

**2022 Special Commission of Inquiry
into LGBTIQ hate crimes**

**Before: The Commissioner,
The Honourable Justice John Sackar**

**At Level 2, 121 Macquarie Street,
Sydney, New South Wales**

Thursday, 28 September 2023 at 9.47am

(Day 93)

Mr Peter Gray SC	(Senior Counsel Assisting)
Mr William de Mars	(Counsel Assisting)
Mr Enzo Camporeale	(Director Legal)
Ms Caitlin Healey-Nash	(Principal Solicitor)
Ms Francesca Lily	(Solicitor)

Also Present:

**Mr Mark Tedeschi KC with Mr Anders Mykkeltvedt and
Mr Mathew Short for NSW Police, Detective Acting
Sergeant Cameron Bignell, Detective Sergeant Alicia Taylor
and Ms Georgina Wells
Mr Murugan Thangaraj SC for Mr Michael Willing
Mr Ken Madden for Sergeant Geoffrey Steer
Mr Matthew Hutchings for Mr Stewart Leggat
Mr Darien Nagle for Mr John Lehmann
Ms Linda Barnes for Detective Sergeant Penelope Brown
Mr Jim Glissan KC for Ms Pamela Young
Mr Stephen Russell for Detective Sergeant Paul Rullo
Mr Chris McArdle for Ms Emma Alberici**

1 THE COMMISSIONER: Mr Gray, I understand that Ms Alberici
2 is here.

3
4 MR GRAY: Yes.

5
6 THE COMMISSIONER: Can I just indicate to those who are
7 present --

8
9 MR McARDLE: I will announce my appearance, your Honour.
10 I appear for Ms Alberici. My name is McArdle.

11
12 THE COMMISSIONER: Thank you, Mr McArdle. Leave is
13 granted.

14
15 Can I just indicate there has been a slight delay in
16 beginning today's proceedings for reasons that will become
17 apparent. Ms Alberici has to leave at 12.15 today on the
18 dot, and so the time that everyone will have with her will
19 be limited. Mr Gray will go first. Mr Tedeschi will
20 follow. I then will ask Ms Brown's representative, if she
21 has any questions. Mr Glissan will then go last today.

22
23 Ms Alberici has some time on Tuesday morning, via AVL.
24 That has been arranged purely for the purposes of
25 Mr Thangaraj, who can't be here this week. So that's the
26 time frame for Ms Alberici.

27
28 At the moment, my understanding is that there is no
29 other time available.

30
31 Yes, Mr Gray?

32
33 MR GRAY: Commissioner, may I --

34
35 THE COMMISSIONER: Forgive me, I'm sorry to interrupt you.

36
37 MR McARDLE: May I make an application for
38 a non-publication order on one of the paragraphs that
39 haven't been mentioned on Ms Alberici's statement?

40
41 THE COMMISSIONER: I don't know about that. We will deal
42 with that in a moment.

43
44 Mr McArdle, I apologise to you. On Tuesday morning,
45 after Mr Thangaraj asks any questions, I would give you, as
46 it were, the last say, if you have any questions for
47 Ms Alberici, prior to Mr Gray, if he has any questions.

1
2 MR McARDLE: I understand that, your Honour.
3
4 THE COMMISSIONER: I apologise for leaving you out. Have
5 you discussed the non-publication order with anybody?
6
7 MR McARDLE: I have, your Honour. It is
8 non-controversial, it is the identity of Ms Alberici's
9 current place of employment, in paragraph 4.
10
11 THE COMMISSIONER: I have no problem with that. It falls
12 in with a category of other matters which have been of
13 similar subject. Mr McArdle, I don't know the precise
14 details of the status of this statement at the moment,
15 I don't know whether it is on the website. I understand it
16 isn't.
17
18 I will make an order redacting those details, so can
19 everyone please note, in this room now, that that detail
20 will be redacted, and what ultimately goes up on the
21 website will obviously have that redaction. Thank you.
22
23 MR McARDLE: I note also that there is already another
24 order for redaction that has been made with respect to the
25 statement, the identity of some uninvolved individuals.
26
27 THE COMMISSIONER: Yes, that's fine. What I will do,
28 Mr McArdle, I will have an order prepared formally so that
29 you know where you stand and everyone else does and I will
30 sign that during the course of the morning.
31
32 MR McARDLE: Thank you very much.
33
34 THE COMMISSIONER: Yes, Mr Gray?
35
36 MR GRAY: Commissioner, may I first briefly address some
37 housekeeping matters.
38
39 THE COMMISSIONER: Certainly.
40
41 MR GRAY: There are some documents to be added to
42 exhibit 6 - that is, the tender bundle in this hearing -
43 they are as follows: first of all, tabs 389, 390, 392 and
44 394. They are emails and text messages to Ms Young from
45 various people. They were not tendered last week due to an
46 application by Ms Young's lawyers for the redaction of
47 certain matters and that application is no longer pressed.

1
2 Secondly, tab 476G, which is email correspondence
3 between the Inquiry and the lawyers for Mr Willing.
4

5 Thirdly, tabs 520 and 520A, which are two statements
6 from Detective Senior Constable Paul Rullo.
7

8 Fourthly, tabs 521 and 521A, which are two statements
9 from Pamela Young, and finally, tab 524, which is
10 Ms Alberici's statement.
11

12 As we've just heard, there are some small redaction
13 matters to be attended to in the case of that last one.
14 Otherwise, the tender bundle has been updated with those
15 documents and they will, subject to that matter just
16 mentioned, be uploaded to the website. Non-publication
17 orders have also been agreed in relation to these
18 documents, I'm told, and I hand up a short minute of order
19 which I'm instructed has been agreed by the parties.
20

21 THE COMMISSIONER: All right. I take it what you are
22 giving me may not necessarily cover what Mr McArdle has
23 just said.
24

25 MR GRAY: It won't cover what he has just said this
26 morning.
27

28 THE COMMISSIONER: All right. I will do an additional
29 order for those.
30

31 MR McARDLE: Thank you, your Honour.
32

33 THE COMMISSIONER: Thank you. I have made those orders,
34 thank you.
35

36 MR GRAY: I call Ms Alberici.
37

38 **<EMMA ALBERICI, sworn: [9.52am]**
39

40 **<EXAMINATION BY MR GRAY:**
41

42 MR GRAY: Q. Ms Alberici, you have prepared a statement
43 for the Commission in the last few days, in fact, on
44 25 September 2023 [SCOI.85817_0001]
45

46 A. Yes.
47

Q. Are the contents of that statement true and correct?

- 1 A. Yes.
2
- 3 Q. You were a journalist for nearly 30 years, from 1991
4 to 2020; is that right?
5 A. Yes, that's right.
6
- 7 Q. And no doubt acutely conscious of the need for
8 accuracy when publicly reporting on matters?
9 A. Yes.
10
- 11 Q. And no doubt that same concern for accuracy would
12 apply to your evidence before the Commission?
13 A. Indeed.
14
- 15 Q. Generally - and I'll come to some of the detail of
16 this, but generally - in the period leading up to the
17 Lateline interviews in April 2015 involving Ms Young, was
18 it ever your intention in any way to mislead or deceive the
19 NSW Police, including the Police Media personnel?
20 A. No.
21
- 22 Q. Had you had dealings with any of the Police Media
23 personnel previously at that time?
24 A. What do you mean?
25
- 26 Q. Well, did you know them? Had you had communications
27 with them professionally, such as Georgie Wells or
28 Ms McMahon or Strath Gordon?
29 A. Well, yes, generally speaking as a journalist you
30 encounter police from time to time.
31
- 32 Q. So these were people that you had come across in your
33 working life?
34 A. Yes.
35
- 36 Q. And had had some communications with about whatever
37 matter in the past?
38 A. Yes.
39
- 40 Q. And did you have good relations with them - working
41 relations?
42 A. I wasn't a police reporter, so I didn't have specific
43 relations. It may have been incidental from time to time.
44
- 45 Q. In your statement - do you have it with you, by the
46 way, your statement?
47 A. I do.

1
2 Q. On the third page, under the heading, "As to question
3 3" - do you have that? Have you found that?
4 A. Mmm-hmm.
5
6 Q. I'll come to this in a little more detail, too, but
7 you say there, in terms of Ms Young and the arrangements
8 that were made in respect of these interviews in April
9 2015, you say:
10
11 *My memory is that she was not there to be*
12 *a "leaker".*
13
14 Do you see that? You just need to say "Yes" for the
15 transcript?
16 A. Yes.
17
18 Q. Do you mean by that, and tell me one way or the other,
19 that you thought she had approval from her superiors to
20 give --
21
22 MR TEDESCHI: I object.
23
24 THE COMMISSIONER: Why?
25
26 MR GRAY: Q. To give the sit-down Lateline interview and
27 for it to be broadcast?
28
29 MR TEDESCHI: The relevance of what she thought.
30
31 THE COMMISSIONER: I think her understanding is relevant
32 because she would have gained her understanding from some
33 other facts, I presume. You may cross-examine her in due
34 course, but no, I will allow it, thank you, Mr Tedeschi.
35
36 MR GRAY: Q. Do you remember the question or --
37 A. Do you mind --
38
39 Q. Sure. When you say your memory is that she was not
40 there to be a "leaker", do you mean by that that you
41 thought she had approval from her superiors to give the
42 sit-down Lateline interview and for it to be broadcast?
43 A. That's correct.
44
45 Q. Did you get that impression or that understanding from
46 what she said to you?
47 A. Yes.

1
2 Q. And/or from something else or just from what she said
3 to you?
4 A. From what - from what Pamela Young said?
5
6 Q. Yes.
7 A. Yes, and - yes.
8
9 Q. I'll come back to that. Briefly, it seems that you
10 had known Ms Brown, Penny Brown, for reasons unconnected
11 with her work as a police officer?
12 A. Mmm-hmm.
13
14 Q. For some time?
15 A. Mmm-hmm.
16
17 Q. And you had a high regard for her?
18 A. Very much so.
19
20 Q. Thank you. And is this right, that she, Ms Brown, at
21 some point in early 2015, said that her boss, Ms Young,
22 would like to talk to you about a case that she was working
23 on?
24 A. Yes.
25
26 Q. And you and Ms Brown and Ms Young had lunch - and we
27 have the date of this - in late January 2015. Do you
28 remember that?
29 A. I can't remember the exact date, I thought it
30 was February, but yes.
31
32 Q. Anyway, the three of you had lunch?
33 A. That's right.
34
35 Q. Did either Ms Young or Ms Brown tell you something
36 about what it was they wanted to talk to you about, and, if
37 so, what did they say - what did each of them say?
38 A. It was a long time ago, I can't remember chapter and
39 verse what was said, but the crux of it was that they were
40 looking for a trusted voice to do an interview about the
41 circumstances of a case they were working on.
42
43 Q. Did they tell you at that point - they clearly did
44 later, or someone did - something about what the case was
45 or the nature of the topic?
46 A. Yes.
47

1 Q. What did they tell you, if you can recall, just in
2 general?
3 A. They had chosen to speak to me because I wasn't
4 involved with police, so I wasn't a police reporter. That
5 wasn't my background. So I didn't come with any
6 preconceived idea about the story. And it was the story of
7 a death off the cliffs at North Head.
8
9 Q. Then, it seems from records that we have - and perhaps
10 you can confirm - that towards the end of February,
11 someone, it seems Ms Young, but perhaps you could clarify
12 for us if you remember, provided you with her very lengthy
13 statement; is that right?
14 A. That's correct.
15
16 Q. Was it Ms Young or was it someone else?
17 A. It was Ms Young.
18
19 Q. Did she physically bring it to you somewhere?
20 A. Yes, she did.
21
22 Q. Where was that? Where were you then working?
23 A. I recall it was at the ABC.
24
25 Q. She handed it to you?
26 A. Or handed it in to reception, but yes, I think she
27 handed it to me.
28
29 Q. And what did she say, as you recall, about whether the
30 statement was publicly available or whether it had to be
31 handed to you confidentially or anything of that nature?
32 A. My recollection is that it was a version that didn't
33 have names in it, I think people were referred to by
34 numbers or something like that.
35
36 Q. Persons of interest and suspects and so on?
37 A. I think so, yes, and I think that that version had
38 been circulated to others, and Police Media had given her
39 permission to give it to two journalists, and I was - one
40 from the ABC and one from print was also going to receive
41 it, because the police had determined that it was time for
42 them to have a voice in this matter, publicly.
43
44 Q. That's your recollection of what she communicated to
45 you at around the time she provided the statement?
46 A. Not only her. I had had some dealings on the phone
47 with someone from Police Media.

