

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

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
MONDAY, 30 JUNE 2008**

SESSION THREE

Members

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

Hearing commenced at 12.59 pm

O'CALLAGHAN, DR KARL

**Commissioner of Police, Western Australia Police,
sworn and examined:**

LAMPARD, MR MURRAY

**Deputy Police Commissioner, Western Australia Police,
sworn and examined:**

ALBRECHT, MR ARNO

**Detective Inspector, Western Australia Police,
sworn and examined:**

JANE, MR ALLAN

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

MANSELL, MS ELISSA

**Detective Senior Constable, Major Fraud Squad, Western Australia Police,
sworn and examined:**

The CHAIRMAN: On behalf of the committee, I would like to welcome you to the meeting. Before we begin, I must ask you to take either the oath or the affirmation.

[Witnesses took the oath or affirmation.]

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

The Witnesses: Yes.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you within a short period. To assist the committee and Hansard, could you please quote the full title of any document you refer to during the course of this hearing. Please be aware of the microphones and try to talk into them and ensure that you do not cover them with any papers or make any unnecessary noises 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.

Would any officer care to make an opening statement?

Dr O'Callaghan: No.

The CHAIRMAN: For the benefit of the committee, Mr Jane has tabled a number of plans that he will speak to. They can be described as floor plans of the *Sunday Times* offices in Stirling Street, Perth. Is that right?

Mr Jane: Yes.

The CHAIRMAN: Again, you are aware that for the ease of calling people or referring to witnesses today, we are going to refer to everyone as Mr or Ms. Mr Jane, the committee invites you to present to the committee the information that you believe pertinent to these documents that you have tabled.

Mr Jane: Before I stand up and go over them, the titles on the top of the three documents before the committee are phase 1, phase 2 and phase 3. They are a rough breakdown of different phases of the search warrant and are used to aid the committee to determine in principle where police were generally located at a particular time. They are not there to determine where a specific officer was at a specific time. They are a snapshot of the approximate location of staff during the entirety of the search warrant.

The CHAIRMAN: For the benefit of Hansard, Mr Jane is going to refer to some plans and photographs that are on the whiteboard in the committee office.

Mr Jane: The first diagram, called an overview of location, is an aerial photograph of the *Sunday Times* offices. I provide this to the committee to demonstrate the size of the building that police were tasked to conduct a search. To give you an idea of scale—these figures are approximate—the frontage on Stirling Street is 60 metres and it is 100m down the length of James Street. It is a three-storey building. It has a basement, a ground floor and a first floor. Those descriptions as given by the plans were sourced from the Perth City Council.

I draw the committee's attention to the first diagram marked phase 1. Underneath phase 1 it demonstrates that there was initial attendance by five police between approximately 2.06 pm and 2.50 pm. Down the left-hand side of the diagrams you will find a legend. That legend corresponds with the numbered marks on each of the diagrams. It gives a brief descriptive note of each of those numbers or marked areas. On the right-hand side of all diagrams marked phase 1, 2 and 3 are some marginal notes, which gives the committee a rough breakdown of the police officers who attended, where they were from and for what purpose they were there. I draw your attention to the caveat at the bottom. That tells you where we sourced the documents. In addition, it stipulates that these diagrams are not to be used for the placement of particular officers at a particular time. There is a scale provided.

On phase 1 you will note that the area marked number 1 on the first floor is the editor's office of the *Sunday Times*. If you go to the marginal note, it says that the usual search warrant team, referred to as the search team, comprised me as the officer in charge of the search, the inquiry officer, Detective Senior Constable Mansell, the exhibits officer, the video officer and a search officer.

If you go to the ground floor and have a look at item 2, that was our point of entry. In the very first phase between 1406 hours and 1450 hours there were only five police officers present. Initially, three entered the building and then there were five. At about 2.30 pm, according to our running sheets, I made a decision to call for additional staff. Those additional staff started to filter through at around about 2.50 pm, and that commences phase 2.

