

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

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
MONDAY, 4 AUGUST 2008**

**Members**

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

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**Hearing commenced at 2.25 pm**

**WEIR, MR SAM**  
**Editor, *Sunday Times*,**  
**sworn and examined:**

**The CHAIRMAN:** On behalf of the committee I welcome you to the meeting this afternoon. Before we begin I ask you to take either the oath or the affirmation.

[Witness took the oath.]

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

**Mr Weir:** Editor of the *Sunday Times* in Perth.

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

**Mr Weir:** I have, yes.

**The CHAIRMAN:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you, but 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 speak into them and ensure you do not cover them with papers or make 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 has been finalised it should not be made public. I advise you that the premature publication or disclosure of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Would you like to make an opening statement to the committee?

**Mr Weir:** No.

**The CHAIRMAN:** Thank you for your attendance this afternoon. I indicate that the committee has received from the *Sunday Times* a letter dated 18 July 2008 in which is enclosed an additional statement from you relating to the evidence of Assistant Commissioner Wayne Gregson and some additional documentation in the form of a submission with respect to shield laws for journalists. We appreciate that additional information.

Mr Weir, when the police gave evidence on Monday, 9 June 2008, Assistant Commissioner Wayne Gregson made some comments about the lack of cooperation. When I say “lack of cooperation”, they may not be his exact words, but he implied a lack of cooperation by the *Sunday Times* in respect of the execution of the search warrant on the premises of the *Sunday Times*. Can you confirm that you have had the opportunity to read page 6 of the transcript of the evidence given by the police that day?

**Mr Weir:** I have it in front of me as well.

**The CHAIRMAN:** You will note that at page 6 Assistant Commissioner Gregson makes the following comments —

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

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

Further, at page 20 of the police evidence on that day, in the last three sentences of Mr Jane's comments, he says —

Because of the adversarial nature and the initial confrontation, I felt at the time that we would not get the cooperation that I initially sought. As pre-briefed, I had a staff member contact the officer in charge of major fraud squad.

The evidence that Mr Jane was giving was in respect of the escalation from five police officers who originally attended the *Sunday Times* office to up to 27 officers attending the *Sunday Times*, but not all at the same period of time. That is the context in which that last evidence was given by Mr Jane. What the committee is keen to understand is whether the *Sunday Times* did cooperate with or was helpful to the police. I appreciate that you have provided us with some additional information. However, you were the main person who the police were dealing with when they executed the search warrant, so could you tell us in your own words whether you believe that you cooperated with and were helpful to the police in respect to the execution of a search warrant?

**Mr Weir:** Firstly, I suppose the video will bear it out and people can make their own impression from that. It contained pretty much most of the conversations that relate to both what Mr Gregson and I are saying or is in dispute.

**The CHAIRMAN:** Have you seen the police video on the matter?

**Mr Weir:** I have not since, no. I have not asked for it either.

**The CHAIRMAN:** The committee has had the benefit of viewing that video, but please continue.

**Mr Weir:** Very simply, I do not believe at any stage that I or any member of the *Sunday Times* did not cooperate within what they regarded or what they were told were their legal rights.

**The CHAIRMAN:** You say the police claim that you questioned the validity of the search warrant. You use the same words yourself; you say, "I do not believe I questioned the validity of the search warrant unless the police regarded asking what the search warrant related to as questioning its validity." What was in fact the situation? What sort of issue did you raise when they showed you the search warrant?

**Mr Weir:** Again, the video would bear out the exact wording, but I think I simply asked what it related to. I think I was surprised about the story that it related to. I think I expected it to be another story. I note also that Detective Sergeant Jane makes no mention in his evidence of my disputing the validity of the search warrant. I made it very clear once I was presented with the search warrant that I requested to seek legal advice. Whether that is what Mr Gregson regards as questioning the validity of the search warrant, I am not sure. I do not think at any stage I said anything like "I don't believe this is a search warrant", "Prove it's a search warrant", or "This isn't a valid search warrant." I did not use any words to that effect.

**The CHAIRMAN:** Is it fair for me to take from what you are saying now that you believe that you were cooperative with the police on the day?

**Mr Weir:** Again, within what I was told were my legal rights and what I believed to be my legal rights, I cooperated entirely with the police, and everyone else at the *Sunday Times* did also.