1
2 Q. Do you mean at around the time of receiving the
3 statement?
4 A. Yes, yes.
5
6 Q. Do you have any recollection of who that was?
7 A. I don't. It was a woman, but I can't remember who.
8
9 Q. So the female names that seem to be mentioned in
10 emails and the like that the Commission has include
11 Georgie Wells --
12 A. Well, Georgie Wells is a name I'm familiar with,
13 because I think she was there for the longest amount of
14 time that I was reporting, so it's a name that's familiar.
15 It could be her. But I couldn't say with any clarity.
16
17 Q. And another name, female name, that crops up in some
18 of the emails is Siobhan McMahon?
19 A. I can't remember.
20
21 Q. Well, whoever it was, what's your memory as to what
22 was said by that person at around the time you were
23 provided with the statement?
24 A. All I recall was that I'd had one or two conversations
25 with Police Media where they had asked did I have
26 everything I needed for the interview and could they help
27 me with anything else? Did I need any more information?
28
29 Q. Yes. I'm just making sure I'm getting the timing
30 right, though. Are you saying that conversations of that
31 sort occurred as early as February when you received the
32 statement or did that only happen later?
33 A. Oh, I think when I received the statement, there was
34 a conversation just around, being a journalist who wants as
35 much information as possible, could I have access to the
36 one that had the names in it, which would be far more of
37 interest to a journalist than one without the names in it.
38 And there was some toing and froing about whether the court
39 would allow that and --
40
41 Q. This was on the phone, was it, between you and someone
42 at Police Media?
43 A. Yes.
44
45 Q. Thank you.
46 A. But my understanding was that would only be decided
47 around the time of the Coroner or magistrate. I'm not

1 familiar with the proceedings but - yes.

2

3 Q. In your statement, you say - I'm looking at the second
4 page of the statement under the heading "As to question 1",
5 and in (c), you set out something of what Ms Young said to
6 you about the case itself, about the death at North Head?

7 A. Mmm-hmm.

8

9 Q. And about general background to what she was talking
10 about?

11 A. Mmm-hmm.

12

13 Q. And then at (d) you say:

14

15 *I observed Pamela to be aghast at this*
16 *string-pulling. Pamela and her commanders*
17 *wanted the public to understand that there*
18 *had been inappropriate interference by*
19 *government in the affairs of police.*

20

21 Do you see that there?

22 A. Mmm-hmm.

23

24 Q. Now, when you say "Pamela and her commanders", who, to
25 your knowledge, were you referring to by the expression
26 "her commanders"?

27 A. Mick Willing, which I understood at the time was her
28 boss.

29

30 Q. Is that because Pamela Young told you that?

31 A. I also spoke to him.

32

33 Q. Before the interviews?

34 A. Yes.

35

36 Q. If you can tell us - I'll go to that straight away -
37 approximately how long, before the interviews, if you
38 remember, and, secondly, what was said?

39 A. I don't remember, but I remember Pamela or Penny
40 giving me the number and I - calling him and having
41 discussions about his views on the matter.

42

43 Q. And what were his views on the matters as they --

44 A. They were consistent with Penny and Pam.

45

46 Q. In what sense?

47 A. In the sense that this case was being prioritised over

1 the 700 or so other unsolved cases in New South Wales, in a
2 way that was unusual.

3

4 Q. Did he, Mick Willing, say to you in these
5 conversations before the interviews, something else that
6 you say Ms Young said to you, namely, that he wanted the
7 interview to go ahead and for her to say those things on
8 television?

9 A. Oh, I don't think he specifically said anything about
10 what he wanted her to say on television, but the
11 understanding was he was supportive of her and, in fact,
12 encouraging, I would have thought, of her appearance on
13 Lateline.

14

15 Q. So - I just want to be clear - are you saying that in
16 these conversations with Mick Willing prior to the Lateline
17 interview that did ultimately go to air, he knew - do you
18 say - in his conversations with you, that there was going
19 to be a sit-down interview which would go to air?

20 A. Yes.

21

22 Q. Were your discussions with him on that basis?

23 A. Yes.

24

25 Q. Did he say anything to the effect that no, Ms Young
26 was only authorised to give a backgrounding briefing off
27 the record and she wasn't authorised to give a public
28 interview?

29 A. No.

30

31 Q. Still on (d) in your statement at the bottom of that
32 page, you say:

33

34 *... Pamela wanted the broader public to*
35 *understand how unusual it was for a case to*
36 *be thoroughly investigated three times ...*

37

38 And so on. So that's among the things she said to you?

39 A. Mmm.

40

41 Q. Did Mr Willing say also something to that effect to
42 you?

43 A. Yes.

44

45 Q. And you said to Ms Young:

46

47 OK --

1
2 I'm looking at (e):

3
4 *... but you know how good people can get*
5 *burned. You will be taking a big risk.*

6
7 And she said, "I know".

8 A. Mmm.

9
10 Q. What was the big risk that you thought she would be
11 taking?

12 A. Well, she was raising her head above the parapet and
13 this was a case - I didn't know anything about this case,
14 but the more I read about it, there'd been a lot ventilated
15 by the family, and others, of the deceased, and if she was
16 putting a different version of the police's involvement,
17 that she would cop a lot of flak for that.

18
19 Q. And do you mean that you thought she might cop a lot
20 of flak from the police or from the political sphere?

21 A. I didn't expect it to be from police because she was
22 representing police. She was one of the most senior
23 detectives in the State. I thought from others, yeah.

24
25 Q. From politicians, do you mean?

26 A. And others, such as the family, who were very angry
27 about police behaviour.

28
29 Q. In (h), on the next page, you say, in terms of having
30 met Ms Young:

31
32 *She was prepared to sacrifice her career*
33 *(which to that time had been nothing but*
34 *outstandingly successful) on a point of*
35 *significant principle.*

36
37 Do you see that?

38 A. Mmm.

39
40 Q. Why did you think that what she was doing might
41 involve her sacrificing her career?

42 A. Oh, I think that's more in hindsight. I don't think
43 she would have known at the time that it would have cost
44 her career.

45
46 Q. But did you at the time have in your mind that it
47 might result in the sacrifice of her career?

1 A. No.

2

3 Q. And that's partly because, I take it, as you say lower
4 down that page, under the heading "As to question 3", you
5 thought she was not there to be a leaker but, rather, was
6 indeed, speaking in a way that the police wanted her to
7 speak?

8 A. Yes. As I say, she was one of the most senior police
9 in the State.

10

11 Q. So can I just look more closely, then, briefly, at
12 your answer to question 3 --

13 A. Mmm-hmm.

14

15 Q. -- which we are on. After saying that you thought -
16 or your memory is that she wasn't there to be a leaker, you
17 say:

18

19 *She wanted to be a whistle blower on behalf*
20 *of her colleagues ...*

21

22 "Her colleagues" being the police, do you mean?

23 A. Mmm-hmm.

24

25 Q. Now, you say:

26

27 *She was going to brief [you] on the*
28 *circumstances (which she did) and then*
29 *[you] would record an interview (which*
30 *[you] did).*

31

32 And the briefing, I think is this right, took place, in
33 effect, in perhaps three ways, firstly the initial lunch;
34 is that right?

35 A. Yes.

36

37 Q. Then, secondly, there were two interviews in April -
38 there was one on Friday, the 10th, which was recorded but
39 was not the one that went to air. Do you remember that?

40 A. Mmm-hmm.

41

42 Q. And I think there was a conversation, is this right,
43 I think in the coffee shop, before that recorded interview
44 at the ABC?

45 A. I don't remember that.

46

47 Q. But part of the - tell me if this is right - briefing

1 or backgrounding consisted of that interview on the Friday
2 afternoon?

3 A. Yes.

4

5 Q. And then you would record an interview, and that, of
6 course - I say "of course" - I understand was the one on
7 the Monday afternoon, much of which did go to air that
8 night?

9 A. It would have been Monday evening, not in the
10 afternoon.

11

12 Q. Yes, I'll come to the timing. Late afternoon, early
13 evening?

14 A. It would have been the evening.

15

16 Q. Okay. Now, then you say:

17

18 *I should stress that she made it clear to*
19 *me that she thought of herself as*
20 *protecting the legitimacy of the police*
21 *conduct in this matter, against the*
22 *convenient blame shifting by politicians.*

23

24 Now, is that something that she said to you rather than
25 just your impression?

26 A. Oh, in a round-about way, not using those exact words,
27 but it was what I deduced from --

28

29 Q. From what she said?

30 A. From what she said and what had occurred.

31

32 Q. And you say:

33

34 *Not only had she not "gone rogue" --*

35

36 and I'll come back to that expression --

37

38 *she was defending the police ...*

39

40 A. That's right.

41

42 Q. And in terms of your conversation with Mr Willing
43 prior to the Lateline interview, did he say anything to you
44 to the effect that she was, by giving this interview,
45 defending the police and that he was in favour of it?

46 A. Yes.

47

1 MR GRAY: I wonder if Ms Alberici could please have
2 volume 16, tab 348 [SCOI.82992_0001].

3

4 THE COMMISSIONER: Q. Ms Alberici, you'll have a hard
5 copy. Not always, but sometimes the document you'll be
6 looking at will also be on the screen.

7 A. Oh, okay.

8

9 Q. If that's more convenient, so, for example, in this
10 case, you'll see that the document that is at the hard copy
11 is on the screen. It's a matter for you which you choose
12 to look at.

13 A. Okay.

14

15 MR GRAY: Q. So this is an email, well, the main on that
16 I want to look at is an email from you, presumably,
17 I suppose, to the two people whose names appear at the top,
18 but - do you see it says, "On 8 April Emma Alberici wrote"?

19 A. Mmm-hmm.

20

21 Q. So it's an email from you, I suppose, to the people
22 whose names appear at the top, but somebody within the ABC
23 anyway?

24 A. Yes.

25

26 Q. And you're explaining to them on 8 April, as I see it,
27 the position that had been reached in relation to
28 arrangements for the proposed Lateline program on this
29 topic; correct?

30 A. Yes.

31

32 Q. You say that you have an exclusive interview with the
33 head of Homicide, Pamela Young. You say a couple of lines
34 down:

35

36 *On Monday, the State Coroner will order*
37 *a third inquest ...*

38

39 Do you see that?

40 A. Yes.

41

42 Q. So your understanding, I take it, was that when the
43 Coroner announced his decision, which was going to be on
44 the Monday, the 13th, the expectation was, even though he
45 hadn't yet announced it, that he would, in fact, order
46 a third inquest?

47 A. That's right.

- 1
2 Q. What was your understanding, let's say on 8 April -
3 that is, prior to the Coroner's announcement - as to the
4 status of Pamela Young's lengthy statement? That is, was
5 it publicly available or not publicly available?
6 A. It wasn't on the public record, but certain people had
7 been given access to it, including myself and a newspaper
8 reporter and the family of the deceased, and I imagine
9 legal representatives or other people, on the express
10 understanding that we weren't to report on it until after
11 the decision of the Coroner.
12
13 Q. And did you have any knowledge one way or the other as
14 to whether there were already in place some orders of the
15 Coroner as to restriction of publication, or the like, of
16 the statement?
17 A. I can't remember. I knew that I wasn't going to
18 report on it until after that day.
19
20 Q. A couple of lines below that, you say:
21
22 *Pamela Young is prepared to say that this*
23 *family, given its wealth, has had too much*
24 *influence ...*
25
26 And so on.
27 A. Mmm-hmm.
28
29 Q. You say you've had a copy of the 500-page report,
30 which you've nearly finished reading. You say:
31
32 *The document proves that the family has*
33 *twisted facts and made stuff up ...*
34
35 Is that your view or something Pamela Young said to you?
36 A. That was my view.
37
38 Q. Do you now have any recollection of what that's
39 a reference to?
40 A. Yes.
41
42 Q. The twisting of facts or making stuff up?
43 A. Yes.
44
45 Q. And what's that?
46 A. It's several things.
47

1 Q. Could you tell us?

2 A. Well, I had actually read the 500 pages of evidence
3 and facts - these were not opinions, these were facts and
4 the basis upon which police do their investigations.
5 Things like the family saying that no person had ever
6 suicided naked, for instance, and yet there had been
7 academic reports quoted in the report to show, I think it
8 was, 15 per cent of suicides are naked. Things like that,
9 that surprised me, because on the public record,
10 information that had been disseminated by the family would
11 say things that, when I read this report and the
12 documentary evidence surrounding it and the references to
13 academic reports and others, that was inconsistent with
14 what had been in the public arena disseminated by the
15 Johnson family.