The CHAIRMAN: Mr Jane, thank you for describing phase 1. Members may wish to ask questions as we move through the various documents.

Hon ADELE FARINA: What triggered your decision to call for additional police?

Mr Jane: You recall that I gave that evidence on 9 June. When approached, the editor of the *Sunday Times* relied upon advice from his legal counsel. At that time the rhetoric between the police and the newspaper was adversarial. I qualify that statement by saying again that I think that

the lawyer for the *Sunday Times* was acting in the *Sunday Times*' best interest and there was no malice or vindictiveness. He was simply doing his job. That was the critical catalyst for requesting additional staff. The reason behind that was operational. We had a very, very large area, a three-storey building with a number of staff in there, and we needed the resources to secure any evidence or potential evidence that we might locate during the course of that warrant.

That was the catalyst and that was the decision that was made.

[1.10 pm]

Hon ADELE FARINA: When you phoned through for additional officers, did you specify a number?

Mr Jane: No. A briefing was held between myself and the officer in charge of the major fraud squad prior to my departing for this warrant. In that briefing, I briefed the staff who were attending in the warrant with our intentions. We had discussed, myself and the officer in charge of the major fraud squad —

The CHAIRMAN: Mr Jane, can you give us the name of the officer?

Mr Jane: Detective Senior Sergeant Blackshaw. We discussed this eventuation occurring. I asked for assistance and those available officers at major fraud squad were called to give us assistance.

The CHAIRMAN: Any further questions on this one? No. Mr Jane.

Mr Jane: I draw your attention to the diagram marked "Phase 2". Again, you will see an approximate time. Initial attendance by the additional police—in total 24 police officers—was between 2.50 pm and approximately 5.00 pm or 1450 and 1700 hours. This is the busiest of the diagrams and it will take time to go through and break it down for you. You will note the legend item marked "1". That is in an area where we located a large number of reporters and also the editor's office. That was the principal area that we searched. In fact, I can refine that principal area of search to the red crosshatching area where you will see Mr Lampathakis' work desk and the surrounding area. That was the area that was searched for physical documentation.

Item 1 shows the principal area. There was the search team, comprising five staff, and an additional four staff were used to expedite the search to speed things up. There was the arrival and departure of Inspector Albrecht and Detective Senior Sergeant Blackshaw, who were overseeing and, on occasions, other police seeking directions from either myself or the inquiry officer entered into that area. I might point out that our actions were immediately broadcast live to the internet by media sources during that period.

The CHAIRMAN: By whose media sources?

Mr Jane: *Sunday Times* and other media who were inside and present. They immediately broadcast that to internet sources.

Number 2 is a static police officer. That static police officer was used to monitor the entry and exit of all other people and police officers from the major entrance into that area. Number 3 is another static police officer location. There were up to two police officers monitoring the entry and exits of the principal search area and movement of newspaper staff up and down a stairwell that you can see there.

Number 4: There were up to three police officers manning that area but predominantly there was one. They were monitoring the entry and exit into the search area and movement of newspaper staff in and around that hallway, which is a three-way junction.

Number 5: One police officer is marking a rear exit down one end of where the newspaper reporters were located. On the lower floor, you will see that only two items are brought to your attention: items 1 and 2. Item 1 was at the front entrance, which was perhaps the most dynamic of the areas. By "dynamic", I mean that at one point we might have had two staff there but at its peak we had six

and possibly one or two more operating out of that area. At around 5.00 pm, we anticipated that a large number of people would want to leave the newspaper. I posted additional staff down there to facilitate the very quick exit or entry of any people who wanted to get into the newspaper. I remind the committee that the purpose of the people being down there was to record those people entering and leaving and to search their bags to look for items specified in the warrant. Also about that time, a very large media presence was starting to amass outside the front of the *Sunday Times*. Some of those police officers were used to liaising with the media and set up an interim media post.