**The CHAIRMAN:** When you say “within your legal rights” there seems to be some issue in the words that you use here, for instance, that you wanted to seek legal advice. Can I ask you whether the seeking of legal advice was in fact aimed at thwarting the execution of the search warrant?

**Mr Weir:** No. I had never been served with a search warrant before. I did not know what my rights were, whether I could say, “No, leave the building now” or “You have free rein of the building.” Very simply, I asked when police officers turn up at your workplace it is standard procedure to ask if you are allowed to. Detective Sergeant Jane granted it. It was made very clear that it would probably take 10 to 15 minutes for them to get there. It took 10 to 15 minutes for a lawyer to get there. In that time a decision was made by the police to call extra officers.

**The CHAIRMAN:** Can you point to any reason that you believe existed that would indicate why the police would want to escalate the number on your premises from five to a greater number?

**Mr Weir:** Having read the evidence I know why I think Mr Jane was getting increasingly nervous. However, at that stage, even though members of the *Sunday Times* staff knew that police were talking in the office, which has a glass window, so photographs were being taken, I am pretty sure they did not know what matter it was in relation to, so if he was worried about every member of staff trying to destroy evidence so to speak, they did not know what the matter pertained to. Again, the video would bear it out, but I am not sure I was ever told, “If your lawyer doesn’t hurry up and get here, we’re going to have to call more people.” I do not think that was ever said. Mr Jane did ask how long before he would be here. Ten to 15 minutes was the time given, and I am pretty sure it was within about 15 minutes that the lawyer arrived. Post that, there was some toing and froing, which again, as is indicated in Mr Jane’s evidence. He allowed me, my associate and our lawyer, Mr Edwards, some time together to discuss the matters. However, from reading his evidence, I think, the extra police had already been called by that stage.

**The CHAIRMAN:** When you use the term “toing and froing”, what do you mean by that?

**Mr Weir:** Our lawyer arrived. We were allowed a few minutes in private with him to explain the situation. I think then after that that the police explained the terms of the search warrant. I think we were allowed a short time afterwards to make a decision, and after we made the decision to allow police to search. By the time we had sort of made the decision that police could search the desk and we had showed them where it was, there were 27 officers already there or on their way.

**The CHAIRMAN:** You recall that I indicated that at page 20 of the evidence Detective Sergeant Jane, in his evidence to this committee, states —

Because of the adversarial nature and the initial confrontation, I felt at the time that we would not get the cooperation that I initially sought. As pre-briefed, I had a staff member contact the officer in charge of major fraud squad.

Just go back to those initial words “Because of the adversarial nature and the initial confrontation”. Do you recall any initial confrontation?

**Mr Weir:** The only initial confrontation or anything of an adversarial nature that I can possibly think of is that there was some tension between Mr Edwards and Mr Jane at one stage.

**The CHAIRMAN:** Mr Edwards being the *Sunday Times*’ solicitor?

**Mr Weir:** Mr Jane says, “When I say “adversarial”, he was probably acting in the very best interests of his client.”

**The CHAIRMAN:** Yes.

**Mr Weir:** It merely related to, I think, Mr Jane wanting to address my staff. I think Mr Edwards said, “I’m not sure you can do that, or at the very least, if you’re going to do that, then Mr Weir should also be able to address his staff.”

That is what it related to. Looking at Mr Jane’s evidence, it appears that he had already called the extra police to come to the building well before that had occurred. From my understanding—I will stand corrected if I have misread the evidence—the extra police were called during the wait for the lawyer to arrive.

**The CHAIRMAN:** My reading of the evidence would indicate that that is the situation.

**Mr Weir:** Mr Jane talks about the adversarial nature and initial confrontation, and the only thing that I can possibly think of, and the only thing that is borne in his evidence, is the tension, so to speak, between he and Mr Edwards, which happened well after extra officers were on their way.

**The CHAIRMAN:** I, as a member of the committee, am still trying to determine why the five officers who originally attended your premises could not have conducted the execution of the search warrant by themselves and why there was a need to escalate police numbers to up to 27 at some stage—I am sorry, but not all at the same stage attending your premises. Can you throw any light on that?

**Mr Weir:** I have no idea. I do not think anyone has any idea.

**The CHAIRMAN:** I am aware of your earlier evidence on a previous day where you made some comment as to the use of 27 officers.

