

PRIVILEGED & CONFIDENTIAL**NSW Police – Johnson family allegations of contempt and defamation
02-3003-2143****Record of Interview with Strath Gordon**

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PRESENT: Strath Gordon (**SG**)
Sophie Dawson (**SD**)
Nick Perkins

SD Thanks Strath for coming in, it's good to do this interview while it's all still fresh in your mind and then we will keep it on file. The benefit of us conducting this interview is that it will be privileged. It is standard procedure that we see and speak to everyone separately. We would like to get a chronological account from you so that we can advise New South Wales Police if required. Can you start by describing your role at New South Wales Police?

SG I'm the Director of Public Affairs, which includes working with the Media Unit, corporate communications, GIPA and [band]. I find that my work with the Media Unit takes up most of my time. I'm not across everything that goes on at any one time because there is too much of it. The State Crime Command has its own Media Officer who is attached to the Homicide Squad, her name is Georgina Wells.

Georgina rang me between 2-3 weeks ago, probably closer to 3, in regards to the Inquest coming up relating to Scott Johnson. I was aware of the matter generally and the issues involved and the fact that there had been articles published in the Fairfax Media by Rick Feneley. I was also aware that John Thompson who is a Manager in the Media Unit had previously handled inquiries from Rick Feneley.

On the phone call with Georgie, we discussed that DCI Pam Young had been working on the matter and that the matter had a difficult history. DCI Young had prepared a large statement which was approximately 400 pages long and Georgie said that statement set out the police investigation and the police's position. There was a discussion around that statement as well as issues regarding Scott Johnson's family and their criticism of the police handling of the investigation.

Georgie said that they were thinking about giving a backgrounder to Rick Feneley, however Rick Feneley had been running a strong campaign on gay hate and therefore they were of the view that the background information would be wasted on him and instead there was a suggestion that they background some other journalists. One journalist mentioned was Dan Box from The Australian. When Georgie said this I thought that it was a good idea because I thought he was a good journalist and that he would be open-minded on the issue. The other

journalist that Georgie mentioned was a journalist from the ABC but I don't think she gave me a particular name at that point.

SD What was the objective of backgrounding the journalists?

SG The objective was to be able to summarise some of the key points out in Pam's report that would provide the thrust of the investigation. From my point of view I wanted a document that reflected the amount of work that had gone into the investigation and summarised the perspectives of the investigation. So the objective was to give the journalists a quick perspective on the report and to assist this I suggested that we draft an executive summary of the report.

We discussed the idea of backgrounding Rick Feneley however we thought it would be a waste of time because he is already wedded to another perspective so then Georgie said, "Okay, I will line up the briefings".

The backgrounding of journalists was discussed in the context of summarising the report and giving a perspective across the investigation but not getting into controversial matters. Up until that point in time I understood that the family had run a media campaign through the Sydney Morning Herald and it appeared that in the media the police voice was not being understood. I had one or two conversations with Georgie regarding what she was going to do.

SD Can you explain a little more around what you understand backgrounding to mean?

SG I understand it to mean that nothing said is for publication and the idea is to give the journalist and understanding of all the perspectives and in particular our perspective. We wanted people to be open-minded and not be influenced by previous reports so therefore the purpose of the backgrounding would be to show other perspectives rather than the previous reports becoming the accepted narrative. My first thought was that it had been a long, detailed and thorough investigation by DCI Young and the report was not done lightly. That work needed to be acknowledged and that's what I had in mind.

SD What parameters does Georgie have? Does she have particular guidelines that she has to adhere to?

SG We generally don't do a lot of backgrounding, it depends on the circumstances. Generally the Media Officer involved will discuss with a subject matter expert and they will discuss what to tell and what not to tell the journalist. The conversations that I had in relation to this particular backgrounding didn't get to that level of detail, they were very high-level. I have a very long history with Georgie and I find her mature and reliable and I trust her judgment. She is generally risk-averse and I was comfortable with her exercising her judgment on the basis of our discussions.

