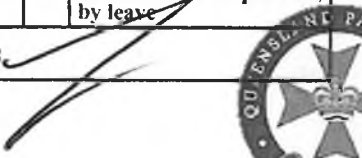
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# PARLIAMENTARY CRIME AND MISCONDUCT COMMITTEE

**Members present:**

- Mrs EA Cunningham MP (Chair)
- Mrs JR Miller MP (Deputy Chair)
- Mr MJ Crandon MP
- Mr IS Kaye MP
- Mr JM Krause MP
- Ms J Trad MP
- Mr PW Wellington MP

**Staff present:**

- Ms A Honeyman (Research Director)
- Mr P Rogers (Principal Research Officer)
- Ms K Christensen (Principal Research Officer)

## PRIVATE MEETING—MEETING WITH PARLIAMENTARY CRIME AND MISCONDUCT COMMISSION

### TRANSCRIPT OF PROCEEDINGS

(In camera)

WEDNESDAY, 13 NOVEMBER 2013

Brisbane

## WEDNESDAY, 13 NOVEMBER 2013

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Committee met at 10.26 am

### LEVY, Dr Ken, Acting Chair, Crime and Misconduct Commission

**CHAIR:** I declare the hearing open. Thank you, Dr Levy, for attending. This private hearing of the committee is to consider issues arising from the committee's public hearing on 1 November and specifically matters relating to the correspondence provided by Dr Levy in relation to an answer provided to the committee. I remind you that you appear as a witness before the committee and, as such, you are subject to the standing orders and the Criminal Code in relation to the information you provide to the committee. Any information you provide to the committee is privileged and cannot be released without a resolution of the committee authorising its release. If you feel that you are unable to answer a question, please advise us and let us know why you think you cannot answer.

The committee secretariat provided a copy of schedule 3 and schedule 8 of the standing orders to the commission's executive assistant, who advised that she would pass them on. Schedule 3 is the rules for committees regarding witnesses and schedule 8 is to assist public servants appearing before the committee. Witnesses may request to be legally represented during the hearing. However, the committee has received no such requests. The hearing is being transcribed and a transcript will be provided to you once it is available. To assist Hansard, I ask that you speak clearly and identify yourself when you first speak. We would also ask that you remain in the foyer after you have answered the committee's initial questions in case there is a need to be recalled. I would also remind witnesses that these are confidential hearings and witnesses may not discuss proceedings even while waiting in the foyer today.

Thank you again for coming. Dr Levy, I note that we had the public hearing on 1 November and then subsequent to that you called me. I was actually at the airport and I called you back. You advised then that you had made an error in answering a question of the Leader of the Opposition in relation to contact from the Premier's office or from government prior to your opinion piece. You outlined your reasoning behind that. Did you know that Mr Nase also provided the committee with correspondence?

**Dr Levy:** Yes, I knew he provided a one-page letter, I think, yes.

**CHAIR:** Did you want to add any more to your letter of explanation?

**Dr Levy:** Yes, if I may. I thought it might be useful if I explained the background to what I did, which ended up on the front page of the *Courier-Mail*. I wonder if I might just make that available. These are the notes which I had prepared before I spoke to the journalists. Leading up to that week, there had been even before that week some discussion about us doing some media by the CMC about the bikie legislation. I had been a little reluctant at first and I think the media staff, I think at first, were keen that we do it and then, whether because of my reluctance or not, thought that perhaps we might just have the crime people put out some statistics about hearings we are doing and so forth. But as that week went on, the media in it I thought became a little unbalanced and perhaps I should actually put some facts out there. What I have provided you with there, which I will talk to, is what I went along to see the journalist about to give a story. You will see there that these are the notes, which I did not give him on the day but I spoke to. He seemed to be interested in police and bikie links, which was not something I really went there to talk to him about. But that is what ended up in the paper the next day. He did not really take that many notes and then when I saw this article I thought, 'He really didn't publish the article I actually wanted'—the information I really wanted to get out there, which starts on the second page of those three pages that I have given you. So of my notes my real story was about starting halfway down page 2 and page 3, the research that both the CMC had done and other research I had done. The first page and a half are the messages and the other information that really qualified why we needed the legislation.

After the first article—coming back then after my interview with the journalist and then the piece about the bikie police link was published—there was nothing about the story I actually really wanted to get out. So I then sent him an email the day after that, which is the letter on the front. Sorry, one other thing perhaps I should say, in the course of the interview with the journalist, when I was talking about what I thought was the more important story, he said to me, 'If you wanted to

write a piece,' he said, 'We could actually, we might mention publishing it under your own name.' And I just said, 'Oh, yes'—not that I was particularly interested in it; it was just my polite way of saying, 'Well, that's not something I really want to do.' I wanted to give him information for him to write a story. I think that is probably evidenced from that second paragraph of that email where I said, 'The attached doc. may assist you in writing a piece about the CMC and the criminal motorcycle gangs.'

What he then published—and, of course, I actually did write it all; it is not in dispute that I wrote the words—but what he took was the first of the messages. Rather than all four, he took the first of the messages on page 1, which has that issue which is of some sensitivity and then he went to halfway down page 2 and took the article I really wanted to have published. So while it went out under my name, that is not really what I had intended. Nevertheless, that is the way it turned out.

The notes I provided him with. The main emphasis that I was particularly interested in was an issue about the criminal justice system, in other words the rights of an offender and the rights of the rest of society. I think at the hearings on 1 November the Leader of the Opposition said, well, it is more like something a law professor would write. Well, I guess having just recently been a law professor maybe it probably is that way, of course, and that is the message I guess I was getting out. But as that week went on I started to think that the emotive comments that came from judges, lawyers and even Mr Fitzgerald, it started to look like what the public were being told was this sort of idiosyncratic view: either you believe the government or you believe us, which seemed to me points the parties out as not including the community who were the ones that I particularly wanted to point out when it comes to the bikie legislation, whether we needed it or not, and then whether we needed strong legislation they were the ones in this dichotomy of the rights of society versus the rights of an individual and particularly, of course, that means the rights of an individual offender or accused person. So I got to the point of thinking that I thought this message should go out. It was not about the opinions or what the other commentators had said, but rather I thought their opinions were fine but it really did not educate the public about why this legislation is important. I made no reference, even though a lot of this media during that week referred to all of the legislation, referred to the Dangerous Prisoners (Sexual Offenders) Act and those other three bills, my only comment was about that affecting bikies.

**CHAIR:** Thanks, Dr Levy. I have one other question and then I know other committee members have questions. You said that you were aware that Mr Nase sent us a memorandum or a note—it is a page and a half actually. Did you know that there have been other communications with the committee since that time?

**Dr Levy:** No.

**CHAIR:** Thank you. Members? Member for Coomera?

**Dr Levy:** Could I just add one other point? After I published that article, I realise it has caused some controversy, but some of the story I was trying to get out has since been published by an opinion piece by the *Courier-Mail*, also Marshall Cooke QC in particular. I do not know whether you have seen that, but I think if you look at those messages that is somewhat the same as what I was saying. I have those here.

