

**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**

Friday, 29 September 2023 at 10.20am

(Day 94)

Mr Peter Gray SC	(Senior Counsel Assisting)
Ms Meg O'Brien	(Counsel Assisting)
Mr Enzo Camporeale	(Director Legal)
Ms Caitlin Healey-Nash	(Principal Solicitor)
Ms Alexandra Touw	(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: Yes, Mr Gray.

2

3 MR GRAY: Commissioner, first of all, I note that
4 yesterday there were some text messages produced by
5 Ms Alberici, which I tendered. They have now been added to
6 exhibit 6 as tab 525.

7

8 The parties have also agreed non-publication orders
9 over the text messages, and I hand up a short minute of
10 order, which is agreed.

11

12 THE COMMISSIONER: Thank you.

13

14 MR GRAY: Secondly, Commissioner, the reason for the
15 delayed start this morning is that at 20 past 9 this
16 morning, a letter was received by the Inquiry from the
17 Office of the General Counsel of the police raising two
18 matters.

19

20 The first matter was this: it was asserted in the
21 letter that some six documents, said to support Ms Wells's
22 recollection of certain events, had not been tendered.
23 They have been tendered and all five of them - sorry, five
24 of the six of them are in the tender bundle already. There
25 is a sixth one - there were six documents referred to in
26 the letter. Five of them are already in the bundle. The
27 sixth one, which was not in the bundle, was a letter over
28 which the police had claimed legal professional privilege,
29 and for that reason, it had not been included. However,
30 that having been pointed out to the police in the last half
31 hour or so, I understand that privilege is waived over that
32 document and it can be added to the bundle.

33

34 The second matter raised in the letter is the question
35 of documents produced to the Inquiry by the ABC. The
36 police letter says this:

37

38 *It is unclear to the Commissioner whether*
39 *all documents received from the ABC have*
40 *been tendered, though it is anticipated*
41 *they have not. Accordingly, the*
42 *Commissioner requests confirmation from the*
43 *Inquiry that all documents received by the*
44 *Inquiry from the ABC, including, but not*
45 *limited to, communications sent to or from*
46 *Ms Alberici, have been tendered and, if*
47 *not, that the Inquiry provide those*

1 *documents to the Commissioner at the*
2 *earliest opportunity.*

3
4 As I say, that letter came in at 20 past 9 this morning.

5
6 Documents, of course, were summonsed by the Inquiry
7 from the ABC and some of them are in the tender bundle. In
8 response to the letter now received from the police, the
9 Inquiry will contact the ABC and discuss the request that
10 has been made by the police, and whatever appropriate steps
11 emerge from that can be taken, it will be a matter in the
12 end for you, Commissioner, as to whether the police are
13 provided with every document that the ABC has provided to
14 the Inquiry, which is the request that has been made.

15
16 THE COMMISSIONER: All right. I note the request. I do
17 know that some of the documents from the ABC were said to
18 be subject to journalist privilege and some were also
19 objected to on the basis of disclosure of sources.

20
21 Mr Tedeschi, here we are yet again, belated materials
22 being asked for, which you had all along; somebody at your
23 side has obviously not carefully looked at what has
24 happened.

25
26 Secondly, for the first time, although you knew that
27 Ms Alberici was going to be giving some days ago, you ask
28 for documents from the ABC or to get access to the ABC.

29
30 It is a bit rich, frankly, given the resources that
31 you have available to you, knowing fully well what is
32 happening, that things aren't being put in a timely
33 fashion, and it really is becoming quite disruptive.
34 I have said this more than once. Now, we will do what we
35 can, Mr Tedeschi, to facilitate it, but Ms Wells can be
36 giving evidence at the moment and we will take it from
37 there. Your request has been noted.

38
39 MR TEDESCHI: Might I respond to what Counsel Assisting
40 has said, Commissioner?

41
42 THE COMMISSIONER: Sure.

43
44 MR TEDESCHI: Firstly, I think that Counsel Assisting has
45 misunderstood the letter. It was not suggested that all
46 six documents have not been tendered. It's only one
47 document that we were seeking to have tendered.

1
2 THE COMMISSIONER: That is not true. That is simply not
3 true. The letter does suggest, doesn't it, that these
4 documents are not in the tender bundle, doesn't it?

5
6 MR TEDESCHI: That's not what was intended by --

7
8 THE COMMISSIONER: I didn't say what was intended. What
9 was in the letter says, "The documents aren't in and we
10 want them in." Now, that is not accurate. So whoever
11 drafted it, or whoever gave instructions for that to be
12 drafted, I don't think checked the issue properly.

