

## Mick Wilby notes

- Commander Homicide – oversight of all homicide investigations, including SF Macnamir.
- Establishment of SF Macnamir.
- Ongoing criticism and attempted influence by Johnson family throughout investigation.
- Media manipulation by Johnson family – ongoing.
- 18 March 2014 – wrote to Coroner asking him to reexamine the circumstances surrounding the death of Scott Johnson.
- Further emails from Steve Johnson – Coroner asked that all correspondence go through his office.
- June 2014 - 445 page statement provided to Coroner from DCI Pamela Young.
- September 2014 – an “administrative error” saw a complete un-redacted copy of DCI Young’s statement provided to litigation lawyers in US.
- NSWPF engaged Senior Counsel Sarah Pritchard SC re same.
- Ongoing dialogue between Senior Counsel and DCI Young re provision of statement, PII claims and potential non-publication orders.
- Delays in directions hearing dates due to unavailability of Johnson family Senior Counsel.
- Directions hearing set for 13 April, 2015.
- A couple of weeks prior to 13 April 2015, DCI Young spoke with me re a media strategy for the directions hearing – her thinking was that if there was not a non-publication order over her statement then the Johnson family would use select parts of the statement to their own advantage in the media (as they had always done) and the reporting would not be balanced and represent the facts of the matter and the extensive investigations conducted. Her idea was that we “background” select journalists with the contents of her statement (which outlined the inquiries that had been conducted by SF Macnamir) so they had the complete story should a non-publication order not be issued on 13 April. If one was, then the discussions would be null and void (they could not use the information provided as it came from DCI Young’s statement). I agreed and organised a meeting with SCC Media Officer Georgie Wells.
- DCI Young, Georgie Wells and I met a couple of days after DCI Young had approached me (not sure of date) and discussed the proposal from DCI Young. Agreed that it was appropriate given the Johnson families’ use of the media. Georgie Wells agreed to brief the Director of Public Affairs Strath Gordon and seek his views. Once that was done then I would speak with the Director Serious Crime Directorate DCSupt John Kerlatec and seek his views before arranging to seek the views of DCOP Nick Kaldas as he had expressed strong views concerning SF Macnamir previously (meeting between myself, DCI Young and DCSupt Kerlatec re same in 2014). Discussed and agreed that Dan Box from the Australian and someone from ABC were appropriate (I suggested Lorna Knowles and Georgie Wells agreed. DCI Young did not know her).
- Some time prior to 8 April, 2015, (day before?) Georgie Wells advised me that the proposed strategy was supported by Strath Gordon.
- Around this time I received a call/returned a call from Peter Rolph – Victim Advocate who is close to the Johnson family. Peter Rolph informed me that he had been approached by the Johnson family (via Dan Glick) to organise a meeting with the new Police Minister Troy Grant as they hoped to “recruit him to their cause.” Rolph informed me that he had declined to assist as he did not know Minister Grant.

- On 8 April 2015, I briefed DCSupt John Kerlatec re the proposed strategy and he agreed that it was appropriate. He stated he would seek an audience with DCOP Kaldas to seek his views. (We had an unrelated meeting with him at 1pm that afternoon re the Lindt Café investigation and thought he might be available prior). A short time later DCSupt Kerlatec informed me that we had an audience with DCOP Kaldas at 12.45pm to discuss SF Macnamir.
- At 12.50pm – DCSupt Kerlatec and I met with DCOP Kaldas and discussed the proposed strategy. DCOP Kaldas agreed with the strategy and asked for a briefing note on SF Macnamir so he could brief Minister Grant. It was agreed that I would contact the Coroner following his decision on 13 April 2014 to advise him of the media plan.
- That afternoon I advised DCI Young and Georgie Wells that DCOP Kaldas agreed with the strategy (background journalists).
- On 9 April 2015, I was in the office between 9am and 1pm with my daughters (school holiday care) and did not have any conversations with DCI Young. I was advised by DCI Young later in the afternoon/evening via phone that arrangements had been made with Dan Box to background him the following day at 12midday. DCI Young stated that she did not want SCC Media Officer Siobhan McMahan present at the back-grounding as she felt that Siobhan had been partly responsible for DCI John Lehmann's participation in an Australian Story interview (which resulted in SF Macnamir) and did not want to feel restricted by having her present. I expressed my concern and said that it would cause issues but that I understood her position although I would undoubtedly receive calls about it. Nothing about the ABC was discussed from my recollection.
- On 10 April, 2015 I was at home. During the early morning I received a call from Siobhan McMahan who informed me that she had been asked by DCI Young not to sit in on the back-grounding discussion with Dan Box. She asked me "what's going on?" I stated that I believe that DCI Young informed me that she wanted to talk freely with Box and did not want to feel restricted by having her present. Siobhan McMahan advised that she had to report it to her boss – Strath Gordon – and I agreed that she should do so.
- About 11.30pm on 10 April 2015, Strath Gordon rang me and raised the issue of DCI Young not wanting an MLO present when she back-grounded Dan Box. Strath said that he was not "going to die in a ditch" over it and that DCI was smart and knew what she could and could not say. I agreed and suggested that DCI Young had an "issue" with Siobhan McMahan as he was apparently the original person who advised DCI John Lehmann in relation to the Australian Story. We agreed that if DCI Young did the wrong thing then it would "be on her shoulders."
- At 1.54pm on 10 April, 2015 I sent a text message to DCI Young asking her to call me when she finished with Dan Box. She replied "Will do."
- Later that afternoon DCI Young rang me and said that she was delayed in returning my call as she had been conferring with Senior Counsel Sarah Pritchard SC re submissions made by the Johnson family for 13 April, 2015. She said that the back-grounder went well and that she was on her way to the ABC now. She told me that she was to see Emma Alberici as she liked her show and journalist style.
- On 12 April 2015, at 12.42pm I received a text message from DCI Young stating – "Mick, just to let you know that the ABC have called me to clarify a number of matters & are sounding very much convinced of the true facts of the matter. They have also been told the (sic) Johnson's that they have a letter of introduction from a U.S. Senator to the American ambassador to Australia.

