

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

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

SESSION ONE

Members

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

Hearing commenced at 10.21 am

MANSELL, MS ELISSA,
Detective Senior Constable, Major Fraud Squad,
Western Australia Police,
233 Adelaide Terrace,
Perth 6000, sworn and examined:

ALBRECHT, MR ARNO
Detective Inspector, Commercial Crime Division,
Western Australia Police,
233 Adelaide Terrace,
Perth 6000, sworn and examined:

The CHAIRMAN: Good morning, Ms Mansell. Hello, Mr Albrecht. How are you?

Mr Albrecht: Good, thank you.

The CHAIRMAN: I will, as a preliminary matter, read some information to you. Firstly, on behalf of the committee, I would like to welcome you to the meeting this morning. Before we begin, I must ask you to take either the oath or affirmation.

[Witnesses took the oath.]

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

Ms Mansell: Yes, I have.

Mr Albrecht: I have.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you in due course, but to assist the committee and Hansard, would you please quote the full title of any document that you refer to during the course of this hearing for the record, and please be aware of the microphones and try to talk into them and ensure that you do not cover them with papers or make noises near them. If both witnesses wish to answer a particular question, would you please speak in turn for the benefit of Hansard and the individual recording. 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 either officer like to make a statement to the committee before we commence questions?

The Witnesses: No.

The CHAIRMAN: Mr Driscoll has just advised me that there are some press representatives here and he is going to advise them that we are about to commence. 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. As a consequence, your prior or subsequent knowledge, understanding or involvement in any matter relevance 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 that the committee take any of your evidence in private and, if the committee agrees, the committee hearing room will be cleared of any members of the public and the media. I alluded to that in my earlier statement to you. You have advised the committee of the capacity in which you appear before the committee today. However, before we proceed to ask some specific questions, it would be helpful to the committee if you would explain the role and responsibilities that you have as an officer of the WA police force. I am directing that question to Ms Mansell because we have heard from Mr Albrecht at an earlier hearing. Ms Mansell?

Ms Mansell: I am a detective senior constable within the major fraud squad. The unit that I work within has responsibility for investigating matters in the public sector arena for complaints against members of the public service.

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”, an exclusive by Paul Lampathakis. Can I ask you, Ms Mansell, 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?

Ms Mansell: Can I refer to my running sheets for this?

The CHAIRMAN: Yes, indeed; thank you. That running sheet or other document that you quote, I will ask you to table for the committee.

Ms Mansell: The running sheet that states the incident report 150208 1520 5891.

The CHAIRMAN: Do you have a spare copy of that?

Mr Albrecht: You have copies, Mr Cash.

The CHAIRMAN: Yes, thank you. That was tabled the other day. I guess we are referring to the same document. Thank you.

Ms Mansell: I became aware of this article on 8 April 2008. I was allocated the file that dealt with this matter, and that was the first time I became aware of the article.

The CHAIRMAN: Thank you. Eight April 2008 appears on the running sheet as the day that you were handed the investigation in respect of this matter.

Ms Mansell: Yes.

The CHAIRMAN: Can you now provide the committee with a chronology, setting out your knowledge of the events, including the dates and people that you spoke to, or who spoke to you, surrounding the issue of the 10 February article published in the *Sunday Times* page 3, entitled “Bid to ‘buy’ Labor win”, an exclusive by Paul Lampathakis, and the subsequent police raid on the *Sunday Times* on 30 April 2008?

Ms Mansell: I continue to refer to this running sheet.

The CHAIRMAN: Yes, thank you.

Ms Mansell: On receiving the file, I spoke with Lisa Ward, who is from the Department of the Premier and Cabinet. I had communications with her.

The CHAIRMAN: Can you give us the dates on which you spoke to Ms Ward?

Ms Mansell: Certainly on 9 April.

The CHAIRMAN: Yes. What was the nature of your contact?

Ms Mansell: She was nominated as the person to contact for further information, for just background information, persons that might have been of interest to this inquiry and just the process which cabinet operates under.

The CHAIRMAN: She provided you with the information you were seeking?

Ms Mansell: Yes, she did.

The CHAIRMAN: What contact did you have with Mr Stuart McLagan, the media officer of Hon John Kobelke, MLA, who was the Acting Treasurer at the time of the publication of 10 February 2008 article?

Ms Mansell: I do not think I spoke to him; I spoke to Mr Kieran Murphy.

The CHAIRMAN: Yes. That is the next question: what contact did you have with Mr Kieran Murphy?

