CHAIR** - Did you undertake to inform the Premier of the DPP's position as he had written it, even though you had formed an opinion that it did not particular clarify things?

**Mr EDWARDS** - I did not speak to the DPP because of that. The Solicitor-General said, here is this form of words and the DPP would like - I do not know exactly what the DPP would like to have done but I assume read out in Parliament or something. The Solicitor-General said he would like the Premier to be informed about them. I duly walked over to Parliament to inform the Premier when I could. I do not recall the words being particularly clarifying or not. I do not have a copy of them and it was not a formal letter from the DPP to me or the Solicitor-General

**CHAIR** - But the Solicitor-General handed you a document?

**Mr EDWARDS** - A piece of paper.

**CHAIR** - Which purported to clarify what the DPP meant by those words 'links close and personal' - whatever those words were?

**Mr EDWARDS** - Yes.

**CHAIR** - Because you came over to Parliament with the specific intention of talking with the Premier, can I conclude that you did undertake to draw the Premier's attention to Mr Ellis's attempt, at least, to clarify the matter?

**Mr EDWARDS** - I gave the Premier the bit of paper.

**CHAIR** - What time was it that you left your office to come over to Parliament?

**Mr EDWARDS** - I do not know.

**CHAIR** - Do you know what time you arrived at Parliament?

**Mr EDWARDS** - I don't know but it was while question time was still on. It would have been towards the end of the question time. It wasn't at the beginning of question time.

**CHAIR** - Okay. Given that the meeting between Mr Ellis and the Solicitor-General went from about 9 a.m. to 9.30 a.m. and that you had been presented with that piece of paper, is it fair to assume that you could have attempted to contact the Premier before he went into question time?

**Mr EDWARDS** - I don't think I was given the bit of paper before question time started. This meeting that happened, you were saying I was sitting in the Solicitor-General's office at the time. That doesn't sound right to me.

**CHAIR** - That is evidence which has been provided to the committee.

**Mr EDWARDS** - Okay, but as I said, I am sure - and I am happy to discuss this with the Solicitor-General - that a meeting occurred and that I was first aware of this meeting because the Solicitor-General phoned me and said he had this meeting with the DPP and he wants to clarify these issues around the letter and so on and he has this form of words, but I wasn't sitting outside the DPP's office waiting for it. My recollection would be that I got the letter some time -

**CHAIR** - Or the piece of paper.

**Mr EDWARDS** - the piece of paper some time that morning, obviously before question time ended, because I went over during the middle of question time, not that I think that is any help either. I don't know what I was expected to do, burst into Parliament and read it from the bar or something.

**CHAIR** - No, but I want to indicate to you, Rhys, that there is other evidence to the committee that the meeting between Mr Ellis and the Solicitor-General concluded at 9.30 a.m. and that, before that time, the Solicitor-General presented to you the piece of paper which was an attempt by Mr Ellis to clarify. If that evidence is correct then isn't it further correct that you could have taken an opportunity to ring the Premier well in advance of Parliament commencing at 10 o'clock?

**Mr EDWARDS** - I may or may not have. The Premier is very busy before question time. It is not my usual practice to phone him.

**CHAIR** - This is an important issue because the Premier is just about to launch forth in Parliament, under the protection of privilege, and be highly critical of the DPP.

**Mr EDWARDS** - As I said, I don't even recall the form of words so it can't have been a momentous clarification of what these 'close and current links', or whatever the phrase was that it was meant to clarify. I don't have this bit of paper, but my recollection is that the Solicitor-General, 'Here is a version of words', and my response to the Solicitor-General was, 'That doesn't clarify anything'. It may be that the

Solicitor-General and the DPP had another discussion before they came up with this bit of paper which, again, in my recollection is what the Solicitor-General gave to me, but by coming down to the seventh floor. I wasn't sitting in his office.

**CHAIR** - Can we then turn to two days later on Friday, 24 October? Did you attend a meeting in the Premier's office between the Premier and the Director of Public Prosecutions?

**Mr EDWARDS** - Yes.

**CHAIR** - In general terms, without necessarily at this stage being specific, can you please outline the overall thrust of the meeting and its outcomes?

**Mr EDWARDS** - Yes. The meeting was really about the Premier and the DPP discussing the clarification of these words. This is why I think this letter or this set of words on this bit of paper were not, in my mind, of particular import, because the ultimate resolution of this is that the Premier and the DPP met and discussed the DPP's letters. Basically it was about, I guess, providing a constructive way forward for them to continue to work. I know they put out a press statement directly after the meeting, which I did have with me.

