

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

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
Monday, 9 June 2008**

**SESSION TWO**

**Members**

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

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**Hearing commenced at 11.50 am****MARNEY, MR TIMOTHY**

**Under Treasurer, Department of Treasury and Finance,  
sworn and examined:**

**The CHAIRMAN:** Mr Marney, good morning. Thank you for your attendance at the committee this morning. Let me introduce you to those in attendance: Peter Axford is one of our research officers here at the Legislative Council; Paul Grant, Clerk Assistant (Committees); Giz Watson, member of the Legislative Council; myself as a member of the Legislative Council; Adele Farina, member of the Legislative Council; Linda Omar is a committee clerk; and David Driscoll is also a committee clerk. We have Jacqui and Kylie from Hansard with us today. I have a few preliminaries. 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 affirmation.

[Witness took the oath.]

**The CHAIRMAN:** Mr Marney, can you state your full name and the capacity in which you appear before the committee.

**Mr Marney:** My full name is Timothy Michael Marney; and my capacity is as Under Treasurer and CEO of Department of Treasury and Finance.

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

**Mr Marney:** I have.

**The CHAIRMAN:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you in due course. 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 for the record. 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.

I also 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 you like to make an opening statement? Before we do that, there was an issue in respect to private or public hearings. I understand you advised our committee clerk that you were happy to have your evidence given in public. I invite you to comment on that, but, firstly, is there any opening statement you want to make?

**Mr Marney:** I hope to be helpful, but that may be disappointing. I will answer all questions that are put to me. In terms of private or public, I have no hesitation in it being public. It is really your call as to how you feel about it.

**The CHAIRMAN:** The Legislative Council has resolved that the committee may take evidence in public. Equally, the committee, if requested and if it agrees, can take evidence in private. We can take your evidence in public, noting that if you believe that you need to refer to something that you

consider should be in camera, if you let me know then the committee can take on board what you have said, give it some consideration, and then either go into private session or continue in public. I should indicate that your evidence, whether it be in private or public, can be released by the Legislative Council and also by this committee. We are here to progress an inquiry. We hope that you will be helpful and we hope that our questions will be helpful in leading us to understand what has occurred in respect to certain matters. If you do not understand anything along the way, Mr Marney, please let us know and we will try and clarify the issues.

**Hon ADELE FARINA:** I understand that the press may be interested in sitting in on this and therefore they may report what the witness says. In your introductory comments to the witness, you told the witness that early publication of anything the witness says before the transcript is finalised is a breach of parliamentary privilege. How do we deal with that in the circumstances of the media? Obviously, their only interest in being here is to report what the witness says in evidence.

**The Clerk Assistant (Committees):** What we are referring to is the actual uncorrected transcript; that that should not be released to any other person. There is no problem in taking notes of what he said and then repeating it outside. It is releasing uncorrected transcript itself, so it is a document that the contempt relates to.

**The CHAIRMAN:** Mr Marney is pretty experienced in these things, although I do not say that in any qualification. Apparently the press have indicated they would be happy to attend. Please be aware of that and, again, if you need to go into private session, let us know and we will work through that particular request.

Mr Marney, firstly, thank you for your attendance again today. 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, and, as a consequence, your prior or subsequent knowledge, understanding or involvement in any matter relevant to the police raid on the *Sunday Times* on 30 April 2008 is of interest to the committee. Could I start by asking you when and how did you first become aware of the article that was published on February 10? The title of the article was “Bid to ‘buy’ Labor win”. It was an exclusive by Mr Paul Lampathakis on page 3 of the *Sunday Times*. So that we are talking about the same document, are you aware of the document to which I am referring?

**Mr Marney:** Yes. The first I became aware of the information, if you like, that should have been confidential, having been obtained in some form by the press was in fact reading it in the *Sunday Times* on the tenth. Opening the paper on that day was the first awareness that I recall. Subsequent to that there was a letter to myself from the Director General of the Department of Premier and Cabinet advising that he suspected that there may have been an unauthorised disclosure of an expenditure review committee document.