Item 2: Up to two staff were monitoring people entering and exiting the building in the loading bay. That area in the diagram is a loading bay and there were two staff operating from there.

Item 3: There were officers patrolling parts of the *Sunday Times* that are under reconstruction or where there are renovations happening. Two officers moved between this, and you will recall that I said on the first floor there were between one and three police officers at area four. They monitored that area and patrolled down among here. Two of those staff were supervisors and they would often come to me and I would give them direction as required. Are there any questions about phase 2?

Phase 3, the final phase, was one hour and 10 minutes in duration. After we had completed the principal search of Mr Lampathakis' work space, the police officers manning the exits were dismissed. We had no further requirement for them as we intended to access the *Sunday Times* newspaper IT network to obtain information from it. The number of police officers that remained was between nine and 11. I draw your attention to number 1. The search team, newspaper staff and computer crime operated out of the editor's office, discussing what information we would take from the server and also to discover how we intended to obtain that information. It was from that location that members from computer crime moved to areas 2 and 3. Area 2, as you will recall, is where Mr Lampathakis' work space is. Some of the staff looked at his stand-alone desktop computer. Other police attended the area marked "3", where they attempted to, and did obtain, information from the *Sunday Times*' IT server. The police left at about 2.10 pm. For that last hour and 10 minutes —

The CHAIRMAN: Is that 2.10 pm or 6.10 pm?

Mr Jane: I apologise, it was 6.10 pm. For that period, only between nine and 11 police officers remained. They are the diagrams that I have been asked to tender.

The CHAIRMAN: Thank you. Mr Jane, because you have been sworn in, unless you have some other urgent business, it may be convenient for you to stay because you may be able to assist the committee, although you were not specifically called in today. That depends on your program this afternoon.

Mr Jane: Thank you, sir. I am in a position to stay.

The CHAIRMAN: The committee had some discussions earlier and Hon Adele Farina has been asked by the committee to put the main questions to the officers present, but they will be supplemented by questions from me and Hon Giz Watson.

Hon ADELE FARINA: I will basically run through the questions that we have already provided you. I will start with the first question regarding the basis on which the decision was made to apply for and execute a search warrant on the *Sunday Times*. Who would like to answer that question?

Ms Mansell: I can answer that. Without going into too much of our investigative techniques, after the complaint was made, it appeared the only option to get the information from the end source was to go directly to the *Sunday Times*. It was on that basis that we decided to go to where the information was most likely to be contained and to obtain it in that manner.

Hon ADELE FARINA: Why do you think that that was the source where the information was most likely to be contained?

Ms Mansell: Given that the information that had been printed was almost verbatim as that presented to cabinet, it was likely that Mr Lampathakis had received information from the person

who leaked the cabinet documents. He is the only person that we knew would have spoken to somebody.

Hon ADELE FARINA: Why were other avenues of investigation not pursued before applying for and executing the search warrant?

Ms Mansell: Other avenues were investigated but given the investigation is current I am not happy to divulge them to you.

The CHAIRMAN: Can you tell us what options were available to you in respect of the investigations?

[1.20 pm]

Ms Mansell: I do not know how I can answer that without divulging —

Mr Albrecht: The options available were to interview, potentially, any person who came within contact of that document. It is my understanding from the inquiries that the investigating officer made that they were numerous in number because the documents had been widely circulated. Quite rightly, to try to interview all those people, although that was an option, if you have a source that you know has had direct contact with the material in question, you go directly to that source; you do not give opportunity for evidence to be destroyed or hidden. So, rather than go on a fishing expedition to numerous people, you go directly to the source, try to secure that source and then you may, in time, go to those other sources. Does that assist?

The CHAIRMAN: It assists in part, Mr Albrecht. Ms Mansell, is the reason that you do not want to discuss the options or expand on the issues regarding the investigation because you think that that may prejudice your inquiry? I ask that because, if it is convenient to you, so that the committee understands exactly what has happened, you can invite the committee to go into private session; that is, if what you propose to disclose will interrupt or prejudice a current inquiry.

