

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

**DATE:** 24 April 2015

**PRESENT:** Michael Willing (**MW**)  
Sophie Dawson (**SD**)  
Nick Perkins

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**MW:** I have prepared dot points summarising events from time Pam approached me.

**SD:** Would Pam have received media law training?

**MW:** No. I'm the Corporate Spokesperson for Homicide so it's mainly me speaking to the media. Inspectors have authority to speak to media regarding their matters as long as they let me know. Anyone below that needs permission. No one gets media law training.

**SD:** There is an updated policy coming out. Is that what people use?

**MW:** Yes and no. Everyone knows the basic stuff for example naming children etc.

**SD:** Where does that knowledge come from?

**MW:** It's within the organisation. Watching where others have gone wrong.

**SD:** Would a checklist be helpful?

**MW:** Yes. It would be helpful to have media training in general. I've been doing it for years but had no training. We have lower level training about what the media does, but this specific type regarding more touchy issues, we don't do it. It would be useful to do a workshop with select people who do this.

[MW reading through his notes]

**SD:** There seems to be a misunderstanding regarding what she could and couldn't do. Pam makes a comment regarding the Coroner.

**MW:** I took that to mean we could tell the Coroner. This was all backgrounding – no one, at least I didn't, expect her to go and say what she did. The reason we were doing backgrounding was because the Coroner had asked for unredacted statement back. We could justify it to the Coroner because there is proof the unredacted statement is out there being tattered around by Dan Glick.

**SD:** Do you normally do backgrounding for Coronial inquests?

**MW:** Not usually. Sometimes we do it with investigations. It's not normal but it's not unheard of.

**SD:** Were there any discussions regarding parameters with Pam?

**MW:** From me no. It was general backgrounding of two journalists. Dan Box from The Australian because he is straight down the line and had an interest with the Johnson family. I had spoken to him months ago but said we needed to wait until the Coroner works out what he wants to do. We

also felt that the ABC were other party interested in the Johnson story. Rick Fenely from Fairfax we had tried to talk to before with Mark Jenkins, but he is completely in their camp. We tried to explain to him that of the 30 unsolved gay hate murders, 8 are probably gay hate but the others we can't reach a conclusion on. That went nowhere so decided there was no use going to Fenely. I thought Lorna Knowles as I have dealt with before. She is more of a researcher for 4 Corners type programs. Pam chose Emma Alberici. I don't know why, other than that she said I like her style.

It was about backgrounding and using the content of the statement to talk about the work done in the strike force so that the journalists have two sides of the story rather than one side and selective components of one side, eg. one line out of an email.

**SD:** Was there any discussion of an on-camera interview or anything being on the record?

**MW:** I think Georgie and Pam had those conversations. My recollection is that Pam thought that the focus was backgrounding.

**SD:** What does backgrounding mean?

**MW:** Off the record. Which means you couldn't use it. You couldn't quote from those situations. It was to give a better understanding going forward so that the journalist had two sides of the story and could be more objective. There was concern whether there was non-publication order over her statement. If there was no order then the statement was on the public record. After that Georgie and Pam discussed whether she could go on the record.

**SD:** Was the non-publication order because you were worried about selective use by family?

**MW:** And propensity to go after witnesses. Pam was worried in particular about Michael Noone, who has received harassing and bullying emails and letters from Steve Johnson's side for 2 years.

**SD:** What was the substance of the correspondence?

**MW:** From my understanding there were letters and emails to the effect "we've been told you told the police x" that were very aggressive. Steve Johnson originally blamed Michael Noone for the death even though he wasn't even there he was in Canberra. Steve started blaming Michael and they then had little contact after initial inquest. In 2005/07 Michael Noone found articles online about deaths at Bondi relating to gay men falling off cliffs. He brought that to Steve Johnson's attention as if to say 'maybe this happened to Scott'. From Michael's perspective he lost his partner and was saying maybe this happened to Scott.

Steven then employed Dan Glick, an investigative journalist, to go to Australia to do digging around. John McNamara put them in touch with various people. We have interviewed John McNamara and his conclusion was that it was most likely suicide, so the Johnsons dropped him immediately. They are obsessed. Dan Glick has fed the Johnson machine and has driven this with Steve based on incomplete investigations, rumour and innuendo. There is evidence of people being offered to be put on the pay roll of Steve Johnson. All the material from their investigations would never stand up.

It was given to the Coroner and there was a second inquest in 2012. Carmel Forbes came back with open finding which I think was probably the right finding. A case like this is not normally one of ours, not in homicide. Sometimes matters come to us where they are unsolved. We ordinarily have 700 unsolved cases waiting at any given time, with 23 people on the team. To have this matter pushed head of those – Pam was angry.