**The CHAIRMAN:** When was that?

[12 noon]

**Mr Marney:** That was on 12 February. In particular, the detail of that minute brought to my attention Mr Wauchope’s suspicion that there may have been an unauthorised disclosure of an expenditure review committee document, which is the bit that is relevant to my department. Just for the committee’s benefit, the secretariat of the expenditure review committee resides within my department. It is normal that all expenditure review committee submissions, when in final form, be provided to my department for forwarding to the expenditure review committee, which is a subcommittee of cabinet. If the committee would like, I have seven copies of that minute to me.

**The CHAIRMAN:** Yes, we would be very pleased if you would table that document.

**Mr Marney:** The document, dated 12 February, is addressed to me and is titled “Suspected leak of ERC submission”.

**The CHAIRMAN:** That document will be exhibit 2A and is received as such.

Mr Marney, you have said that the first time you were aware of the article was on Sunday, 10 February 2008 when you read the *Sunday Times* and you later said that you had received certain advice from the Director General of the Department of the Premier and Cabinet on 12 February. I ask you to cast your mind back to 8 February 2008 and inquire whether or not an officer from the Premier's department may have spoken to you about the matter. It is recognised that sometimes chronologies of events can be out of order, so to speak.

**Mr Marney:** As I was going through that chronology, and starting at the tenth, I could not remember whether it was the Thursday or the Friday before that weekend, which would put it at the seventh or the eighth. I have a vague recollection of being contacted by telephone by possibly Kieran Murphy from the Premier's office alerting me to the fact that something around a request for advertising funding had gotten to the *Sunday Times*.

**The CHAIRMAN:** I should advise you that the committee is aware that there was some communication by officers of the DPC with others about the potential publication of documentation that in part related to the ERC submission. Would you, therefore, say that in fact the first advice you got was on the eighth?

**Mr Marney:** It was either the seventh or the eighth. I would be happy to extract my records of phone calls and give you a sense of when it was.

**The CHAIRMAN:** Could you let Mr Driscoll know in due course whether it is the seventh or the eighth? At the moment, we will presume that it is the eighth that you first became aware of the possible publication of an article that was based on an ERC document.

**Mr Marney:** Yes, I do recall a phone call late in that week.

**The CHAIRMAN:** Thank you. When did you first become aware that the article that was to be published was based on the unauthorised disclosure of confidential documents?

**Mr Marney:** That awareness came with the letter from the Director General of the Department of the Premier and Cabinet. Prior to that, I do not believe I was aware that it related to confidential information that was in fact within an expenditure review committee process.

**The CHAIRMAN:** Did Mr Murphy, or whoever the person was who contacted you on either the seventh or eighth, not indicate that there was the potential of leaked information flowing from the unauthorised disclosure of confidential documents?

**Mr Marney:** Unfortunately, I do not recall that level of detail. All I recall of that conversation is that there was information out there that should not have been. Whether or not it was on the basis of a leaked confidential document or not, I apologise; I cannot go to that detail.

**The CHAIRMAN:** Can you indicate to the committee what was the nature of the document that we are talking about?

**Mr Marney:** My understanding is that the nature of the document was an expenditure review committee submission relating to a request for funding associated with an advertising agenda for 2008. It was a request that was referred by a different subcommittee of cabinet—being a subcommittee on communications—to the expenditure review committee. There were a number of versions of that document and I am unaware which version made it to the press or in what form, but there were numerous drafts of that document throughout January and early February.

**The CHAIRMAN:** Who produced the document?

**Mr Marney:** My understanding is that the document was produced by the Government Media Office in the Department of the Premier and Cabinet.

**The CHAIRMAN:** Do you know the names of the officers involved in the production of that document?

**Mr Marney:** An officer named in correspondence to me was Mr Paul Giles.

**The CHAIRMAN:** You say that he may have been involved in the production of the document in the first instance.

**Mr Marney:** The interaction with the secretary of the expenditure review committee was with Mr Giles. Mr Giles, on a couple of occasions, inquired as to the status of a draft of that document with respect to ERC considerations.

**The CHAIRMAN:** Do you have a copy of the document?

**Mr Marney:** I do not have it with me.

**The CHAIRMAN:** Can you table a copy of the document for the committee?

**Mr Marney:** I would normally say that the document is a document of the subcommittee of cabinet and so I would have to seek advice on that. Having said that, it is out there anyway, so what harm is it going to do? I would be happy to table it.