**Mr CRANDON:** Thanks, Dr Levy, I just want to first of all bring us back to the issue today and that is your further disclosure to the committee. I am going to first of all read the paragraphs from the original hearing—

**Ms PALASZCZUK:** First of all, could I ask you, Dr Levy, did you have any discussions with anyone from the government before you appeared at today's hearing?

**Dr Levy:** Not about this hearing or not about the article I wrote?

**Ms PALASZCZUK:** Either/or.

**Dr Levy:** No.

**Ms PALASZCZUK:** And before you submitted the article—we will talk about the opinion piece now—did you have any discussions with anyone from the government?

**Dr Levy:** No. It is my composition.

**Ms PALASZCZUK:** Before you sent the article to the *Courier-Mail*, you did not have any discussions with anyone from government?

**Dr Levy:** No.

Now, in the absence of having that material in front of you after leaving the meeting and going back to the CMC, it would appear to me that you have been made aware of information that you should have, based on what you have explained to us in your letter, more properly disclosed

matters at the hearing, but in re-reading that document, is it the case that you feel in hindsight that you did mislead us? All of those questions are correctly answered. They refer to you—did you have any conversations with; did you receive any correspondence from; did you; did you; did you—and all the time you were saying no and yet when you went back you felt it necessary, having been informed by your media people, to write to us.

**Dr Levy:** Absolutely.

**Mr CRANDON:** Could you explain what your thinking was behind that?

**Dr Levy:** As a matter of fact, when they brought it to my attention firstly I still did not recall it and then it was pointed out that there was a call and the media officer, Dom Feenan, came to see me and he said this guy had raised an issue and he came to talk to me about it. Only then did I recall him coming in to see me. And I think I was standing behind the desk. After he relayed to me what the message was, I said to the Commissioners who raised it with me, I said, 'Actually I do remember'. I had this feeling of guilt about it because I had not recalled it before, but then I said, 'I thought though I'd said, "Oh well, tell them to get lost"', and the answer was, well, yes, I apparently said something like that. And what I have got in my letter is not my recollection but rather what Dom had put down in a register he keeps and apparently I said 'Oh, we're not going to be spooked by this', just meaning we are not going to be intimidated by that because we've been talking about doing media. The fact that I just dismissed it that way, I didn't again—I just didn't consider it again.

**Mr CRANDON:** Right. Did you have a feeling though, Dr Levy, and I am trying to just get to the point that it was a long meeting, you would not have, I would suggest—

**CHAIR:** Which meeting was this?

**Mr CRANDON:** The public hearing. I am trying to get to the point that you would not, I would suggest, have recalled the specifics of the questions from Ms Palaszczuk where they were specifically directed at you. She did not ask questions about 'did the CMC?'

**Dr Levy:** No, no.

**Mrs MILLER:** With respect, 'you' means that.

**Dr Levy:** I was not trying to be specific about it. The fact that I suddenly recalled that there was a conversation, regardless of the choice of words, I had this feeling of guilt that actually there had been a conversation.

**Mr CRANDON:** You felt that it was—

**Dr Levy:** Well, it is a matter of fact there was a conversation, but it was a brief conversation.

**Mr CRANDON:** How brief?

**Dr Levy:** I would have thought a minute or two.

**Ms TRAD:** Sorry, which conversation was this?

**Dr Levy:** I assume we are talking about the conversation between the media adviser when he came to tell me about this conversation—this phone call.

**CHAIR:** Was Dom here at the public hearing?

**Dr Levy:** Sorry?

**CHAIR:** Was Dominic here at the public hearing?

**Dr Levy:** Yes.

**CHAIR:** Why didn't he remind you between the public hearing and our private hearing?

**Dr Levy:** I don't know, and also I suppose when he went and I was—the fact I felt highly embarrassed by it I thought, well, I'll clear out the drawers so I'll go—and I virtually almost did when I rang you, but it was only after that Dom said well perhaps don't be quite so hasty because he then relayed to me the facts because he was going to Newcastle [REDACTED] and then he rang this fellow next day. I mean, that's all in the letter. But as to why I might not have recalled it, the question was broad, my answer was quick—perhaps too quick. I probably really should have, in hindsight, asked what was meant by 'the government'. But even so, even if I had stopped and asked that question, I have reflected on this quite a bit in the last week and a half or so, I must say I think my honest answer is that I still don't think I would have recalled. The only reason I say that is that after six months down there, as you realise the position is the chairperson and CEO, and I am not using this as an excuse, but in the six months down there, there's only two weekends I haven't been in there on the weekends, and I think probably just the sheer intensity of being the CEO, Brisbane

dealing with the Callinan and Aroney stuff and I think there are just some things that I deal with which after a while I think one becomes a bit spaced out. I think I have. So—and as you know, the position is supposed to be separated—divided.

**CHAIR:** Member for South Brisbane?

**Ms TRAD:** Dr Levy, can I draw you back to this two-minute conversation you had with I assume it was Dominic Feenan?

**Dr Levy:** Yes.

**Ms TRAD:** This was the conversation in which you recalled saying or advising that you were not going to be spooked by this request.

**Dr Levy:** Yes.

**Ms TRAD:** And your recollection was it was a two-minute conversation?

**Dr Levy:** That is my recollection—at least about that. I couldn't say that perhaps we didn't go on also and then talk about media and other things that we discussed.

**Ms TRAD:** Dr Levy, in your correspondence to the committee on page 2 at the third dot point you advise that 'sometime after the briefing on the Tuesday afternoon the media officers came to meet with me in my office'. So I am assuming that is two from the media unit?

**Dr Levy:** Yes.

**Ms TRAD:** Okay; so that is Siobhan Berry?

**Dr Levy:** Barry, yes.

**Ms TRAD:** Barry, sorry, and Mr Dominic Feenan. And also at some stage later Michael Scott joined the discussion.

**Dr Levy:** That is right, yes.

**Ms TRAD:** And that was in your office and he is an assistant commissioner.

**Dr Levy:** That is right, yes.

**Ms TRAD:** How long was that conversation?

**Dr Levy:** I cannot recall, to be honest. It was relatively brief. It could have been—I would not have thought it would have gone on for more than five minutes.

**Ms TRAD:** So you had a meeting with the entire media unit and the assistant commissioner in your office on a Tuesday afternoon, that is, Tuesday 22 October, discussing the approach from the Premier's office for you to do media and you cannot recall exactly how long it went, which is fine. But I assume that it would have been a reasonably intense conversation; is that correct?

**Dr Levy:** I don't think so.

**Ms TRAD:** What was the tone and temper, then, of the conversation?

**Dr Levy:** There was the initial issue about this approach that had been made. I think we dealt with that fairly quickly, fairly peremptorily. Then, the topic, though, about whether we do media and on what and who might do it, there was just a little more discussion about that. Then we had a number of discussions, one or two other discussions, that week while Dom was away.

**Ms TRAD:** Dr Levy, does the Premier's office contact the CMC frequently?

**Dr Levy:** The media unit, I don't know. I don't think so. I don't recall ever another report of that, as far as I am aware.

