

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

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
FRIDAY, 13 JUNE 2008**

SESSION THREE

Members

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

Hearing commenced at 11.33 am

DAVIES, MR ISLWYN,
Managing Director, The *Sunday Times*,
sworn and examined:

The CHAIRMAN: Before we start, Mr Davies, thank you for joining us today.

Mr Davies: A pleasure.

The CHAIRMAN: I will introduce you to some of our people here in the committee room. We have some Hansard reporters, because the proceedings will be covered by Hansard. Peter Axford is a research officer with the Legislative Council; Giz Watson, a member of the Legislative Council; myself as a member; Hon Adele Farina as a member of the Legislative Council; Linda Omar, as a committee clerk; and David Driscoll, whom you have met, is a committee clerk. Before I commence asking the questions. There a few preliminaries I have to go through. On behalf of the committee, I welcome you to the meeting today. Before we begin, I ask you to take either the oath or the affirmation. Mr Driscoll will assist in that regard.

[Witness took the affirmation.]

The CHAIRMAN: Could you please state your full name and the capacity in which you appear before the committee?

Mr Davies: My full name is Islwyn Davies; capacity is as managing director of the *Sunday Times* and PerthNow.

The CHAIRMAN: You will have signed a document entitled “Information for Witnesses”. Have you read and understood the document?

Mr Davies: Yes.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you within a few days. To assist the committee and Hansard please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphones, and try to talk into them and be sure you do not cover them with papers or make a noise near them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that premature publication or disclosure of public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Mr Davies, would you care to make an opening statement to the committee before we commence?

Mr Davies: No, other than to say that I am happy to be here, and happy to contribute. I am very pleased that this matter is being investigated.

The CHAIRMAN: The committee has been directed by the Legislative Council to inquire into and report on all circumstances surrounding the police raid on the *Sunday Times* on 30 April 2008. Your prior or subsequent knowledge and understanding of, or involvement in any matter relevant to the police raid on the *Sunday Times* on 30 April 2008 is of interest to the committee. You should be aware that, whilst the Parliament has wide powers to require persons to answer questions and produce papers, it is not the wish or desire of this committee to interfere with any police

investigation. To avoid interference with any police investigation, you may request the committee to take any of your evidence in private and, if the committee agrees, the committee hearing will be cleared of any members of the public or the media. You have advised the committee of the capacity in which you appear before the committee today. Before we proceed, perhaps it would be helpful to the committee if you would explain the role and responsibility that you have as managing director of the *Sunday Times*.

Mr Davies: Effectively, the role of managing director is a bit akin to the role of the coach in football. I do not actually play football myself—I do not write the stories, and I do not sell the advertising or sell the papers—but I manage all those different departments. I am responsible for the performance of the *Sunday Times* and PerthNow, and the success of the business. Crucially, from an editorial perspective and the content of the paper, that rests in the hands of the editor.

The CHAIRMAN: I refer to the 10 February article published in the *Sunday Times* at page 3, under the heading “Bid to ‘buy’ Labor win . . . Exclusive by Paul Lampathakis”. Can you tell the committee when and how you first became aware of this article?

Mr Davies: Sunday morning, on the morning of publication.

The CHAIRMAN: When and how did you first become aware that there may have been an unauthorised disclosure of confidential documents relating to the substance of this 10 February article?

Mr Davies: On the day of the raid, when I went downstairs to investigate why the police were swarming through the building and discussed the issue with the officers in our reception area. He showed me information pertaining to the story and said that they were there because of that story.

The CHAIRMAN: Is it fair to say that in your involvement we can jump from 10 February to 30 April in respect to knowledge of the potential disclosure of unauthorised information?

Mr Davies: Yes.

The CHAIRMAN: Were you present at the premises of the *Sunday Times* on 30 April 2008?

Mr Davies: Yes, I was.

The CHAIRMAN: Can you give us an understanding of the role you played in respect to the raid on the paper? Might I also ask—I understand the raid commenced at approximate 2.00 pm on that day—whether you were aware prior to that time of the intention of the police to enter the premises?

Mr Davies: I had no prior warning whatsoever: no awareness on my behalf or anyone’s as far as I am aware. My first knowledge was drawn to the issue by my personal assistant, who came in and told me that there was a number of police in the building, so I went downstairs to investigate why, and discussed with one of the officers the purpose of their visit. I was very concerned to see that, as I went downstairs, they were already searching people entering or leaving the building. The officer then shared with me a piece of paper that detailed that they were there with regard to the story by Paul Lampathakis some months earlier.