**Mr Weir:** I cannot speak to the police when they arrive. Again, it was not a cabinet leak, so to speak, and it was not an execution of a search warrant, but in relation to the Royal Perth Hospital story, where the procedure was—which tends to be the general procedure—they called up half an hour earlier and said, “We’d like to come and speak to you about this matter. Here is an opportunity to get your lawyer to come along.” It was two officers and the result was exactly the same; but it was two police officers, not 27, and there was not all the unnecessary angst on the day and since.

**The CHAIRMAN:** I might invite Hon Adele Farina to ask some questions. Just before I do, the police in their evidence, as you are aware, indicated that they believed that there was a video being taken by the *Sunday Times* or other media personnel that was being direct-fed—I think you used the term “direct live link”—onto a *Perth Now* site, or some other site. You have indicated that that was not the case.

[2.40 pm]

**Mr Weir:** That is probably a technical term. Mr Gregson talks about a direct live link, which I would understand to be something that one watches in real life as it happens. Photographs were taken and some video was shot, but it was then cut into a short video that was on the website probably half an hour or an hour after the footage was taken.

**The CHAIRMAN:** So there was not a direct live link of the search as it was being carried out?

**Mr Weir:** No, it was not thrilling enough to do that! I suppose the thing I should say is that while it was reasonably tense and unusual between me and Mr Jane, once the search was underway it seemed to be handled very cordially by everyone, and I was surprised by what I would regard as provocative language in the final statement that Mr Gregson delivered on Monday, 9 June.

**The CHAIRMAN:** Yes.

**Hon ADELE FARINA:** Mr Weir, in your statement you say you declined to answer questions only until such time as you could receive legal advice. What questions were put to you by the police that you declined to answer? Can you recall those and inform the committee?

**Mr Weir:** Initially, within a very short time after having had the search warrant explained and what it related to, I made it clear that I wanted to seek advice from our lawyers, so it was basically any

questions after that. Mr Jane read me my rights, so to speak. I cannot be entirely sure if he asked whether we would let them make an unfettered search through the newsroom; he may have, but it was pretty much any question. Again, it would probably be far easier to just watch the video. It is better than my memory.

**Hon ADELE FARINA:** You do not recall whether specific questions were asked and you declined, or whether you simply, on receiving the search warrant, just said, “Look, I want to get legal advice before this goes any further”?

**Mr Weir:** I cannot recall the specific questions that were asked, and pretty much after receipt of the search warrant I asked to seek legal advice. Mr Gregson continued to read me my rights and then he allowed me to seek that legal advice. No questions were asked by the police during the 10 or 15 minutes that it took. I think that, as part of the execution of the search warrant, he had said, “We are requesting to search your newsroom for documents that relate to this, this and this.”

**Hon ADELE FARINA:** You declined until you received legal advice—is that correct?

**Mr Weir:** Yes, I declined to answer all questions, and he allowed me to seek legal advice, so I thought there was no dispute or lack of cooperation purely by the fact that the police had allowed me to seek legal advice and that we had agreed that it would take 10 or 15 minutes, and we all sat together and did not speak.

**Hon ADELE FARINA:** You also state in the supplementary statement that you provided to the committee that the *Sunday Times* staff cooperated with the police within their legal rights at all times. That seems to me to be somewhat qualified; would you be able to explain that or expand on that for the committee in terms of what you meant?

**Mr Weir:** After the toing and froing between me, Mr Edwards and Mr Jane, we agreed to show the police to Mr Lampathakis’s desk. Before that happened, Mr Jane addressed my staff and I addressed my staff, and explained that they did not have to answer any questions, but that anything the police asked them to do, they should do. Their legal rights were that they did not have to answer any questions, but I advised them not to impede the police in any way during their search. If the police asked someone to move a seat, that is what my staff did.

**Hon ADELE FARINA:** Did Detective Sergeant Jane ask you to show police Mr Lampathakis’s work area?

**Mr Weir:** They did, yes.

**Hon ADELE FARINA:** Was that prior to your legal counsel arriving?

**Mr Weir:** From the execution of the search warrant, at that time he may have asked me where Mr Lampathakis’s desk was. Essentially, the discussion between me and my lawyer was about whether we had to, and we did.

**Hon ADELE FARINA:** When that was first put to you, you declined to show the police Mr Lampathakis’s work area until such time as you got legal advice?