**Ms TRAD:** I find it peculiar that the Premier's office makes an approach to the CMC and it is not a frequent occurrence, and this is not recalled by you in a public hearing. I have to say, I find it implausible that a unique event happens which necessitates a meeting of an assistant commissioner and the media unit where you talk about a unique approach from the Premier's office, and you cannot recall that nine days later.

**Dr Levy:** There was a report about the phone call to the CMC. Having dealt with that fairly, as I said, peremptorily, then when Michael Scott arrived we had—which had been arranged; the media staff had arranged for him to come up. So it is not something that I had arranged. They just arranged that he would come and sit in as well. We'd start to have this conversation. He came in and there was just some discussion then about this new legislation and we probably should do some media. But we have had a couple of these conversations. But I do not think it would have gone—it wasn't an intense, like, planning session or we came up with any specific things we would do or who would do what.

**Ms TRAD:** No, but you came up with a definitive response to a unique request from the Premier's office, so I find it—I have to say, Dr Levy, quite frankly, if a person of interest had said to you about something in a similar situation that they could not recall events of eight days previously, I am pretty sure that the CMC investigating officers would find that implausible in the same way that members of this committee find it implausible. I have further questions, Chair, but I am happy to allow someone else to ask Dr Levy.

**CHAIR:** Do you have questions, member for Nicklin?

**Mr WELLINGTON:** I have two questions, Dr Levy. I go back to the public hearing where the Leader of the Opposition, Anastacia Palaszczuk, asked—

Were you speaking in a private capacity or were you speaking as chair of the CMC?

This is about your opinion piece. Your response was—

Well you could say I was speaking as both. I am entitled to a private view but equally, as far as the formal role of the CMC is concerned and my role as chairperson, I believe it is within the scope of the functions of the commission. So I regard that not as being biased in any way. That is a description, just like I have described some other things there about the justice system.

Simply, you are saying in the public hearing you were speaking in your private and in your official capacity. I asked the library to do some research. I thought, okay, this is a man who has been a director-general, a professor of law, he has written an opinion piece. What other opinion pieces has he written? I will quote the library response. They came back—

Thank you for your query in relation to public comments made by Crime and Misconduct Commission chairperson. The following individuals have chaired—

And they listed them all.

I was not able to find any other opinion piece written by Mr Levy prior to his appointment as the chairman of the CMC. With the exception of Mr Levy's recent opinion piece in the *Courier-Mail* in relation to the anti-gang legislation, no chairperson of the CMC has made public comments regarding newly introduced or amended legislation.

To me, there are no series of opinion pieces that you have written in the past. I am trying to close my eyes and put myself in the context. Maybe you have, but the library could not find anything. So next minute, you are writing an opinion piece and I am thinking, 'I wonder what triggered that?' You have given evidence about the media unit were talking about doing some media and this morning you have spoken about the right of offenders, the rights of the rest of society and you need to comment on the emotive comments that judges, lawyers and Mr Fitzgerald have made about the bikie legislation. I wonder: to me, that does not seem part and parcel of your role as the chairman of the CMC.

**Mr CRANDON:** Madam Chair, I am struggling to see the relevance of this—

**Mr WELLINGTON:** The relevance is, if you bear me out—

**CHAIR:** Yes.

**Mr WELLINGTON:** The relevance is that it appears very clearly that you have no track record of writing opinion pieces in the past, there appears a very clear perception of a connection between the approach from Lee Anderson, the fellow in charge of the Premier's media unit, and the next minute you are writing an opinion piece because you want to—need to correct the record or correct the perception. I am keen to hear your comment. Do you really see that as the role of the CMC, bearing in mind that, on the advice of the library, no other CMC chairman has made such comments?

**Dr Levy:** Can I say this: I have not written opinion pieces before. That is the first time I have ever been out for a foray in the media almost. I have been in media in other roles. In fact, since I have been there I deliberately had avoided being in the media for this reason: even though I knew sooner or later, in a position like that, you probably actually have to be out in the media somewhere, sooner or later, but I had deliberately avoided it for a number of reasons. Mainly—and the main one right from the start—I have been trying to settle this place down. This is the one where we have the Callinan/Aroney report that we have been working through, the PCMC report that we have been working through, and while we worked through them, of course, that legislation now isn't going to go through. As I understood it, it would be done within six months and it would have gone in probably this month or last month. So certainly I had not been into the media. In fact, I had been reluctant to get into the media.

But this is a matter of which I have taught in criminal law. It is matter which, only less than a month or so earlier, I addressed an induction course at the CMC. This was one of those things I felt is important and I guess it has been a topic, I think, which I have had some interest in for some

time. But I didn't go out only because I had an interest in it; I went out there because I thought, just like these other opinion pieces I was saying have since been written, that there was another dimension of this. Of course, there are lots of people who have opinions about this—most of them seem to be at the extreme—but most of them are talking about parties; not about the rights and what are we trying to protect.

The real issue for me, as I think I said on 1 November, was there is a serious issue and there is some new evidence, some new research, saying how serious the foray of bikies into all areas of crime really has become. The response, I think, is one of those things, unless there is a response and a fairly strong response, then these things do not get any better. Not only, perhaps, might they be interrupting people on their own private time in restaurants and elsewhere, the level of violence has increased. I think I tabled that paper at the hearing on 1 November. I do not know whether you got one, Mr Wellington, but I left a copy for you.

The CMC's recent research shows there have been some very new trends in relation to motorcycle gangs. It is an important issue. I think, unless one takes a stance about it—and that is the role of the CMC, after all; we do have a role in that. That is why I commented on that and not on any of that other legislation like the sexual offenders. There is a broad power in section 251. There is also a prevention function in section 24. There is a role for the CMC to provide information about preventing crime. So there are a number of broad provisions. There was no policy which prevented that at all. I just felt it is one of those things that lawyers and everybody else can argue and say what people should or should not do, but my concern was once they start actually walking into commercial areas, once they start all riding on the Southport police station, I think that lifts the bar. And unless there is a response—and I was not intending to, as I said, have all of that published; it was the second half, but nevertheless it has gone out there. I still stick by the principle that unless there is a strong stance and the government has strong legislation—I know there are all sorts of arguments about that—I was not arguing about the policy of penalties or other things, but rather that there is a serious issue that has been brewing for a while, it's really exploded and either we have to stand up and be counted or I think we have to get out of the kitchen.

**CHAIR:** Thanks, Dr Levy.

**Mr WELLINGTON:** My final comment on that: my concern was that your anxiety and concern that has prompted all this, to me, has not been conveyed in that manner to our committee or certainly it has not been the perception I have had from your other submissions to our PCMC committee. You are saying we have these major issues. Well, it has not been flagged as having such significance to me. Maybe I have missed something.

**Dr Levy:** It only happened within a couple of weeks. That virtually had never come—even that research that the CMC was doing, I had no knowledge of that until this issue arose.

**Mr WELLINGTON:** But I do not think it is your role to be the media person for the government. My last comment, Chair: notwithstanding your best intention, my concern is that the connection and the coincidence with things that have happened, that you are now seen as having tarnished the perception of being independent because—

**Mr CRANDON:** Madam Chair, I think this is completely inappropriate. We are right off the line. We are right off the line, here.