The CHAIRMAN: Can I interrupt to ask: do you know the name of the police officer you are referring to?

Mr Davies: No. He encouraged us to fully co-operate, which I said we would. As you imagine, in the front of the building, where the majority of our staff come and go, there were a number of people quite concerned about having the police there, and I went back and sent an email to all the staff just reassuring them that we were co-operating with the police on a matter, and there was no reason for alarm.

The CHAIRMAN: Did you know the nature of the matter at that stage, when you sent the email?

Mr Davies: Yes. After about half an hour, in which time I was being kept informed of what the police were doing, which was now—by this stage they had gone into the editor’s office, and were

sitting in the editor's office with the editor and one of our other senior editorial colleagues. I decided to enter that office myself to find out just how the investigation was taking place.

The CHAIRMAN: What occurred when you entered the editor's office?

Mr Davies: Effectively, the officer in charge detailed once again why they were there; that they were looking for information pertaining to that story, and they were looking to find notes or transcripts or anything that might be linked to that story, and we had a legal adviser there with us at that moment as well. We discussed how we could co-operate and help. At the same time, I think we were quite shocked to see the sheer number of people there and the sheer number of resources being put to such use.

[11.40 am]

The CHAIRMAN: Can you indicate the numbers that you are talking about?

Mr Davies: We reported 16 people, but frankly it may have been as many as 25 if you take into count the people who were ringing the editorial floor, also the people in the reception area and also the people outside the building.

The CHAIRMAN: When you say people, are you referring to police officers?

Mr Davies: Yes.

The CHAIRMAN: You entered Mr Sam Weir's office. He is the editor of your paper.

Mr Davies: Yes.

The CHAIRMAN: You entered his office and had some discussions with the police officer in charge of the raid.

Mr Davies: Yes.

The CHAIRMAN: What was agreed? Did you agree that the police could proceed to search the premises?

Mr Davies: Indeed and we assisted the police in identifying the work area of Paul Lampathakis, and they proceeded then at looking through documents in that area.

The CHAIRMAN: I assume a number of, not all 25 as you suggest, police officers were looking at Mr Lampathakis's desk, or work area generally. Were there police officers stationed elsewhere in the building at the time?

Mr Davies: There were. There are a number of exit and entry points into the editorial floor. We had police outside those exit points making sure that anyone who was leaving was, I guess, leaving with no documentation, but also those who were trying to enter had a reason for entering that area. Similarly, the same kind of operation was certainly happening downstairs in the reception area.

The CHAIRMAN: Did the police explain to either yourself or other Sunday Times officers that they would be stationing police officers on the doors and the purpose of stationing those police officers on the exit doors?

Mr Davies: Yes, they did. With Sam Weir, the editor, they addressed the entire editorial floor to effectively tell the journalists what the reason for the police presence was and why they were here. Sam encouraged us to cooperate in the appropriate fashion, which they did.

The CHAIRMAN: Are you aware that the police indicated that they did not want to interfere with the business operations of the Sunday Times during their presence in the building and, as a consequence, they were seeking the cooperation of the Sunday Times with respect to following up the execution of their warrant?

Mr Davies: In fairness to the police, I am sure they made every effort, but it is not possible not to interfere with the operations of the business when you have so many people scattered throughout the building.

The CHAIRMAN: How many Sunday Times people and others, excluding the police, would be on the editorial floor that you refer to?

Mr Davies: In the editorial area there are probably about 80 on a Friday. Throughout the building there would be close to 300.

The CHAIRMAN: As I understand it, it lasted until people were leaving the building to go home on that evening. Is that correct?

Mr Davies: It was beyond four hours' duration and, critically for us, during the most intense period of preparation that we have for the newspaper as well.

The CHAIRMAN: Right. Do you have any issues arising from the actual raid by the police on the Sunday Times.

Mr Davies: I have significant issues.

The CHAIRMAN: Could you advise the committee of those issues, recognising that the committee's reference is to report on the circumstances surrounding the raid of the Sunday Times on 30 April.