Ms Mansell: That is my reason, yes.

The CHAIRMAN: We ask the press to excuse themselves and any other members of the public who are not sworn.

[The committee took evidence in private]

[The committee resumed taking evidence in public at 2.51 pm]

Hon ADELE FARINA: It is just question 3. Are there guidelines in place to assist police officers in determining how to proceed with an investigation and in what circumstances search warrants may be considered as the preferred method of proceeding with an investigation?

Mr Lampard: Yes, there are guidelines. Right from the outset when we bring people into our detective branch, they go through a series of detective training courses. They are taught investigative models. They are taught best practice. I think it is really important to say that they are actually taught that every investigation will be different and they will need to apply innovative ways, be a little bit entrepreneurial, in the way they go about investigating, but, as the commissioner said earlier, the advantage of having guidelines and standard operating procedures is that it gives officers a model to work to. We understand that they will at times need to be flexible in their application of that, but there are guidelines, and certainly from my review of some of the information, our officers did adhere to those guidelines.

Hon ADELE FARINA: Is it possible for the committee to get access to a copy of the guidelines?

Mr Lampard: Yes, it is.

Hon ADELE FARINA: So you will provide that.

Mr Lampard: Yes.

Hon ADELE FARINA: Are there protocols in place for communications between the police and the CCC?

Dr O'Callaghan: Most definitely.

Hon ADELE FARINA: What are they?

Dr O'Callaghan: It depends at what level. There is a whole range of communications and interactions that go on with the CCC at different levels. From my level as commissioner to commissioner, we have regular meetings, but there are operational meetings between the deputy commissioner, operations, and their deputy operations as well, and then there are the sorts of interactions that Mr Albrecht has spoken to, which are investigating officer to investigating officer level, so there are interactions at all levels.

The CHAIRMAN: Were they adhered to in this particular case, Mr Commissioner?

Dr O'Callaghan: Yes. From my reading of the running sheets in the case, they had been followed—normal procedure.

Hon ADELE FARINA: Why is it that the contact with the CCC in relation to the use of coercive powers was left until after securing the search warrant and just before the execution of the search warrant?

Mr Albrecht: It was during discussions. We again looked at risk mitigation about trying to prevent the obvious media circus that was going to come about. It was considered, even though the CCC had already indicated that they were not going to investigate it, that we would again approach them to reconsider their position on the matter. That is why the phone call was made.

Hon ADELE FARINA: You are saying that there were earlier communications than the communications that occurred on 30 April with the CCC in relation to the CCC taking over the investigation or use of their coercive powers?

Mr Albrecht: The CCC has the responsibility to investigate corruption by public officials. The complaint arising from Premier and Cabinet came to both organisations. There is the letter of 28 March where the CCC indicates—it is not the letter—it is on 28 March that they indicate that they are not going to investigate it and, therefore, we will continue with the inquiry. Given that and the potential outcome of what was to occur in the public arena, it was decided that I would contact the CCC, ask for them to reconsider their position and put to them that we were prepared to put off the matter if they wanted to have a joint investigation, but after two phone calls it was quite apparent that they were not inclined in either way, and so it was decided to proceed.

Hon ADELE FARINA: So between 28 March, when you received the letter, and 30 April, when you made the two phone calls, there were no communications between the CCC and the police in relation to either a joint operation or the use of coercive powers by the CCC?

Mr Albrecht: Not to my knowledge.

Hon ADELE FARINA: In assessing the best way to proceed with this case and the issue of contacting the CCC in relation to a joint investigation, the use of their coercive powers did not come to mind earlier than after the search warrant had been applied for?

Mr Albrecht: The search warrant had been obtained by the investigating officer. I was brought into the discussions. I went away and spoke to the detective superintendent in charge of the commercial crime division. We decided that, again, as I said, one last time we would approach the CCC for them to reconsider whether they would handle the matter or not and then see where we went from there.