**Mr Weir:** I am not entirely clear whether I took—in executing the search warrant, he specifically asked me whether I could show him to Mr Lampathakis’s desk, and I took it that as an obvious part of the search warrant, he would have to go to Mr Lampathakis’s desk. There did not seem to be a huge amount of concern from Detective Sergeant Jane in the delay for me to seek legal advice, and that was essentially what the legal advice was about.

**Hon ADELE FARINA:** Did you ask Detective Sergeant Jane to hold off executing the search warrant until your legal counsel arrived and you were able to obtain legal advice?

**Mr Weir:** I do not know whether I put it as specifically as that; I simply said that I was not answering any questions and that I would like to seek legal advice and would not be answering any

questions until I had done that. He essentially said that that was fine, and allowed us to call our lawyers.

**Hon ADELE FARINA:** Did the police ask you or your legal counsel to telephone Mr Lampathakis and ask him to return to the *Sunday Times* while the police were there?

**Mr Weir:** I think they may have. The police had his mobile number and had had it for some time, according to their evidence weeks before. I think that on advice from our lawyers, we declined, but the police already had his mobile number and contacted him anyway. I think he was out of the office and had been for most of the day, and was a reasonable distance away, and may also have received his own independent legal advice as to whether he should or had to return to the office.

**Hon ADELE FARINA:** Just to clarify, your evidence is that you were asked by the police but that you declined, based on legal advice?

**Mr Weir:** I am not sure whether it was me or Mr Edwards who was asked, but I think we were asked.

**Hon GIZ WATSON:** I want to go back to the very beginning of the process, when the police arrived. I was interested in your comment that you were all in the room with the police, but it would have been obvious that the police were present in the building and contained within that room, so there was not, as I understand it, an opportunity for the rest of the people in the building to know why the police were there. I guess that is critical to the argument made by the police about why they needed additional people. Can you walk the committee through your understanding of what occurred from when the police walked through the front door until the time when you were in the room together for a period before the search then moved out into the rest of the building? Can you walk us through that sequence? It seems to me that the police might make the argument that they were concerned about getting more people there because everybody in the building would have known that the police were about to make a search, so they had to watch the exits and cover that. Perhaps you could talk us through that bit, because if the information was contained within that room, then that argument would not hold up.

**Mr Weir:** Again, it was all reasonably discreet at the start; as discreet as it could be. I was in the managing director's office. I have since learnt that the police were downstairs. From where I was, I think my secretary came in and said that there were police in the building, and they met me as I walked out of the managing director's office, escorted me to my office, the doors were closed behind me and Mr Jane proceeded to serve the search warrant on me. At that time I think there were two or three police officers—one being the video recorder—and me in the office. At that stage no one—apart from those people in the room, I assume—knew what the search warrant was in relation to. I doubt that they had served it on anyone else before they served it on me. I was the only one who knew what it was in relation to and, as I said before, I was surprised at what it was in relation to. After I had asked to seek legal advice and was granted permission by Detective Sergeant Jane, I was allowed to open the door to my office and get my associate editor, or my secretary—I am not sure who it was—to call Mr Edwards. I do not think that at that stage—the police came to the door with me to make sure I did not say anything that I should not be saying.

[2.50 pm]

I do not think at that stage there was any knowledge of what the search warrant related to. I think by that stage—my office has a large glass-fronted window—that people sort of realised that there were three police officers and myself in there; their natural instincts as journalists took over, and I think some photographers were taking photographs. In that 10 or 15 minutes, I doubt that anyone would have known what the nature of the search warrant related to, so there was no opportunity for anyone to be destroying or removing anything, because they did not know what it related to.

**Hon GIZ WATSON:** At the outset, I am not familiar with the building. The police would have had to come to a reception or some point?

**Mr Weir:** Yes.

**Hon GIZ WATSON:** They would not have been able to come directly to your internal office; so, in effect, they would had to have had a conversation with somebody at reception?

**Mr Weir:** At the first floor reception, yes.

**Hon GIZ WATSON:** In effect, that conversation might have been, “We’re here to serve a search warrant”, without revealing the detail of it —

**Mr Weir:** I have no idea what it was, or it could have been, “We need to see the editor.” Again, I think, from my understanding—I was not there—my secretary was asked to come down. I do not think she knew where I was at that stage, and the police spoke to her for some minutes. Again, I am not sure if they told her the nature of the search warrant; I doubt they would have. So at that stage it was only her and the police who knew that the police were trying to find me.