Ms Mansell: I spoke to him on 30 April 2008.

The CHAIRMAN: That is the day of the raid?

[10.30 am]

Ms Mansell: That is right, before the execution of the warrant.

The CHAIRMAN: What time?

Ms Mansell: At 12.54 pm.

The CHAIRMAN: Was that the first contact you had with Mr Murphy?

Ms Mansell: Yes. In the paperwork that I received as part of this inquiry, it was mentioned that he had conducted an inquiry already into this matter.

The CHAIRMAN: He had conducted inquiry already?

Ms Mansell: Yes, he had tried to determine the source of the leak. I spoke to him to try to just confirm that he had not identified a source.

The CHAIRMAN: At 12.54 pm you were about to embark on the raid of the *Sunday Times*; you were readying yourself for the raid, because I think the raid commenced at approximately 2.06 pm.

Ms Mansell: Yes, we had decided that we would start the search warrant at 2 pm.

The CHAIRMAN: Yes. You spoke to Mr Murphy for the purpose of—can you just run through again the purpose —

Ms Mansell: Just to clarify that he did not know. The paperwork that we had received suggested that he did not know who it was, or else he would have told us. It was just basically to double-check that he did not know who the leak was made by.

The CHAIRMAN: Is it fair to say that you contacted him—and I am relating to the evidence of some police officers who gave evidence the other day —

Ms Mansell: Yes.

The CHAIRMAN: — and I am only paraphrasing what they said. You contacted Mr Murphy to determine whether or not he had any other information that might assist you, before you embarked on the raid?

Ms Mansell: That is right.

The CHAIRMAN: Was he able to provide you with any additional information?

Ms Mansell: No, he said that he had no idea who had created the leak.

The CHAIRMAN: Was that the end of the call, so to speak?

Ms Mansell: Yes.

The CHAIRMAN: Did you report your call to Mr Murphy to your fellow police officers?

Ms Mansell: I advised Detective Sergeant Allan Jane of that.

The CHAIRMAN: In what terms?

Ms Mansell: Just before we searched, I said, "I've spoken to Mr Murphy, and he doesn't know who it is." It was more of a clarification.

The CHAIRMAN: So you were no further advanced, so to speak —

Ms Mansell: No further advanced.

The CHAIRMAN: — on that, and that the raid was in train and there was no reason to stop it at that stage as a result of your discussions with Mr Murphy.

Ms Mansell: That is right.

The CHAIRMAN: Have you spoken to Mr Murphy since the raid?

Ms Mansell: No, not since.

The CHAIRMAN: Did you disclose to any person the intention of the police to raid the *Sunday Times* on 30 April, and if so who?

Ms Mansell: No, not outside of my unit.

The CHAIRMAN: No other person, other than discussions with fellow police officers in respect of the raid?

Ms Mansell: That is right.

The CHAIRMAN: Whilst you had carriage of the investigation, did you discuss with fellow police officers the possibility of the Corruption and Crime Commission taking over the inquiry?

Ms Mansell: Yes, that was discussed.

The CHAIRMAN: Can you expand on the discussions generally? You were the officer with carriage of the inquiry after it was handed to you on 8 April; what view did you take in respect to having the CCC take over the inquiry; or can you just talk about the circumstances surrounding the possibility of the CCC taking over the inquiry? I should just say, for your benefit, that Mr Albrecht has already advised us that he had contact with the CCC, and according to the documents already tabled by the police, you were aware of that anyway.

Ms Mansell: Yes, that is right.

The CHAIRMAN: Tell us what your understanding is of the possibility of the CCC taking over the inquiry?

Ms Mansell: Prior to executing the search warrant, we held a meeting with Mr Albrecht, Detective Senior Sergeant Blackshaw and Detective Sergeant Jane. As a result of that meeting we considered the possibility of using the CCC to assist us because of the different powers it has under its act.

The CHAIRMAN: Can you tell us about the different powers you are referring to?

Ms Mansell: Yes, I am referring to its coercive powers, and the fact that it can hold its meetings in secret, and that it can, I guess, use compulsion to obtain the information that we do not have. We thought that it would be appropriate to investigate that line, to see if it could do that, which would, in effect, remove some of the hype and other surrounding matters from the police investigating it.

The CHAIRMAN: By the "hype", do you mean the potential media circus?

Ms Mansell: In a way the media circus, but also that if we are going to execute a search warrant, there is no guarantee that we will actually find what we are looking for.

The CHAIRMAN: Yes.