'The Premier and the Director of Public Prosecutions have agreed jointly to the release of this statement:

The DPP has stated that he did not mean to imply in his correspondence of last week that there was a close personal relationship between myself and Mr McCreadie or Mr Johnston. Mr Ellis confirmed that he did not mean to suggest that I had acted improperly. The meeting focused on the way in which the Premier and the DPP can maintain a proper, appropriate and constructive working relationship.'

That was the general thrust of the meeting and the outcomes.

**Mr WILKINSON** - That was your notes at the meeting.

**Mr EDWARDS** - No, that is the press release put out on Friday, 24 October. It was a jointly agreed press release and I think the DPP put out his own press release, also on 24 October, that says:

'I am pleased that the Premier and I have been able to clear the air between us in a constructive way. I can only hope my office and I can return to focus on the serious matter of murder, rape, robbery, major theft and the like which are far more pressing and important than constitutional crises which never were.'

**CHAIR** - You have indicated just a moment ago that the ultimate resolution was when the DPP and the Premier met.

**Mr EDWARDS** - The resolution of this issue about clarifying what those comments meant.

**CHAIR** - Yes, and yet there was an attempt on 22 October to commence the best proceedings to clarify. Are you aware who initiated the meeting between the DPP and the Solicitor General in the DPP's office on 22 October?

**Mr EDWARDS** - I don't know. I assume the DPP.

**CHAIR** - So notwithstanding the ultimate resolution when they banged their heads together, nonetheless there was an attempt before the Premier went into Parliament on 22 October, because it was inevitable that he was going to face questions about this notion of close and personal links. The DPP sought to clarify that matter. You are presented with a piece of paper. I accept what you say that it did not particularly clarify it as far as you were concerned. Given the gravity of what was happening at the time, did you not see that this was a really important matter to draw to the Premier's attention before question time?

**Mr EDWARDS** - I do not quite understand. You seem to be making some great import of this. I am just saying I got the bit of paper handed to me by the Solicitor-General that said here is the DPP's view about what 'close and current links' meant. I am not the DPP's messenger boy. I did not deliberately set out not to inform the Premier. I took the thing down to question time and at the first opportunity I had to see the Premier I gave it to him, but I do not have it and I do not recall that form of words being all that important. I am not sure what else you want to know.

**CHAIR** - That is fine. I only went back there because you used the words 'the ultimate resolution'.

**Mr EDWARDS** - That is right. I think they did clear the air about what the DPP meant because they met and then put out a joint statement about the issue.

**CHAIR** - It is fair to say that that may have been productive had the Premier not launched forth his attack on the DPP under privilege on 22 October.

**Mr EDWARDS** - Well, you may say that, yes.

**CHAIR** - So at the meeting on 24 October in the Premier's office at which you were present when they resolved the issues between them, can you recall whether Mr Ellis asked you whether Sir Max Bingham had ever recommended to you that Mr McCreadie would make a good Acting Commissioner of Police?

**Mr EDWARDS** - The meeting ranged around a whole lot of issues. He may have said I have been talking to Max Bingham or something like that.

**CHAIR** - You indicated in answering a question from Jim earlier on that in the early days Max Bingham may have made some suggestion.

**Mr EDWARDS** - I think I mentioned I had a phone call with Max Bingham. I know Max Bingham reasonably well. He and I were both Rhodes Scholars. We have a range of Rhode Scholar functions we attend together but I do not see him very frequently. I do have the note of a phone call from Max Bingham in my diary. My recollection of the

phone call was that it was about the issues unfolding with Jack Johnston. He did not speak to me about the appointment of Richard McCreadie.

**CHAIR** - Can you give us the date of that phone call, please?

**Mr EDWARDS** - Yes. I would have to go through my diary. I could take it on notice.

**CHAIR** - We can take that on notice. That is okay.

**Mr EDWARDS** - It will be here somewhere.

**Mr WILKINSON** - We touched on the Police Association just briefly. Are you aware that on 16 October, prior to any announcement being made, there were I think three members of the Police Association - two being Randolph Wierenga and Mark Kadziolka - trying to see the Premier prior to any comment being made?