**Ms TRAD:** Michael, no we are not.

**Mr CRANDON:** No. Madam Chair, there are assertions being made and attacks being made on Dr Levy that go away from the issue at hand here. I think we need to stick straight.

**CHAIR:** Thank you, member for Coomera. Member for Nicklin, round off your comments, please.

**Mr WELLINGTON:** I think I have.

**CHAIR:** Member for Greenslopes?

**Mr KAYE:** Thank you, Dr Levy. Did the CMC media unit discuss doing media on this prior to 22 October? Are you aware of that?

**Dr Levy:** We were discussing it around then. In fact, we were not actually ever discussing doing media on the article I wrote. What we were really discussing was doing media about crime generally, and particularly motorcycle gangs in relation to crime.

**Mr KAYE:** I have a more specific question. In relation to the comments that you made at the public hearing, specifically answering the Leader of the Opposition's question in relation to whether anybody from government had made contact with you, did you intentionally mean to mislead this committee?

**Dr Levy:** Definitely not, but I think I made one or two statements there. If one asks, 'Did the Premier or anybody from his office ask me to write an article?' The answer is, no. 'Did they see an article that I wrote?' No. 'Did the Attorney-General or any of his staff see the article I wrote before I put it out there?' No. 'Did anybody else make a contribution to it or try to tell me what to write?' The answer is, no.

While I guess it is regrettable it has gone out there that way and, as I said, in the notes I gave the journalist that one line in there obviously causes some sensitivity, firstly, that is not what was intended, but, secondly, even having looked at it, I do not think merely by making that statement—that one sentence out of all the other points I make in the article; I do not know whether it is because I wrote it so I guess I might have a slightly jaundice view—that I lose independence or that it can be said that somehow I support the government. I have had other discussions about matters that affect the government or people who are related to the government where I have said no or given them unpalatable news. If I could lose my independence because of that, I just do not think that is right. If I can only be independent if I am always bashing the government then I think that is illogical. It is a view that I certainly do not hold, and I could not subscribe to it.

I have avoided bashing the government to some degree, certainly early on—I am talking about this article; this was an entirely different circumstance. I went there six months ago and I had been there two or three weeks and then all of a sudden there had been a paper prepared as a response to the Callinan and Aroney report. We had taken that and I said to an officer down there, 'If we got the emotive language out, I think that is probably a good response, at least to start, to the implementation panel.' So off it went.

Then there were questions raised, 'Perhaps we should put this up on the website.' It was written by somebody outside of the CMC, but it was highly critical of Callinan and Aroney. It was proposed that we should put that out there and say, 'The government has got it all wrong by appointing these people.'

As time has gone on, I think there are some things in that organisation though, at least the issues, that are right.

The reason I did not—and I think I said this to this committee earlier on, at previous meetings—try to be provocative with the government is that, at that time, my sense, even from reading the paper—and once you are down there five minutes you pick up—was that the government had no time for the CMC and certain people in the CMC obviously had no time for the government. But I was there to try to make the systems work and if I was just going to throw a grenade in the door I may as well not have been there.

There is a time for criticising and being provocative, but while I have avoided criticising them before—that is in this context until we actually get the legislation through, let me be very clear about that—the attitude from both sides, both from the government and from the CMC, was very unhealthy. I have taken the view that it is an organisation with very special powers. That legislation is very special. It is an organisation which covers police, crime and corruption or misconduct. In many other states there are three separate bodies looking at these things.

**CHAIR:** Can you round your comments up, Dr Levy, please.

**Dr Levy:** If I had been too provocative too early then I just think there was a risk the government would say, 'Get rid of the CMC,' which I think would not have been healthy.

**Mr KAYE:** Just one last question: do you provide any briefings to cabinet or any other body in relation to the motorcycle gang laws at all?

**Dr Levy:** I do with the deputy police commissioner. That is only about numbers—actual hearings held. So there is no operational information—

**Mr KAYE:** How often is that?

**Dr Levy:** It has been most weeks for the last four or five weeks, except one. This is mostly all about numbers of matters we are dealing with because this is in the context also of trying to get new resources for the CMC as well. That is as far as it goes.

**CHAIR:** Member for the Beaudesert, do you have any questions?

**Mr KRAUSE:** Yes. Dr Levy, obviously part of the thrust of your article and your comments here this morning relate to the fact that you see the CMC as an integral part of the criminal justice system in Queensland. I have no issue with the CMC expressing its opinion on issues about the criminal justice system at a broad level. Is it fair to say that in your article you were expressing your view in support of the legislation as it relates to the major crime prevention task of the CMC?



**Dr Levy:** Yes.

**Mr KRAUSE:** They were your words and your prepared composition. I just wanted to go back to the correspondence you have sent to us where you have discussed having discussions with Mr Scott and other people in the CMC about the possibility of doing media on the issue. How did those discussions go? You have mentioned that there was discussion that Mr Scott might do the media on this issue. Could you just give us a little bit more information about that and why you came to the conclusion that you would write that article?

**Dr Levy:** We had been discussing doing media, but it was not about the issue that I wrote about. It was about coercive hearings and factual statistical information, if you like, about functions that the CMC performs in crime. But this was with particular emphasis about motorcycle gangs.

**Mr KRAUSE:** Had you been receiving media requests about those topics?

**Dr Levy:** Yes. I think I did have it in my letter that Dominic told me we had numerous requests for media.

**Mr KRAUSE:** Right; and this was before 21 October?

**Dr Levy:** Yes.

**Mr KRAUSE:** After the 27 September eruption of this, as Mr Scott called it?

**Dr Levy:** Yes.

**Mr KRAUSE:** So the call that came through on the 21st, obviously you have said, and it has been corroborated, that you discounted that approach from the government media unit almost immediately. You told them to go away, in a sense.

**Dr Levy:** Yes, that is a polite way of how I would have put it.

**Mr KRAUSE:** The point I am trying to make is that the CMC internally had already been receiving requests for media, had been considering how that might occur and in the end there were discussions between yourself and Mr Scott about the best way to do that and you decided to go forward and write that article?

**Dr Levy:** Those were just preliminary discussions. We had been saying we would do some media: 'What would we do it on? Who might do it?' But it was all only in the context of doing crime and motorcycles gangs, or crime even more generally.

**CHAIR:** Member for Bundamba.

**Mrs MILLER:** Just a couple of issues. You have been around the government a long time and certainly some of the committee have. When a Premier's senior media adviser rings anywhere, including a ministerial office, normally all hell breaks loose because it is so unusual—particularly if it is Lee Anderson who is the head of the media unit. I am just intrigued by the fact that Dominic, or whoever it was, took the phone call and alarm bells were not ringing. Because, as we know, inside government if a chief of staff of the Premier or a senior media adviser rings any ministerial office or even any quango it is almost like hysteria because you are either in trouble or they want something immediately.

That is why I find it almost unbelievable that alarm bells were not ringing—that this person Lee Anderson, who is the senior media adviser, rang. Do you know what I am saying? Ken, you can imagine previous Attorneys-General whom you worked for—and I am not going to name names here—you would be aware as I was aware, having been an officer of the department, that if these people rang it would be, 'Bloody hell, what is going on here?', and reacted straight away. That is why I am interested that it appears that no-one from the CMC reacted like that.