16

17 Q. I'll move on, because we have only finite time.

18 A. Just things like that.

19

20 Q. Yes, thank you.

21 A. And another one was that no-one had ever suicided from
22 that general area, but in reading the report, I think - and
23 I could be wrong because I'm testing my memory from eight
24 years ago - I think it was 20 or something people had left
25 suicide notes, had actually been proven to be suicides from
26 that general area. So all those sort of things had
27 surprised me when I'd read the report.

28

29 Q. I'll just move on because of the time. In the next
30 sentence, two sentences on, actually, you say:

31

32 *Police are still convinced it was*
33 *suicide ...*

34

35 Now, when you say "police" there, are you referring to
36 Ms Young or are you referring to Ms Young and others?

37 A. I think I was just referring to what I had gleaned
38 from the report. No-one had specifically said that to me
39 but it was what I gleaned from reading the report.

40

41 Q. And what you gleaned from reading the report was that
42 the police view, as found in the report, was that it was
43 suicide?

44 A. It just seemed the facts tended to weigh in that
45 direction.

46

47 Q. Then, next sentence, you say this, and this is what

1 I wanted to ask you about in particular:

2
3 *Police have asked me if it's ok for The*
4 *Australian to be given an interview Monday*
5 *with Pamela Young also. I have spent the*
6 *past hour in conversation with them all and*
7 *have had them agree that the Australian*
8 *can't publish until Tuesday.*
9

10 Now, first of all, when you say "Police have asked me if
11 it's ok for The Australian to be given an interview", who
12 were you referring to when you say "police"?

13 A. Well, that's Police Media. That's who makes those
14 decisions.

15
16 Q. And, again, do you have any recollection of who that
17 was?

18 A. No. I remember it was a woman and I imagine it was
19 Georgie Wells because her name is the one that is familiar
20 to me but I can't say for sure, I can't really remember.

21
22 Q. So at least by then you understood - perhaps you had
23 understood earlier - that someone from The Australian
24 either had been given the report or was going to be given
25 the report?

26 A. That's right.

27
28 Q. And you say you spent an hour in conversation with
29 "them all"; that's Police Media people, is it "them all"?

30 A. And I think, you know, the superiors - probably
31 Mick Willing, just on and off the phone, to just check
32 things and, you know, to your point earlier, we're very big
33 on accuracy and getting things right and you want to make
34 sure that you're doing so.

35
36 Q. So were those conversations with the media people and
37 with Mick Willing on about 8 April, over an hour, on the
38 topic of Ms Young giving an interview, not a backgrounder
39 but an interview, that would be broadcast?

40 A. Yes. I mean, we were a TV show, so you would have to
41 broadcast an interview for it to have impact.

42
43 Q. Did either anyone from Police Media or Mr Willing say
44 anything to the effect that Ms Young's interview with you
45 was off the record and not to be broadcast?

46 A. No.
47

1 Q. Did the conversations proceed on the open basis that
2 it was indeed going to be broadcast?
3 A. Yes.
4
5 THE COMMISSIONER: Q. May I just ask this question. At
6 the time, Ms Alberici, how long had you been the Lateline
7 anchor, do you recall?
8 A. Yes.
9
10 Q. This is April 2015, so roughly how long before that?
11 A. Three and a half years.
12
13 THE COMMISSIONER: Thank you.
14
15 MR GRAY: Q. You say at the bottom of this email, bottom
16 of that page, that you are going to prepare a package, you
17 will get an interview with Steve Johnson and Dan Glick and
18 some grabbing from John Agius, and then you say:
19
20 *We will then have a studio interview with*
21 *Pamela Young which will be explosive. She*
22 *will also say that \$\$millions have been*
23 *wasted by the state ...*
24
25 et cetera. You are telling that to your ABC colleagues
26 here?
27 A. Mmm-hmm.
28
29 Q. But was there any reference in your conversations on
30 that day with the media people or with Mr Willing to the
31 concept of the interview being likely to be explosive?
32 A. I don't think I would have used that kind of flourish
33 with police.
34
35 Q. No?
36 A. But there was an understanding that this would be the
37 first - this would have been the first time that police
38 would have commented publicly about the case.
39
40 Q. Do you mean "and so it would likely" --
41 A. So it would be explosive regardless because nothing
42 had ever been said by them against quite a lot of heat they
43 had been receiving from the family.
44
45 Q. Now, at the very end of the email, on the next -
46 second page, you say:
47

1 *Until I've got Steve Johnson in the can we*
2 *cannot let anyone know we have an interview*
3 *with Pamela Young. If the Johnson family*
4 *finds out, they're unlikely to*
5 *cooperate ...*
6

7 Do you see that?

8 A. Yes.

9

10 Q. Now, is that subject matter about keeping quiet to the
11 Johnsons about already having Pamela Young on board for an
12 interview - was that topic something discussed between you
13 and the Police Media or Mr Willing?

14 A. No. That would have - no.

15

16 Q. There would have been no particular reason to do that?

17 A. No reason to, no.

18

19 Q. But should we infer from that last sentence or so, or
20 two sentences, that your view - and you tell us either
21 way - was that what Ms Young was saying and what you
22 understood Mr Willing to agree with was a point of view
23 that needed to be made public?

24 A. Yes.

25

26 Q. And that in order to ensure that you had Mr Johnson on
27 the program, you would not tell the Johnsons that you had
28 Ms Young about to give a police version?

29 A. Correct.

30

31 Q. Briefly, the first interview, the one on the Friday
32 afternoon, it's in tab 342 [NPL.2017.0004.0549_0001] of
33 that folder. It's quite lengthy, but do you remember this
34 one on the Friday afternoon, whether it was video-recorded
35 or just audio-recorded or was it in the studio, or what
36 happened?

37 A. I think it was video-recorded.

38

39 Q. What was the purpose of this one on the Friday
40 afternoon?

41 A. My recollection is that Pamela Young had not done
42 media before and she was a little nervous and wanted to do
43 a kind of dry run, I suppose.

44

45 Q. All right. And Penny Brown, I think, was there with
46 her in the studio, or with her and you when this happened?

47 A. I can't recall but possibly - possibly, yes.

1
2 Q. I'll just take you to a couple - it's apparent on the
3 transcript that she, Penny Young [sic], does say a couple
4 of things here and there?
5 A. Okay.
6
7 Q. I just wanted to take you to three bits of this
8 briefly, you will see the pages are numbered down the
9 bottom. At page 2, at about line 32, you ask Ms Young:
10
11 *What's your personal opinion about what*
12 *happened to Scott Johnson?*
13
14 A. Mmm-hmm.
15
16 Q. And a few lines down, starting about line 42, she
17 said - I'm not reading it all:
18
19 *... my personal view --*
20
21 A. No, she - oh, sorry, yes.
22
23 Q. In the third line.
24 A. Yes.
25
26 Q. I'm just not reading it out for the sake of the time
27 but you please take your time to read it all:
28
29 *... my personal view --*
30
31 and then she ends up saying on the top of the next page:
32
33 *... I am swayed, personally, that the*
34 *current finding, the open finding, could*
35 *move a bit more towards suicide again.*
36
37 Do you see that?
38 A. But she also says, but she probably thinks the most
39 appropriate finding is what currently exists, which is an
40 open finding.
41
42 Q. Quite so.
43 A. Mmm.
44
45 Q. But you then say:
46
47 *Can I just help you a bit here, because it*

1 *feels to me like you're struggling ...*

2

3 And so on. By all means, you take the time to read all of
4 it, I don't mean to hurry you through all of this, but at
5 the bottom of that page --

6 A. Sorry, I'm just laughing because it looks like I fixed
7 her hair. I was trying to work out what that was in
8 reference to.

9

10 Q. And at line 40 you say:

11

12 *But I want the detail that you think it*
13 *was --*

14

15 and Pamela Young says:

16

17 *-- we would sway more towards homicide -*
18 *suicide. Suicide.*

19

20 And you say:

21

22 *... I think that you might just want to say*
23 *that - that your personal view is that it's*
24 *most likely to be suicide ...*

25

26 And at line 8, on page 4, she says:

27

28 *... that is such a controversial statement.*
29 *I want to say I believe, it's my true*
30 *belief, but it's going to be so*
31 *controversial, once it gets out there.*

32

33 et cetera.

34 A. Yes. What page are we on now?

35

36 Q. Page 4 --

37 A. Oh, sorry, yes.

38

39 Q. -- about line 8 or so. And then if we turn over to
40 page 7, after there are some more conversations between you
41 and Ms Young about how to go about an interview like
42 this --

43 A. Mmm-hmm.

44

45 Q. -- you have, in effect, a second go at this topic at
46 line 14 on page 7. You say:

47

1 *So what do you think, personally?*
2 *Personally, what do you think happened to*
3 *Scott Johnson?*

4
5 And the answer this time is:

6
7 *I think there's a real possibility that*
8 *Scott did actually suicide.*

9
10 A. Mmm-hmm.

11
12 Q. That's a second pass at the topic. Then if we go over
13 to page 11 at line 39, you say:

14 *So let's try that again.*

15
16
17 And this is, in effect, a third pass at the same question:

18
19 *So what do you personally think happened to*
20 *Scott Johnson?*

21
22 Answer:

23
24 *I believe that Scott may well have*
25 *suicided. We have a lot more information*
26 *and evidence that supports that, that*
27 *hasn't been available before ...*

28
29 And she goes on, and she finishes up on the next page,
30 page 12, using the expression "distinct possibility", in
31 relation to suicide?

32 A. Mmm.

33
34 Q. Now, all I'm taking you to those passages for is to
35 ask you this: was your understanding that her view
36 actually was that it was probably a suicide? That was what
37 you thought she thought?

38 A. No, that's what I thought the evidence weighed
39 towards.

40
41 Q. But you seem to have asked her questions to the effect
42 of encouraging her to say that that was her view because
43 you thought it was her view, in those questions that I've
44 just taken you to?

45 A. Well, this was someone who'd been investigating for
46 three years and produced 500 pages of evidence that had
47 been gathered.

1
2 Q. Yes, quite. And in those three separate goes at the
3 question, "What do you think happened?", and she gives
4 various variations of suggesting suicide, were you trying
5 to get her to say that? It seems to be --
6 A. I was trying to get her to say what she believed.
7
8 Q. And you thought she believed that it was suicide?
9 A. Well, she says that.
10
11 Q. Thank you. Now, generally speaking - and I think this
12 appears from what you have said already - you understood
13 that she was upset, or concerned, at least, that in her
14 view, the Minister had effectively required that the
15 Johnson case jump the queue?
16 A. Mmm-hmm.
17
18 Q. Now, I have the impression - tell me if it is right or
19 wrong - that you were inclined to agree with that yourself?
20 A. I wasn't in any - I wasn't qualified to have a view
21 either way. I was new to the case. But I did understand
22 from research that it was the first time since Azaria
23 Chamberlain that three cases in the whole of Australia -
24 that one case had ever gone to three inquests in Australian
25 history.
26
27 Q. Just turn briefly, if you would, to tab 354
28 [SCOI.82991_0001]. This is an email from you to someone at
29 the ABC. The ultimate topic, it is just a question of an
30 expense, but in the main long paragraph in the middle, you
31 tell that person:
32
33 *I have an exclusive (explosive) interview*
34 *with the Detective Chief Inspector who led*
35 *the reinvestigation ...*
36
37 And you say in the next line:
38
39 *She has said (we taped yesterday under*
40 *embargo) that this family has used their*
41 *wealth and position to improperly influence*
42 *the NSW judiciary.*
43
44 When you say, "We taped yesterday under embargo", what does
45 that mean?
46 A. That we can't publish.
47

- 1 Q. Was that because you were waiting for the Coroner's
2 announcement on the Monday?
- 3 A. The Coroner, correct, and because the content - the
4 things that I knew that were the basis of questioning and
5 conversation were not in the public domain and that I had
6 expressly agreed not to make them public until after that
7 day.
- 8
- 9 Q. When the Monday interview takes place, we know that
10 Ms Young says, in the course of that interview - and it
11 goes to air in due course - that she thought the Minister
12 kowtowed to Steve Johnson; you remember that?
- 13 A. Mmm-hmm.
- 14
- 15 Q. Now, she says that on the Monday, but had she said
16 that, or something close to it, prior to the Monday, eg, on
17 the Friday or in your earlier discussions?
- 18 A. I can't remember.
- 19
- 20 Q. In this same email, this one at 354 at the end of that
21 longest paragraph, you say:
- 22
- 23 *Steve J --*
- 24
- 25 *Steve Johnson --*
- 26
- 27 *doesn't know that I've also developed*
28 *a strong relationship with police involved*
29 *in this matter.*
- 30
- 31 A. Mmm.
- 32
- 33 Q. What did you mean by "strong relationship with police
34 involved"?
- 35 A. That I had been discussing the case at length with
36 them for some months.
- 37
- 38 Q. "Them" being who?
- 39 A. Oh, Mick Willing, Police Media, Penny Brown,
40 Pamela Young.
- 41
- 42 Q. Coming to 13 April, the Monday, the Coroner makes his
43 decision, it seems, about late morning or thereabouts, at
44 the Glebe court?
- 45 A. Mmm-hmm.
- 46
- 47 Q. And he does order a third inquest, and he does allow