**The CHAIRMAN:** Thank you. I also indicate to you that if you had decided to seek advice, it would be the position of the committee that the committee has the authority to require you to table the document. However, you have agreed to table the document. I am not saying that the committee would have required you to do that, but that is the position, as you are aware, of this committee. In respect of the name Paul Giles, is there any reason that that name should be kept private for the time being?

**Mr Marney:** Not that I can think of. He is a public officer.

**The CHAIRMAN:** I just wanted to put that proposition to you. As I said earlier, if you believe there is any evidence that should be given in camera, it is up to you to raise that and the committee will have regard for your request.

**Mr Marney:** Thank you.

**The CHAIRMAN:** You talked about that particular document, and you are going to provide a copy of that document to the committee. Can you also provide a copy of any and all documents including, but not limited to, emails, letters, file notes and other documentation pertaining to this particular matter?

**Mr Marney:** I am happy to do that.

**The CHAIRMAN:** When can you produce that documentation?

**Mr Marney:** Within 24 hours.

**The CHAIRMAN:** If you can liaise with Mr Driscoll, that would be helpful.

**Mr Marney:** I have a document that would be of particular relevance. It is a letter from me to the Corruption and Crime Commission dated 21 February that clarifies the receipt. The document is entitled, "Suspected leak of expenditure review committee submission".

**The CHAIRMAN:** I indicated that the first document that was dated 12 February 2008 titled "Suspected leak of ERC submission" would be received as exhibit 2A. The second document, which is dated 21 February 2008 and written by you to the Corruption and Crime Commission titled "Suspected leak of expenditure review committee submission", is exhibit 2B.

**Mr Marney:** If I can clarify that, that document runs through the interactions and receipt of documents relating to this matter by the Department of Treasury and Finance. It names the officers who had sighted the document and had received it in various forms.

In essence, there are four officers named on the second page who had exposure to that document.

[12.10 pm]

**The CHAIRMAN:** Thank you. The committee is interested in your understanding of the requirements of cabinet confidentiality. When I say your understanding, I mean you as the Under Treasurer, through to your department. Will you indicate to us your understanding of the requirements of cabinet confidentiality please, Mr Marney?

**Mr Marney:** The requirements are pretty straightforward, I would have thought. If it is cabinet confidentiality or cabinet-in-confidence then, in essence, unless you are handed the document for some form of review analysis or advice, it is inappropriate for you to sight, receive or pass on such a document.

**The CHAIRMAN:** “Sight” being spelt C-I-T-E or S-I-G-H-T?

**Mr Marney:** You should not look at it.

**The CHAIRMAN:** You should not look at it as in S-I-G-H-T?

**Mr Marney:** Sorry, I am much better at numbers.

**The CHAIRMAN:** Equally, you should not cite it.

**Mr Marney:** Yes, and that is something that is well understood by my officers. “Cabinet-in-confidence” means it is restricted in its exposure to those named on any distribution lists that would normally be attached to such documents.

**The CHAIRMAN:** Thanks, Mr Marney. Can you tell us what measures are in place to ensure that cabinet confidentiality is recognised and practiced within the Department of Treasury and Finance?

**Mr Marney:** The committee may recall that a number of years ago—about four years ago—there were a couple of budget-related leaks. In fact, I think it was when I was Acting Under Treasurer. About four years ago there was a leak of an actual state annual financial report. Subsequent to that leak, we instituted a review of our security practices and processes, which was assisted by the Corruption and Crime Commission and undertaken largely by an external party. Since that time we have instituted a range of security measures. Probably the most prominent is that any documents we have that are related to the expenditure review committee—which is probably one of the biggest exposure areas—is the volume of documents we handle as opposed to the cabinet office. We have essentially mirrored the practices of the cabinet office. Every ERC paper that is distributed is watermarked and numbered and a record is kept of the delivery against the number; that is, so we know that a document with a watermark with a certain number on it was delivered to a particular individual. We reviewed the distribution lists associated with expenditure review committee material to ensure that only those people who absolutely required such documents were given those documents.