**Mr EDWARDS** - No.

**Mr WILKINSON** - Were you down in Parliament on 16 October immediately prior to question time?

**Mr EDWARDS** - I do not think so. It would not be normal for me to be in Parliament. I doubt very much I was in Parliament. I would more likely have been in my office.

**Mr WILKINSON** - There is evidence to suggest that the Police Association had raised concerns. They wanted a meeting. They were down, outside Parliament, hoping to have a meeting prior to question time but were unable to get the meeting.

**Mr EDWARDS** - They did not speak to me.

**CHAIR** - Rhys, thank you very much. We appreciate your time and thanks again for coming early; it has assisted us greatly.

**THE WITNESS WITHDREW.**

**Mr TERRY FIELD** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - Thank you very much, Terry. We are investigating the Premier's announced appointment of Richard McCreadie as the acting commissioner and the subsequent announcement by the Premier that he was not able to proceed with that. We will be staying entirely away from anything to do with the proceedings against Jack Johnston.

**Mr FIELD** - Great. I was going to preface my remarks by suggesting that I did not want to go near that.

**CHAIR** - Our questions will not take witness down that path and we are very conscious about that.

**Mr HALL** - Terry, can you recall exactly when the Government first seriously considered the proposition that Mr Hine should be replaced by Mr McCreadie? Who made that original suggestion? Were you in fact involved in that decision-making process and were you the one who drove it?

**Mr FIELD** - No, I was not involved in the decision-making process. It was a recommendation from the secretary of DPAC, Mr Edwards, to the Premier on or about 13 October, as I recall. It was either during the normal regular weekly meeting on Monday or just after it.

**Mr HALL** - Did you raise this proposition with anybody outside of your office or the Department of Premier and Cabinet prior to Tuesday, 14 October 2009? And if so, with whom?

**Mr FIELD** - No. I was asked by the Premier to set up a meeting between Mr McCreadie and the Premier, which I did. It was a confidential meeting so I was given the task to set that up. That meeting took place on 15 October at 1.30 p.m. in the Premier's office.

**Mr WILKINSON** - On 13 October, the recommendation by Rhys to the Premier; are you aware how that came about?

**Mr FIELD** - No.

**Mr WILKINSON** - So you were not a party to any prior discussions that there needs to be a change from the acting commissioner to another acting commissioner?

**Mr FIELD** - I was aware of the sentiments that the Premier has already put on the public record about his desire to replace Acting Commissioner Hine with someone else because of the controversy - and I do not want to go into the Johnston appointment - and the fact that it could prejudice Mr Hine in the longer term and that all those circumstances should be considered. We wanted to make sure that if heads of agencies are selected it should be on the merit-based selection and that was the case.

**Mr WILKINSON** - When were you aware that comment was made known?



**Mr FIELD** - It would have been in discussions with the Premier I suppose around about 13 October.

**Mr WILKINSON** - So it first became known to you on 13 October?

**Mr FIELD** - Yes, as I recall.

**Mr WILKINSON** - Then it became on that same day a recommendation by Rhys Edwards that Richard McCreadie would be suitable for the job?

**Mr FIELD** - Correct.

**Mr WILKINSON** - So it all happened within 24 hours, it seems.

**Mr FIELD** - Correct, that is right.

**Mr HALL** - Why would you think it was deemed necessary to bring in Mr McCreadie in such a dramatic fashion? Was it urgent?

**Mr FIELD** - I cannot answer that because it is not in my jurisdiction to make those sorts of comments. I am the chief of staff to the Premier. I do not make decisions about who are heads of agencies or acting or so on at all. So I cannot comment.

**Mr HALL** - Were you aware of the confidential summons served on Mr Hine at any time prior to Tuesday, 14 October?

**CHAIR** - The summons for Mr Hine to provide this committee with operational police files?

**Mr FIELD** - No, I wasn't.

**Mr WILKINSON** - Were you aware the committee received any police files?

**Mr FIELD** - No, I wasn't.

**Mr HALL** - We move then to the Premier's meeting with Mr McCreadie on the Wednesday, 15 October; you were present at that?

**Mr FIELD** - I was.

**Mr HALL** - Mr McCreadie was offered the position of acting secretary and acting commissioner. Can you recall on what terms Mr McCreadie was offered that position?

**Mr FIELD** - No. My recollection is that the terms for the acting appointment were to be determined by the secretary of DPAC. That is how it normally is organised so, again, I was not involved.