**Dr Levy:** There are two issues about that. One is that it is an independent statutory body. There is no reason why we would just suddenly drop everything and want to accede to their request about that. The other thing, which I think is very helpful at the moment in the CMC, is that Dominic—I think he has been there about two weeks less than me—was the media officer in the AFP, did work in the Solomon Islands. He is a very well balanced young man. I think with his leadership and his experience—he is not just a junior media officer—he sees in context pretty quickly what we should do. He has not got the old Public Service background. He is not wedded to ways that you find in a Public Service department. The fact he has worked with the AFP again is that independent role. I think that has been very helpful.

**Mrs MILLER:** I understand what you are saying there, but still he obviously does not know the context upon which the independent statutory body the CMC is working because you have to know the external stakeholders who are out there. In relation to Des Houghton, your email says, 'It was good to meet you yesterday.' What was the context for meeting Des Houghton, of all people?

**Dr Levy:** That was the first article that appeared. I actually gave him a story. That email was to give him my written notes. He was not taking that many notes. He obviously was interested in this link about police and motorcycle gangs. From the research the CMC has that is not really a significant issue. But that is what he was interested in. But that was not what I was interested in. The other part of the story, if you like, that I was talking to him about he did not seem to pick up on. It was not in his article anyway. I did not want to lose that because I thought that was important. That is why I actually gave him notes—expecting that he would write a story about the balancing aspects of the criminal justice system.

**Mrs MILLER:** Can I just say that I have just had a quick look in relation to the notes et cetera. It would normally be the case that if you were doing an opinion piece that you would not give notes, that you would write the opinion piece and actually present it to them as an exclusive. There might be some learnings in relation to that, I think.

**Dr Levy:** I have a lot of learning to do in relation to media, I can assure you. As I said earlier though, when I went to talk to him to give him a story, I think I mentioned to you, he did say to me, 'If you wanted to perhaps give an opinion piece we could publish it for you.' I did not say, 'Oh, no, I don't want you to do that,' I was just affable and said 'Okay.'

But what I sent to him were my notes in the hope that he would actually write an article and select some of that stuff out, particularly the article itself. While there were some messages there, it was really only the second part, apart from that opening No. 1 message which had the paragraph which has a whole lot of notoriety and has offended some people. If you hadn't taken that out, then my story would have been just the way I wanted it.

**Mrs MILLER:** In conclusion, did it cross anybody's mind, including Dominic's, that it is unheard of for a Premier's senior media adviser to contact an independent authority? Normally, as you would know, what would happen internally within government would be the Premier's senior media adviser would contact the Attorney-General's senior media adviser and then they would contact you, because you are responsible through to the Attorney-General. It is extraordinary to me that Lee Anderson would pick up the phone and ring the CMC direct. I think that is why members of this committee are so concerned about it, because the senior media adviser has not even followed the protocols within government in relation to that. To be honest, that is deeply concerning to me. I know you have said that you basically told them to get lost, but even so it is the fact that Lee Anderson chose to do that and ignored going through the structures of government. Do you understand what I am saying?

**Dr Levy:** Yes.

**Mrs MILLER:** It is extraordinary to me. I think it was probably his intention to put a lot of pressure on the CMC to do this, otherwise why would he do it? He would normally go through that structure to be able to talk to Dominic or whatever. Senior media advisers, in my experience, do not pick up the phone and speak to independent statutory authorities unless it is within the structure of the Premier's office. My own personal view is that Lee Anderson probably did intend to put pressure on yourself, the commissioners and the CMC by doing it himself. He either intended that or he is downright stupid because he has not followed the orders in relation to where the CMC actually sits in relation to government accountability et cetera.

**CHAIR:** Thank you, member for Bundamba.

**Mr CRANDON:** Dr Levy, I suppose there are a number of ways that someone could approach people within the CMC. You have indicated that you have regular meetings with executive government—with the cabinet, along with an assistant police commissioner?

**Dr Levy:** Well, only since this legislation has come in.

**Mr CRANDON:** Okay. So over the last five or six weeks, you said?

**Dr Levy:** Yes.

**Mr CRANDON:** That is okay. I am just doing a preamble to a question that I want to ask. So there are times when you are in close proximity to ministers—the Attorney-General and what have you—on a one-on-one basis. There are times when you would perhaps have had an opportunity to have private conversations and so forth, and yet here we have a media unit contacting a media unit. If something underhanded were being suggested or if something underhanded were being intended to be done by a member of the government in relation to putting pressure on yourself, would it be appropriate, do you think, for them to actually go into a media unit to media unit process where everything is documented? Clearly, Dominic takes very good notes, as you have indicated in your letter. Could you talk about that aspect of things?

**Dr Levy:** I must admit that I have not really applied my mind to that at all.

**CHAIR:** Dr Levy, is it something which would be within your knowledge or should we ask Mr Feenan?

**Dr Levy:** Look, he knows the system but I mean—

**Mr CRANDON:** Dr Levy, let me leave that as a statement, as the member for Bundamba did. In my view, it is entirely appropriate for a media adviser to contact a department or an organisation or an independent statutory body such as the CMC—

**Mrs MILLER:** Not the Premier's media unit.

**Mr CRANDON:** If I may—

**CHAIR:** Round it up, please.

**Mr CRANDON:** It is entirely appropriate for them to contact media unit to media unit as opposed to going behind closed doors, cloak and dagger and so forth. In other words, this was out in the open. Everybody knew about it, including Mr Fox.

**Mrs MILLER:** No, it wasn't.

**Dr Levy:** Well, you cannot stop them ringing, but if they ring, particularly if the Premier's department rang, I would think the same response would happen or should happen every time.

**Mr CRANDON:** Thank you.

**CHAIR:** Dr Levy, I have a couple of questions. I will ask you this again: did you intend to mislead this committee?

**Dr Levy:** Definitely not, Madam Chair.

**CHAIR:** Okay. Did the media person who spoke to Mr Nase also speak to you in relation to your oversight?

**Dr Levy:** Um—

**CHAIR:** Okay, how did this happen? You made the statements here. You went back to the CMC. The media person at least spoke to the commissioners and Mr Nase. Did that media person also speak to you or did the commissioners come and speak to you—

**Dr Levy:** No, the commissioners came first. Then I rang you. Then I started doing a draft response to you, and then I realised dates, times and so forth were rather vague so I asked Dom whether he could refresh my memory about what he said to me, the text of the message he was conveying about the phone call, and any other facts about—

**CHAIR:** But why did the media unit talk to the commissioners and not to you about your error or your oversight?

**Dr Levy:** I don't know, but I think because the commissioners approached him first he—

**CHAIR:** Why would they approach him?

**Dr Levy:** Well, obviously somebody picked up that I had made an error and raised that with them.

**CHAIR:** So you don't know who that somebody was that picked up that you had made an error?

**Dr Levy:** I think when you agree to get catapulted in there for a six-month period there will always be some barriers, and clearly there are some barriers. I don't mean that in the sense that there is a huge problem. Most of the people I get on very well with and I think most of the people are very competent, but clearly there are some people who either don't agree with some decisions I have made or—

**Ms TRAD:** With all due respect, Madam Chair, he has not answered your question. You asked him if he knew who had advised Commissioner Nase. Do you know?