13
14 MR TEDESCHI: If that is the case, then we apologise for
15 the misinterpretation. We're not suggesting that five of
16 them haven't been included in the tender bundle; it was the
17 sixth one.

18
19 THE COMMISSIONER: All right. Sure. The other one was
20 always within your hands to disclose or not. Now, whoever
21 wrote that letter, or whoever got instructions to write
22 that letter, clearly didn't check what was fact and what
23 was fiction. That is plainly obvious, really. Why don't
24 you just accept it for once, Mr Tedeschi. There's been an
25 error. Let's move on and get Ms Wells into the witness
26 box?

27
28 MR TEDESCHI: Well, before we do that, we are concerned
29 that there may be emails or other documents from the ABC
30 that relate to the evidence that was given by Ms Alberici.

31
32 THE COMMISSIONER: Emails to whom?

33
34 MR TEDESCHI: Emails to and from Ms Alberici obviously are
35 of the most relevance, but anything else that might affect
36 or concern the evidence that she gave yesterday would be of
37 relevance to us.

38
39 Normally, we would not be concerned, we would be
40 confident that Counsel Assisting has referred to all the
41 documents. But we are concerned --

42
43 THE COMMISSIONER: What raises your concern? What in
44 particular raises your concern?

45
46 MR TEDESCHI: What raises our concern is the fact that
47 back in April of this year, Ms Young provided a statement

1 to the police [sic] that was not disclosed.

2

3 THE COMMISSIONER: Mr Tedeschi, I don't want to debate
4 this issue with you now, all right? It's got nothing to do
5 with Ms Young's statement, which arrived unsolicited. The
6 material will emerge in due course. You do know that, at
7 that time, the Inquiry had to complete its business. You
8 also know from the Practice Note that the Inquiry is in
9 control of the evidence it deploys. Now, let's get real
10 about this. You don't know, you say, what could be in the
11 ABC's interstices that might help.

12

13 MR TEDESCHI: Yes.

14

15 THE COMMISSIONER: Right. You saw yesterday on the
16 screen, for example, an email that passed between
17 Ms Alberici and somebody else, to which there were some
18 redactions, which I think was based on journalist privilege
19 or source. You did see some emails yesterday concerning
20 her contact with the police, one in particular that was put
21 on the screen, that says that Ms Alberici spent up to an
22 hour talking to people at the police. That's a document
23 which has been in the tender bundle for a very long time.
24 Not one request has come from your side, although that
25 document has been given to you a long time ago, to ask for
26 any additional documents.

27

28 MR TEDESCHI: We only got a statement very recently.

29

30 THE COMMISSIONER: Mr Tedeschi, you know and I know, as
31 a litigator, you want contemporaneous documents. People
32 can say all kinds of things that may or may not be verified
33 or corroborated. You've had that document, which
34 pinpointed one hour's conversation with someone from the
35 police, whoever that person was. You saw it yesterday.
36 You've seen it before. Not one request was made prior to
37 yesterday. You didn't even ask Ms Alberici about the very
38 document you had in your hands. So I'm just going to
39 assume that we'll give you what is able to be provided, but
40 you can work on the basis for the moment what is in the
41 tender bundle is what is relevant in relation to Lateline.

42

43 Now, as I said, people on the other side will take on
44 board what you've said. Your comments are noted. There is
45 no interest to hide or obstruct any position at all from
46 the Inquiry's point of view. I'm directed to get to the
47 truth of it and I will.

1
2 MR TEDESCHI: Yes.

3
4 THE COMMISSIONER: Correct. Thank you, Mr Tedeschi.
5 Let's call Ms Wells, thank you.

6
7 MR GRAY: Commissioner, I should add two matters on
8 reflection, having just taken instructions.

9
10 The first is to raise a general concern in, in effect,
11 the opposite direction from the concern that my learned
12 friend has been raising. This is not the first time that
13 at the very last minute, for reasons no doubt that seem
14 sensible to the party in question, suddenly, privilege is
15 waived over a document which suddenly, it is said, must be
16 added to the tender bundle.

17
18 If there are other documents over which privilege has
19 been claimed but which the police have in mind in due
20 course requesting be added, I would ask that we be told
21 that without delay.

22
23 The second matter is this: as I said when I read out
24 the terms of the letter in terms of documents from the ABC,
25 the actual request made by the letter of 20 past 9 this
26 morning is that the Inquiry provide to the police all
27 documents of whatever kind, unrestricted, provided by the
28 ABC to the Inquiry.