Ms Mansell: Whereas my understanding is that the CCC can compel a person to give the answer. I guess we had the view that it would be a more direct way of obtaining the information if it was approved by them.

The CHAIRMAN: As the investigating officer in charge of the investigation at that stage, did you consider it prudent to have the CCC take over the investigation in order to forestall the need for the raid on the *Sunday Times*?

Ms Mansell: I thought it prudent to investigate the possibility of it handling it. It is up to it, I guess, if it wants to do it or not.

The CHAIRMAN: It is our understanding that Mr Albrecht spoke to an officer from the CCC.

Ms Mansell: That is right.

The CHAIRMAN: Can you tell us your understanding of the conclusions that were drawn following that contact?

Ms Mansell: I was present when he telephoned, but the person was not available. I was then informed that it had decided that it was not within its charter, I guess, to investigate this.

The CHAIRMAN: Ms Mansell, if Mr Albrecht wants to assist you, I have indicated that he is more than entitled to; but if he do not see a need, that is fine —

Mr Albrecht: I will just clarify with the committee: I went away and telephoned the CCC; I do not recall making a phone call in Detective Mansell's presence—I may have done and they were not available, so I may have tried out of my own office. Certainly when it came back, I indicated to the officers present, of which Detective Mansell was one, that it had refused because it was not in its charter. The CCC just did not consider it was significantly serious enough for it to undertake the inquiry, and it did not wish to work with us jointly on the matter.

The CHAIRMAN: That is your evidence of the other day.

Mr Albrecht: That is indeed.

The CHAIRMAN: Ms Mansell, I asked you the question about did you consider it prudent to have the CCC take over the investigation, and your answer was?

Ms Mansell: I thought it prudent to investigate the possibility of it assisting.

The CHAIRMAN: Yes, that is right. Can you tell me if the raid on the *Sunday Times* would have been rendered nugatory had the CCC consented to the request of Inspector Albrecht for the CCC to take over the inquiry and use its extensive powers that were not available to the police?

Ms Mansell: If that had have happened, I cannot see that we would have had the need—perhaps to obtain corroborative evidence, but —

The CHAIRMAN: What sort of evidence, sorry?

Ms Mansell: Assuming that they had a result —

Hon GIZ WATSON: Corroborative.

Ms Mansell: Corroborative, yes; but not as primary evidence, no.

The CHAIRMAN: Thank you. Before we move to your role on the day of the actual physical raid on the *Sunday Times*, does anyone have any questions? No. If we can move now to the afternoon of the raid, on 30 April. Can you tell us what your role was in respect to the police operation?

Ms Mansell: Basically I was assisting Detective Sergeant Jane, who was —

The CHAIRMAN: You were the officer who had made application for the warrant, were you not?

Ms Mansell: That is right, yes. I obtained the search warrant via the appropriate channels. In a briefing before the search warrant, it was decided that Detective Sergeant Jane would act as the member in charge of the search warrant.

The CHAIRMAN: Yes. Your role was?

Ms Mansell: To assist him.

The CHAIRMAN: Yes, but can you just expand on what actually happened. You arrived at the *Sunday Times* —

Ms Mansell: That is right. Detective Sergeant Jane and myself spoke with the secretary to the editor of the *Sunday Times*, and from that we gained entry and spoke with the editor and then his legal representative. We were basically trying to obtain the information without having to resort to our search powers.

[10.40 am]

The CHAIRMAN: Yes. Just for your information, Ms Mansell, the committee has been provided with a disc of the video filming of part of the raid. The disc generally features Detective Sergeant Allan Jane and yourself, in part, and generally follows Detective Sergeant Jane around in his particular activities during the raid.

Ms Mansell: Yes.

The CHAIRMAN: Given that you were the investigating officer and the fact that there were 27 police involved in the raid, can you tell us how it was determined that 27 police were necessary?

Ms Mansell: Just as a background of this, when we execute search warrants, we have several things we need to consider, and that is in relation to the destruction of evidence, the escape of offenders or persons of interest, and our security, because we can deal with violent people. This is another search warrant and it was treated as no different to any other search warrant. Initially, it was a much smaller group, and our initial intentions were to speak with the editor and try and resolve the issue in a more civil way. I am not saying that anything was uncivil, but we tried to resolve it by just cooperation. Given the size of the building, the amount of people that were working there, the paperwork that was there, we decided that there was a need to secure the building, all its exits, and to streamline our work without causing any undue hardship, if you want, to the employees at the *Sunday Times*. The more people that are there, the faster you can search.