1 publication, I think in a partly redacted form, of the
2 lengthy statement. You knew all of that happened on that
3 day?
4 A. Mmm-hmm.
5
6 Q. Now, were you there at the Glebe court?
7 A. Yes.
8
9 Q. Was there a large media contingent in attendance?
10 A. I think so. Yes.
11
12 Q. After the decision was announced, Ms Young, I gather,
13 gave a short interview with you outside, known as
14 a door-stop in some quarters; is that right?
15 A. No.
16
17 Q. Did you have an interview with Ms Young outside the
18 court?
19 A. I don't think so.
20
21 Q. Well, just have a look at tab 343
22 [NPL.2017.0004.0588]. This is, it seems, an interview
23 between Ms Young and someone, it says "Interviewer" --
24 A. It would have been a press conference type of
25 arrangement where lots of reporters ask questions, maybe?
26
27 Q. Well, my first question is: did you yourself do
28 what's known as a door-stop or any kind of interview with
29 her outside the court that day?
30 A. I don't think so. It wouldn't - I mean, as the
31 Lateline host, that wasn't the sort of thing that I did.
32 I would have been there for research purposes and to
33 listen, but my job is in the studio, not outside a Coroners
34 Court.
35
36 Q. Do you remember speaking to Pamela Young at all that
37 day at the Glebe court?
38 A. No. I don't remember.
39
40 Q. On the ABC news that night, there is a report, and,
41 in fact, I'll show it to you, it is at tab 362B
42 [SCOI.47473_0001].
43 A. Sorry, where am I going?
44
45 Q. I'm just going to orient you.
46 A. Oh, sorry.
47

1 Q. This is a transcript of part of the ABC news bulletin
2 that night.

3
4 THE COMMISSIONER: At 7pm.

5
6 MR GRAY: Q. The 7 o'clock television ABC news.

7 A. Right, yes.

8
9 Q. And so "JP" is Juanita Phillips, and so she is the
10 newsreader?

11 A. Oh, yes.

12
13 Q. And "EA" is yourself?

14 A. Mmm-hmm.

15
16 Q. So Juanita Phillips introduces the story, you can see
17 at the first five lines?

18 A. Mmm-hmm.

19
20 Q. And she says:

21
22 *Lateline's Emma Alberici reports.*

23
24 And then there's - I can show you this on the screen if
25 need be.

26 A. Yes, that's fine, I can see.

27
28 Q. You can see. No, I mean there's footage, as this is
29 happening.

30 A. That's okay.

31
32 Q. And so you're, in effect, the journalist --

33 A. Yes.

34
35 Q. -- to whom the newsreader has thrown for the story on
36 the news.

37 A. Mmm-hmm.

38
39 Q. Now, there's film of Ms Young and Ms Brown walking -
40 I'm not sure whether it's to the court or from the court,
41 but it's near the court, anyway - and there doesn't seem to
42 be anybody else around as this film shows them walking. Do
43 you have any knowledge about when that filming took place?

44 A. Probably would have been them walking in to the
45 building or out of the building.

46
47 Q. But were you involved in the arrangements for this

1 filming?

2 A. Well, now that you're showing me this, I would have
3 done the piece for the 7pm news because I was there and
4 because I was familiar with the case, and it's a very
5 typical way that cameramen operate. They work out who's
6 important to the case and make sure they get footage of
7 them so that we can report it.

8

9 Q. The reason I'm asking is that, as I say, as they're
10 walking along on the film - I'll show it to you - there
11 doesn't seem to be anyone else there, and I'm wondering,
12 was this filming of them done quite some time before
13 everyone else milling around?

14 A. It would have just been them walking in or out of the
15 court. It's a very standard way cameramen achieve footage
16 of people that are involved in cases.

17

18 Q. Was there any arrangement between you and Ms Young
19 such that she would wait until after the rest of the media
20 were gone and only then would she emerge and give an
21 interview to you or the ABC?

22 A. No. Not at the court, no.

23

24 Q. No such arrangement?

25 A. No. We had an arrangement for an exclusive in the
26 studio but not - I mean, no, not at the court.

27

28 Q. I should say that in Ms Young's statement
29 [SCOI.85816_0001], that we've received in the last week or
30 so, she does say - I will just need to get your response -
31 at paragraph 117:

32

33 *I gave a door stop interview to*
34 *Emma Alberici at the court house.*

35

36 And she refers to that transcript that I just showed you
37 a minute ago, which just said "Interviewer".

38 A. This one?

39

40 Q. No, not this one. This is the news that night?

41 A. Oh.

42

43 Q. But a moment ago I showed you a transcript of
44 a door-stop with someone, it doesn't say it was you.

45 A. I mean, look, it might have been me. I just don't
46 recall. I would have thought that - I mean, when you're
47 doing a door-stop outside a court, whatever journalist is

1 there participates - whoever is there participates.
2
3 Q. I see.
4 A. So I may have been the only - I doubt very much I was
5 the only one there.
6
7 Q. Right. So it may have been you, you can't remember?
8 A. No, I can't remember. I was there, but whether I was
9 the only one there I don't recall. It was a big news
10 story. I doubt I was the only one there.
11
12 Q. Was there any discussion between you and anyone from
13 Police Media on or prior to the Monday, 13 April, about
14 what would happen at the court or outside the court in
15 terms of an interview on the spot?
16 A. No, not that I recall - not about whether there would
17 be an interview on the spot. I mean, that's just - my
18 recollection is the Johnson family also did a door-stop and
19 answered questions from people. It's just a standard thing
20 that people do when they leave a hearing.
21
22 Q. Moving now to later in the afternoon or perhaps
23 evening when the actual interview which did go to air was
24 recorded, could you turn to tab 355 [SCOI.82683_0001]. So
25 this is some emails or texts between you and people at the
26 ABC about timing for when Ms Young would come.
27 A. Mmm-hmm.
28
29 Q. And it looks as though, as we go from bottom to top,
30 by 10.14, people were looking at it perhaps coming to
31 fruition at about 5 o'clock, according to this email,
32 anyway. Do you see that?
33 A. Yeah, that's in the morning. Yes.
34
35 Q. Sure. And then if we go to 359 [SCOI.82641_0001] -
36 and these are not emails involving you but they're emails
37 involving other ABC people --
38 A. Mmm-hmm.
39
40 Q. -- in the middle of the page, this is at 4.09pm,
41 Mr Drew tells Ms Fiori that Pamela Young will be arriving
42 at 4.30 for a 5 o'clock pre-record?
43 A. Mmm-hmm.
44
45 Q. And at the top of the page, a few minutes later, 4.16,
46 he says:
47

1 *She's been here several times so knows*
2 *where to go ...*
3

4 So doing the best you can, do you think the interview took
5 place at about 5 or do you think it might have been later?

6 A. I can't remember. All I can say is that we did our
7 pre-recorded interviews to accommodate the 7.30 Report, who
8 we shared a studio with, and so we were often bumped
9 around, depending on when they needed the studio as well.

10
11 Q. In that ABC news item at 7 o'clock, that I just
12 briefly showed you, Ms Phillips, Juanita Phillips --

13
14 THE COMMISSIONER: You haven't showed her the footage.

15
16 MR GRAY: No, I had better do that now.

17
18 THE COMMISSIONER: I think so, so that she can reorientate
19 herself.

20
21 MR GRAY: Q. Ms Phillips says, "There is going to be an
22 exclusive tonight on Lateline"?

23 A. Yeah.

24
25 Q. I'll show it to you, but does that suggest that the
26 interview, since that's what she says on the news at 7,
27 must have taken place by then, by 7?

28 A. No, it doesn't - it doesn't mean that.

29
30 Q. I see.

31 A. If there's an intention you are going to have an
32 exclusive - often, our interviews were live. So we would
33 still say "There's an exclusive interview tonight", but we
34 haven't done it yet.

35
36 THE COMMISSIONER: Q. Does it mean, though, from what
37 you said a moment ago, that more likely than not, it would
38 have been done before 7.30?

39 A. Or otherwise it's done at 8, after the show. So we
40 just always had to juggle in around whatever their - so if
41 they - so what would sometimes happen is they would have
42 a pre-recorded interview that had to be done at 5, in which
43 case we got bumped to after. We tried to do it earlier so
44 that we had time to edit.

45
46 THE COMMISSIONER: Okay, thank you.

47

1 MR GRAY: I wonder if the excerpt from the ABC news could
2 be played. It's exhibit 6, tab 362A [SCOI.47474_0001].
3 Here we are.

4
5 Q. So this is the extract, Ms Alberici.

6
7 (Excerpt of ABC evening news played)

8
9 MR GRAY: Q. You saw that, in part of that footage,
10 there were scenes of quite a few people milling around
11 outside the court?

12 A. Mmm.

13
14 Q. But when the footage was shown of Ms Young and
15 Ms Brown walking along, there was no-one else there -
16 no-one else to be seen. Does that suggest that it happened
17 some considerable time after everyone else had left?

18 A. It looks like they're leaving the court.

19
20 Q. Yes, it does. And there's no-one else there, and my
21 question is: to your knowledge, was that footage filmed at
22 a time well after everyone else had left?

23 A. I don't know - I don't remember. It's just really
24 standard that the cameraman would have waited to - they may
25 have been in there for a little bit longer. I don't know.
26 The cameraman would have waited for them because they would
27 have known they were germane to the case and we needed
28 footage of them.

29
30 Q. I want to show you some contentions that have been
31 advanced on behalf of Mr Willing and get your reaction to
32 them. If we could have Mr Willing's written submissions,
33 please. These are submissions on behalf of Mr Willing to
34 this Inquiry [SCOI.84210_0001]. At paragraph 5, you see
35 that the contention is made that:

36
37 *Ms Young knew that she needed --*

38
39 In fact, I'll go back to the start of 5. In paragraph 4
40 the assertion is made that Ms Young lost all objectivity.

41 A. Sorry, where is this?

42
43 Q. Paragraph 4. This is the contention by Mr Willing,
44 that Ms Young lost all objectivity. Do you see that in
45 paragraph 4?

46 A. Yes.

47

1 Q. And then in 5 --
2
3 MR McARDLE: Just a procedural matter, your Honour. We
4 can't see this. I'm not seeing it at all. It was given to
5 us this morning but it would be helpful if it was on the
6 screen.
7
8 THE COMMISSIONER: Yes, okay, that's fine. I thought the
9 materials had been circulated but if they haven't, that's
10 fine.
11
12 MR GRAY: They have been circulated, including these
13 submissions.
14
15 THE COMMISSIONER: You came into it recently, I know,
16 Mr McArdle.
17
18 MR McARDLE: Yes, within hours, not within days --
19
20 THE COMMISSIONER: I'm happy to - no, no, hang on a
21 minute. Nobody is criticising anybody. The material has
22 been on the website for some time. I acknowledge you are
23 recently in the matter. Nobody is criticising anybody, and
24 I'm not suggesting that you should have done anything. I'm
25 just saying the materials have been on the website for some
26 time, that's all.
27
28 MR McARDLE: It would be of assistance if we could see it
29 on the screen now.
30
31 THE COMMISSIONER: We will facilitate that, of course.
32
33 MR GRAY: I think that is happening as we speak. The
34 reason I was pressing on is that I am conscious of
35 Ms Alberici's time.
36
37 THE COMMISSIONER: Sure,
38
39 MR GRAY: Q. While it is coming, I'll proceed.
40 A. Sure.
41
42 Q. You have it in front of you?
43 A. Yeah.
44
45 Q. You see that in paragraph 4 the assertion is made that
46 Pamela Young lost all objectivity?
47 A. Yes.

1
2 Q. And then in paragraph 5, this assertion is made:

3
4 *This loss of objectivity caused Ms Young to*
5 *devise and execute a strategy to publicly*
6 *air her grievances. Ms Young knew that she*
7 *needed an ally, and she chose her offsider,*
8 *Ms Brown, to assist her. Ms Young and*
9 *Ms Brown then deliberately concealed their*
10 *plan from everyone at NSW Police, including*
11 *Mr Willing.*

12
13 Now, what can you tell us, if anything, about that, from
14 your knowledge?

15 A. Not true.

16
17 Q. To your knowledge, was the fact that Ms Young was
18 giving an interview to be broadcast on Lateline concealed
19 from anyone at NSW Police, including Mr Willing?