**Mr HALL** - At that meeting did Mr McCreadie accept the offer?

**Mr FIELD** - As I recall, the Premier suggested he would sound out his Cabinet colleagues on how it would be received if Mr McCreadie were appointed as acting. Once the Premier

had done that then it was my duty to go back to Mr McCreadie and say, 'Cabinet is very happy with you to be nominated and recommended to be acting commissioner'. I did that and then, as I recall, Mr McCreadie accepted the position.

**CHAIR** - How did you communicate that to him?

**Mr FIELD** - I either tried to ring him, but the media say I texted him and suggested that Cabinet colleagues were happy with the decision. Some people suggested I used the word 'delighted' and it might be the case that I did.

**Mr WILKINSON** - And that was on 15 October, Terry?

**Mr FIELD** - Yes.

**Mr HALL** - So you were tasked with facilitating that process?

**Mr FIELD** - That is correct.

**Mr HALL** - The Minister for Police and Emergency Services was not included in the process?

**Mr FIELD** - Yes, he was. Again, of course, the Premier would have briefed Mr Cox on that day and I am sure he did. As I recall, he definitely had a meeting with Mr Cox prior to that.

**Mr WILKINSON** - Would he have been a party, seeing it was his bailiwick, to the original discussions to have Richard McCreadie appointed?

**Mr FIELD** - I can't answer that. I don't know.

**Mr WILKINSON** - It was his area at the time.

**Mr FIELD** - Yes, it was.

**Mr WILKINSON** - Are you aware when he became aware of the situation?

**Mr FIELD** - There were conversations around that time with Mr Cox, of course, but I cannot recall the actual timing.

**Mr WILKINSON** - If somebody said on 14 October, the day before this, that he was not aware, is that consistent with your understanding of what took place?

**Mr FIELD** - Again, I can't comment on that, to be honest.

**Mr WILKINSON** - Why is that, because you don't know or -

**Mr FIELD** - Well, I don't know but I know that Mr Cox was engaged in this conversation prior to it being firmed up that Mr McCreadie be offered the position. I do know that.

**CHAIR** - And it was firmed up on 15 October, to all intents?

**Mr FIELD** - Yes, that is right, so it is between that 24-hour period that you are suggesting.

**CHAIR** - Are you aware that, on 15 October, Gerald Jones from Minister Cox's office rang Darren Hine and asked whether he was aware of the rumours circulating about Mr McCreadie's return?

**Mr FIELD** - I don't know.

**CHAIR** - This on the 15 October, the very same day. Gerald Jones, the minister's senior private secretary, does not seem to be aware of it, which might imply that his minister was not aware of it either.

**Mr FIELD** - The fact is, of course, that all secretaries are appointed by the Premier. That is the first thing I would say.

**CHAIR** - And the significance of that?

**Mr FIELD** - The DPAC secretary advises the Premier and so on and there would be consultation with the relevant minister, but at the end of the day it is an appointment that is made and recommended by the Premier for all heads of agency.

**CHAIR** - Yes, but you have just indicated in answer to Jim's question that, maybe 24 hours before, the Police minister would have been engaged or involved in discussions before it was firmed up.

**Mr FIELD** - I am pretty certain, but again I am not party to that discussion.

**CHAIR** - And yet it seems his chief of staff did not know anything about it and is phoning Mr Hine to have it clarified.

**Mr FIELD** - It was highly confidential, I would suggest, and therefore it was quite tight about the decision. Not many people knew, I would have thought.

**CHAIR** - Given that you have just indicated it was highly confidential, can you explain how Darren Hine had been receiving phone calls on that day? On 15 October the *Examiner* had got word of it. The Police Association had been advised. Notwithstanding, as you have suggested, it was highly confidential there were a range of people making inquiries to Darren Hine. Darren Hine became quite nervous about these suggestions because his initial reaction was that it is obviously rumour.

**Mr FIELD** - I can't answer that; I don't where that came from.

**CHAIR** - We are talking about Wednesday, 15 October now. It is all being firmed up and the Premier would need to consult his Cabinet colleagues -

**Mr FIELD** - Yes.

**CHAIR** - but on 15 October you sent a text to Richard McCreadie, and if you did use the words 'the Cabinet is highly delighted' does that suggest that Cabinet hadn't formally

signed off on this? Is my understanding correct that Cabinet meets on Monday or does it meet every day?

**Mr FIELD** - It meets every Monday. My view is that the Premier has responsibility to appoint acting positions and therefore in this case he sounded out his colleagues prior to announcing it in Parliament.