Hon ADELE FARINA: When did the police become concerned that the execution of the search warrant might become a media circus?

Ms Mansell: It was always going to be that way. It was part of the deal.

Mr Jane: We coined the phrase “media circus”. As soon as I was told of the task I was about to perform, I had a look at the correspondence in relation to the file and I reviewed the file—I think I quoted to you the last time I gave some evidence my correspondence from Mr Wauchope—and it became immediately apparent that there was a potential for adverse media responses to this course of action. As I say, it became immediately apparent, and we discussed it. Mr Albrecht, the officer in charge of the major fraud squad, myself and Detective Senior Constable Mansell sat down and we discussed what options were available to us. It was at that time Mr Albrecht liaised with the superintendent of the commercial crime division and we came to the responses that you have already heard.

Hon ADELE FARINA: That was some four hours prior to the execution of the search warrant?

Mr Jane: Yes.

Hon ADELE FARINA: Not prior to the application of the search warrant?

Mr Jane: No.

The CHAIRMAN: Mr Albrecht, did you ever mention to Mr White or Mr Wynn that you were about to exercise a search warrant?

Mr Albrecht: Most definitely. If you look at my memo or my conversations with Mr —

The CHAIRMAN: I have that. Can you tell me: did you tell them what time you were going to execute the search warrant?

Mr Albrecht: As to the hour, no, but it was to be that day.

The CHAIRMAN: Thank you.

Hon ADELE FARINA: The select committee has been made aware of three other unauthorised disclosure complaints referred to the police. One was in relation to a leak from the Department of Treasury and Finance in 2005 and, in fact, there was a CCC investigation on that. Another is a complaint of unauthorised disclosure of secret information contained on computers from Royal Perth Hospital and the other is a more recent complaint of unauthorised disclosure of secret information by someone from the Department of Treasury, which investigation I think has just been completed. Can you just explain to the committee, in relation to all three of these different complaints, whether search warrants were executed in each of those cases and how many officers were involved in each of those executions of search warrants? Just to clarify it, it was 2004 that the investigation actually took place. I might just pass this down to the witnesses. If you are not able to answer that question now, you can take it on notice and come back to the committee. That might be easier.

Dr O’Callaghan: I would say that we are not in a position to answer it with complete accuracy, so it would be better for us to provide that information to you.

Hon ADELE FARINA: If search warrants were not executed in relation to each of those other three investigations, the committee would like to know what investigations were pursued in relation to each of those complaints, why a decision was made not to execute a search warrant in relation to those other complaints and whether, on reflection, other avenues could have been pursued in relation to this investigation rather than executing the search warrant on the *Sunday Times*.

If it was the case that a search warrant was executed in those other three raids, could you just confirm which ones, if it was not all of them, actually had a search warrant executed and how many police officers were involved in each of those executions of search warrants.

[3.00 pm]

The CHAIRMAN: Mr Lampard, my question is directed to you in your capacity as deputy commissioner. It relates to something we will talk about later with the commissioner. We were told by the police in earlier evidence that they would have preferred the CCC to have interviewed Lampathakis using the CCC's coercive powers rather than the police conduct a raid on the offices of the *Sunday Times* on 30 April. What is your position on the merits or otherwise of having the CCC assist in the inquiry by using its coercive powers?