**Dr Levy:** No.

**CHAIR:** So, to the best of your knowledge, it may have been a media officer or somebody else with knowledge of the contact who told Mr Nase. Mr Nase came and saw you. You started to correct the situation, realised that you didn't have all the information and brought Dom in to fill in the gaps?

**Dr Levy:** Yes.

**CHAIR:** After that period you sent the letter to the committee?

**Dr Levy:** Yes.

**CHAIR:** Did the commissioners speak to you subsequently about the error that you had made? Did Nase or McMeniman or Fox speak to you?

**Dr Levy:** The only issue I think that arose after that was, if there was a lack of confidence in me or in my independence, whether [REDACTED] at the moment.

**CHAIR:** Who raised that subject with you?

**Dr Levy:** I think it was George Fox.

**CHAIR:** So he suggested that if [REDACTED]

**Dr Levy:** I am sorry, I think there were—Philip had raised two questions, I believe.

**CHAIR:** Philip Nase?

**Dr Levy:** Philip Nase. But he didn't raise them with me. George said that there were two questions. One was whether I could be reappointed—this is for the period that I have just been reappointed for, for six months. That was one issue which I think he thought we should get some independent legal advice about, and the other thing was whether [REDACTED]

And I agreed with that.

**CHAIR:** I am sorry, you will have to restate that. You lost me a little bit. The first one was whether the reappointment could occur. That is a separate issue altogether. Please restate the second issue.

**Dr Levy:** The second one was [REDACTED]

**CHAIR:** Please explain what you mean by that.

**Dr Levy:** Well, I think what they were saying is that, if there was a question that I had not been independent, I should be at arms-length.

**CHAIR:** On whose behalf is Fox talking—Nase, McMeniman?

**Dr Levy:** Well, I don't know that he was talking on behalf of Marilyn, but I think Philip Nase had raised the question and he was certainly speaking on behalf of him and Philip.

**CHAIR:** Okay. You are not aware that after that first page-and-a-half letter from Mr Nase we received several other communications from members of the CMC?

**Dr Levy:** The commissioners?

**CHAIR:** The commissioners through Mr Hutchings?

**Dr Levy:** Okay. No, I was not aware of that.

**CHAIR:** Mr Feenan spoke with Mr Nase and reminded Mr Nase—not you—that you had misled the committee. Nase spoke with you. You spoke with Dom. In that period of time, was Mr Hutchings involved in any of those communications?

**Dr Levy:** I understand he was, although he didn't—I think George Fox said to me that he had spoken to Rob Hutchings about it.

**CHAIR:** That is the issue to do with potentially misleading the committee?

**Dr Levy:** Well, I think it was about all of those issues including getting legal advice about whether an extension was legally possible.

**CHAIR:** Did anyone speak to you about the possibility of a public interest disclosure?

**Dr Levy:** No.

**CHAIR:** Are there any other questions?

**Ms TRAD:** I have questions. Dr Levy, at the commencement in response to one of the questions from I think the member for Nicklin you said that the debate had become unbalanced and that you felt a need to insert yourself into the debate in order to provide a bit more information about the rights based discourse.

**Dr Levy:** Mmm.

**Ms TRAD:** I am paraphrasing you. Is that your understanding?

**Dr Levy:** Essentially, yes.

**Ms TRAD:** I am a bit confused, Dr Levy. Where in the act that governs your actions does it suggest that you have a primary role in shaping and formulating public opinion and public debate?

**Dr Levy:** I wasn't relying on forming public debate but rather—

**Ms TRAD:** Well, you wanted to influence the public debate which had become 'unbalanced'.

**Dr Levy:** Section 251, which is about the role of the chairperson, says—

Without limiting the chairperson's responsibilities, functions or powers, the chairperson, subject to this Act ... is responsible for the administration of the commission and the proper performance of the commission's functions.

So that is without limiting the chairperson's responsibilities, functions or powers. But the functions are crime, misconduct, prevention and also, of course, recovering proceeds of crime. But in section 24—that is where the prevention function is—it says—

Without limiting the ways the commission may perform its prevention function, the commission performs the function by—

And it lists nine things. Subparagraph (f), for one, says—

providing information ...

In other words—

... the commission performs the function by—

(f) providing information relevant to its prevention function to the general community;

So because it is fairly wide—and, again, also the opening words are 'without limiting the ways'—I regard that I had a power to do that.

**Ms TRAD:** Thank you, Dr Levy. The first section you referred to did say 'subject to the act', and the act does say that the commission at all times must act independently.

**Dr Levy:** Yes.

**Ms TRAD:** And I put it to you that your article of 31 October is not independent in its approach; it is an advocacy opinion piece for the government's legislation. But also, Dr Levy, in this article—in your opinion piece—you are actually not describing the functions of the CMC; you are advocating for government legislation that had been recently introduced, Dr Levy. So I would suggest to you that, quite frankly, your explanation is insufficient in that respect. I do not think you have supplied information about the work that the CMC does in your article—in your opinion piece. What you have done is you have explained why the government's legislation should be publicly supported. To go on, Dr Levy—

**Dr Levy:** Can I respond to that?

**Ms TRAD:** Absolutely.

**Dr Levy:** In the article, the second paragraph talks about the balancing of the rights that I said I was particularly interested in. In the next paragraph I spoke about how out of balance I thought the criminal motorcycle gangs had been for some time. In the following paragraph, though, I talk about the CMC and the fact that it monitors police behaviour. The monitoring of behaviour of criminal motorcycle gangs I said has not had the same amount of attention. But one of the functions, of course—the organised crime function, which is another function under the act—criminal motorcycle gangs feature in, sometimes because of the crime they have committed as members of gangs. But there are other coercive hearings we hold, in relation to homicide and other serious crime, which are also linked to motorcycle gangs. In the final paragraph of the article I mentioned motorcycle gangs—and in a couple of other places throughout as well. I still regarded that the issue that I wanted to talk about was talked about in the context of the CMC and the role and powers of the CMC and criminal motorcycle gangs.

**Ms TRAD:** With all due respect, Dr Levy, I do not think it is. The primary purpose, as you have explained to this committee, was to inject a bit of balance into the public debate—

**Dr Levy:** Yes.

**Ms TRAD:**—which you thought was unbalanced.

**Dr Levy:** Yes.

**Ms TRAD:** The CMC is referred to in your article a couple of times, and nowhere do you actually claim that it is independent. You talk about it as a crime-fighting body. I think you can put that position to the committee. I do not agree with it, quite frankly. But to move on, Dr Levy, I am

interested to know whether or not—you said to the committee before that the article was wholly and solely your own, that you did not receive any information or you were not influenced in any way to write the article.

**Dr Levy:** As far as I am aware, no.

**Ms TRAD:** Okay. So, Dr Levy, is there still a research function operationalised within the CMC?

**Dr Levy:** Yes.

**Ms TRAD:** Yes, there is. So you did not ask the research unit to provide you with information in relation to your article?