20 A. No. The contrary. It was encouraged.

21
22 Q. At paragraph 7, Mr Willing's submissions say:

23
24 *Ms Young kept her strategy secret to avoid*
25 *NSW Police taking steps to stop the*
26 *interview going to air. She knew that her*
27 *planned interview required approval from*
28 *... Police, and she knew that... Police*
29 *would never have approved what she wanted*
30 *to say had she disclosed her intentions.*

31
32 What can you tell us about that?

33 A. It's not true.

34
35 Q. So far as you are aware, were the police that you've
36 mentioned - namely, Mr Willing and one or more people from
37 the Media Unit - fully aware that the interview was going
38 to go to air?

39 A. Yes. They were seeking to assist me, to ensure I had
40 everything I needed and was furnished with anything else
41 that might aid my questioning and full understanding of the
42 police behaviour and involvement.

43
44 Q. If you could turn to paragraph 43?

45 A. Forty-three?

46
47 Q. Forty-three, yes. Perhaps I won't take time reading

1 it all out but if you could read 43 to yourself, and then,
2 having read that, could you now read paragraph 44?

3 A. Yes, I've read that.

4

5 Q. For that matter, could you read 45? Now, have you
6 read, 43, 44 and 45?

7 A. Mmm-hmm.

8

9 Q. First of all, as to 43, and picking up 44, which says
10 that, according to the submission, you knew all these
11 things yourself, did you know that the senior police
12 hierarchy would not support her forthright - Ms Young's
13 forthright positions? I'm looking at 43(a).

14 A. No.

15

16 Q. Your understanding, as I've understood you this
17 morning, is that Ms Young thought the senior police
18 hierarchy would support her forthright positions?

19 A. Well, I thought so.

20

21 Q. And that's what you thought from your conversations
22 with her?

23 A. And also from my conversations with Police Media and
24 with Mick Willing. There was no suggestion to me
25 whatsoever, and it remains my recollection there was no
26 contention, there was no - you know, it was all very
27 harmonious between them and they were all acting in
28 accordance with what eventually happened.

29

30 Q. So as to 43(b), where it's asserted that Ms Young was
31 "only authorised to speak off the record for backgrounding
32 purposes", what do you say about that?

33 A. I'm a television presenter. There is no utility in a
34 backgrounding. I work in television. It requires a camera
35 being pointed at someone and them speaking and it going -
36 being broadcast on the television.

37

38 Q. And as to the question of authorisation, which
39 paragraph (b) is going to, being a little repetitive,
40 I realise, but is it your understanding, was it your
41 understanding, that she was indeed authorised to speak on
42 the record?

43 A. Yes.

44

45 Q. Was it your understanding that 43(c) is incorrect?

46 A. Yes.

47

1 Q. And that 43(d) was incorrect?

2 A. I can't say to all the hierarchy. I'm pretty sure
3 Mike Gallacher wouldn't have been very happy. But for
4 those whose authority - you know, who had the authority to
5 say yes or no to an interview, well, yes, they were aware.

6
7 Q. According to 43(e), Ms Young knew, and you also knew,
8 that she had to organise the interview discreetly and that
9 she could only trust Penny Brown and no-one else. What do
10 you say about that?

11 A. Well, that's patently not true.

12
13 Q. Then could I show you some of the submissions made
14 orally for Mr Willing, if we get the transcript, page 4427
15 [TRA.0063.0001]. This is a transcript of submissions made
16 on behalf of Mr Willing orally in this Inquiry in June this
17 year. I'll just take you to a couple of passages. Do you
18 have page 4427?

19 A. Oh, yes, sorry.

20
21 Q. Thank you. Now, if you read - I won't read it all
22 out, but from line 15 through to, say, 44, just read that
23 to yourself.

24 A. Where do you want me to read until?

25
26 Q. Down to about the bottom of that page.

27 A. Yeah.

28
29 Q. Now, you've just read it all, and I'm asking you the
30 question on the footing that you've just read all of that,
31 but the suggestion seems to be - is this your
32 understanding - that there had been a preconceived
33 arrangement whereby you would wait until all the rest of
34 the media had gone and then have an interview with Pamela
35 Young outside the court. You've just read that. Is that
36 what happened?

37 A. No. That would not happen, and I don't recall it
38 happening, and indeed, it's likely that the cameraman asked
39 a question after I was gone, because if there was no-one
40 around, chances are I probably wasn't around. I'd probably
41 gone back to the studio. There's a lot to prepare for
42 a show like Lateline, and this wasn't the only thing on the
43 show and I would have had lots to do back in the studio,
44 and it was not unusual to say to the cameraman, "Wait for
45 them to come out. They look like this and that. Get some
46 footage of them and point the camera at them if they've got
47 anything to say."

- 1
2 Q. But at any rate, no arrangement made between you and
3 Ms Young for you and she to plan an interview between the
4 two of you on the basis that you'd wait until everyone else
5 had gone?
6 A. Well, no, and as you can see there, it was less than
7 10 seconds, what was put on air. No.
8
9 Q. Now, could you then, at the next page, 4428, just read
10 from line 4 down to line 25. The Commissioner, of course,
11 is the Commissioner who is sitting on the bench today.
12 Mr Thangaraj is counsel for Mr Willing. Turn over if you
13 need to --
14 A. Yes, I get the gist, yes.
15
16 Q. You see there that it was counsel for Mr Willing who
17 adopted the language that Ms Young had gone rogue. Do you
18 see that?
19 A. (Witness nods).
20
21 Q. You just need to answer for the transcript.
22 A. Oh, sorry, yes.
23
24 Q. Thank you. So in your statement, you talk about that
25 expression, about it being said by or on behalf of
26 Mr Willing that Ms Young had gone rogue. You can see where
27 Mr Willing's counsel does indeed use that expression. And
28 your evidence, I gather from your statement, is that when
29 Mr Willing spoke to you - and I'll come to that in a
30 second - he did not claim that Ms Young had gone rogue at
31 all?
32 A. Quite the opposite.
33
34 Q. Indeed - well, we'll come to what he, in fact, said on
35 your account. But just while I'm on this transcript, if
36 you just turn to 4438, again, if you could read to yourself
37 from line 27 through to about halfway down the next page,
38 4439.
39 A. You want me to read 339 as well?
40
41 Q. About halfway down -
42 A. Sorry, 39, yeah
43
44 Q. Start from line --
45 A. Yes, 27, and then I go over to 39.
46
47 Q. Then go over about halfway down the next page. Okay,

1 now, you have read that?

2 A. I have read that.

3

4 Q. What I want to ask you is: you can see that the
5 submission on behalf of Mr Willing involves, looking at
6 4439 line 7 in particular, implicating Ms Penny Brown in
7 the deception. You saw that?

8 A. In the alleged deception.

9

10 Q. What, based on your own knowledge of your discussions
11 with Ms Young, Ms Brown and Mr Willing and the Police Media
12 Unit, do you say about whether Ms Brown was involved in
13 deceiving anybody in relation to these interviews?

14 A. I just think it's an outrageous assertion.

15

16 Q. Just two more things, Ms Alberici. Back to your
17 statement --

18 A. I might just add, I found them both to be thorough and
19 dedicated detectives. And that's the kind of reporting
20 Lateline was known for, being thorough, and that's why
21 I was taken by it. So the idea that we would be involved
22 in some kind of deception is ridiculous.

23

24 Q. I'm just checking that I've asked you about things in
25 your statement that I need to, I think I probably have.
26 Two last things. After the interview and after the
27 Lateline broadcast had actually gone to air - oh, first of
28 all, do you know what time was Lateline on at that time?

29 A. Oh, it sounds like it was still on at - it would have
30 still been on at 10.30. At some point it went on to 9.30.
31 But Juanita said "10.30 tonight", so I'm going to take her
32 word for it.

33

34 Q. So the program goes for three-quarters of an hour or
35 an hour or so, on the evening?

36 A. I think it was 35 minutes, or something like that.

37

38 Q. Now, after the broadcast, either late that night or in
39 the days following, did anyone from the police - and I'll
40 come to Mr Willing in particular, but putting aside
41 Mr Willing at the moment - contact you about the broadcast?

42 A. Oh, I can't remember, but I did have conversations
43 with police.

44

45 Q. Do you remember with whom?

46 A. Subsequently did have conversations with Mick Willing.

47

1 Q. Yes, and I will ask you about those, but anyone else
2 that you remember?
3 A. I would have had conversations with Pamela Young.
4
5 Q. What about others (a) from the Media Unit - did anyone
6 from the Media Unit contact you?
7 A. I think I would have had conversations with them but
8 I can't recall, because I then went on to report about the
9 coronial inquest.
10
11 Q. And indeed, the next night there was an interview on
12 Lateline with Mr Gallacher?
13 A. That's right.
14
15 Q. So at any time in the days or weeks after those two
16 interviews, did anyone from the police contact you to say
17 either that they agreed with Pamela Young or they agreed
18 with Mr Gallacher or indeed anything at all about those
19 programs?
20 A. I can just remember the general vibe, which was that,
21 you know, what we had reported was accurate, in terms of
22 those who were involved and their general perspectives on
23 the matter.
24
25 Q. When you say "the general vibe", do you mean the
26 general vibe from police personnel who contacted you after
27 the show?
28 A. To the extent that I had those conversations, but
29 I don't remember.
30
31 Q. Now, turning to Mr Willing --
32 A. I don't remember anything controversial.
33
34 Q. Turning to Mr Willing in particular, in your statement
35 [SCOI.85817_0001] at paragraph 8 - sorry, when you were
36 answering question 8, on the second-last page of your
37 statement, under the heading "As to question 8", question 8
38 was asking you about communications between you and
39 Mr Willing either before or after the program?
40 A. Mmm-hmm.
41
42 Q. And you say in your statement:
43
44 *He --*
45
46 *Mr Willing --*
47

1 *encouraged Ms Young to do the interview,*
2 *and he presumably liaised with Police*
3 *Media. I spoke to him in preparation for*
4 *the interviews both before and after.*

5
6 Now, that's correct, is it?

7 A. Yes.

8
9 Q. Both before and after?

10 A. Yes.

11
12 Q. And in terms of before, you've already given some
13 answers about this this morning, so I don't need you to
14 repeat them, but in terms of before, were there any
15 communications or conversations with Mr Willing before the
16 program that you haven't mentioned so far?

17 A. Not that I recall specifically.

18
19 Q. And in terms of after, you refer to one particular
20 meeting at North Sydney, after Ms Young lost her job in
21 2017. Does that indeed mean that this conversation
22 occurred in 2017 or later?

23 A. Yes, but I've subsequently found other text messages
24 to indicate that I'd been talking to Mick Willing in 2016
25 around the time of the coronial inquest.

26
27 Q. Yes. Now, in your statement, you say that you had
28 text messages between Mick Willing and yourself, but at the
29 time of your statement you couldn't find them, they had
30 disappeared?

31 A. And they've remarkably reappeared on my phone.

32
33 Q. That's phones for you, I suppose.

34 A. Mmm.

35
36 Q. But at any rate, the bundle that you have in your hand
37 of print-outs, are you saying that those are all the text
38 messages between you and Mr Willing that you have ever had?

39 A. Pretty much. I think I go back to the substantive -
40 we were, you know, "How was your Christmas", "Can we catch
41 up for a conversation?" He suggests we catch up for coffee
42 in North Sydney near where his office is, and we
43 subsequently did, and then some messages after that.

44
45 But I've also found a reference in 2016 to
46 a conversation I'd had with Mick Willing that also goes to
47 his general view on the matters.

1
2 MR GRAY: I think everybody has these, do they?
3
4 MR TEDESCHI: No.
5
6 MR GRAY: I'll just interrupt myself, if I may,
7 Commissioner, so that you, and everyone, understand at
8 least what I understand to be the position.
9
10 Q. Ms Alberici, you found these messages, and/or they
11 reappeared on your phone this morning or late last night?
12 A. Yesterday, yes.
13
14 Q. And you've printed them out, or they have been printed
15 out this morning?
16 A. Mmm.
17
18 Q. And in the bundle that you have in front of you?
19
20 MR GRAY: I think everybody has now been provided with
21 those. I'm told that police do not want these placed on
22 the screen, at least as yet. I have no difficulty with
23 that.
24
25 THE COMMISSIONER: All right.
26
27 MR GRAY: I will need to tender them, so I would do so and
28 they can be marked confidential or not for publication or
29 the like for the moment.
30
31 THE COMMISSIONER: I will just make a non-publication
32 order, I think, and we can deal with formalities after
33 that.
34
35 MR GRAY: Q. That having been done, Ms Alberici, is the
36 one you were just about to mention the one that --
37
38 MR GRAY: In fact, do you have a copy, Commissioner?
39
40 THE COMMISSIONER: I do, yes, I have a copy. I think
41 I do, anyway.
42
43 THE WITNESS: Would it be helpful to just provide a little
44 bit of context?
45
46 MR GRAY: Q. Yes, it would, thank you.
47 A. So we know there's going to be a third inquest. As

1 a journalist, you want to provide as comprehensive a report
2 as you can for the public to understand the background, and
3 so on. So I produced some online articles about the story.
4 And so I was in constant contact with Police Media, with
5 Mick Willing, to try to make sure that what we were
6 reporting was accurately, you know, founded on the
7 information in the police investigation report. And so in
8 2016, December 2016 must have been the beginning of the
9 hearing or something, because then that's when I'm looking
10 to publish, because it's in the public consciousness, must
11 have been around the start of it.