- SD** Is she an ex-journalist?
- SG** Yes, but she has been in the organisation a long time. She is at a supervisor level. It is a very challenging role because you need to earn the trust and respect of various officers and you are often dealing in sensitive areas and issues of security and confidentiality. You need to be a good gatekeeper because a lot of high profile investigations come through that area.
- SD** When was the last time that Georgie received media training?
- SG** Probably the training you were involved in three years ago.
- SD** Has there been any training since?
- SG** Every year we have a training day where someone from legal or from Sparke Helmore comes and talks to us, for example about sub-judice contempt and it's a fixed item on our calendar every year.
- SD** Does everyone in the organisation attend?
- SG** It's impossible to get everyone there due to logistics and the fact that it's a 24 hour organisation.
- SD** What conversations did you have subsequent to the phone call with Georgie?
- SG** One more conversation maybe. That conversation was confirming the journalists to be backgrounded as being Dan Box from The Australian and Lorna Knowles from the ABC.
- SD** Did either of you discuss parameters or risks?
- SG** At no stage in our discussions did me or Georgie say that there could be problems or a high-end risk. We saw it as being about getting across that it was a thorough investigation and not going down the wrong path.
- SD** Would you normally confer with legal before a backgrounding?
- SG** We seek advice from Sparke Helmore in relation to some matters or where the OGC engages specialist counsel.
- SD** It's good to know what processes are in place in case contempt proceedings happen. Can you please send through any training materials or other documents like PowerPoints that you have to Nick? Who normally gives the training?
- SG** Dr Stephen Thompson, Carlo Zoppo who is a former police prosecutor and Chantelle did GIPA training. Last year there was also another lawyer from Sparke Helmore.

SD Was there any discussion about what would be made as on and off the record statements?

SG The New South Wales Police would decide what to say on the record but the understanding was that at that point of time it would just be the background briefing and then if there was a decision to hold a third Inquest there would be further discussions on the day regarding on the record statement. Then on the day police issued a media release.

SD Did Georgie come back to you on the day the third inquest was announced?

SG Not really. The media release came my way prepared by Georgie in discussion with Mick Willing and maybe Pam but I'm not sure. And I'm not sure if the OGC had direct input into the media release. What we wanted to say at that point was contained in the press release, welcoming the Inquest, it was modest and constrained. That was the only discussions or interactions that I had with Georgie regarding the public reward statements and there was nothing controversial in the media release. The media release was approved by Mick Willing. It was an up and down release reflecting our perspective.

SD When did you first hear about Lateline?

SG Later that evening. Georgie sent me an email between 6.00 pm and 7.00 pm saying that Pam was going on an interview with Lateline. I read a summary sent earlier by Georgie where she indicated that there was no media done at the Court. The background to that is that Georgie sends out a nightly media summary and on that day she had sent the summary saying that there was no media that had been done at Court.

Then she sent a subsequent further email saying that Pam had done an interview with Lateline. I didn't see the email at the time and it was not until later that evening that I got a phone call. I don't recall who the phone call was from but the person told me that Pam had done an interview with Emma Alberici. Generally people call me to get my attention because I get a lot of emails and sometimes miss them. It may have been Blake Clifton or [Zadenka] but I don't recall. I recall that when I found out about the interview it was a shock. My immediate thoughts turned to DCI Fox and his comments on Lateline. I didn't watch it that evening because I generally go to bed quite early but I got up first thing the next morning and watched it on iView. After I had gone to bed the night before I got a text from [Zadenka] who told me that Pam had bagged out the former minister on Lateline.

SD Did you have any discussion with Pam or Georgie?

SG I sent an email to Georgie, however the missing bit to all this is that I had a prior conversation with Siobhan McMahon. Siobhan had a maternity arrangement with

Georgie, a job share arrangement. Georgie works Monday to Wednesday and Siobhan works on Thursdays and Fridays. She worked as a media liaison, an MMD. She was not as senior as Georgie.

So sometime after my conversation with Georgie I had spoken with Siobhan. Siobhan had sent me an email [email dated 10 April 2015] where she said words to the effect that 'I am worried and that Pam is not letting me sit in with her backgrounder with Dan Box', and that was the first sign that Pam had her own strategy running here.

I thought it was a bit of a problem because standard practice was for the media liaison to sit in on a backgrounder so that they could then provide a summary of what was discussed and report up. Everything in a backgrounder would be normally off the record. Part of the media liaison's role in sitting in on the backgrounders was to ensure that the journalist stuck to the bargain.

SD What is your understanding of off the record in this context?

SG It's information to help someone's understanding of a matter but it can't be reported.

So after I received that email I rang Siobhan and she reiterated what was said in the email. I then rang Mick Willing and said 'the situation is not good, why do you think she's gone and done that?'. Mick Willing replied that he said he had discussed the matter with Pam and she had told him that she didn't want Siobhan involved because she was worried that she would intervene and she had a trust issue with Siobhan. I recall Mick Willing saying that Pam didn't want Siobhan there because she wanted a frank conversation with no interference.