We reviewed our internal security in terms of arrangements for the safekeeping of documents on our floors. Our floors are all secure. You cannot get to one of our floors without a security key. You cannot get away from the lifts and into the work area without a key. In the case of the ERC secretariat, we—much to her delight—located her in a nice lockable office that is highly secure, and there is a limited number of keys for that office. Within that office there is a grade C security safe as well. Additionally, we minimise and seek to use a secure email environment, which means that the passage of documents, when documents do have to pass electronically, do so within DTF’s system as opposed to crossing from DPC’s system into DTF’s system and in the process going out to all and sundry in an electronic environment. We have sought to minimise risk in a number of ways.

Additionally, electronically within the department all documents have access restrictions applied to them. In the case of expenditure review committee documents, they are at the highest level of restriction in terms of access. So other officers within the office cannot access an expenditure review committee document that sits on the system.

**The CHAIRMAN:** In respect of that, I want to clarify your earlier comment. I thought you said that the DTF officers in the ERC secretariat are the only officers who would have had access to this

ERC submission. Surely other DTF officers would be required to provide comment on the submission?

**Mr Marney:** That is correct. The details of the receipt of submission is provided in that letter that I handed across.

**The CHAIRMAN:** So it is wider than just the ERC secretariat?

**Mr Marney:** The ERC secretariat is the primary point of contact. In this case, as is normally the case, the ERC secretariat would provide whatever documents are appropriate to the particular analyst in question, and in this case those documents were provided to Alex Porter and Charmaine Couch.

**The CHAIRMAN:** Hon Giz Watson had a question.

**Hon GIZ WATSON:** Perhaps it has been partially answered. I was interested in who has access to earlier drafts. Would it be either yourself or your officers, and are earlier drafts also subject to similar confidentiality requirements? I guess that if you have an illustrative document, at what point does it become confidential? Sorry, I have asked about three questions at once.

**Mr Marney:** That is all right. I will answer them as I recall them, but if I miss one do not hesitate to remind me. The document was received by us in draft form; it was not a final document. Having said that, it does not in any way diminish our treatment in terms of its confidentiality. In some respects draft documents can be worse. We did not receive a final, ministerially endorsed submission. All we ever had in our system was a draft document. I think I have answered two questions. I have lost the third one.

**Hon GIZ WATSON:** That has covered that. Would you then have expected a final or do you receive a number of drafts in that process ?

**Mr Marney:** It is normal process for us to receive drafts and provide comment back to the author or relevant minister's office about concerns we may have with that draft or what is being requested, to provide advice on better ways to solve the problem, whatever the problem may be. That is part of normal process. What we would have expected is at the end of that process to receive a final, ministerially signed submission. That did not come to us. I understand there was some reworking of that draft after we received it through late January early February.

**The CHAIRMAN:** Mr Marney, when you read the *Sunday Times* on 10 February, did you form the view that there had been an unauthorised disclosure of confidential documents, having regard to the substance of the article that was referred to earlier?

**Mr Marney:** I was deeply concerned that something was in the public arena that should not have been. I think that is yes.

**The CHAIRMAN:** Can you tell the committee whether it is a criminal offence or other offence to disclose confidential documents without proper authorisation; and, if so , what offences would have been committed?

**Mr Marney:** I believe it would be an offence under the Public Sector Management Act in terms of appropriate handling of public information. I have to check the act —

**The CHAIRMAN:** Does section 81 of the Criminal Code ring a bell?

**Mr Marney:** Yes.

[12.20 pm]

**The CHAIRMAN:** Perhaps I should phrase that a little differently. Section 81 of the Criminal Code relates to the disclosure of unauthorised information. Are you aware of section 81 of the Criminal Code?

**Mr Marney:** I am aware. It does ring a bell—fortunately, for the right reasons. I equally understand there are some disclosure issues dealt with by the Public Sector Management Act, which mirror those.

**The CHAIRMAN:** Thank you. In respect of the Corruption and Crime Commission Act, having determined that there had been the likely disclosure of confidential documentation, did you advise the Corruption and Crime Commission, as the principal officer of the DTF?

**Mr Marney:** Not in writing, on the basis that I had received a copy of the minute from the Director General of the Department of the Premier and Cabinet that he had formally advised the CCC and that they would be in touch with me. On that basis I did not initiate; however, I did follow that up with a subsequent letter to the CCC, unsolicited by them, detailing my interactions with this document and the interactions within my department.