12
13 So these text messages to Clare, she is the editor of
14 the online part of the ABC that I was writing for, and so
15 she's come back to me, I'm gathering from this, just
16 asking - she'd come back - she'd obviously emailed me, or
17 something, some questions that she needed answered based on
18 something I'd written for the online. From what I recall,
19 I wrote a feature piece based on the report. And then I've
20 written in here:

21
22 *Just spoke to commander of homicide Mick*
23 *Willing to confirm it ok to use his quote*
24 *re "outstanding work" --*

25
26 referring to the investigation --

27
28 *he doesn't want to be quoted on this but he*
29 *said his hope was that all the "rubbish"*
30 *disseminated by the family is finally put*
31 *to rest with Scott.*

32
33 Which I think was important to demonstrate that he was on
34 the same page as Pamela Young, in terms of his general
35 feeling about the way the family had depicted the
36 investigation.

37
38 Q. Okay. Let me just break this down a little bit. You
39 are quite right that you wrote quite a lengthy piece on the
40 ABC online. I don't think I need to take you to it, but it
41 is dated 12 December 2016.

42 A. Then this would have been - we constantly did updates,
43 and, you know, added or took things out or fixed things up
44 or, you know, amended a timeline here or a something there.
45 So these things online, unlike newspapers, you can
46 constantly update them.

47

1 Q. Perhaps I'd better show it to you just for the
2 avoidance of doubt so you can confirm. It is in volume 8.
3 It's tab 224 [SC0I.82079_0001]. This is a print-out of
4 it --
5 A. Yes.
6
7 Q. -- obviously, Ms Alberici, but at any rate you see it
8 says on the front page, "Posted" 12 December, "Updated"
9 3 January"?
10 A. Yes. And these text messages that I was referring to
11 are the 11th, which seems consistent - the day before.
12
13 Q. All right. Now, what I want to break down, though, is
14 there's a conversation between you and Mick Willing at the
15 coffee shop in North Sydney?
16 A. That's after this.
17
18 Q. After this. So in 2017 or so?
19 A. (Witness nods).
20
21 Q. But prior to that, back in the immediate aftermath of
22 the program in about April 2015, was there any
23 communication between you and Mr Willing at that stage?
24 A. I think there would have been maybe phone calls or -
25 I don't have it in text message form, but there would have
26 been phone calls.
27
28 Q. You say there "would have been". Do you remember any?
29 A. Oh, yes, I remember that I was in contact with him and
30 I think that it's consistent with, when you see the texts
31 and the tone of "How was your Christmas", it's not like
32 I've never met him before or we've never spoken before.
33
34 Q. And in those phone calls in the period not long after
35 the broadcast in April 2015, what was he saying? Was he
36 expressing positive views about the broadcast or negative
37 views about the broadcast or - tell us what he was saying
38 to you?
39 A. I can't remember, to tell you the honest truth. But,
40 you know, if I take myself back there, it wasn't - it
41 wasn't - in the immediate aftermath, there was no feeling
42 that she'd done anything wrong. I mean, it was clear that
43 it was newsworthy, it had made it into the newspapers the
44 next day. What she had - the way she had framed her
45 answers were pretty sensational. But the idea that she'd
46 done something, you know, "wrong", was not the vibe.
47

1 Q. Right. Now, turning, then, to the conversation at the
2 coffee shop, which you do mention specifically in your
3 statement [SC0I.85817_0001] - so I'm looking at your
4 statement the second-last page - you quote him as saying
5 things like:

6
7 *I am so sorry about what happened to Pam.*
8 *I wanted her to do the interview so that*
9 *the general public could see that we were*
10 *not homophobic and not negligent and that*
11 *Johnson family were insufferable.*

12
13 A. Mmm.

14
15 Q. Now, without holding you to that verbatim, is that
16 your recollection of the thrust of what he said to you?

17 A. Yes, and I was happy to find this text message from
18 2016 where I say to my online editor that Mick Willing has
19 just said to me that he hopes that this puts all the
20 "rubbish" disseminated by the family to rest. So it's
21 consistent with my recollection about how he was feeling
22 very much in the same way as Pamela Young had articulated.

23
24 Q. And you also say, in the last part of your answer to
25 question 8, that Mr Willing also said:

26
27 *I thought that once it was public, and the*
28 *scandalous misdirection of investigation*
29 *resources was exposed, the political*
30 *pressure would stop.*

31
32 Is that your recollection of --

33 A. Pretty - that was the tenor and the general feel, yes.
34 And I recall - and it's obvious from the text message where
35 he says, "I'm sorry to have taken up so much of your
36 time" - my recollection is that I was there for more than
37 two hours where he was expressing his regret and guilt over
38 what had happened to Pamela Young.

39
40 Q. One of the parts of the interview which was, as you
41 put it, "newsworthy", was Ms Young describing the Police
42 Minister as having kowtowed to the Johnsons?

43 A. Mmm-hmm.

44
45 Q. You recall that?

46 A. Yes.

47

1 Q. In your conversations with Mr Willing, either before
2 the program or after the program, was there any reference
3 to Ms Young being likely to say that, before, or to having
4 said it, after?

5 A. I don't remember. I don't - I mean, it wasn't
6 something that had been rehearsed, but I don't remember
7 discussing it specifically.

8
9 MR GRAY: Yes, those are my questions.

10
11 THE COMMISSIONER: All right. Yes, Mr Tedeschi?

12
13 MR TEDESCHI: Would the Commissioner like to take the
14 morning tea adjournment?

15
16 THE COMMISSIONER: I'm not taking one. I'm sorry, it's
17 only that Ms Alberici has to get away at 12.15, and unless
18 somebody wants a break - do you need a break at the moment?

19
20 THE WITNESS: No, I'm okay.

21
22 THE COMMISSIONER: If you need a break, Mr Tedeschi, I'm
23 happy.

24
25 Mr McArdle, I wonder if you could just accommodate
26 Mr Tedeschi.

27
28 MR McARDLE: Yes.

29
30 THE COMMISSIONER: Thank you very much. Thank you.

31
32 **<EXAMINATION BY MR TEDESCHI:**

33
34 MR TEDESCHI: Q. Ms Alberici, you had a lot of
35 discussion with Pamela Young about her views --

36
37 MR McARDLE: Would it be appropriate for my friend to tell
38 the witness who he represents?

39
40 THE COMMISSIONER: Well, it would be. Thank you,
41 Mr McArdle.

42
43 Mr Tedeschi, if you haven't gleaned already,
44 represents the NSW Police --

45
46 THE WITNESS: Oh, okay.

47

1 THE COMMISSIONER: -- in this Inquiry. I apologise,
2 Mr Tedeschi and Mr McArdle.

3

4 MR TEDESCHI: I don't represent all the police.
5 I represent the Police Commissioner and certain named
6 police officers - not Mr Willing.

7

8 THE WITNESS: Okay.

9

10 MR TEDESCHI: Q. Ms Alberici, you had a number of
11 discussions with Pamela Young about her view about the
12 Scott Johnson case. Did you form the opinion that she
13 genuinely considered that the evidence available at the
14 time of your interview with her did not enable a definitive
15 conclusion to be reached between the possible alternatives
16 of homicide, suicide and misadventure?

17 A. Correct.

18

19 Q. She expressed to you her preference for a possible
20 version of suicide at that time for varying reasons, and
21 she explained that view to you?

22 A. "Preference" is an interesting word. I wouldn't use
23 "preference."

24

25 Q. Well, perhaps an inclination towards a finding of
26 suicide?

27 A. Based on the evidence perhaps.

28

29 Q. Based on the evidence available at that time?

30 A. Mmm.

31

32 Q. But was it clear to you that she had an open mind
33 about the possibility of the other possible findings of
34 homicide and misadventure?

35 A. Absolutely.

36

37 Q. Was it clear to you that at the time of your
38 conversations with her in 2015, that she was frustrated
39 because she'd put an enormous amount of work into
40 investigating the case, and she had prepared a statement of
41 over 400 pages, and that she had been unable to
42 definitively determine which of those three possible causes
43 was the real cause of Scott Johnson's death?

44 A. I don't - I wouldn't categorise it as "frustrated".
45 I found her to be quite remarkable in her very, kind of,
46 dispassionate approach to the case and I think - I think to
47 the extent that there was frustration, it felt there was

1 nothing new had emerged, and yet, you know, more than two
2 years of police resources and time had gone into it.

3

4 Q. Her frustration was that she felt that after the
5 extensive reinvestigation that she'd done, that the inquest
6 was unlikely to elicit any new evidence to be able to
7 determine which of those three possible alternatives --

8 A. That's correct.

9

10 Q. -- was the correct one?

11 A. (Witness nods).

12

13 Q. Did she complain to you at any time that anyone had
14 pressured her into favouring a suicide theory?

15 A. No.

16

17 Q. Did she complain to you at any time that anybody had
18 encouraged her to minimise the possibility of the death of
19 Scott Johnson being a gay hate murder?

20 A. No.

21

22 Q. Did she appear to you to genuinely leave open the
23 possibility that evidence may yet emerge in the future
24 pointing to a homicide?

25 A. Yes.

26

27 Q. Did it appear to you that she considered that the
28 actions of the Minister around the time of the announcement
29 of the third inquest - that she considered that to be
30 interference by the Minister that was not appropriate?

31 A. It wasn't the time of the announcement of the inquest;
32 it was the time of the announcement of a third
33 investigation being opened, which coincided with a report
34 on the ABC for the Australian Story program in 2012, as
35 I understand it. That's when the case was reopened again
36 to another investigation.

37

38 Q. But did it appear to you that she was of the opinion
39 that then Minister Gallacher had, in effect,
40 inappropriately interfered in the course of the police
41 investigation?

42 A. Yes.

43

44 Q. There is an email from you, I don't have the
45 tab number, I'm sorry, but it is dated 30 January 2015,
46 [SCOI.82662_0001] (tab 345) in which you sought approval
47 for payment of a bill for a lunch with Pamela Young and

1 another person, and you say in that email:

2
3 *I took two senior NSW Police Detectives,*
4 *(Pamela Young and [someone whose name is*
5 *deleted]) out to lunch today.*
6

7 Does that suggest that that was the first time that you met
8 with Pamela Young?

9 A. Correct.

10
11 Q. You were asked some questions by Counsel Assisting
12 about an email dated Saturday, 11 April 2015, from you to
13 Bruce Belsham and Lisa Whitby, who I presume are ABC. In
14 that email tab 354 [SC0I.82991_0001] you said this:

15
16 *I have an exclusive (explosive) interview*
17 *with the Detective Chief Inspector who led*
18 *the reinvestigation of the case. She has*
19 *said (we taped yesterday under embargo)*
20 *that this family has used their wealth and*
21 *position to improperly influence the NSW*
22 *judiciary.*
23

24 That sums up, does it not, the view that Pamela Young had
25 expressed to you about the influence of the Minister?

26 A. Correct.

27
28 Q. Towards the end of that paragraph, you say this:

29
30 *Pamela Young is frustrated by the*
31 *multimillions of dollars likely to be spent*
32 *on the third coronial inquest (which will*
33 *be announced Monday) when there is*
34 *unequivocally no new evidence to uncover.*
35 *I know this because she (extremely*
36 *confidentially) gave me a copy of her 500*
37 *page report 8 weeks ago & I've read it all.*
38 *There's much more to the story.*
39

40 Do you recall that in email?

41 A. What was the date of that email?

42
43 Q. That's on Saturday, 11 April.

44 A. Oh, okay.

45
46 Q. Now, is it true that she gave you her 500-page report
47 about eight weeks prior to this email?

1 A. Well, that would be consistent with after the lunch.
2 She gave it to me after the lunch. Not at the lunch, some
3 time after that.