29
30 Now, I apprehend that the concern of the police surely
31 is more restricted than that. It must be, I assume,
32 documents relevant to Ms Alberici's evidence or to the
33 Lateline topic or to matters that could be delineated in
34 some way, and I would respectfully suggest that before we
35 speak to the ABC about this request, that the police today
36 delineate with some degree of precision what it is they
37 actually want.

38
39 THE COMMISSIONER: Mr Tedeschi, I think that's entirely
40 reasonable, first, in terms of what you really want.

41
42 MR TEDESCHI: Yes.

43
44 THE COMMISSIONER: And what you need. And it seems to me,
45 without me drafting it, that a very short communication
46 should take place as soon as can be as to the categories of
47 documents that you want and obviously then consideration

1 can be given to what you've already got and consideration
2 can be given to what may already be in the hands of the
3 Inquiry, and that will short-circuit.
4

5 But if you are concerned, as I can understand why, you
6 want everything that passes between Ms Alberici and the
7 police certainly, and you want internal material,
8 I presume, on the ABC and the production of the Lateline
9 interview. But I won't hold you to my words. You can just
10 draft whatever you say you want.

11
12 MR TEDESCHI: Commissioner, we will and you're quite
13 correct. As I said earlier to you, Commissioner, what we
14 are interested in is emails or documents to or from
15 Ms Alberici or any other document relating to the Lateline
16 interview. I'm content to put that in writing from my
17 solicitors.
18

19 THE COMMISSIONER: Why don't you do it that way. I don't
20 want to in any way, from what I've said, circumscribe what
21 you may want. I will leave it to you and your side to put
22 it in the terms that you want and then consideration can be
23 given to what is already in the tender bundle. As I have
24 said, I referred to one document, in particular, which
25 obviously was on the screen yesterday, and goes to the very
26 heart of the preparation. I am aware of other documents in
27 the tender bundle, but if you put that in writing, then
28 a prompt response will be forthcoming.
29

30 MR TEDESCHI: Yes. In answer to the first question by
31 Counsel Assisting, I'm not aware of any other document
32 which we seek to have included in a tender bundle that was
33 the subject of a claim for privilege.
34

35 THE COMMISSIONER: All right.
36

37 MR TEDESCHI: It will be obvious to you, Commissioner,
38 that there were literally thousands of documents, including
39 documents from Ashurst's solicitors, that needed to be
40 reviewed by those that instruct us prior to production, and
41 the exercise had to be done very urgently and it was an
42 onerous exercise, so it might be, in relation to the
43 document that has been requested to be added to the tender
44 bundle this morning - it may well be that privilege should
45 not have been claimed on that.
46

47 THE COMMISSIONER: It does seem to me, having seen it -

1 I find it hard to believe how anyone could sensibly have
2 thought it would or should be covered by privilege. But
3 leaving that to one side, why don't we just get on with it
4 and Ms Wells can be called and we'll take it from there.
5 Your request, the moment it is received, will be given
6 prompt attention.

7
8 MR TEDESCHI: Thank you.

9
10 THE COMMISSIONER: Thank you.

11
12 Yes, Mr Gray?

13
14 MR GRAY: The Inquiry will write briefly to my learned
15 friend's instructors as well. A suggestion that will be
16 made will be that the police should review all documents
17 over which they have claimed privilege and form a view
18 about all of them in that way.

19
20 Now, with those matters at least temporarily dealt
21 with, I call Ms Wells.

22
23 <GEORGINA WELLS, affirmed: [10.35am]

24
25 <EXAMINATION BY MR GRAY:

26
27 MR GRAY: Q. Ms Wells, your name is Georgina Wells?

28 A. Yes.

29
30 THE COMMISSIONER: Ms Wells, if you can move a little bit
31 closer to the microphone, and speak as you can. Just in
32 advance, some of the documents you'll will get in hard
33 copy, some might be on the screen, but you take your time
34 when you are answering any questions. Thank you.

35
36 THE WITNESS: Okay.

37
38 MR GRAY: Q. You have provided a statement to the
39 Inquiry dated 4 September this year [NPL.9000.0027.0001]?

40 A. That's correct.

41
42 Q. Are the contents of that statement true and correct?

43 A. Yes.

44
45 Q. In paragraph 7 of your statement - do you have it with
46 you?