We had some dealings and it came out that Australian Story was to run an episode on it. Steven Johnson is highly intelligent and his company is an internet marketer. So he used all of his resources, millions of dollars to prove his case theory. I don't like case theories and believe the evidence should just goes where it goes.

John Lehmann, the other DCI, was interviewed and he was very nervous. After referral John reviewed it and said there was zero chance of solving it. John was accused of being in a conspiracy linked back to 1989 to pervert the course of justice.

After Australian Story I had just arrived at Homicide around 2011. These things happen all the time where there is lots of media things going on. It was a difficult family but we have a lot of them in the unsolved arena. An individual cannot solve homicide alone, it needs a team. When you think matter like Tyrrell or McGurk, that is one job out of 20 for the team. So there is a huge workload.

I was on leave for 4 weeks in January/February 2012 and Chris [Olen] was relieving. Brad Skitela the Chief of Staff called me whilst I was playing golf and said 'the Johnsons are in town, it would look bad if Mike didn't meet with them – can we arrange a meeting?'. I said give Chris [Olen] a call – but there is nothing in this job for us'. He said 'ok'. Chris and Pam ended up going down with Mike Gallagher to the meeting. Chris said Pam was very angry about being there in the meeting. Chris was just playing it straight and telling the family there were many lines of enquiry etc.

Chris rang me and I agreed it was a case of damned if we do, damned if we don't, but we would need to look at lines of enquiries. The family had access to Minister's office. I said we would investigate and see if we could take it anywhere. Pam wanted to be in charge as she felt that anyone more junior being exposed to the family pressure would be difficult. She felt she was strong and experienced. When I got back to work my aim was to conduct the investigation straight down the line because I knew the Johnsons would cause such a ruckus if we didn't.

The investigation started off alright. The Johnsons started pouring in more information saying 'you need to do this and that'. However we found email chains where they were saying they would hold back information from the Police in order for us to 'prove' ourselves. Initially I stayed out of it but then got involved when they started to attack Pam and Penny. I got involved and played middle ground to protect Pam and Penny.

Meanwhile the investigations continued. The Johnsons come up with 'Freddy'. Dan Glick has found him and said his mates probably killed Scott. Pam and Penny investigated it to the nth degree – interviews, telephone intercept. It was clear that Freddy's story is believable but there was embellishment and it did not match circumstances of Scott's death.

**SD:** So it didn't sound like it was his gang?

**MW:** Part of his gang were charged and convicted of offences but he said they didn't kill anyone. He would be used as the lure for robbery. There was a gay beat around the area at the time. The Johnsons embellished the facts and said it was same area as Scott's death when it was actually a distance away.

I think he has probably gone up there to engage in casual sex and either fallen asleep and fallen over or committed suicide. My theory is that he was enamoured with Alan Turing's story – talking about it and leading up to death. The Johnsons refuse to believe it. Their influence was strong but I went back saying 'no, it will be investigated without fear or favour'. It got to point where Steve Johnson said things like "if we don't get what we want I will make sure all these other families of victims get their justice". I said to him that this white noise out there will detract from Scott's case.

On around 23 August 2012 I had a conversation with Steve and Pam that ended up with Steve crying. He went as far as to accuse police of murdering Scott and covering it up, saying the Police were all corrupt and referring to the Mascot Florida investigation. I said 'that's not the case'. He accused Pam of things because Pam had sent email where she snapped at Rebecca Johnson saying "strategic game you are playing – nothing will ever uncover evidence that doesn't exist etc"

**SD:** Had anything been done to bring the harassment to the Coroner's attention?

**MW:** Yes.

**SD:** Because that is contempt – interfering with a witness.

**MW:** At this stage the Coroner hasn't instigated the Inquest. He was provided with the statement which is very objective and large chunks are transcripts of interview. Steve Johnson was interviewed for 5 hours straight and talked entire time about Scott's mental state, then criticised Police in the media for not looking at Scott's mental state.

I have spoken to Michael Barnes about it and the harassment of Pam. Hence this issue of "admin error" with Pam's statement going out. Another Coroner sat in when Michael Barnes was on leave. The Johnsons' US litigation lawyers requested the statement and it was given unredacted. Michael Barnes admitted it was a big mistake. We only found out when John Agius requested an electronic copy. I emailed Michael and he was very apologetic. He knew the ramifications and that is the catalyst for all this.

**SD:** There is a potential breach of statutory restrictions regarding the telephone interceptions in the statement.

**MW:** We know that. That's all gone out. At this point I feel sick. I have given my word to Michael that we will protect him because he is petrified. He is a music professor in Boston and he is petrified of Steve's influence over there ruining his reputation. Pam is beside herself. So we engaged Sarah Pritchard and Michael Barnes refers the matter to the Crown Solicitors regarding another Inquest, including seeking submissions from the family. That went on for months.