**Hon ADELE FARINA:** When your secretary located you, you were with Ish Davies—is that correct?

**Mr Weir:** Correct.

**Hon ADELE FARINA:** Did he come with you when you initially spoke to the police?

**Mr Weir:** No.

**Hon ADELE FARINA:** So he remained in his office?

**Mr Weir:** Yes.

**Hon ADELE FARINA:** Did he join you at any time?

**Mr Weir:** Much later; once the search was well underway.

**Hon ADELE FARINA:** My recollection of his evidence was that he indicated that he sent an email to staff to alert them to the fact that the police were in the building to execute a search warrant, so he would have had some details at that point in time.

**Mr Weir:** Again, I think that was a good hour, hour and a half, after the police had first arrived at the building. The email had no details as to what it was related to, and there were numerous police officers around searching Mr Lampathakis’s desk at that stage.

**Hon ADELE FARINA:** Thanks.

**The CHAIRMAN:** Mr Weir, just going back to the evidence of Assistant Commissioner Wayne Gregson, which is on page 6 of the transcript of Monday, 9 June 2008, at point 2 he states —

- (2) When advised of the nature of the inquiry, management of *The Sunday Times* declined to inform detectives of the location of Lampathakis’s workspace and personal area.

But on page 5 of that same evidence, Mr Gregson states —

When advised of the nature of inquiry, management at the Sunday Times initially declined to inform detectives of the location of Lampathakis’s workspace and personal or allocated property.

It seems clear that you declined to advise the police of Mr Lampathakis’s workspace and personal area when they first asked, but from your evidence am I to understand that was because you were awaiting legal advice, or that you were awaiting the presence on the premises of your solicitor —

**Mr Weir:** Correct.

**The CHAIRMAN:** — so that you could converse with him.



**Mr Weir:** Correct, and again why, sort of, I regarded it as reasonably provocative; that was in consultation with Detective Sergeant Jane. I was not pulling the wool over anyone's eyes. I had declined until I had legal advice; Detective Sergeant Jane agreed for me to seek that legal advice.

**Hon ADELE FARINA:** Sorry to be repetitive, but we are just trying to get to the bottom of these allegations that have been made. Was that discussion at all aggressive or assertive?

**Mr Weir:** Not in any way. The only tense moment, so to speak—the conversations that I had with Detective Sergeant Jane were, at times, jovial, if you could describe it that way. The only tense moment was a brief conversation that he had with Mr Edwards. That related to whether Detective Sergeant Jane or myself should be addressing staff. That is the only time that there was any tension. Again, from Detective Sergeant Jane's evidence, I do not think he regards that as a lack of cooperation; he says it is entirely acting in the interests of the client.

**The CHAIRMAN:** As you would be aware, in the evidence that has been provided to this committee by the police, they claim—and I am not using their words, but the general context of their claim is that the escalation from five to up to 27 officers attending the premises of the *Sunday Times* was, or turned on, the fact that you, as the editor of the *Sunday Times*, were “uncooperative” and “unhelpful”; they are the words of the police.

**Mr Weir:** I dispute that we were unhelpful or uncooperative, given the evidence of Detective Sergeant Jane. We agreed and cooperated with each other at all times. Again, by his evidence, it seems that the extra police were on standby and called during that 10 to 15-minute period, and not in relation to any—again, if we turn to page, I think it is 20 —

Because of the adversarial nature and the initial confrontation, I felt at the time that we would not get the cooperation that I initially sought.

I defy anyone who watched the video to see any adversarial nature in the initial confrontation in that first 10 or 15 minutes.

**The CHAIRMAN:** Well, in the first 10 or 15 minutes, or at any other time during the execution of the search warrant?

**Mr Weir:** Besides the brief tense moment between Mr Jane and Mr Edwards.

**Hon ADELE FARINA:** That is all from me, thank you.

**The CHAIRMAN:** Mr Weir, thank you very much for coming in. As I indicated earlier, we wanted to hear from you in your own words in respect of the matters you have raised in respect to the allegation of the lack of cooperation. We appreciate you coming to the committee today and giving that evidence to us.

**Mr Weir:** No problem.

**The CHAIRMAN:** Are there any other matters that you wish to raise with the committee?

**Mr Weir:** No, I think it is all contained in our submission.

**The CHAIRMAN:** Thanks very much, Mr Weir, for your attendance; I do appreciate it.

**Hearing concluded at 2.56 pm**