

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

DATE: 24 April 2015

PRESENT: Siobhan McMahon (**SM**)
Sophie Dawson (**SD**)
Nick Perkins (**NP**)

SD: This conversation and the documents you give to us are privileged because we are giving legal advice. Please make sure you mark on your copies of the documents that they were prepared for the purpose of legal advice. The reason for us talking to you now is to get your account on the record whilst it is still fresh in your mind. We would like to get a chronological account of your involvement.

SM: My first knowledge of matter was 8 April 2015. Georgie and I are job sharing at State Crime. She does Monday to Wednesday and I do Thursday/Friday. The 8th was a Wednesday. On a Wednesday we normally do a handover by either email or over the phone where we talk about what I need to know about over next 2 days.

One thing she told me was that there was a directions hearing the following Monday in the Scott Johnson inquest. I was very familiar with the matter. Pam Young had prepared a massive document on behalf of police to be presented at the hearing. Georgie mentioned that to help journalists get their heads around the Police position there was going to be a meeting between Pam and some journalists so that they walk through summary of Pam report. One meeting was on Friday 10th at 11:30am at State Crime. Dan Box from The Australian was meeting with Pam with me sitting in on it. It is normal protocol for me to sit in on something like that because I need to know what's going on and report up if anything worried about.

SD: What happened after that?

SM: On the 9th I was working at state crime.

[NP out of room]

SM: I knew if I didn't report up and I knew down the track if controversial comments came out, people would be asking 'who can we blame?' and people would ask 'why wasn't she there?'. So it was essentially an ass covering exercise because it sent off all sort of warning bells for me.

When Pam rang me morning of Dan Box interview she said 'I don't think I need for you to be there'. I said 'ok' to which she responded 'I thought you would put up more of a fight'. That comment woke me up because I thought to myself 'why would I put up a fight?'

So on the 8th we did the handover over the phone. Georgie was sick. That was when I first heard about it and was told there was a meeting with Dan Box and Pam on Friday to walk through her summary/statement ahead of Coroner's hearing. Something like that wasn't unusual. I said 'ok'.

The next day was the 9th which was a Thursday so I was in the office at State Crime. Dan box called me around midday and asked to move Pam's appointment to 12 o'clock the next day.

[Email from Siobhan to Pam regarding change of time]

I also changed the time that was written in our shared diary

[Photocopy of diary page]

In organising all this Georgie had said we were briefing two outlets, Dan Box and Lorna Knowles from ABC. After speaking to Dan Box I thought 'do I need to set up with Lorna Knowles too?' So I emailed Georgie regarding Lorna and Georgie said no, Pam had spoken directly to Emma Alberici.

[Email]

At the end of every day we distribute an upcoming media list which goes to three bosses and a select group of others. All the progress was noted in the document as the top item.

[Media list provided dated 9 April (incorrectly dated Wednesday)]

The next day was the 10th. I start at 7am and I received a call from Pam between 8-9am. Pam said she didn't require me at the meeting with Dan Box. I thought she was calling for pre-chat because it is usual practice to discuss questions etc. Initially I didn't think anything of it and I thought she was just doing me a favour because I was busy, so I said 'alright'. She then paused and said 'I thought you would put up more of a fight'. That comment set off alarm bells for me. It didn't feel right. I asked why and she said that there was another Police Officer coming in, Penny Brown, and said 'I think it would be a bit much for you to be there'. She then started getting agitated and said 'I am confident to talk to him on my own'. I didn't want to argue the toss at that stage. She also said that Mick Willing was ok with it. I didn't ask but she anticipated that question.

After that I rang Mick Willing. He said that Pam wanted to have a free and frank discussion and my presence would hinder that – because I would have pulled her up etc. He said there was no point trying to talk her out of it because she felt strongly. This was different to what Pam had told me. I then emailed Georgie to tell her.

[Email to Georgie]

It was unusual to be asked to not attend. A Media Liaison Officer doesn't always attend minor matters but it is unusual to be specifically asked not to attend. I had never heard of that before.

In light of what Mick Willing said I rang Pam back to clarify. This time she said she wanted a free and frank discussion and went on to say that the decision was for my benefit. She said 'you will be complicit if I say certain things'.

I thought to myself 'that means you are going to say things I won't be happy with'. If she was not intending to say anything controversial why would she not get me to come? I think she thought I was starting to ark up about it and she was trying to make you feel more at ease by giving me other reasons why. I didn't think that [protecting me] was her motivation, but she was trying to appease me. I knew it was bullshit

She also said a decision had been made by Police to take a firmer stance regarding the Johnson family. They had been out a year or two prior and had been stirring up anti-Police sentiment in media. At that time we worked with the family. When Pam said 'firmer stand' maybe that's what she was referring to.

She didn't tell me who had made that decision within Police but I took that to mean her squad. It would be unusual for an individual officer to take action so I took that to mean that it had been approved by a superior. There is a policy we live by which is called "no surprises" policy. We make sure everybody knows what's going on. If there is a change in public stand for an issue of this calibre it would certainly be normal policy to get that approved above and media unit would ordinarily be told. I made notes of my conversation with Pam in my day book

[Photocopy of page in day book]

SD: Was it your understanding that the meeting with Dan Box was just a backgrounder?

SM: Yes, an off the record backgrounder. That was all determined before I came involved so you should talk to Georgie about it. I would be curious to know how that all came about or who's decision it was. One email from Georgie to Pam talks about a backgrounder. I don't know where it came from. It had already decided so I didn't go into that detail. I thought that it was because a lot of media interest was likely and because of the length of report it would help to have journalists across it and that it would help them be across it before the hearing.

After second call knew with Pam I knew I would send an email about it. The backgrounder went ahead without me and was noted in the daily update that was sent out that night.

I had no further involvement and didn't return to work until Tuesday, 14 April.

SD: Another relevant issue is training. Do you get any?

SM: Not a lot.

SD: What would you normally refer to for guidance on these types of issue?

SM: Just in my head. Judging the situation not usually on media law but on what can have adverse effect on organisation. I might have had media law training once, as a presentation from the OGC.

SD: Do you have any other resources?

SM: Whenever I am in doubt regarding whether media release creates a legal issue I go to Sparke Helmore for advice and say 'these are my concerns etc – do we have any issues?'

SD: So the system is to contact Sparke Helmore?

SM: Yes or go up to Strath. So there are systems in place.

NP: At any point was there any discussion regarding on the record statements?

SM: No. All along – before and after - my understanding was that the meeting off the record – at no point did it deviate from that.

NP: What do you understand off the record to mean?

SM: In different situations it means different things. Sometimes it means you can report but not attribute it to a source. But in this case I took it to mean for information only and that it could not used prior to the Coronial hearing. Maybe embargoed would be better term for it.

End of Interview