Mr Davies: I reflect that, in our view, it was the completely inappropriate scale of the operation to have so many people—armed people; the significant disruption to our work; and the anxiety that it caused several of my colleagues. Some saw the thing as quite absurd, frankly, and others were genuinely worried and concerned about what was going on. The broader issue is, of course, that the freedom of the press and the public's right to know was very much captured in this issue as well.

The CHAIRMAN: On an operational basis when executing a search warrant, do you believe the media should be treated differently to any other person, firm or organisation; and, if so, why should the media be treated differently?

Mr Davies: I do not necessarily believe that the media should be treated differently.

The CHAIRMAN: In response to your answer, how differently could the police have handled it to achieve their objective, being the execution of the warrant?

Mr Davies: For one, they could have come in far fewer numbers and, I think, they would have achieved exactly the same end result.

The CHAIRMAN: Can I put it to you that if they had had fewer numbers the length of period they would have had to remain in your building would have been longer—it would have extended their stay on the premises.

Mr Davies: The vast majority of the numbers were not actually engaged in going through documents; they were engaged in manning doors and guarding exit points.

The CHAIRMAN: Did the police explain why they needed police officers on the exit door?

Mr Davies: Yes.

The CHAIRMAN: Can you tell us what they advised you?

Mr Davies: They said they needed to search people leaving the building, and searching, therefore, for documents people might be taking out of the building.

The CHAIRMAN: Did they indicate it was to be a cursory search?

Mr Davies: I do not remember them using those words, no.

The CHAIRMAN: If they did not say it in your presence, perhaps they may have said it to one of your officers. You basically said that you do not see the media as any different to any other organisation when it comes the execution of a search warrant.

Mr Davies: I would think so.

The CHAIRMAN: What other issues do you have with respect to the matter, Mr Davies?

Mr Davies: The broader issues are that so many resources were used to pursue one story and, from the way this was pursued, the implications it has for freedom of the press and public's rights to know the activities of a government.

The CHAIRMAN: You said earlier that the period of time—I am assuming you are relating to the hours of between approximately 2.00 pm and 6.00 pm on a Friday afternoon—was a critical time as far as the operational matters of the paper were concerned, given that you publish late Saturday for Sunday. Are you indicating that the police could have chosen a less intense working period for the Sunday Times—another day when the Sunday Times was not working as intensely in getting its paper out?

[11.50 am]

Mr Davies: I am not suggesting that the police, you know, should move their calendar around according to our workflows. I am just making the point that in addition to being, I believe, an inappropriate use of resources, it was unfortunately for us a key critical production period.

The CHAIRMAN: Can you tell me: would there have been less impact if it had been say, a Tuesday afternoon between 2.00 and 6.00 pm?

Mr Davies: There would have been less impact, yes.

The CHAIRMAN: Just having regard to the nature of your operation.

Mr Davies: Absolutely, yes.

The CHAIRMAN: Are there any other issues that you want to raise with the committee in respect to the police raid?

Mr Davies: I do not think so.

The CHAIRMAN: Are there any recommendations that you would like to make to the committee? If you wish, you can take it on notice; I do not expect you to come up with the recommendations unless you have them to hand, so to speak. However, are there recommendations you could suggest to improve the investigation of unauthorised disclosure of confidential documents or information?

Mr Davies: I might take that on notice.

The CHAIRMAN: Yes, please do because we, as a committee, are interested in making some positive recommendations, and if you can assist us in that regard, we would be obliged. Thank you.

Are there any other issues that you want to raise with the committee in respect of the committee's inquiry?

Mr Davies: Not really.

The CHAIRMAN: Thank you.

Hon ADELE FARINA: You mentioned the large number of police officers that were present on the day of the raid. Can you inform the committee whether all of those police officers arrived right from the start of the raid or whether a smaller number arrived initially and additional numbers followed?

Mr Davies: I do not have 100 per cent accurate information on that. I can tell you what I observed myself and certainly, my observation was a large proportion of them arrived together. Certainly, during the course of the next four hours additional people arrived, for example, IT people from the

police side to talk to our IT people about accessing some of our data. So, there was some wave activity but I think most of them arrived pretty much together.

Hon GIZ WATSON: I just also wanted to get clear in my mind your understanding of how the search commenced. I think I heard you say that your first impression was there were police swarming or moving through the building—is that correct? Perhaps you could give, for my clarity, your description again of how you understood the search warrant commenced?