**Dr Levy:** No.

**Ms TRAD:** You didn't?

**Dr Levy:** No.

**Ms TRAD:** You just did it of your own accord?

**Dr Levy:** Well, much of that material is stuff I taught as a law professor. For example, even the example I put in there was a real-life example which happened in California when I actually was there as a Fulbright Scholar and one I have used also in teaching criminal law. So most of this stuff I had—except, for example, that paper I made available to the committee last week or on 1 November: the more recent research of the CMC on the escalation of violence, recruitment of members of gangs and so forth. All of those factors that I raised there did not come out of research; they came out of the intelligence division.

**CHAIR:** Okay—

**Ms TRAD:** I am sorry, I have some more. I am sorry, Madam Chair. I know.

**CHAIR:** I just remind members that we are here really to discuss the potential misleading of the committee.

**Ms TRAD:** Yes, I understand. Thank you, Madam Chair. Dr Levy, I am interested as to why you sought out Des Houghton in relation to constructing your opinion piece.

**Dr Levy:** Well, Des Houghton—if one googles 'criminal motorcycle gangs' and 'the *Courier-Mail*', right back to 2007 the only name that comes up is Des Houghton.

**Ms TRAD:** Yes, but, Dr Levy, Des Houghton had not written one single article about the bikies in Queensland in relation to the current situation. There were other journalists at the *Courier-Mail* who had been running on this story. I am interested as to why you did not approach them.

**Dr Levy:** I do not think I have the copies here, but in 2007 there were probably three or four, at least, articles—

**Ms TRAD:** Yes, but in 2013, Dr Levy, Des Houghton's first article about the bikies was on 30 October. I am just interested why, if you wanted to have an article written up, you went to a subeditor who had not written about the bikies yet as opposed to the journalists who had been covering this issue for some time.

**Dr Levy:** As I said, I virtually had no contact with journalists at all, so I did not really have a history about knowing—

**Ms TRAD:** So was it a recommendation?

**Dr Levy:** Sorry?

**Ms TRAD:** Was it a recommendation that you contact Des Houghton?

**Dr Levy:** I had spoken to some media people.

**Ms TRAD:** Within the CMC or broader?

**Dr Levy:** Some of them would have been broader.

**Ms TRAD:** Who were they, Dr Levy?

**Dr Levy:** I cannot recall who exactly now.

**Ms TRAD:** You cannot recall?

**Dr Levy:** Certainly within government I would have run it past probably Justice and probably Lee Anderson as well.

**CHAIR:** You mean when you worked in government?

**Dr Levy:** Sorry?

**CHAIR:** When you were working in government you would have?

**Dr Levy:** No, no, no. Just recently. Dominic was away that week.

**Ms TRAD:** So you had a conversation with Lee Anderson about who to talk to in the media about your article?

**Dr Levy:** No. I just said I wanted somebody who would be reliable and print the article that I wanted printed and, given he had written on motorcycle gangs before, would he be reliable? That was the only question.

**CHAIR:** Who did you ask?

**Dr Levy:** Lee Anderson and also—I think I tried to put a question to somebody amongst the Attorney's media people, given Dominic was away, but he was not available.

**CHAIR:** When did this happen?

**Dr Levy:** About the day before I spoke to Des Houghton.

**Ms TRAD:** So on 29 October? Is that what you are saying?

**Dr Levy:** 28th, 29th—something like that, yes.

**Ms TRAD:** 28th, 29th. So you had a conversation with Lee Anderson. Did you initiate that conversation?

**Dr Levy:** Yes.

**Ms TRAD:** You initiated that conversation?

**Dr Levy:** Yes.

**Ms TRAD:** So do you think this conversation you had with Lee Anderson on 29 October, Dr Levy, would constitute a different answer to the Leader of the Opposition's question to you at the public hearing?

**Dr Levy:** About whether I had any contact with anyone from government?

**Ms TRAD:** Mmm.

**Dr Levy:** Well, as I said in the letter, I have had a number of questions about what contact I have had with government in the last six months. It is always in the context of, 'Has the Premier contacted you—or the Attorney-General?' That is the context I had.

**Ms TRAD:** I am sorry, Dr Levy. In your letter to the committee you do not make reference to the fact that you have had subsequent conversations with Lee Anderson in relation to the best journalist to pursue in relation to getting your story out.

**Dr Levy:** No, this was a judgement call I had to make. If I wanted to get it out there, I wanted somebody who was going to publish the article that I wanted, or the story, and not be selectively taking things, like usually happens.

**Ms TRAD:** Dr Levy, I put it to you that your admission just now indicates that you are withholding more information from this committee. I put it to you, Dr Levy, that your admission that you have had subsequent conversations with the Premier's senior media adviser and withheld that information from this committee is in fact an offence.

**Dr Levy:** I am sorry, I do not think that was relevant at all.

**Ms TRAD:** It is absolutely relevant, Dr Levy.

**Dr Levy:** Well, that conversation was about who would be reliable. There was nothing about the article; he did not see the article—absolutely nothing.

**Ms TRAD:** I am sorry, Dr Levy. You are asking us to trust your recollection of that conversation when you could not recall the original approach by government? I am sorry, Dr Levy, but I find that what you are revealing is quite a frequent association with the government's chief media officer and I think it is a very big problem in terms of the independence of the CMC.

**Dr Levy:** Look, that is the only contact I had and only for that purpose.

**Ms TRAD:** Did you ask Siobhan Barry to make a recommendation to you in relation to who you should talk to from the—

**Dr Levy:** No, no.

**Ms TRAD:** No, you didn't?

**Dr Levy:** No, I didn't.

**Ms TRAD:** You went straight to Lee Anderson?

**Dr Levy:** Let me tell you why. While Dom was away there were a number of conversations I had with Siobhan. It was always, 'Look, I don't think you should do any media about this. Michael Scott should do it.' And it was getting to the stage that it was sort of saying, 'Well, push aside'—that I should not be doing any media at all. So consequently—and, of course, this was allowed, what we were talking about. And I did not want to create any worse relations about this. What we were talking about with her, of course, was not about the article that I wanted to write anyway.

**Ms TRAD:** Can you quantify how many times you have been in contact with or have had government officers contact you in relation to media?

**Dr Levy:** I think I have had none from the Attorney-General. You might recall I said that I arranged for the Premier and the Attorney-General to come for a presentation—a briefing—at the CMC. You might recall that. On that occasion Lee Anderson made contact with me saying that the Premier would come down and he would be accompanied by various people. He then spoke to Dominic about the rest of the arrangements for that day. That is the only other occasion. He is the only other name I knew.

**Ms TRAD:** You said that you had contacted—you had had conversations with people broader than Lee Anderson. Who else did you talk to?

**Dr Levy:** No, no. About media matters or from government?

**Ms TRAD:** About who to go to—Des Houghton.

**Dr Levy:** No, he was the only one. I had googled—

**Ms TRAD:** It was just that you said plural—people, not person.

**Dr Levy:** No, he was the only one I spoke to, I am sorry.

**Ms TRAD:** He was the only one?

**Dr Levy:** But I had googled, found Des Houghton's name and I was doing a quality control check by that time, because, I mean, I had actually written the article, but before it went out there I wanted to know who I could talk to safely.