Mr Lampard: Certainly our experience over the years in dealing with people from the media or people in the legal profession is often we were going to be challenged in being able to interview them or have access to material. We were quite sure that the appearance of a public search warrant at the *Sunday Times* would have consequences with regard to the public demonstration of that. The operational strategy, from talking with my people, was that if we involve the CCC and ask the CCC to hold private hearings, then certainly material and people who could provide evidence could be brought into a private hearing and hopefully that would give us the evidence to get to the source of the leak of this information. It was just felt to be a much better operational strategy. We believe that it would probably be a more successful strategy than us conducting a search on the *Sunday Times*. This is why Mr Albrecht and Detective Superintendent Randall continued to pursue involvement of the CCC. There were a number of issues for us. The CCC could have taken over the inquiry, as Mr Albrecht has said. It is certainly its charter to investigate corruption or criminal activity by public officials, or we would have been quite happy to carry out a joint operation, as per the agreement that I forged a short time back with the CCC in regards to us doing joint operations, particularly in the organised crime area. It is true to say that we were disappointed that we could not access those powers at that time. However, we still had before us a complaint from the Director General of Premier and Cabinet. It became clear to us that we had to push on with that inquiry and do our best, which meant executing the search warrant on the *Sunday Times*.

The CHAIRMAN: Can you tell me what the police view is with respect to the actions or the lack of action by the CCC in support of the police operation?

Mr Lampard: Certainly the CCC does not have to detail to us why it chooses not to either join or partner us or take over an inquiry. It has been reported to your committee that it thought that the complaint and the issue was not of such a serious nature that warranted its resources. We did not agree with that. We are clearly of the view that a leak of confidential cabinet documents is a very serious offence. I would respectfully suggest that the use of coercive powers could be very effective in this instance to get to the bottom of how this occurred.

The CHAIRMAN: Having regard to what has occurred and what is now public, are your comments related to the fact that there has been some suggestion that there was overkill by the police with respect to the numbers used in the raid? Have you formed that view since the *Sunday Times* raid on 30 April or is it a matter that you would have formed before then?

Mr Lampard: May I clarify that. Are you asking whether I formed the view that there was an overuse of police numbers at the *Sunday Times* raid?

The CHAIRMAN: No. Mr Albrecht asked the CCC to use its coercive powers on 30 April. Did you form the view that the use of its coercive powers would have been in the interests of the police rather than a raid?

Mr Lampard: Absolutely. It was a far more professional and efficient way of us accessing the information that we thought would and will be available to the investigators.

The CHAIRMAN: If that was the case—I am really talking at a policy level—do you believe that a phone call by a detective inspector to an equivalent ranked officer in the CCC was an adequate way of enjoining the CCC in the operation?

Mr Lampard: I guess that can be debated. Mr Albrecht spoke with the CCC's acting director of investigations.

The CHAIRMAN: Is he a person more senior in equivalent rank to Mr Albrecht?

Mr Lampard: It would be hard to make that correlation. Perhaps it is fair for the committee to say that Mr Gregson, who has quite a close relationship with the CCC from an operational perspective, could have made that phone call.

The CHAIRMAN: It is the phone call that concerns me. In asking the CCC to use its coercive powers to seek information from Mr Lampathakis, given the CCC's attitude to the use of coercive powers, and it related to the words "serious or grave circumstances"—it had to be present before it would use its coercive powers—do you think a phone call was an adequate way of approaching the CCC to use its coercive powers or would you have anticipated or expected that it be a request in writing?

Mr Lampard: Certainly that could be a view. I am just trying to think of the most appropriate way to answer that. The senior ranks of the commercial crime division believed that they had exhausted all avenues. Subsequently, it is appropriate to say that the commissioner and I certainly devolve operational responsibility to our key senior officers. Only on rare occasions do the commissioner and I actually become involved in those—if it is in the public interest or there are issues that would cause our intervention. The decision was made at the specialist crime level that we were not going to be able to co-opt the help of the CCC and it proceeded with the investigation. If it had even been escalated up to my level as deputy past Mr Gregson and in my case talking with Mr Silverstone, who sits just under the commissioner, I do not believe that the outcome would have necessarily changed.

The CHAIRMAN: I guess the question that remains with me is that even at your level, is it appropriate to telephone and seek the CCC's use of coercive powers. Is that an adequate way of approaching an issue or should it be in writing? That is a policy matter —

Mr Lampard: That is something that we could certainly look at.