**CHAIR** - Which colleagues; all of Cabinet?

**Mr FIELD** - That was my understanding at the time.

**Mr HALL** - Terry, as a matter of due diligence, normally would your office contact the office of the DPP before an appointment such as this is made?

**Mr FIELD** - No.

**Mr HALL** - Not necessary?

**Mr FIELD** - No. I can only give you one other example of a secretary appointed in our time, and that was to Economic Development. If you are inferring that we would for police commissioners and secretaries of police, then no.

**Mr HALL** - The meeting between Darren Hine and the Premier at 8 a.m. on Thursday, 16 October; what was your reaction to the advice that Mr Hine provided to the Premier at that meeting?

**Mr FIELD** - My interpretation of the meeting was that Mr Hine was a bit disappointed, I would suggest, that he was not going to continue as acting commissioner, but he was generous in his acceptance of Mr McCreadie being nominated to the position. As I recall, he said he had worked well with Mr McCreadie in the past. Mr Hine inferred that Mr McCreadie could be under an investigation of some sort but this might be hearsay. Therefore one can only assume it was not, I didn't think, a very serious comment to make. Having said that, if it was a serious comment to make, he would then have had a private meeting with the Premier to suggest, 'There are issues here, Mr Premier', but he didn't. He chose not to. And he used the word, in my notes, 'hearsay'.

**Mr WILKINSON** - Obviously it was an informal meeting so was there any investigation as to what the hearsay was?

**Mr FIELD** - No.

**Mr WILKINSON** - Did the Premier or any other person who was present say, 'What's it all about, Alfie?'

**Mr FIELD** - No, because it was a comment after the fact that Mr Hine said he could work with Mr McCreadie and they had worked well together previously.

**Mr WILKINSON** - But did he speak about there being some issues relating to his appointment that could be a problem?

**Mr FIELD** - Not as I recall, no.

**Mr HALL** - So no alarm bells were rung at all?

**Mr FIELD** - No, not as I recall because the Premier then went into the House and announced his idea that he would recommend Mr McCreadie for the position.

**Mr WILKINSON** - Are you able to give us an understanding of what the hearsay evidence was or did he just say, 'There's something in relation to it; it's hearsay', and left it at that?

**Mr FIELD** - Yes. My notes say that; it was just one line that I wrote.

**CHAIR** - Do you recall whether Mr Hine alerted the Premier? The words you used were that he 'inferred' there might have been proceedings against Mr McCreadie.

**Mr FIELD** - That's right, but it might be hearsay.

**CHAIR** - So he wasn't even specific, in your recollection?

**Mr FIELD** - My recollection is no.

**CHAIR** - Do you recall whether Mr Hine suggested to the Premier that it would be prudent to contact the DPP before he proceeded to announce?

**Mr FIELD** - No, he did not.

**CHAIR** - Categorically?

**Mr FIELD** - My recollection at the time is no. I would have written that down. If that had been the case, in a one-to-one meeting with the Premier, I am sure the Premier would have done that.

**CHAIR** - So based on that, you would not recall that the Premier specifically indicated to Mr Hine that he was not dissuaded from continuing on that path?

**Mr FIELD** - That is correct.

**Mr HALL** - It also seems that at 9.30 a.m. the DPP left an urgent message in your office asking to speak to you.

**Mr FIELD** - He did.

**Mr HALL** - Given Mr Hine's earlier advice -

**Mr FIELD** - It was not an urgent message I did not think. It was a message for me to ring the DPP. I have had a few conversations with him over the last 18 months. I did not take the call until after question time, because this is the period when I am getting ready for question time and it is a very big job on a daily basis. That is why I did not. And I do not take calls normally prior to question time.

**Mr HALL** - Then of course question time happened and the Premier announced that Mr McCreadie was going to be the acting commissioner.

**Mr FIELD** - That is correct.

**Mr HALL** - That was at 10.39 a.m. by the *Hansard* that we have got here somewhere. And that you returned the call at 10.42 a.m. That was a pretty close call.

**Mr FIELD** - My understanding is that I returned the call after question time, but if it is noted down that I called him after the decision, I do not know - I do not remember.

**Mr WILKINSON** - At this meeting with Darren Hine, I want to read you some notes and get your comment in relation to them. The 16 October, 8 a.m. Hine met Premier in the presence of yourself. Premier talked about Hine's exposed position and the need for stability. Do you remember that?