He eventually conducted a directions hearing on 13 April. I was aware through Sarah Pritchard that the Crown Solicitor had recommended to the Coroner a third Inquest.

I had a conversation with Steve where he was erratic. I said publically 'we want anyone with evidence to come forward'. He said 'you can't tell victim's families to put up or shut up'. It's not what I said and then it appeared in a media articles. That was breakdown of relationship.

I didn't communicate with him until December/January when I emailed him telling him we had referred the matter to the Crime Commission for review and got feedback and the outcome was that all major lines of enquiry were finished and that we would organise time to go through it but we knew they wouldn't accept it. It was Pam that said we should go back to the Coroner. Carmel Forbes said she didn't want to touch it. I suggested to the Coroner a re-examination of the circumstances on the grounds of conducting an Inquest to allay community fears or concerns with independent input.

He asked me to get a statement from Pam which took months to compile. We were then waiting all this time to get decision. In meantime the Johnsons were harassing me. I had a discussion with Michael Barnes. He wrote to both of us saying 'I've got it, I will consider it, no more dialogue'. I was grateful for that because it was impacting on me. I was forwarding emails to John Kerlatec and Michael. I was waking up every morning worried about looking at my phone. I can only imagine what Pam was feeling.

**SD:** There are serious public policy issues in relation to diversion of resources to one case.

**MW:** It's pressure from above through unspoken pressure from the Minister. I briefed the Minister personally and told him there was not one shred of evidence. The Minister was encouraging the Police and the Crime Commission to prioritise the matter.

**SD:** It's relevant to public interest. The allocation of resources is a government and political matter, especially where the Homicide squad resources are diverted and compromised by one family when there are 700 cases.

**MW:** It's something we deal with all the time – 'who's family do we disappoint now?' It's very difficult so we follow processes and protocols. We put on a tracking file and work up the list.

Often the public doesn't know about the work on cold cases that gets done behind the scenes so as to manage the expectations of the public and victims. It is usually current cases that get publicity. This was unusual. The underlying driver for cold cases is whether there are physical exhibits available, but we are very careful about how we do it because there is so much emotion involved. So when Johnsons have their case done – which isn't even classified as a homicide – it put a lot of noses out of joint. So we get to the point where statement is subject to a non-publication order. Pam comes to me and says that the Johnsons will use part of the statement to their own effect. If the non-publication order is over the whole thing then that's it. We thought we would background journalists with facts – I spoke with Georgie and Pam.

**SD:** Was there any discussion regarding on the record?

**MW:** I don't think so. Not in discussions I had. We knew that the matter is before the Court. The underlying tone was that it would be backgrounding so if no non-publication order was made the journalists could write a balanced story. On the record never came into it from my discussions. I said to Georgie run it up to Strath because ultimately he needs to be happy and Nick Kaldas needs to be happy. Nick was concerned with the meeting we had with the Minister. He took interest and said that can never happen again due to the pressures it creates. He wanted to be kept in the loop. He also knows Rick Fenely personally. We were careful to make sure he was happy. Ken Finch was relieving Mark Jenkins at the time and he had no real visibility over this so we briefed Nick Kaldas direct.

It was backgrounding to get story out there. Dan Box and someone from ABC, I think Lorna Knowles. Pam may have thrown Emma Alberici's name out there. Nick and Strath said ok to the backgrounding.

**SD:** There is a hint in Pam's text that the Coroner might take exception to media strategy. Was there a perception that things had changed because the decision had come down?

**MW:** We didn't know that he was going to reach that decision on the 13th. There was discussion beforehand was if he does, that's fine, it was all about whether statement would be on the public record. if it was, then journalists could use the backgrounding discussion to write more balanced stories and have information to assist them to read the statement. It was all background.

**SD:** Was of concern regarding public confidence in policing that drove desire for third Inquest?

**MW:** One hundred percent. There are matters out there that were undermining public confidence and my view was the best way to air it all was in the Court. Test the evidence and let everyone have their say. Hence the reason I wrote to Michael Barnes about it.

**SD:** Why did Pam think the Coroner would take exception?

**MW:** To talking about it at all with journalists because it is unusual. The Coroner could take exception to talking at all about it. He knew how long Pam had been subjected to rumour and innuendo. In terms of exception, I'm not sure what Pam's thinking there. The Coroner could take exception with not being told until after it had taken place. Part of the strategy was that I would tell him. I was confident he would understand why we had backgrounded journalists, but background only.