[3.10 pm]

The CHAIRMAN: —that you and your executive could be looking at and it is a matter that we will be talking to the commissioner about in due course because he may have a view on it already.

Mr Lampard, having referred the inquiry to the police, do you believe the CCC could have done things differently or better to assist the police in respect of the inquiry? I think I must take out the question of coercive powers because we have talked about that this afternoon. You clearly believe there was an opportunity for the CCC to play a role there. Is there any other matter it could have assisted the police in?

Mr Lampard: We have worked hard in trying to draw a stronger relationship between the WA Police and the CCC. As a result of a previous parliamentary select committee that looked into the powers of the CCC, I gave evidence at that hearing and I have had a number of meetings with the CCC's director of investigations, Mr Anticich, and he was keen to firm up joint working relationships, particularly in the organised crime field, with WA Police. We drew up a model whereby we felt that both agencies could work cooperatively together and particularly give WA Police a little more effective clout in the use of the CCC's extraordinary powers. I have said all that, Mr Chairman, to indicate that it would have been appreciated, of course, in the spirit of our new working relationship—our new cooperation. This was an instance when we felt we really did need the support of the CCC and, sadly for us, it was not forthcoming on this occasion.

The CHAIRMAN: I have just one final question, Mr Lampard. Do you believe it is appropriate for the police to be required to investigate allegations of breaches, or the release of secret information? I am referring in particular to section 81 offences. Do you believe it is appropriate for the police to be the agency that investigates the matter, or do you think that that should be a matter for the CCC?

Mr Lampard: I think that is within the charter of the CCC, sir.

The CHAIRMAN: Do you now not believe it is appropriate for the police —

Mr Lampard: The police can assist and make a contribution to it. I believe that the lead investigating body in those matters should be the CCC.

The CHAIRMAN: Can you just explain why? I am interested in your reasoning because I understand that the CCC is interested in the question of misconduct and, as I understand it, the police are interested in the question of criminality. When there is a potential breach of section 81, I would have thought that you would be dealing with criminality.

Mr Lampard: You are, certainly.

The CHAIRMAN: Why then do you say that it is more appropriate for the CCC to investigate this type of alleged offence?

Mr Lampard: I am of the view that whilst I acknowledge your comments—they are correct, sir—the CCC is best placed to investigate issues of corruption and criminality in regards to public figures, even when investigations are conducted into police officers that have allegedly committed criminal offences. That is within the CCC's charter; it is an organisation that is set up to do that. I suggest that whether it be a police officer or another government officer or public official, that certainly is within the remit and mandate of the CCC. Again, there is an opportunity for our corruption prevention portfolio to provide specialist assets to the CCC to be able to do that. At the end of the day, the CCC certainly has oversight of all these investigations, whether the police do them or not. My submission to you was that it would have certainly been advantageous for the CCC to partner us—not necessarily take it over—in this particular inquiry.

The CHAIRMAN: Thank you. Mr Lampard, at your senior level of the police service, do you propose to recommend any changes to the present protocols between the police and the CCC, given the circumstances surrounding the raid on the *Sunday Times* on 30 April 2008?

Mr Lampard: Certainly I have had discussions with the Commissioner of Police in regards to this. I have been absent from the workplace recently. In recent times, both the commissioner and I have seen that it is important that we make recommendations and that there are opportunities to get a clear understanding between the CCC and WA Police as to what should occur in instances like this.

The CHAIRMAN: Thank you, Mr Lampard, Mr Albrecht, Ms Mansell and Mr Jane, for your attendance. You have been most helpful this afternoon and the committee appreciates the further information that you have tabled and the evidence that you have given to assist us with the inquiry. We will now read the transcripts and you will be given a copy for correction. Should there be a requirement for any further clarification, obviously the committee reserves the right to recall you and we will contact your office in that regard. Thank you, Mr Lampard. Are there any other matters that you want to raise to the committee—I am talking to the four officers—before you leave?

Mr Lampard: No.

Hearing concluded at 3.15 pm