47 A. No, I don't. Oh, here we go, yeah.

1
2 Q. Are you content to look at it on the screen or would
3 you like a hard copy?
4
5 THE COMMISSIONER: Or you can have both. It's immaterial.
6
7 THE WITNESS: Sorry, I can't see paragraph 7. I can't see
8 paragraph 7.
9
10 MR GRAY: Q. No, I know. I'm asking you would you like
11 to have a hard copy?
12 A. Yes, that's correct.
13
14 Q. No, would you like to have a hard copy? Here it is.
15 A. Oh, that's fine. Sorry, you're quite hard to hear.
16
17 Q. As are you. I wonder if we could both speak up. If
18 you turn to paragraph 7 --
19 A. Mmm-hmm.
20
21 Q. -- I'm looking at (b), you were a media supervisor
22 for State Crime Command from 2011 to 2016 and then, looking
23 at (a), a media supervisor in the Police Media Unit
24 following on from that from April 2016 to March 2018. Do
25 you see that?
26 A. Mmm-hmm, yes.
27
28 Q. Now, what is the change involved there? Where does
29 the Police Media Unit fit in relation to State Crime
30 Command?
31 A. So for the entire time I was part of the Police Media
32 Unit. However, from the dates of October 2011 to April
33 2016, I was focused specifically on State Crime Command,
34 but I was still a member of the Police Media Unit.
35
36 Q. I see. So the Police Media Unit has a wider remit
37 than just State Crime Command?
38 A. Very much so.
39
40 Q. At the time we are concerned with, which is the first
41 few months of 2015, were you working in an office somewhere
42 in the police world or were you working from home?
43 A. I was based in Parramatta at State Crime Command.
44
45 Q. And was Ms McMahon, with whom you shared the job -
46 which I'll come to in a second - also working from the same
47 location?

1 A. When she was working for State Crime Command, yes.
2 But she only worked for State Crime Command half the time.
3 The other half of the time she was in the Police Media Unit
4 in the Sydney city.

5
6 Q. I see. In the particular job that you had in 2015,
7 which you have described as "media supervisor for State
8 Crime Command", you were sharing that job with Ms McMahon;
9 is that right?

10 A. That's correct. I was only a part-time officer.
11 I'd just come back from maternity leave and was working
12 part time.

13
14 Q. As I understand it, you worked Monday, Tuesday,
15 Wednesday in the job and she worked Thursday, Friday in the
16 job?

17 A. That's probably correct. It's a long time ago.
18 I can't recall my exact days.

19
20 Q. I can show you some documents that have been produced
21 and both you and she seem to agree on that. Is it
22 consistent with your recollection that that's what
23 happened?

24 A. It sounds - yes, I think I did work Monday, Tuesday,
25 Wednesday.

26
27 Q. I wonder if Ms Wells could have volume 16, please,
28 and if we could turn to tab 383 [NPL.0147.0001.0012_0001].
29 This is a record of interview that Ms McMahon gave - I'm
30 sorry, have you found 383?

31 A. It's a fair way through. I'm getting there. Yes.

32
33 Q. This is a record of interview that Ms McMahon gave to
34 a solicitor from Ashurst --

35 A. I'm just going to get my glasses.

36
37 Q. -- on 24 April 2015. Do you see that?

38 A. Yes.

39
40 Q. You also gave an interview with a solicitor from
41 Ashurst at about the same time. You would remember that?

42 A. That's correct.

43
44 Q. In the second paragraph on that page, the first
45 page of tab 383, Ms McMahon, referred to as "SM", says:

46
47 *My first knowledge of the matter was*

1 8 April 2015. Georgie and I are job
2 sharing at State Crime. She does Monday to
3 Wednesday and I do Thursday/Friday. The
4 8th was a Wednesday. On a Wednesday we
5 normally do a handover by either email or
6 over the phone where we talk about what
7 I need to know about over the next 2 days.

8

9 Do you see that?

10 A. Yes.

11

12 Q. So you would agree that you were doing Monday to
13 Wednesday and she was doing Thursday, Friday?

14 A. Yes.

15

16 Q. If we could go to your statement - just keep that
17 folder with you if you would, because I'll need to show you
18 a few other documents in that folder, but if we could go to
19 your statement [NPL.9000.0027.0001], in paragraph 10, you
20 refer to 1 April 2015, and you say you recall discussions
21 with Pamela Young and Michael Willing about the third
22 coronial inquest into the death of Scott Johnson. Do you
23 see that?

