

Memorandum

To PCMC

Re: The meeting with the Parliamentary Committee 1 November

The public session

This note is written with the concurrence of Mr Fox and Professor McMenemy, although I must take sole responsibility for its content.

After returning to the CMC following the PCMC meeting, on 1 November I was informed the CMC had received a telephone call from a government source about undertaking some media activities about the government's CMCG legislation. I was conscious the Committee had not been informed of the call. I then consulted with Mr Fox and Professor McMenemy, who were still at the CMC. In light of the information we had received we decided to meet with the CMC's senior media advisor, Mr Feenan.

Mr Feenan told us a telephone call was received by the CMC media unit on the Tuesday before last (22 October). The call was from a Lee Anderson from the government media office. The call therefore was media unit to media unit. We understood the call was, in effect, a request the CMC consider undertaking media interviews about the government's CMCG legislation, and specifically that the Attorney General would be supportive of the CMC undertaking any media.

Mr Feenan did not take the initial call. The call was taken by our media officer. However Mr Feenan did speak to Dr Levy on the Tuesday and informed him of the content of the call. At that time the request was rejected. Mr Feenan later contacted Mr Anderson to explain the position to him.

In our conversation with Mr Feenan on 1 November he commented to us that there was discussion among some staff at the CMC that the approach from the government media office was like an approach to a Department, and not like an approach to an independent office.

We agreed we should speak to Dr Levy as soon as possible and give him the opportunity to contact the PCMC in order to advise the Committee of the telephone call. We walked directly to Dr Levy's office and spoke to him.

When we spoke to Dr Levy he said, after being reminded of the details of the call, that he remembered the call and had indicated he would not respond to that request (a point that Mr Feenan corroborated).

He (Dr Levy) said he had forgotten about the call when he was questioned by the PCMC. He said the call did not influence his decision to write the article. We suggested he should contact the Chair of the PCMC as soon as possible and inform the Committee of the call, and he agreed to do that.

On the Monday of this week (4 November) I attempted to clarify the content of the initial telephone call received on 22 October. The media unit at the CMC maintains reasonably comprehensive notes. Based on those notes I was told the following:

The caller was a Mr Lee Anderson. He said he had been speaking to the AG and had a thought to pass on to Ken. He said the AG was supportive of this as well. He said he wasn't sure if Ken would be comfortable doing this. The idea was for Ken to do a 'sit down chat' on the bikie issue. Mr Anderson said he was keen for people to realize that bikies were not kind old men¹, and he asked that the issue be raised with Ken.

I was also told that the CMC had received a number of requests from the media on the CMCG issue and there was ongoing discussion within the CMC on the best approach to adopt to the requests. I was told the general advice given to Dr Levy by the media unit in the period leading up to the publication of the opinion piece in the Courier Mail was not to undertake any media activity himself and to avoid commenting on issues of government policy. I understand Dr Levy was in contact with a journalist on 28 October, and the story appeared on 31 October. I know from speaking to Dr Levy that he believes that as Chairperson of the CMC he was entitled to write the article and make the comments he did make in the article.

Philip Nase

5 November 2013

¹ This part of the note is to the effect..." keen for people to realise (we are not) dealing with some kind old men".