4

5 Q. And that would be in early February?

6 A. Yes.

7

8 Q. And is it true that she gave it to you on an extremely
9 confidential basis?

10 A. Yes.

11

12 Q. When you said that she gave it to you extremely
13 confidentially, did that mean that there were no other
14 people in the police, or did she tell that you there were
15 no other people in the police who knew that she had given
16 it to you at that time?

17 A. No, no. That - no. It was just confidential, as in,
18 you know, not - other journalists didn't have it and it
19 wasn't generally being circulated in the public. And as
20 I understood it, you know, we were going to have to wait
21 for the judge, the Coroner, rather, to determine whether we
22 could make it publicly - you know, we could report publicly
23 on it.

24

25 Q. In your statement to this Inquiry, you say this on the
26 third page, paragraph (g), towards the top of the page -
27 I'm sorry, paragraph (h):

28

29 *I met Ms Young as arranged in 2015.*

30

31 That's a reference to your first meeting, I take it?

32 A. Yes.

33

34 Q.

35 *She was prepared to sacrifice her career*
36 *(which to that time has been nothing but*
37 *outstandingly successful) on a point of*
38 *significant principle.*

39

40 Did she say that to you?

41 A. No. I think, as I've mentioned earlier, that's me
42 writing today rather than expressing what I was thinking
43 back then.

44

45 Q. Was it your impression that she was prepared to
46 sacrifice her career on a point of significant principle?

47 A. Not back then. She didn't by any stretch of the

1 imagination think this was going to cost her career back
2 then.
3
4 Q. But when did it appear to you that she was prepared to
5 sacrifice her career on a point of significant principle?
6 A. Oh, after - when she decided to leave police.
7
8 Q. By then, of course, all hell had broken loose?
9 A. Correct.
10
11 Q. What I want to suggest to you is that when you say in
12 your statement, "she was prepared to sacrifice her career
13 on a point of significant principle", what you're
14 expressing there is that she was prepared to sacrifice her
15 career prior to the interview --
16 A. No.
17
18 Q. -- by giving the interview --
19 A. No.
20
21 Q. -- in a way that might prejudice her career?
22 A. No, that's not what I meant.
23
24 Q. You see, once she'd done the interview, her career was
25 already on the line, wasn't it?
26 A. Yes, but it was my understanding that the, you know,
27 senior people in police were pretty upset that she was
28 going to leave the force. I did a story - I didn't print
29 the story but I did some research to do a story about her
30 more broadly, afterwards, and so I spoke to many senior
31 police about her and her stellar career up until that
32 point.
33
34 Q. What I want to suggest to you is that when you say in
35 your statement, "I met Ms Young as arranged in 2015. She
36 was prepared to sacrifice her career ... on a point of
37 significant principle", that you were referring to her
38 stance up until and during her in-studio interview with you
39 on 13 April 2015?
40 A. No. I meant subsequent to that.
41
42 Q. You also say in your statement further down that page,
43 under the heading, "As to question 3":
44
45 *My memory is that she was not there to be a*
46 *"leaker". She wanted to be a whistle*
47 *blower on behalf of her colleagues.*

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A. Mmm.

Q. You also say in that same paragraph:

... she thought of herself as protecting the legitimacy of the police conduct in this matter, against the convenient blame shifting by politicians.

And:

... she was defending the police, and the correctness of its conduct on behalf of victims.

I want to suggest to you that she presented to you prior to the interview as being a lone whistleblower, prepared to put her career on the line to protect the legitimacy of her investigation that she had done. What do you say to that?

A. I just say that's - that's not true and it seems quite absurd. She was involved in other much bigger cases than this. She wouldn't have sacrificed her career knowingly.

Q. Did Pamela Young tell you that she had only been given permission by her superiors for a formal door-stop interview at the court?

A. No.

Q. Did she tell you that she had not been given permission to do a full studio interview?

A. No.

Q. Did she tell you that she had no permission to criticise her Minister?

A. No.

Q. Did she tell you that she had no permission to pre-empt the findings of the third inquest by expressing her own views publicly about the case?

A. No.

Q. Did she tell you that she had not informed her superiors about when she gave you a copy of her statement in February?

A. No.

1 Q. Did you warn her of a risk to her job by giving the
2 interview?

3 A. Not specifically to her job, but just anyone who
4 raises their voice is likely to be, you know - is likely to
5 face a lot of public criticism, whether that be from
6 interested parties or social media or - it comes at some
7 personal cost.

8

9 Q. Have you ever before in your journalistic career had
10 a police officer speak about a Police Minister in the way
11 that she did?

12 A. I wasn't in the habit of doing police stories, so no.

13

14 Q. Had you ever had a public servant speak about their
15 Minister in that way before?

16 A. Not that I can recall.

17

18 Q. Are you aware that there's an obligation on public
19 servants to support the Government of the day?

20 A. Generally speaking, yes.

21

22 Q. And not to criticise their Minister publicly on
23 matters of policy?

24 A. Substantively that would be correct, unless the
25 Minister is doing something wrong, in which case we expect
26 public servants to speak up.

27

28 Q. Did you know that it was contrary to all established
29 protocols for a public servant such as Pamela Young
30 to criticise --

31

32 MR GLISSAN: Commissioner, I object to this for this
33 reason: police officers, as I understand it, are
34 independently appointed and are not public servants. What
35 public servants may or may not be permitted to do is
36 irrelevant.

37

38 THE COMMISSIONER: I take your point, Mr Glissan. Given
39 the time and given your presence I'm going to let
40 Mr Tedeschi finish up, but I take the point you make.

41

42 Keep going, Mr Tedeschi.

43

44 MR TEDESCHI: Q. Did you know that it was contrary to
45 established protocols for public sector employees to
46 criticise their Minister in the way that Ms Young did?

47 A. That it's - what, sorry? That --

1
2 THE COMMISSIONER: He has changed the definition from
3 "public servant" to "public sector employees", and if that
4 makes any difference to your answer, please address it if
5 you can.

6
7 THE WITNESS: You're just asking me if I knew that it was
8 inappropriate or -- -

9
10 MR TEDESCHI: Q. It was inappropriate and against
11 protocols for public sector employees?

12 A. I would think it depends on the circumstances.

13
14 Q. In any of your interviews with Pamela Young was there
15 a Police Media person present?

16 A. Not present.

17
18 Q. Did Pamela Young tell you that she had asked for
19 Police Media personnel not to be present during her
20 interviews with you?

21 A. No. And, in fact, it's my recollection that that
22 could have occurred had I or Pamela Young required it, such
23 was the general demeanour of Police Media, as I recall,
24 being, you know, very helpful and wanting to assist our
25 interviews.

26
27 Q. What do you say to the suggestion that when you spoke
28 to Police Media in relation to Pamela Young in April 2015,
29 that it was only about a backgrounding interview for her to
30 give you?

31 A. Well, I say that's not true because they also knew
32 I had the report, so they knew it was more than
33 backgrounding. And backgrounding to what, if you're not
34 doing an interview, when you're a TV reporter?

35
36 MR TEDESCHI: Pardon me, Commissioner.

37
38 Q. At any time prior to April 2015, what do you say to
39 the suggestion that in your contact with Police Media
40 personnel, that they spoke to you only about Pamela Young
41 doing backgrounding?

42 A. That's not true.

43
44 MR TEDESCHI: Yes, thank you.

45
46 THE COMMISSIONER: Thank you. Yes, Mr Nagle?

47

1 MR NAGLE: Commissioner I know I had no questions but it
2 is more something out of fairness to the witness,
3 a proposition put to her during her evidence, which will
4 only take 30 seconds, if you will allow it.

5
6 THE COMMISSIONER: I'm not going to stop 30 seconds but
7 I don't presently see Mr Lehmann's interests in this
8 matter, but you take 30 seconds.

9
10 MR NAGLE: It is more to assist you, Commissioner.

11
12 THE COMMISSIONER: I can assist myself, Mr Nagle. But if
13 it is to assist me genuinely, then 30 seconds is fine.

14
15 **<EXAMINATION BY MR NAGLE:**

16
17 MR NAGLE: Q. Ms Alberici, my name is --

18
19 THE COMMISSIONER: Yes, Mr McArdle?

20
21 MR McARDLE: May I ask for the same procedural protocol --

22
23 MR NAGLE: I'm about to do that.

24
25 Q. My name is --

26
27 THE COMMISSIONER: Excuse me --

28
29 MR NAGLE: Sorry.

30
31 THE COMMISSIONER: -- could you just be quiet for a
32 moment. I'm sorry, I did ask you to do it, so I should
33 apologise to you.

34
35 Mr Nagle, who is on his feet at the moment, appears
36 for Mr Lehmann, a former senior police officer. You may or
37 may not know of Mr Lehmann. But if you do, Mr Nagle
38 appears for him, thank you.

39
40 MR NAGLE: Q. Ms Alberici, you were asked a question
41 about who may not have been happy just after the interview
42 in senior police hierarchy, you recall that, and do you
43 recall your answer was something like you presume
44 Mick Gallacher may not have been happy about it. Do you
45 remember saying that?

46 A. Mmm-hmm.

47

1 Q. Is what you actually meant whoever was in the
2 Minister's office at the time ought not have been happy
3 about it, because, of course, Police Minister Gallacher had
4 stepped aside a year before as a result of Operation
5 Spicer?
6 A. Yes.
7
8 Q. Is that what you meant?
9 A. Yes.
10
11 MR NAGLE: Thank you.
12
13 THE COMMISSIONER: Thank you, Mr Nagle. I think
14 I suggested Ms Barnes, if you had any questions.
15
16 MS BARNES: No questions.
17
18 THE COMMISSIONER: Just for your benefit, Ms Barnes
19 appears for Ms Brown.
20
21 All right. Mr Glissan?
22
23 MR GLISSAN: Commissioner, I'm in a situation - my name is
24 Glissan and I appear for Penelope Young.
25
26 THE WITNESS: Pamela Young.
27
28 MR GLISSAN: Pamela Young, I'm sorry.
29
30 Commissioner, I'm in this position: I understand that
31 there is an application that those representing Mr Willing
32 might want to ask this lady some questions. I would prefer
33 to defer any questions I have until after those have been
34 asked, if I may, so that I don't make an application for,
35 as it were, a second bite.
36
37 THE COMMISSIONER: Well, the problem with that is that you
38 are here for Ms Young.
39
40 MR GLISSAN: Yes.
41
42 THE COMMISSIONER: I have arranged the order on the basis,
43 I thought logically, that the person who had most interests
44 in challenging this witness would be Mr Willing.
45
46 MR GLISSAN: Yes.
47

1 THE COMMISSIONER: I would adhere to that. If you have
2 a further application to make as a result of something from
3 left field, I will deal with it on Tuesday.

4
5 MR GLISSAN: Thank you, Commissioner, I am content with
6 that. Subject to that, I have no questions for
7 Ms Alberici.

8
9 THE COMMISSIONER: All right. Thank you. That brings us
10 to the end today.

11
12 Mr McArdle, I'm going to reserve your position until
13 Tuesday.

14
15 MR McARDLE: Thank you, Commissioner.

16
17 THE COMMISSIONER: Ms Alberici, thank you very much for
18 being available this morning. I understand arrangements
19 are going to be made for you to tune in, as it were, at
20 half past 9 on Tuesday morning via AVL.

21
22 At the moment, there will be Mr Murugan Thangaraj of
23 senior counsel. He represents Mr Willing. I do not know
24 to what extent he will ask you questions - sorry, I said
25 9.30. I mean 9, because of the arrangements for Daylight
26 Savings Time over the weekend. Perhaps when I go off the
27 Bench, you make sure that whatever time we have arranged
28 with you suits you and your family.

29
30 He may ask you some questions on Tuesday morning.
31 Mr Gray may or may not ask you any further questions and it
32 may be that some other application is made by Ms Young's
33 counsel. I will deal with that on Tuesday. Again,
34 thank you very much for being here this morning.

35
36 THE WITNESS: Thank you.

37
38 THE COMMISSIONER: I will now adjourn until 2pm this
39 afternoon, Mr Tedeschi?

40
41 MR TEDESCHI: Yes, thank you.

42
43 <THE WITNESS WITHDREW

44
45 LUNCHEON ADJOURNMENT

46
47 THE COMMISSIONER: Yes, Mr Tedeschi.