**The CHAIRMAN:** Could you provide the committee with a copy of that subsequent letter to the —

**Hon ADELE FARINA:** It is exhibit 2B.

**The CHAIRMAN:** Yes, that is the one. Good.

**Mr Marney:** What I have provided you with is the minute from the Director General of the Department of the Premier and Cabinet that brought my awareness and said that he was referring it.

**The CHAIRMAN:** That reference there is the second-last paragraph, “I have referred the matter to the CCC and Western Australia Police. I will advise whether either of these agencies indicate they will investigate the matter.”

**Mr Marney:** Yes, that is correct. On that basis I did not feel the need to initiate but did feel the need to follow that up with information to the CCC to ensure that they had as much information as possible as early as possible, as is often an important requirement.

**The CHAIRMAN:** Did the CCC come back to you; that is, did they respond to your letter of 21 February?

**Mr Marney:** Not in any form other than a “thank you for your letter. We will take it into consideration”. A polite response, so no formal follow-up or interview process or request for clarification.

**The CHAIRMAN:** Would you have expected the CCC to at the very least have indicated that they were dealing with the matter in other ways, rather than just a formal “thank you for your original letter”?

**Mr Marney:** I think their normal practice is to flag that they are dealing with the matter and will advise at any point if they require anything further.

**The CHAIRMAN:** Mr Marney, are you aware of the Corruption and Crime Commission of Western Australia report on the investigation into the Department of Treasury and Finance suspected misconduct concerning the unauthorised release of Treasury information, dated June 2005?

**Mr Marney:** Vaguely; I do recall a report, but I would be tested to provide you with a detailed response on the nature of that report.

**The CHAIRMAN:** Very well. I do not think there is a need for me to provide you with a copy because you are aware of the report.

**Mr Marney:** Yes.

**The CHAIRMAN:** Within the report there are a number of recommendations to the DTF on action that they could take to improve the situation. I acknowledge there are also some other comments in there about the difficulty of prosecution under section 81. The purpose of me raising it was to ask you just what action had been taken in respect of the CCC recommendations.



**Mr Marney:** Thank you. I recall the report; I recall the nature of the recommendations. Some of the security issues that I mentioned previously were actually in response to those recommendations. I believe there is only one recommendation that we are yet to fully implement, and that is the recommendation relating to security ratings for individual documents. It is a matter that we are very keen to implement but has some system capability constraints for us at the moment. We are currently in the process of upgrading to the next sort of generation of document management system and, as part of that process, will improve to ensure that we can give that rock-solid classification of documents. I did speak earlier about access and security related to access. The remaining recommendation from the CCC is really about having a systematic way of providing that access, so that as soon as a document is classified as “cabinet in confidence”, for example, or “highly confidential”, then its access would automatically be restricted, rather than having to be manually determined. That is the remaining one.

**The CHAIRMAN:** Thank you. Mr Marney, what investigations, if any, did your department institute to identify the person or persons who may have leaked the information that we referred to earlier or who may have been involved in the leaking of the information?

**Mr Marney:** With respect to the February incident?

**The CHAIRMAN:** Correct, yes.

**Mr Marney:** It is quite unfortunate that I have to actually clarify which leak we are talking about.

**The CHAIRMAN:** In fact, the CCC report was in response to an earlier leak that occurred. You in fact, I believe, advised the CCC at the time.

**Mr Marney:** That is correct.

**The CHAIRMAN:** That is the reason for that first report. Now we are definitely dealing with the 10 February matter.

**Mr Marney:** So, the question was: what did I do about it?

**The CHAIRMAN:** Has your department instigated or conducted any investigations into the information that is said to have been leaked?

**Mr Marney:** Yes, we have, and, in essence, the letter that I have provided to you is the outcome of those investigations. As soon as it was clear that this was a confidential document that should not be in the public arena, we immediately interrogated our systems to identify who had access to that document—and hence the names that are before you—and whether or not there was any concern with respect to any of those officers breaking the confidentiality of that document. At that point in time I did not have concern. That sense of confidence, if you like, was partly based on the fact that we only had access to an old version of that document, so the version of the document that we had was more than likely not that which was provided.