Mick and I during that phone call discussed whether we were going to intervene and he thought no, Pam is a very strong character and she had run the case. We had an honest conversation in which I said that if Pam wants to go down that path then it's her mess and she can't come running back to the public affairs branch to clean it up.

At that stage I was only aware of the briefing with Dan Box. He didn't publish anything following the briefing, so I don't know what was said to him, however that email and the conversation with Mick was a sign to me that Pam had her own strategy but whilst I was concerned I wasn't so concerned because the backgrounding was all off the record.

SD Were there any parameters given to Pam?

SG I'm not aware of any unless Mick Willing did. Georgie has probably done more of this kind of thing and I thought she might discuss it with Pam ahead of time and she is very good at that. We didn't have a template and most commanders take media advice very seriously. Mick and I had that conversation and I said if it

became a mess she wouldn't want to come running to me.

There was no similar discussion regarding the ABC but I assumed that Pam would take the same approach.

SD Was there any media training given to Pam?

SG Not specifically, but she would have received media training along the way. For most major investigations there is usually a media strategy in place, therefore she would have had experience working with media liaison officers.

Sometime over that weekend the ABC journalist changed from Lorna Knowles to Emma Alberici but the only discussions that I was involved in were regarding the background briefing. Up until I got the text on the night of the Lateline interview from Zadenka, my presumption based on Georgie's media report was that no media had been done. Pam had told Georgie that when she went outside the court, all the media had gone, therefore all we knew of was the media release. I don't know if Pam was involved in the media release or not. The media release would have been signed off by Mick Willing. The official stated position and approved media release was very confined.

SD Can you send us a copy of the media release?

SG After that evening Claire mentioned to me that she saw Pam on Lateline. When I spoke to Georgie the next day and I asked about the no media email that she had sent, Georgie was confused. She said that Pam had said by the time she left the court the media was gone, but then on tape we saw Pam talking to Emma Alberici outside of the court and that interview was used on the news that night but Pam hadn't told Georgie about that.

SD Is there anything else relevant that we should know?

SG Pam Young is arguing that the decision to do media on the day meant she was given clearance to do whatever she wanted, but generally we would have a discussion on the day. She might say that she was given no parameters, but we had a media release that set out the position. What will be critical is whether Pam had seen the media release. I am very interested to know whether Pam had any parameters. Pam felt she was free to go and talk about whatever she wanted which I think is a long bow.

SD Who conveyed to Pam what she could do?

SG I don't know, it could have been between Mick or Georgie and Pam. I only saw the media release. Pam might have told Mick and may have then had a conversation with Siobhan. At the time I called Mick he already knew and had obviously spoken to Pam, so I received Siobhan's email. I then rang her and then after that I rang

Mick. Mick says that we weren't going to intervene and then I said if it all goes south then it's her problem. It was only a background briefing so I wasn't going to die in a ditch over it.

SD Did anyone query Pam at this point?

SG Pam may have been worried that Siobhan was going to step in.

SD What do you understand this reference in the email to "possible repercussions" to mean?

SG I don't recall what I understood that to mean. I didn't give it deep though but I took comfort in the fact that it was all off the record. Pam was not happy that she had been the subject of a lot of negative media.

SD Were there any guidelines or policies in place in relation to this?

SG No, it was more of a common sense thing. Generally with the backgrounding you might agree what to tell them but it's done as a conversation and it's not documented. Doing a backgrounder ahead of an Inquest is a very unusual step and this case is generally unusual because it's unusual to have a third Inquest and it's unusual where an interested party has hired an investigative journalist to publish material to put pressure on the police.

SD Was there concern regarding the public perception?

SG Yes, for the people at the heart of the investigation, but in the broad media sense it didn't keep me awake at night. The Sydney Morning Herald and the ABC had done stories on it, for example the ABC did an Australian story on it, but in the bigger picture I thought that Pam was too close to the issue and generally this matter had low media interest. I think the implication of all this is the opposite of what Pam wanted to achieve. We had no interest in elevating this in terms of disagreement with the family.

SD What is the police's role at the inquest?

SG To provide investigation capacity to the coroner. To provide the coronial report to the coroner. Deal with the fallout from some evidence. It would be a worst case scenario if there was to be criticism of the police's investigation in the inquest.

SD Thank you for your time.