1
2 MR TEDESCHI: Thank you, Commissioner.
3

4 Commissioner, on 21 September, Counsel Assisting made
5 some additional opening remarks addressing two issues,
6 firstly, the production of historical materials relating to
7 cases identified within paragraph (a) of the Terms of
8 Reference; and, secondly, matters relating to the need for
9 interested parties to be afforded the opportunity to
10 respond to potential adverse findings and the need for
11 additional witnesses to be called.
12

13 The first of those issues will be dealt with in our
14 further submissions in relation to the investigative
15 practices hearings. For present purposes, it's sufficient
16 to record that the Commissioner of Police accepts that
17 there have been significant issues in relation to the
18 location of documentary material relating to historical
19 cases. Those issues highlight the failings of previous
20 practices, in decades past, for the storage and the
21 recording of old police files.
22

23 The Unsolved Homicide Team has encountered
24 difficulties in reinvestigating some cases because of those
25 previous practices, whereby, for example, old files were
26 kept in a variety of places, including at police stations
27 not obviously connected with the relevant case. This made
28 it difficult, in some cases, for the UHT to locate files or
29 to be sure that they had complete files.
30

31 The same problem has meant that, despite repeated and
32 sustained efforts to locate all of the files that the
33 Inquiry has called for in a timely way, some records have
34 unexpectedly emerged long after they were sought by the
35 Inquiry and long after extensive searches were made for
36 them.
37

38 The late production of this small proportion of
39 documents sought by the Inquiry was despite the sustained
40 efforts by those who are assisting us, both lawyers and
41 police, to locate all of the relevant files.
42

43 Regarding the second set of issues mentioned by
44 Counsel Assisting, the primary issue concerns the
45 obligations of procedural fairness. We do not accept that
46 we had an obligation to notify persons that we did not
47 represent of potential adverse findings in the submissions

1 of Counsel Assisting.
2

3 Counsel Assisting's submission that the Commissioner
4 of Police should have brought this issue to the attention
5 of the Inquiry should not be accepted. We submit that the
6 obligation to alert a person entitled to be heard falls
7 upon the decision-maker and not upon other persons granted
8 leave to appear at an Inquiry. An Inquiry is not able to
9 absolve itself of the requirement to afford procedural
10 fairness to persons who have an appropriate interest in the
11 proceedings.
12

13 It was only when we received Counsel Assisting's
14 submissions in June this year that we became aware of the
15 full import of the potential adverse findings proposed by
16 Counsel Assisting. As responsible lawyers, acting in the
17 best traditions of the Bar and the legal profession
18 generally, we brought to the attention of this Inquiry our
19 concerns that people the subject of those suggested
20 findings were entitled to be heard and that there were
21 a number of significant witnesses who had not been called
22 and whose evidence was critical to significant proposed
23 findings.
24

25 Until we heard Counsel Assisting's opening remarks
26 last week, it appeared to us that the Inquiry had accepted
27 that the additional steps suggested were, in fact, required
28 to appropriately afford procedural fairness.
29

30 Numerous people have now been given notice of
31 potential adverse findings and a number of significant
32 witnesses have subsequently been called to provide
33 statements and to give evidence about matters that had been
34 raised in the submissions of Counsel Assisting.
35

36 We note that in some important aspects, those
37 additional witnesses have contradicted the earlier
38 submissions of Counsel Assisting, a point to which I will
39 return shortly.
40

41 We considered it necessary to raise these issues not
42 only in the interests of my principal client, the
43 Commissioner of Police, and the other police whom we
44 represent, but also in order to prevent this Inquiry from
45 falling into error and running the risk of an application
46 to have the Inquiry's work disrupted or its recommendations
47 and findings impugned.

1
2 We suggest that had certain of the findings advanced
3 by Counsel Assisting been made by the Inquiry without these
4 additional steps, in the absence of those remedial steps to
5 afford procedural fairness, those findings could have
6 constituted a denial of natural justice and been liable to
7 be quashed.

8
9 Of the persons identified in the written submissions
10 filed on behalf of the Commissioner of Police as persons
11 who had not been afforded procedural fairness, most of them
12 are no longer employed by the NSW Police Force.

13
14 We have always clearly advised the Inquiry of the
15 limited group of persons whom we represent in accordance
16 with your Practice Guideline 1. Indeed, we're not able to
17 represent persons before the Inquiry in the absence of an
18 express grant of leave. At no stage did we give any
19 indication that we represent all current and/or former
20 employees of the NSW Police Force. Indeed, we could not
21 sensibly have done so, either as a matter of practicality
22 or as a matter of law, having regard to the potential for
23 conflicts of interest between different current and former
24 NSW Police Force employees.

25
26 Indeed, Practice Guideline 1 expresses at paragraph 14
27 the Inquiry's preference that each person seeking to appear
28 have separate and independent representation. The Practice
29 Guideline requires an assurance that no conflict of
30 interest is anticipated if more than one person is to be
31 represented by a given legal team, together with an
32 undertaking to inform the Inquiry immediately upon
33 recognising that a conflict has arisen.

34
35 The suggestion that Counsel Assisting assumed that the
36 Commissioner of Police would notify the relevant witnesses
37 of matters that were in their interest is wholly
38 inconsistent with the Inquiry's published Practice
39 Guidelines. No such assumption was communicated to us.

40
41 To the extent that such an assumption was held, it
42 was, we submit, at odds with the published Practice
43 Guideline and contrary to all established principle.

44
45 The scope of Inquiry is defined by the Inquiry itself,
46 subject only to its Terms of Reference. It is not for the
47 legal representatives of a party to predict the precise

1 submissions that Counsel Assisting is likely to make and to
2 notify any persons potentially affected by such criticisms.

3
4 Counsel Assisting ought to have identified the
5 relevant affected persons and notified them of their
6 interest and right to be heard well before 7 June. It
7 ought to have been obvious to Counsel Assisting that
8 criticisms of the type advanced by them could not be
9 propounded in the absence of appropriate steps to afford
10 procedural fairness. The failure to do so has resulted in
11 a large number of people now being notified of their
12 potential interest and some of those persons have sought to
13 be represented and to have evidence adduced.

14
15 Some of those persons who have now been afforded the
16 opportunity to appear and be represented have contradicted
17 the submissions made by Counsel Assisting, including by
18 rejecting propositions that Counsel Assisting made
19 regarding the witnesses' purported objectives and
20 motivations.

21
22 In the absence of the steps that we suggested to
23 afford procedural fairness, a real risk would have arisen
24 that some of those parties could, and quite possibly would,
25 have sought to have any findings against them reviewed in
26 the Supreme Court.

27
28 The only people able to call a witness to give
29 evidence before the Inquiry are yourself, Commissioner, and
30 Counsel Assisting.

31
32 Counsel Assisting is the only person in a position to
33 identify the precise areas he or she wishes to explore in
34 evidence, the way they wish to explore those areas and the
35 extent to which statements provided to the Inquiry
36 adequately address the issues that Counsel Assisting
37 considers should be addressed.

38
39 Pursuant to the requests issued in September
40 and December last year, we provided various statements to
41 the Inquiry. At no stage did Counsel Assisting indicate
42 that those statements did not adequately address the
43 relevant issues in a manner that would allow the Inquiry to
44 explore those issues in the way that the Inquiry wished to
45 explore them. It was only on receipt of Counsel
46 Assisting's submissions that it became apparent that
47 various suggested findings were in the absence of some of

1 the principal witnesses who had not been called to give
2 evidence.

3
4 Those witnesses included: the officers who actually
5 reviewed the files in connection with Strike Force
6 Parrabell; the officer in charge of Strike Force Neiwand;
7 Detective Chief Inspector Lehmann; Detective Sergeant Penny
8 Brown - Lehmann and Brown, of course, for both of them,
9 their conduct was the subject of detailed exploration in a
10 variety of respects in the submissions of Counsel
11 Assisting. It also includes former Detective Chief
12 Inspector Pamela Young, who was the investigation
13 supervisor for Strike Force Macnamir, whose conduct and
14 views were the subject of very detailed considerations in
15 Counsel Assisting's submissions.

16
17 We have subsequently learned that the Inquiry had, in
18 fact, sought and obtained a statement from Pamela Young
19 in April of this year. The existence of that statement was
20 not disclosed to the parties to the Inquiry until the
21 resumption of the present hearing block. We suggest that
22 that omission is inexplicable and, because, in some
23 respects, Pamela Young's statement is contradictory of
24 Counsel Assisting's submissions, we suggest that the
25 parties have been deprived of relevant material in support
26 of their positions in their previous submissions. And of
27 course, there are other witnesses that I won't detail.

28
29 It must have been apparent to Counsel Assisting that
30 each of those witnesses, including particularly Ms Young,
31 from whom the Inquiry had actually obtained a statement,
32 were of fundamental importance to the matters the subject
33 of serious submissions by Counsel Assisting.

34
35 Our propositions concerning particular persons who had
36 not been called, not only concern procedural fairness, but
37 also the availability of particular findings. The absence
38 of a key witness can prevent the making of findings in
39 relation to matters to which that witness's evidence would
40 have been critical.

41
42 We submit that the evidence called in the current
43 tranche departs in many significant respects from the
44 submissions of Counsel Assisting, so that Counsel Assisting
45 will no doubt be seeking an opportunity to revisit those
46 submissions.

47

1 Were it not for the steps taken by the Inquiry to
2 address the procedural fairness concerns and the need to
3 call witnesses of central importance to particular findings
4 advanced by Counsel Assisting, this Inquiry would have been
5 denied some critical evidence and would have carried the
6 risk of certain of its findings potentially being struck
7 down.

8
9 In Counsel Assisting's address on the 21st of this
10 month, he was critical of the Commissioner of Police for
11 the submissions made on those two issues, in part, blaming
12 the NSW Police Force for the need for an extension of the
13 Inquiry's reporting deadline as a result of those
14 submissions, because of the need for further hearings to
15 take place. We respectfully submit that that criticism was
16 unfair and unfounded and should be rejected by this
17 Inquiry. Thank you very much.

18
19 THE COMMISSIONER: Yes, Mr Gray?

20
21 MR GRAY: Two comments only at this stage. First, my
22 learned friend just asserted that the Inquiry had sought
23 and obtained a statement from Ms Young in April this year.
24 That is not correct. Ms Young volunteered a statement at
25 that time without the Commission having sought one from
26 her. At the time she did so, in April, the deadline for
27 the Inquiry to complete its work and provide its report to
28 Parliament was still 30 June.

29
30 Secondly, just at the tail end of his remarks a moment
31 ago my learned friend asserted that in my remarks on
32 21 June [sic], I had blamed his client, the Commissioner of
33 Police, for the need for an extension as a result of the
34 submissions made by him and those assisting him in relation
35 to various witnesses who had not been called. I made no
36 such submission. May it please you.

37
38 THE COMMISSIONER: All right. Mr Tedeschi, I would bring
39 this matter or this aspect of the matter to an end for the
40 moment. I don't wish to say anything more than that. But
41 I should say that all of the matters that you have raised
42 will, of course, be dealt with in the ultimate report by me
43 and I'll hear, no doubt, from the parties in the near time
44 in written material otherwise, so I will deal with that in
45 due course.

46
47 The witness tomorrow is due at 10am, I think. Now,

1 I know that - at least, I don't believe Mr Thangaraj will
2 be here tomorrow.
3
4 MR TEDESCHI: No, I don't understand. I think there are
5 two witnesses tomorrow, aren't there?
6
7 THE COMMISSIONER: No, there is only one.
8
9 MR TEDESCHI: Georgie Wells and Penny Brown?
10
11 THE COMMISSIONER: No. I understood - and I don't think
12 I'm wrong - that an email had gone around indicating that
13 Ms Brown won't come until Tuesday.
14
15 MR TEDESCHI: I think that's probably right.
16
17 THE COMMISSIONER: So tomorrow is only Ms Wells. But what
18 I will do tomorrow, I will announce this tomorrow morning
19 in everyone's presence, I will follow the same format. In
20 other words, she is, in effect, the witness that you
21 proposed, so you will go last, as it were, prior to any
22 further questions that Mr Gray may have. I will work out
23 the order of batting precisely in the morning, but in broad
24 terms, that's what will happen. I don't know how long she
25 will be but I would anticipate she won't take the whole
26 day. Mr Gray, do you have any --
27
28 MR GRAY: I would not have thought she would take the
29 whole day.
30
31 THE COMMISSIONER: All right. We will aim to finish her
32 tomorrow, whatever be the case. I've got a private hearing
33 tomorrow afternoon, as I do shortly, this afternoon, but we
34 will finish her tomorrow. Is there any need to start
35 earlier than 10?
36
37 MR GRAY: No.
38
39 THE COMMISSIONER: All right. We will start her at
40 10 o'clock and we will finish her tomorrow but, broadly
41 speaking, I will take that order of questions, and I will
42 just clarify that for everyone's presence in the morning,
43 when, if he is here, Mr Nagle, and Mr Glissan and others
44 are here. Thank you. I will now adjourn.
45
46 **AT 2.20PM THE SPECIAL COMMISSION OF INQUIRY WAS ADJOURNED**
47 **ACCORDINGLY**

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