ABC summed it up as not relevant & an exercise in name dropping. Dan Box has not called me at all. Cheers, Pam.” I then sent a text back concerning Alan Turing and the similarities to Scott Johnson and DCI Young replied agreeing and then sending another text saying, “Also Dan Glick has told the ABC that he has an unredacted copy of my statement. This is something for us to keep up our sleeve if the coroner takes exception to our media strategy.” (which I took to mean back-grounding journalists).

- About 9am on 13 April, 2015, I telephone DCI Young as she was about to attend the Coroners Court and wished her luck. She stated that she felt confident in her work and was looking forward to proceedings. I advised her that she was okay to do a door-stop statement outside court welcoming the inquest should another inquest be ordered.
- Around midday I received a call or message on my phone from DCI stating that the Coroner had ordered a third inquest. I called or left a message on her phone telling her that Georgie Wells would draft a media release welcoming the third inquest and making reference to the fact that the Homicide Squad had in fact written to the Coroner in March 2014 asking that he conduct a re-examination of the case.
- At 12.20pm DCI Young replied via text, “Mick I’ve set that up with Georgie & she will send a draft to both of us. Sarah Pritchard definitely addressed Agius’s lie about police opposing an inquest up until this morning. She was clear that on March last year that police brought the matter to the attention of the coroner to consider. P.”
- Not long afterwards she I telephoned DCI Young or she telephoned me and she said that she had been with Senior Counsel and that there were no media left outside for her to do a door-stop statement with. I advised her that that was okay as a media release would go out.
- Later that afternoon around 5pm I was driving home when I received a call from DCI Young. She stated that she had recorded an interview with ABC and that her interview, along with interviews with Steve Johnson and Dan Glick would feature on that night’s Lateline program. The call caught me by surprise and I just told her thanks for telling me and that I would advise Georgie Wells. I did not know what form the interview took at that point and assumed that it was the original back-grounding discussion that was going to be used by Lateline. I then rang Georgie Wells and advised her of my conversation with DCI Young. I understand that she in turn advised the NSWPF Executive.
- Later that evening I sent a text message to the State Coroner advising him of the interviews that would be on Lateline.
- Later that evening watched the Lateline program.
- The following morning 14 April, 2015, around 7am I received a text message to call DCSupt Kerlatec. When I did he asked whether there was a problem with the interview last night with DCI Young as he had received “terse” email from Acting AC Ken Finch. I advised him of the content of the interview.
- Later that morning when I arrived at work I received a call from the Executive Media Advisor Zdenka Vaughan. At the time DI Chris Olen and Georgie Wells were with me and I put her on speaker phone. We discussed the fact that DCI Young was not authorized to conduct the interview she did nor say the things she did on Lateline. We all agreed that the best option would be to make no comment to the media on the story as it was before the Coroner. Zdenka was about to brief the CoP and would telephone back after she had spoken with him.