Mr Davies: The first time I became aware of it, the expression that was used was that there are “police swarming through the building”, so I have gone downstairs to investigate what actually is happening and —

Hon GIZ WATSON: Can I just ask when that was?

Mr Davies: It might have been around two o’clock.

Hon GIZ WATSON: So, it was close to two?

Mr Davies: Yes; maybe just a smidge after. I believe that we then helped identify for the police where the editorial department is and the rationale behind that is simply to minimise the intrusion and the interruption. Once they became aware of where the editorial floor is—obviously, where Paul Lampathakis worked from—they have concentrated their efforts then in that area.

Hon GIZ WATSON: So, your understanding is that the police gained access to the building and started moving through the building quite early in the process.

Mr Davies: Absolutely, yes.

Hon GIZ WATSON: So, you’re not —

Mr Davies: There was no phone call from reception saying, you know, “We’re here, can you please take us to the editorial floor.” They started moving through the building looking for it—that is my understanding.

Hon GIZ WATSON: Right, and was there a point at which there was some negotiation or conversation to direct the search?

Mr Davies: There was; I was not actually at that meeting but discussion, I believe, took place. Our advice was that certainly from the point of view of minimising disruption, it would be in our interest to identify to police the area that Paul Lampathakis worked from, so they could focus their energies on that area as opposed to rummaging through the entire building, and that is what we did. They would still probably be there now if we had not done that.

Hon GIZ WATSON: Lost among the filing cabinets.

Hon ADELE FARINA: Sorry, you mentioned that you participated in a discussion with police together with Mr Weir. Was the solicitor present during those conversations—the *Sunday Times* lawyer?

Mr Davies: Yes.

Hon ADELE FARINA: Throughout the whole of those discussions?

Mr Davies: Though the discussions I was at, yes.

The CHAIRMAN: In respect of the discussions that occurred with Mr Weir and your *Sunday Times* solicitor—Stephen Edwards, is it?

Mr Davies: That is right.

The CHAIRMAN: Are you aware that the discussions were being videotaped at the time—video filmed?

Mr Davies: I do not believe they were videotaping all our discussion; there were certain points —

The CHAIRMAN: I am sorry, perhaps I should just qualify that. I understand the police video unit was there —

Mr Davies: That is right.

The CHAIRMAN: — and that the police advised that they were videotaping various aspects of what is known as “the raid”; their presence on your premises.

Mr Davies: Yes, that is true.

The CHAIRMAN: When you were involved with discussions with the police officer, who I am assuming to be the officer in charge of the squad —

Mr Davies: It was.

The CHAIRMAN: Are you aware that those discussions or matters were being taped?

Mr Davies: He was very precise in making us aware that he was about to tape something and he was very clear in his instruction there.

The CHAIRMAN: Yes.

Hon ADELE FARINA: Is the *Sunday Times* solicitor an in-house solicitor?

Mr Davies: No.

Hon ADELE FARINA: So, he would have needed to have been contacted by someone at the *Sunday Times* and asked to come across.

Mr Davies: That is right.

Hon ADELE FARINA: So, there would be some delay between the time that police arrived and the time of that conversation or the solicitor to get across.

Mr Davies: Yes. I cannot tell you unfortunately how long that delay was.

Hon GIZ WATSON: Sorry, I again wanted to go back to your understanding of the commencement of the exercising of the search warrant. In terms of the police initially gaining access into the building, I assume they had to come to a front desk or —

Mr Davies: Reception area.

Hon GIZ WATSON: Is it your understanding that they were granted access immediately at that point?

Mr Davies: I believe so. I was not there, obviously, but that is my understanding.

Hon GIZ WATSON: Okay.

The CHAIRMAN: Mr Davies, are you aware of the alleged confidential document that became the substance of Mr Lampathakis’s article? Have you got any further knowledge of it? Do you know where it came from?

Mr Davies: No, as I explained I think earlier on in describing my role, I do not have an involvement with editorial matters.

The CHAIRMAN: Are there any other issues that you want to raise with us before we close this particular session?

Mr Davies: No, other than to say that we are encouraged the session is taking place and we would like to think that the conclusion would be that there is no repeat of what we saw at the *Sunday Times*.

The CHAIRMAN: Thank you again for your attendance this morning. There are no documents outstanding as far as Mr Davies is concerned, so thank you very much.

Hearing concluded at 11.58 am