**Ms TRAD:** But you were a keen observer in the fact that the debate had become unbalanced, but you decided to go to Google to search for Des Houghton or to search for who you should go to as opposed to as a keen observer of the current media go to the journalists who had been covering it?

**Dr Levy:** Well, I googled. I did not go back through every newspaper. I thought I would find out by googling, and the person with the history—the only one—was Des Houghton.

**Ms TRAD:** I am going to finish my line of questioning, but I put it to you, Dr Levy, that you have just admitted further misleading this committee and I find that the Leader of the Opposition's statement in relation to confidence in you is very fitting, quite frankly. I think that you have misled this committee, not on one occasion but on two occasions.

**Dr Levy:** I would have to say that information—and the only reason for that contact was as the CEO I had to try to find, I have to make those judgement calls and the fact that it was a very sensitive issue. I wanted to find somebody who would be reliable in putting out the story that I wanted put out.

**Ms TRAD:** Yes. We know how reliable Des Houghton is.

**Mr KAYE:** Just in relation to the independence of the CMC that has been spoken about a few times today and previously, when it comes to the crime-fighting function of the CMC, it would be fair to say that it is far from independent. In relation to that, it works very closely with other law enforcement agencies—indeed, the ACC, the Federal Police, the Queensland police. It works hand in hand with those organisations, doesn't it?

**Dr Levy:** It does, but it does not lose its independence because of that, because operational information either usually is not exchanged but where it is it is only exchanged with law enforcement agencies and there are agreements and signatures under various provisions of the act to ensure that it is only provided confidentially and will not go any further.



**Mrs MILLER:** Ken, I just find this totally extraordinary. You have been around a long time. Under the *Government Gazette*—you know, the orders where the CMC fits—you actually come under the Attorney-General, so I just find it extraordinary that you did not ring the Attorney-General's media unit.

**Dr Levy:** I did, but he was not available.

**Mrs MILLER:** Okay. He was not available, so you then go up to the Premier. I still find that extraordinary. The other issue is I know Dominic's [REDACTED] et cetera and I understand that he was away, but was there at any stage at all that you decided to second someone urgently from one of the departmental media units to come and assist you at all?

**Dr Levy:** It was only for a week. We had Siobhan there to do most of the other things and this was in the blood and the heat of battle. This thing was the mat that was just developing spontaneously and I really needed to get something out quickly. As I said, I do not normally put out media.

**Mrs MILLER:** No, I understand.

**Dr Levy:** As I say, it happened in this very short time frame.

**Mrs MILLER:** I understand that and I know that most agencies and quangos would not for a week try to get someone in for that period of time. But did it ever strike you, because you do not do media a lot—and I accept that; I know you have not in the past, so I completely accept that—that because you are dealing with such a big issue that is such an enormous issue running on TV, radio, in the *Courier-Mail* right across the country that you did not need this specific advice from someone independent? You can understand when we here as the parliamentary committee would see it as extraordinary that you would pick up the phone and ring Lee Anderson rather than trying at least to get some independent advice. I mean, you could have picked up the phone to the editor himself of the *Courier-Mail*.

**Dr Levy:** I guess it is a decision and I did not have too much time to make those decisions. The only people I knew I picked up and called and I got through to one of them. That is the way it was.

**Mrs MILLER:** But with respect though, Ken, the one person that you did ring was probably the very person that you should not have rung because Lee Anderson is the senior media adviser to the Premier. You could have rung for some advice through—

**Mr WELLINGTON:** He is the head of the Premier's media unit and the former head of Channel 9.

**Mrs MILLER:** What I am trying to say here is you have been around the government a long time. You could have rung the director-general of the department of justice and asked for this advice from an independent officer of the media unit within the department who you probably could have brought over within half an hour or an hour on a secondment arrangement. That is why I think, Ken, if you can understand, it is extraordinary for us to believe that you would ring Lee Anderson to get advice about who was someone you could trust within the *Courier-Mail* rather than ringing the *Courier-Mail* yourself.

**Dr Levy:** Despite who gave me an answer, I can either choose to accept it or not.

**Mrs MILLER:** Yes, but you should not have rung Lee Anderson I think, Ken. It is wrong. We do not ring them.

**Mr CRANDON:** Excuse me, Madam Chair.

**CHAIR:** Yes, member for Coomera?

**Mr CRANDON:** I just find we are now going down the road of what you should and should not have done and I find that irrelevant. The facts are the facts.

**Mrs MILLER:** It is a fact in relation to—

**Mr CRANDON:** Dr Levy has done what he did.

**CHAIR:** All right; thank you for that.

**Mrs MILLER:** No, but the issue is—and I agree with the member for South Brisbane—that that matter was left out of the letter to us. Ken, I have known you for years. I find it extraordinary that you would leave that out of a letter because you are so meticulous in relation to providing detailed responses. So what I am trying to say here is that you did not go through the government Brisbane

channels to do it; you went to a political person who is the head of the Premier's office who rang in the first place. I am trying to be as fair as possible here because I know you. I think that you now have misled the committee.

**Dr Levy:** Well, that was nothing to do with the article itself. It was an administrative matter virtually about who I went to see. I had done, as I said, a Google search and I was looking for either some confirmation. I did in fact try to contact the justice guy first, but I was told he was away with the minister.

**Ms TRAD:** So did Mr Anderson ask you what the article was about?

**Dr Levy:** No.

**Ms TRAD:** And you did not tell him?

**Dr Levy:** No. I just said I wanted to put out an article. I cannot remember what he told me exactly, but he never saw the article. I just said, 'I was after somebody about this particular topic. I had done this Google search. Would he be a reliable journalist?'

**CHAIR:** I call the member for Greenslopes and then I intend to ask you to leave the meeting. We have other people we need to speak to, but I ask you to remain as there may be a reason to recall you.

**Dr Levy:** Yes.

**Mr CRANDON:** That is not to say that Dr Levy could not go and have a bite to eat.

**Dr Levy:** I will wait outside.

**Mrs MILLER:** No, you should eat, Ken.

**Mr KAYE:** Dr Levy, just talking about this conversation that you had with Lee Anderson, I just want to confirm that you did not actually discuss the contents of the article with him.

**Dr Levy:** Definitely not. I mean, it was a phone call. He did not see it. I did not send it to him. I was trying to check—

**Mr KAYE:** So you were after a referral of who to speak to?

**Dr Levy:**—the efficacy of somebody I might contact.

**CHAIR:** Thank you, Dr Levy. Can I remind you—and I am sure you have an understanding of this—that this is a confidential hearing and I would ask you again not to discuss either the contents of your evidence or other potential evidence that we may seek from you with people who are waiting outside. Please feel free to get some lunch, because we have a number of people to speak to before yourself again, but I do suspect that we may have some more questions for you. Thank you for your attendance.

**Proceedings suspended from 11.54 am to 12.04 pm**