- A short time later Zdenka called back and said that she had spoken with the CoP and that he agreed that no comment should be made by wanted everyone to know that he supported DCI Young and was aware of the hard work she had done on the case.
- Shortly before midday I received a call from Zdenka who said that the Cop (via her and Strath Gordon) were getting media inquiries demanding to know whether he “stood by his officer’s comments.” She said that we have to put something out about the matter and that “you will have to own this Mick.” I told her that I would call her back shortly (when I returned to the office) with Georgie Wells.
- About 15 minutes later I telephoned Zdenka with DI Olen and Georgie Wells present. We discussed a set of words that would be appropriate to go out under my hand. I drafted them and circulated them for approval.
- I then telephoned DCI Young and spoke to her about the words that were going to be given to any journalist asking about the matter. She disapproved and took umbrage with the word “inopportune.” She asked me that I try to get it changed to say that the comments were her own views.
- I then rang Zdenka who in turn called me back with Strath Gordon. They outlined significant reasons why the release should read as proposed and I agreed with it. During the call I sent a text message to DCI Young saying, “we are onto in town and trying to convince.” She replied, “That means a great deal. Why would the NSWPF want to make me AND them a laughing stock once again over all of this shit & just when we were starting to right some wrongs.”
- I then telephoned DCI Young and informed her that the words were not going to change and that they would go out under my hand. She became very upset and began crying before hanging up the call.
- Over the next hour or so I attempted to telephone DCI Young on a number of occasions but only got her voicemail.
- At 5.04pm I received a text message from DCI Young which read, “Mick & Ken – I believe you have tried on my behalf but it my own organization again puts me in a position where the Johnson family can criticize & humiliate me & all our efforts I will not take it well. I made use all – especially our command – look good last night. I am one of those silly idealists who are of little value these days when popularity rules. I’ll wait & see.” I replied, “I know Pam. I have felt this crap too and you know that I support you. I want all the hard work you have done to come out in court for what it is and show the Johnson’s for what they are. We need to let that happen and can’t jeopardise that now by letting them win. This is for Penny and well and all of the other people who have helped. We/I need you on this one. Call me when you feel like it. Mick.”
- I then received a text message from DCI Young which read, “Mick – I will not let them win – that is not in my DNA. I want to see my GP tomorrow on sick report & will be in Thu. If I feel the need to personally respond to new insults of me by the Johnson family because of that release I will talk to you about it first but I am not incline (sic) to suffer them any longer. I’ll wait & see. Pam.” I replied, “Ok. I understand. We will work through it and we will come out on top.”
- That evening I watched former Minister Mike Gallacher on the Lateline program.
- About 12.40pm on 15 April, 2015, I left a message on the mobile phone of DCI Young asking that she call me. About 5 minutes later she called me back and I advised her that I was about to attend a meeting at the PEO to work out how to respond to the issues that had arisen as a result of her comments on Lateline. DCI Young asked me what was “legally wrong with criticizing a

member of parliament?" To which I could not and did not answer. During the conversation she reiterated that she believed that everything she said on the Lateline program including her comments about former Minister Gallacher were contained in her 445 page statement which was a public record and therefore in her view allowable. She also maintained that she had been authorised to do the interview as a result of her dialogue beforehand with the Police Media Branch personnel. I stated that she was not to make any public comment on the matter as there were legal ramifications being considered. DCI Young stated that she was available to talk to anyone or attend the meeting if necessary but had an appointment she had to attend for a short period of time.

- At 1pm I attended a meeting with a number of persons at the PEO concerning the comments DCI Young had made on the Lateline program.
- At 1.07pm I received a text message from DCI Young which said, "Mick, my appointment is 130 to 230. Please be assured that I have NO plans (& never did) for any more media other than what was formally approved & has already been completed. You should know that about me by now. Fight for me & Pen. Pam."
- Later that afternoon (following the PEO meeting) I telephoned DCI Young. I told her that a number of people, including lawyers, were trying to establish her potential legal position and that of the NSWPF in light her comments on Lateline and that while there were various views about her actions, everyone had her best interests at heart in the discussions I had been party to. She again asserted that she had permission to go on the Lateline program and I said that only the Director of Public Affairs could authorize that. She asked "so what you are saying is that after the back-grounding of the journos and the release of her statement on the public record she had to come back and seek authorization before doing the Lateline interview?" I said, "Yes." DCI Young then outlined that she had been receiving calls all day about the interview and was fatigued so she didn't want to discuss it any more. We ended the call.
- The following day 16 April, 2015, DCI Young attended work in the afternoon and carried on with her normal duties.