**SD:** So Pam thought she had carte blanche? Was there any discussion about off the record?

**MW:** Nothing at all. But we are talking about someone with 30 years' experience. We all know Pam, she knows what to say. She had been doing this 16-17 years straight. That's my mistake - assuming. There was no discussion about it because it was all background. Everyone knows if you are going to next level you need to say 'this is what I am going to do'. Strath is only person who can authorise that and this is reflected in our phone convo.

**SD:** So Pam received no media law training?

**MW:** No. We made an assumption of her knowledge based on experience. Before I forget, the only thing I said she was right to do was a door stop outside the Court where she would say that Police welcomed the Inquest and looked forward to it being aired in Court. She said 'ok'. She had done that dozens of times. There were huge leaps from that to what she did.

**SD:** So you didn't say 'don't do that' but you thought it was obvious?

**MW:** Absolutely. If I did something like that I would need authority right up to the Commissioner. I would only do it very select times when I am very prepared. I have been ambushed before. Any time I would do it would be with a media liaison officer.

**SD:** She thought a media liaison officer would shut her down?

**MW:** That's my second mistake – just going with that. She said she didn't want Siobhan present. She thought she was partly responsible for putting John Lehmann in Australian Story and giving the Johnsons what they wanted. In hindsight I should have said no, but dealing with person with good track record who is an experienced investigator and role model, I didn't think for a second she would do what she did. Some other inspectors I would be worried, but Pam doesn't like the media, I had no real concern. I wasn't there when she rang me – I hadn't seen her for a few days - I said I would get a call from Strath Gordon.

Next Siobhan called me and said 'Pam has said x, I am concerned, I need to tell Strath'. I said 'tell Strath and if Pam does something wrong its on her shoulders'. Strath rang me and said 'it's unusual but Pam is Pam and I am not going to die in a ditch'. I said 'I could go either way but I trust her'. We both said she knows what to do and its on her shoulders. But it was all in the context of backgrounding.

**SD:** So she took them through part of the statement?

**MW:** My understanding was the whole statement to extent she could talk about it. I sent her a text saying 'let me know how you do'. She said 'all good, I am on the way to ABC'. By that time I was aware it was Emma Alberici and I said 'ok'. It was important for me to have Pam talk to someone she was comfortable with. It wasn't going to work if she didn't feel the journalist would be true to the agreement. Then that was it. I didn't hear anything and I trusted everything was fine.

On the Monday morning I rang her to wish luck before Court. Pam is very independent and won't take advice from any other inspectors but will from someone senior to her. She is very hierarchical. She said she was feeling good about everything and I said 'once its over if you feel you need to do a door stop you can say you welcome the inquest etc'.

I got on with my day. Later in the afternoon she called me and said she was tied up with Counsel. She said that Agius was a joke and that Sarah Pritchard was excellent. She said in relation to the door stop that she had been in there too long media were all gone. Unknown to me she did do a door stop but with Emma Alberici.

Next thing I hear I am driving home and she says she did an interview with Emma Alberici that will be on TV tonight. I was driving and thought it meant backgrounding information being used. At most a stand up type interview. I spoke to Georgie and she said 'oh ok, I better let Strath know and put on the media report'. I really didn't think much more of it. I assumed it would be a door stop or just the material from the background made into a story. I thought I better let the Coroner know. My thinking was that he might ask 'why didn't you tell me earlier?' But my response would be we needed to know whether there was an Inquest and whether there was a non-publication order first.

Later that night I texted Coroner telling him there was a story that night involving interviews with Pam, Steve Glick and Steve Johnson, that it had been discussed internally with the Director of Public Affairs to get a more objective story out there.

[Mick to provide text]

The next day I heard from the Coroner. He said he didn't watch it but said he trusted Pam knew what to say. Later that evening after talking to Frank Minelli I raised issues regarding Pam interview with the Coroner. The Coroner said 'I have watched parts of it, there were some issues regarding credibility of witnesses, but I tend to think it's a tactic by Agius and it's a storm in a tea cup but I need to talk to Counsel. It serves me no purpose to move Pam from this. I feel sorry for her and hope she is ok'.

**SD:** He must have been furious the letter was leaked.

**MW:** I asked 'what should I say?' He said 'I need to take submissions and have a directions hearing'. The next night the Gallagher thing was on. I went down to meet the Coroner regarding the Lindt café. Mick Fuller was doing most talking and I kept quiet. I have good relationship with him. He said something about good relationship with Lindt families 'unlike actions of other difficult families' and looked at me. I kept a straight face. I haven't spoken to him since. It's business as usual since then

Pam thinks done the right thing. She says she thought she could talk about her statement. She doesn't understand the organisational consequences from her actions.

End of interview