**Mr FIELD** - Yes I do.

**Mr WILKINSON** - Premier told Hine that Jack's legal team was coming after him. Do you recall any comment that was made about that?

**Mr FIELD** - Could you repeat that?

**Mr WILKINSON** - Yes. Jack's legal team was coming after him.

**Mr FIELD** - After Mr Hine?

**Mr WILKINSON** - Yes. And that could be one of the reasons why he -

**Mr FIELD** - No, I do not recall that.

**Mr WILKINSON** - Don't recall that. Don't dispute it?

**Mr FIELD** - No, I do not recall.

**Mr WILKINSON** - Delving into the legal side of things. Hine asked the Premier if he had spoken to the DPP and the Premier said, 'No I want to keep him at arm's length'. Words to that effect.

**Mr FIELD** - I do not recall that either.

**Mr WILKINSON** - Hine said, 'I must tell you that the DPP is considering charges against McCreadie'. The Premier said, 'I am not dissuaded by what you have told me we still want to bring back McCreadie'. You don't recall that?

**Mr FIELD** - No.

**Mr WILKINSON** - Anything in relation to that that rings a bell?

**Mr FIELD** - My only observation would be, if that is the fact then the Premier would have had alarm bells and would have actually had a private meeting with Mr Hine at the time.

**Mr WILKINSON** - Hine then told the Premier that 'the Police Association will be opposed to the appointment'?

**Mr FIELD** - I do recall that.

**Mr WILKINSON** - Premier said that he would announce the decision in Parliament that morning at 10 a.m. and that he had full confidence in Darren Hine?

**Mr FIELD** - That is correct yes.

**Mr WILKINSON** - Thanks.

**CHAIR** - On what telephone or by what process did the DPP leave a message for you to contact him urgently?

**Mr FIELD** - As I recall he left it with my personal assistant and then I got an e-mail to the effect to ring the DPP.

**Mr CHAIRMAN** - This is at 9.30 a.m.?

**Mr FIELD** - Around 9.30 it would have been, but I might not have seen it until quarter to 10 near question time. When question time -

**CHAIR** - Is it not a reasonable presumption, though, that if the DPP rings the Chief of Staff of the Premier and leaves an urgent message that he needs to speak with you, a senior member of the Premier's staff, about a matter related to the appointment or the announcement of the appointment of Richard McCreadie, that he needs to speak with you before they start?

**Mr FIELD** - Well, he didn't. No, the message was 'Can you ring the DPP?'.

**CHAIR** - Nothing about urgency?

**Mr FIELD** - As I recall, no. Also, and to be honest, I return all calls when I am ready and if it is the DPP, it is the DPP. I did return the call.

**CHAIR** - As Greg has said, Mr Ellis's notes indicate that you returned the call at 10.42 a.m. - three minutes after the Premier has finished making his announcement in Parliament?

**Mr FIELD** - Yes, if that is the case, that is fact.

**CHAIR** - Could we be forgiven for concluding that is a little convenient? The Premier has made his announcement, the game is over and you then -

**Mr FIELD** - I did not know what the content was with the conversation I was just about to have with -

**CHAIR** - How did you become aware that he wanted to talk to you? You said you received e-mails from him.

**Mr FIELD** - I received an e-mail and I then returned calls. I have a number of calls every day that my secretary puts on the e-mail and then I ring them back.

**CHAIR** - How did you receive that particular e-mail? Was it by personal, digital assistant, PDA?

**Mr FIELD** - No, it is just on my computer, that I have any call that I miss. It is computerised and then I return the call.

**CHAIR** - Were you sitting in the Chamber during question time?

**Mr FIELD** - No, I was in my office. I do not go to question time that often.

**CHAIR** - Can you recall when it was that you accessed that e-mail?

**Mr FIELD** - As I said, I probably would have received the call and then it would have been processed into my computer. I would have been busy finalising question time and then I would go back to my computer. When question time starts it is a good time to look at your e-mails and you are working away, watching or listening to question time.

**CHAIR** - Did the DPP, in that telephone conversation which he had with you, indicate to you why it was inappropriate to appoint Mr McCreadie?

