

INDEPENDENT COMMISSION AGAINST CORRUPTION

STATEMENT IN THE MATTER OF: ICAC Operation Dewar

PLACE: Sydney
NAME: Chris Wheeler
ADDRESS: Ombudsman New South Wales.
Level 24, 580 George Street,
Sydney NSW 2000
OCCUPATION: Deputy Ombudsman
TELEPHONE NO: (02) 9286 1004
DATE:

States: -

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1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
 2. I am 62 years of age.
 3. About 12.09 pm on 17 May 2013, at my office in the NSW Ombudsman's Office, I received a telephone call from a person who identified himself as Mr Murray KEAR, the State Emergency Services Commissioner. As far as I can

Signature



Witness



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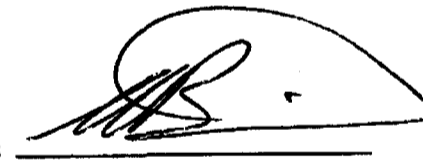
recall I have never met Mr KEAR and have had no previous conversations with him.

4. I am unable to recall the exact words of the conversation that took place at that time. However in making this statement I have referred to the contemporaneous file note prepared immediately after my conversation with Mr KEAR on 17 May 2013.
5. Mr KEAR informed me that a member of staff in the office of his Minister had suggested he call to ask for my advice and to notify me about a matter.
6. Mr KEAR told me that on Tuesday 7 May 2013, he terminated the employment of Ms Tara McCARTHY, State Emergency Services Deputy Commissioner. He said he had done so as she had made three unsubstantiated allegations, plus other slanderous allegations over several months about the other Deputy Commissioner, whom he did not name.
7. At this point in the conversation Mr KEAR had not explained what advice he might be seeking from me. I asked Mr KEAR what had triggered his approach to me for advice. I recall stating that the sheer fact a CEO of an agency had terminated a senior member of staff, in this case a Deputy Commissioner, would not usually result in a phone call to me. I asked him for advice as to what had occurred that caused him to call me.
8. Mr KEAR then very briefly referred to the allegations made by Ms McCARTHY which had caused him to terminate her employment.

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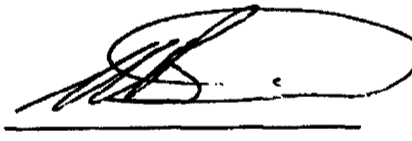
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9. In relation to the first allegation Mr KEAR stated that it had been notified to the Independent Commission Against Corruption (the ICAC) in September 2012. He did not elaborate on the substance of the allegation. Mr KEAR informed me that the ICAC had decided not to investigate, in his view because there was "nothing in it".
10. In relation to the second allegation Mr KEAR informed me that it alleged that the other Deputy Commissioner had given false evidence in an Industrial Relations Commission matter. Mr KEAR said that this allegation had been investigated by the Internal Audit Bureau which had found Ms McCARTHY's evidence disproven because the third part named by Ms McCARTHY as the source of the allegation denied saying what Ms McCARTHY claimed in her allegation against the other Deputy Commissioner.
11. The third allegation referred to by Mr KEAR was that the other Deputy Commissioner had misused his credit card. Mr KEAR informed me this allegation was also found not to be substantiated by the Internal Audit Bureau.
12. I informed Mr KEAR that for me to be in a position to give advice about the matter, the best action for him to take would be to send me the Internal Audit Bureau investigation reports to look at. I also informed him I would read the material then call him back to discuss any issues.

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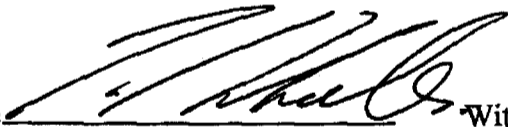
13. I told Mr KEAR that before I could give him any advice I needed to know what the grounds for dismissal were, the nature of the investigations conducted and what came out of them.

14. Mr KEAR told me he would forward to me the two Internal Audit Bureau investigation reports and his own file on the issues raised by Ms McCARTHY. I asked Mr KEAR to send the material via email directly to me.

15. The call then ended. I did not hear from MR KEAR again, nor did I receive the material he undertook to send to me.

16. The copy of the file note attached to this statement was prepared immediately after the termination of my telephone conversation with Mr KEAR.

Signature



Witness