**The CHAIRMAN:** On what basis do you say that?

**Mr Marney:** On the basis of the content of the article that was published.

**The CHAIRMAN:** That is to say the content of the article contained more up-to-date information or some other special information that was not contained in the old —

**Mr Marney:** I believe there was a slight difference in the information. Having said that, I cannot provide you that categorical assurance because, whether it is fortunate or otherwise, I have never seen the original document in draft or otherwise.

**The CHAIRMAN:** Fair enough. You are referring to a particular document or a series of documents, and we then jump to the document that you believe may have been the substance of the leak, and you say there is a difference in the documentation that you had when compared with the apparent document that was the substance of the leak. I am just unsure; why didn't you or your department have a copy of the final document?

**Mr Marney:** I believe we were provided with a copy of the further draft of that document on 13 February.

**The CHAIRMAN:** After the event took place?

**Mr Marney:** Yes.

**The CHAIRMAN:** Thank you.

**Mr Marney:** Had there been nothing published in the *Sunday Times*, that would be the normal process, but that is, I guess, my sense of confidence in the difference in the documents being that the document we had prior to 13 February was quite dated. We had been given advice from the Treasurer's office that that document was being further worked up. The sense around that was that it was changing direction and content somewhat, and they would get back to us.

**Hon ADELE FARINA:** What was the date of the ERC meeting that considered document?

[12.30 pm]

**Mr Marney:** The document was fed into the expenditure review committee process as part of its formulation of the state budget. That formulation process occurred over numerous weeks, I believe. Again, I would have to check my records as to when it actually went to that committee but it would have been in the second half of February.

**Hon ADELE FARINA:** Would you be able to check your records and provide us with the exact date —

**Mr Marney:** Shall do.

**Hon ADELE FARINA:** — that it was considered and a decision reached by ERC in relation to that document? Also, in relation to our earlier request for all documents to be provided, could you please ensure that that includes the draft as well as the final version of the ERC's submission?

**Mr Marney:** Agreed. I have to just bring into context—that document would have gone to the expenditure review committee with hundreds of other documents over the period February to March.

**The CHAIRMAN:** Yes. Now, I am still at a loss to understand if the ERC secretariat was said to be the only people who had access to the document, and you named four people in this letter as having been exposed to the document or the document having been exposed to them. I am still concerned about other DTF officers who would have been providing advice. Are you quite sure that no other DTF officer would have seen the drafts as they were coming through?

**Mr Marney:** In the list of four people, there is the ERC secretary, there are then two policy analysts, one assistant director, Alex Porter, one acting senior policy analyst, Charmaine Couch. Those were the two analysts that were responsible for reviewing the content of the document and providing advice to the expenditure review committee.

**The CHAIRMAN:** So, to your knowledge, those four people are the only four people who saw the earlier versions of the draft document?

**Hon ADELE FARINA:** Sorry, so just to clarify that further: the ERC secretariat consists of one person.

**Mr Marney:** That is correct, so we have got one secretary, two analysts, and the executive director, Anthony Kannis—the document would have flowed through him at some point both in his role of heading up that team of analysts and also the ERC's secretary reports to him.

**Hon ADELE FARINA:** And would they have typed up their comments themselves or would they have secretarial support staff who would have typed up their comments?

**Mr Marney:** More than likely they would have drafted their comments themselves because they would be fairly shorthand on the basis of a draft submission; they would be points of advice rather than detailed analysis.

**The CHAIRMAN:** Mr Marney —

**Mr Marney:** I am happy to examine —

**The CHAIRMAN:** Would you be good enough just to check that because it seems that not all officers type their own comments and you have said these may be relatively short comments, but in some other instances obviously a fair amount of typing is required and that documentation is handed to other people. We are keen to understand whether or not other persons had access to that documentation, but you say in this case you believe not, but you will check and come back to us.

**Mr Marney:** And indeed I will provide copies of those comments provided, as requested previously.

**The CHAIRMAN:** As part of that other documentation, yes.

Have the CCC been in touch with you at any time since you wrote to them and apart from that letter you got back thanking you for your comments?