The CHAIRMAN: Ms Mansell, do you think that the operation could have been carried out with a lesser number of police officers; and, if there were a lesser number, would there have been some implications or ramifications as a result of the reduction in numbers?

Ms Mansell: I think with a reduction in numbers it would have taken us longer, and people that worked there would have been held up a bit more. I think that the numbers were appropriate. It is a lot of people, but I think it was appropriate.

The CHAIRMAN: Do you know whether or not Detective Sergeant Jane inquired of Mr Sam Weir whether or not Mr Weir, the editor, believed that the police had acted with propriety during the course of the raid?

Ms Mansell: At the completion of our video process, we asked, "Have you got any complaints?" I did not hear him make any complaints, and from the interactions I did not—I do not think he was happy that we were there, but I do not think that he had an issue with how he was treated.

The CHAIRMAN: Do you recall Mr Weir saying that in fact he had no complaint with the operational aspects of the raid?

Ms Mansell: I think he said words to that effect.

The CHAIRMAN: Do you still have carriage of the inquiry?

Ms Mansell: I do, yes.

The CHAIRMAN: Without interfering with your investigation, can you tell us the current status of the inquiry?

Ms Mansell: It is still being investigated. We have a number of lines of inquiry to conduct.

The CHAIRMAN: And have you any idea when you might complete your inquiries?

Ms Mansell: I would say within a month at least—a month or two—depending on the results of the lines of inquiry.

The CHAIRMAN: Okay. In hindsight, how differently would you approach an issue with similar circumstances should such a circumstance arise?

Ms Mansell: If the same thing came up tomorrow, I would do the same thing again. It has been a bit of a media circus, but, at the end of the day, it is another search warrant, and the same thing is appropriate in a similar situation, so I would do nothing different.

The CHAIRMAN: I am very aware that you have got your inspector sitting next to you, but you are in charge of the investigation, and I question and invite you to make comment on whether you have got any recommendations that you can suggest to improve the investigation generally of the unauthorised disclosure of confidential documents or information.

Ms Mansell: Do you mean from once it reaches the police or before it reaches the police?

The CHAIRMAN: I would be happy to hear from you either way, but you are a police officer, and from a police aspect perhaps you are more qualified to speak on that matter. I am certainly, Ms Mansell, not trying to put you on the spot. I have invited Inspector Albrecht and Assistant Commissioner Gregson and Detective Sergeant Jane to also consider that question in respect of recommendations. The committee is interested in achieving some positive conclusions, so to speak, and if there is a need for us to change—that is, for the police to change or for any other agency to change the circumstances or the manner in which it conducts these inquiries—we would be very interested to hear from you. If it is that it is a matter that you would like to give some consideration to, the committee would be pleased, if you have any recommendations, for you to come back as soon as possible—that is, I am sorry, send us the information as soon as possible. You do not have to physically come back.

Ms Mansell: Yes.

The CHAIRMAN: Okay. So you will take that one on notice?

Ms Mansell: Yes, I will.

The CHAIRMAN: If you can help us, we would appreciate it. Are there any other matters that you want to raise with the committee, Ms Mansell?

Ms Mansell: Not really. I believe there was some talk that I had been contacted by—I do not know—I think there is a perception that we are acting to resolve this so that police can make a gain. I have not been contacted by anyone. This has just been, for all intents and purposes, just the same as any other job. Nothing devious or anything has happened.

The CHAIRMAN: Indeed, Ms Mansell, I think I asked the other police officers the other day when they were giving evidence whether or not any minister, parliamentary secretary or member of Parliament had contacted the police—they in particular, but the police generally—in respect of the matter, and as I recall their answer was no, and so I ask you the same question.

Ms Mansell: Absolutely not.

The CHAIRMAN: Has any minister, parliamentary secretary or member of Parliament contacted you on the matter?

Ms Mansell: No.

The CHAIRMAN: Thank you. Ms Mansell, that concludes the questions that the committee has of you. Before we discharge you—Mr Albrecht, is there any matter that you wish to draw to the committee's attention today?

Mr Albrecht: No, not really.

The CHAIRMAN: Okay. In that case, we clearly will read the transcripts of your evidence, Ms Mansell, in due course when they are provided to us by Hansard. If there is a need for any clarification or further matter, we will contact your office and let you know. I raise the issue of recall if it is necessary. But, in the meantime, thank you very much for your attendance this morning. Thanks, Mr Albrecht, once again. We appreciate your attendance and you are discharged from your obligations. Thank you.

Hearing concluded at 10.47 am