**Mr FIELD** - He said that he had a problem with the nomination for the recommendation of Mr McCreadie as Acting Commissioner of Police. He did not elaborate and I did not ask him to elaborate. It is not my place to. As I recall, he also said that the Premier was listening to Sir Max Bingham in the recommendation. Again, I did not comment. I said to him that I would pass on the sentiments of the conversation to the Premier immediately I had a chance to, which I did. Let me tell you, it was a fairly robust conversation one way.

**Mr HALL** - Terry, the Solicitor-General then came into play and he was asked to give a written opinion about whether the appointment of Mr McCreadie would in fact contravene the Police Service Act. On what date was that, can you recall?

**Mr FIELD** - As I understand it, that would have been after the announcement. But my understanding was that the Solicitor-General wrote to the DPP to confirm what these allegations were about. I have correspondence here, we received a letter on 20 October from the DPP and prior to that there was correspondence. Again, I was not involved in this phase of the process.

**Mr HALL** - Are you aware or not whether the Solicitor-General provided a verbal opinion, a preliminary one, prior to the provision of a written opinion in that regard?

**Mr FIELD** - Yes, I was aware that there was some concern about the appointment, based on his conversations with the DPP, and I was aware then that you could not ignore that advice. Mind you, the DPP would not tell the Premier of the details of the allegation.



**Mr HALL** - That advice, do you know to whom that came back and when?

**Mr FIELD** - It was correspondence between the Solicitor-General and the DPP and then there were meetings that were occurring between the Secretary of DPAC as well. I was not involved.

**CHAIR** - Yes, it is getting the chronology in order, isn't it?

**Mr HALL** - Yes, it is.

**Mr FIELD** - Well, 20 October was the telling time wasn't it, when the letter came back from the DPP - and you obviously have that letter.

**Mr HALL** - Yes.

**Mr FIELD** - Okay, well that is 20 October and the decision then was made by the Premier to withdraw the recommendation to appoint Mr McCreadie as Acting Commissioner of Police, which was subsequently announced on 21 October.

**Mr WILKINSON** - Were you aware that Richard went to work on the 20th, as had been arranged, and got the keys to the police car, going into his office, finished up getting the security card to see the minister if necessary, believing that-

**Mr FIELD** - Yes, I was aware of that.

**Mr WILKINSON** - And were you aware of anything that was said to him to say do not start until you get the tick off by way of the signing of the documentation by the Governor, or anything like that?

**Mr FIELD** - No I wasn't, but then it was not my place.

**Mr WILKINSON** - Are you aware that the Solicitor-General told him that he was not to continue with the work?

**Mr FIELD** - I was aware of that, yes.

**Mr WILKINSON** - And nobody has been in contact with him since. Are you aware of that?

**Mr FIELD** - I am.

**Mr WILKINSON** - And that nobody has spoken to him about either compensation or thanking him for coming to work that day and agreeing to take up the cudgels again?

**Mr FIELD** - Neither has the DPP pursued the matter.

**Mr WILKINSON** - Yes, I know, but I am saying as far as Government is concerned.

**Mr FIELD** - Yes, that is right. I understand that is the case.

**CHAIR** - It is not for us to second-guess the DPP. There may well be good and sound legal reasons he has not proceeded.

**Mr FIELD** - I can't comment.

**CHAIR** - Terry, does the Premier seek your advice as his Chief of Staff on such important matters which turn on legal issues, and an important matter like this that the appointment has to be aborted the same day that it becomes operational? Does he seek your advice as to what process he should take?

**Mr FIELD** - Yes, we have a very close working relationship and he does seek my advice.

**CHAIR** - Did you give him any advice after the meeting with Darren Hine?

**Mr FIELD** - Well it is quite obvious from the DPP's reaction that I did inform the Premier of the difficulty that the DPP had with going ahead with the appointment of Mr McCreadie as Acting Police Commissioner. We could not ignore it.

**Mr WILKINSON** - Terry, those notes that I read to you earlier on about the meeting that was had about 8 a.m. with Darren Hine. Was anybody actually taking notes at the time that you are aware of.

**Mr FIELD** - No.

**Mr WILKINSON** - So did you take notes?

**Mr FIELD** - I took one line down and that was about the investigation being hearsay, it might be hearsay, in my notes.

**Mr WILKINSON** - And the meeting took place for approximately how long?

**Mr FIELD** - I would suggest probably 20 minutes to half an hour.

**Mr WILKINSON** - You have got that one line.

**Mr FIELD** - I have.

**CHAIR** - Okay? Thanks Terry.

**THE WITNESS WITHDREW.**