**Mr Marney:** They have, unfortunately, on a completely separate issue.

**The CHAIRMAN:** Yes, I was referring to this issue, so the answer is “no” to this issue?

**Mr Marney:** No to this issue.

**The CHAIRMAN:** Yes, thank you. Have —

**Mr Marney:** Sorry, if I can clarify that. The other matter that they were in touch with me on, again, was a suspected breach of a confidentiality issue, so it is not entirely unrelated.

**The CHAIRMAN:** But it is not the matter that we, this committee, is being directed to investigate?

**Mr Marney:** Correct.

**The CHAIRMAN:** Thank you.

I am interested, in hindsight, if there is—whether or not you would approach the way in which DTF have handled the matter any differently should similar circumstances arise?

**Mr Marney:** I would say probably not. I think our security around the handling of the documents was pretty tight. The fact that ex post we were able to identify very quickly that four people had sighted the document means that our systems and processes were working. I would be more comfortable if our technology supported the document security classification that I alluded to previously; it is a matter of being patient in that regard, but we will certainly implement that. But if there was any change, that would probably be the only one—would be to have had that document classification set of protocols in place so that it would be beyond question.

**The CHAIRMAN:** Mr Marney, you are a senior officer of the government. Can you suggest to the committee either now or at some later date any recommendations that might allow the Parliament to improve the reporting and investigation of the unauthorised disclosure of confidential documents or information? That is to say, the CCC, as you know, in that report made certain recommendations, not all directed at your department and, I might say, not all acted on by the government—the Parliament—but are there any recommendations that you could make to assist the committee in circumstances such as this?

**Mr Marney:** I think there are certainly further steps that can be taken, which means one of cost-benefit and risk management and getting the appropriate balance, so if I could take that question on notice I would like to provide substantive advice rather than an off-the-top-of-my-head response.

**The CHAIRMAN:** The committee wants to be positive in its investigation and if you can recommend some positive ways of improving the system, so to speak, we would be pleased to hear from you.

**Mr Marney:** Glad to assist.

**The CHAIRMAN:** Do you have any other matters you want to raise in respect of the committee's inquiry?

**Mr Marney:** No, I do not. I believe both through the documents and the questions that you have asked and the answers I have provided that you have all information that I have. I would be more than happy to clarify anything subsequently if there were gaps in that.

**The CHAIRMAN:** I wanted to indicate to you that the committee, obviously, would reserve the right to recall you if required. We will have a look at the documentation you have tabled today, that further documentation you propose to send to the committee and the transcripts generally and if there is a need for clarification or further inquiry, then we will obviously come back to you at a later stage.

Can you tell me if any minister, parliamentary secretary or member of Parliament has spoken to you about this particular matter?

**Mr Marney:** No.

**The CHAIRMAN:** Can you —

**Mr Marney:** Sorry, I can tell you and the answer is "no"; no-one has spoken to me.

**The CHAIRMAN:** I understood that to be your answer.

Mr Marney, we are keen to progress this inquiry in a positive way, so if there are any recommendations you want to make, you will come back to us.

You are aware that the police have instigated an inquiry into the matter. Have the police followed up with the DTF seeking copies of the document or documents and have the police interviewed any of the DTF officers, to your knowledge?

**Mr Marney:** Not to my knowledge, nor have they raided my premises.

**Hon GIZ WATSON:** To your knowledge!

**The CHAIRMAN:** Okay, Mr Marney, thanks again for your attendance today. We appreciate the information that you have provided to us and if there is a need for us to come back to you in respect to any matter, then we will contact you, obviously.

**Mr Marney:** Thank you very much. Thank you for the opportunity; particularly thank you for the opportunity to provide advice on positive steps forward, which I believe is strongly in the public interest given the importance of public servants being able to provide fierce, frank, independent advice and knowing that that advice is confidential, so thank you.

**The CHAIRMAN:** Perhaps one final question before you are discharged: are you quite confident that the leak did not come from the Department of Treasury and Finance?

**Mr Marney:** More than any other incident in this circumstance, I am very confident that did not come from us.

**The CHAIRMAN:** Thanks, Mr Marney, thanks very much.

**Mr Marney:** Thank you.

**Hearing concluded at 12.38 pm**