24 A. Mmm-hmm.

25

26 Q. Now, was that a discussion with Pamela Young and
27 Michael Willing and you all together, three people, or was
28 it more than one discussion with them separately?

29 A. I think it may have been more than one discussion but
30 I can't recall. It's quite a substantial amount of time
31 ago.

32

33 Q. Sure. So it may have been a three-way conversation
34 with all three of you or you may have spoken to Mr Willing
35 separately from Ms Young?

36 A. That's correct.

37

38 Q. Now, in the next sentence, you say:

39

40 *I recall that during the conversation,*
41 *Pamela Young proposed to conduct*
42 *"backgrounders" with journalists from*
43 *different publications.*

44

45 And you go on to say some more things in that paragraph.
46 Now, is it your evidence that this discussion or
47 discussions on this day, 1 April 2015, was the first time

1 you heard any mention of the topic of Pamela Young speaking
2 to journalists in any way about the Scott Johnson case?

3 A. Yes.

4

5 Q. If you could turn in that folder to tab 372,
6 [NPL.0138.0002.3306] this is an email from you to Strath
7 Gordon on 14 April 2015, do you see that?

8 A. Yes.

9

10 Q. And the Lateline interview was the previous night,
11 13 April, just to orient you. So you say to Strath Gordon,
12 who was who in the hierarchy? Who was Strath Gordon?

13 A. He was the head of Public Affairs.

14

15 Q. Where does that fit in in relation to the Media Unit?

16 A. He was the head of the Public Affairs which included
17 the Media Unit. He also was head of another - a number of
18 other units within Public Affairs.

19

20 Q. And was he a police officer or a --

21 A. No.

22

23 Q. -- police staff member?

24 A. Staff member.

25

26 Q. What was his authority in relation to media matters by
27 comparison with, for example, Mr Willing, who was then the
28 Commander Homicide?

29 A. So he was the head of Public Affairs, so he needed to
30 approve any strategies of this nature.

31

32 Q. In this email of 14 April, tab 372, in the second
33 paragraph, you have an entry in relation to Wednesday,
34 1 April; do you see that?

35 A. Yes.

36

37 Q. And you say:

38

39 *Discussion --*

40

41 singular --

42

43 *with... Mick Willing & ... Pamela Young*
44 *about how to manage the media around the*
45 *directions hearing ...*

46

47 Does that indicate that there was just one discussion, ie,

1 with the two of them together, or does your use of the
2 singular rather than plural in the word "discussion" have
3 no particular significance?

4 A. As I said, I can't recall.

5
6 Q. At any rate, you say you knew the Johnson family had
7 a copy of Pam Young's statement and were likely to approach
8 the media, and you say:

9
10 *We agreed on backgrounders with The*
11 *Australian (Dan Box) and ABC (Lorna*
12 *Knowles) ...*

13
14 Just pausing there, and I'll come to the rest in a second,
15 "we" is the three of you, I take it - that is, you,
16 Mr Willing and Ms Young?

17 A. I can assume so based on the notes here.

18
19 Q. Well, this is your account two weeks after the date in
20 question, to your superior, so this was your best
21 understanding at the time, presumably?

22 A. At the time, yes.

23
24 Q. So you say:

25
26 *We --*

27
28 apparently meaning the three of you:

29
30 *agreed on backgrounders with The Australian*
31 *(Dan Box) and ABC (Lorna Knowles)...*

32
33 And you go on:

34
35 *.. with the possibility of on record*
36 *interviews if and when the statement was*
37 *made public by the Coroner.*

38
39 Do you see that?

40 A. Yes.

41
42 Q. What was actually said, according to your recollection
43 now, as to that latter topic, about the possibility of on
44 the record interviews? Who said what about that?

45 A. So what do you mean? Can you rephrase your question,
46 please?

47

1 Q. You've summarised it as "with the possibility of on
2 record interviews" and so on. What did everyone actually
3 say?

4 A. So I'm not quite sure what you're trying to ask.
5

6 THE COMMISSIONER: Q. Who was it? Who was it between
7 yourself, Ms Young or Mr Willing who raised the possibility
8 of on-record interviews?

9 A. I can't recall specifically who raised that, but this
10 was about doing a backgrounder, not - there was the
11 possibility of on-record. Any on-record interview would
12 subsequently need to be considered and approved separately.
13

14 MR GRAY: Q. We'll come to that, but what I'm asking you
15 about is when you summarised to Strath Gordon what happened
16 on 1 April you say that you agreed on backgrounders -
17 that's one thing - and apparently - tell me if this is
18 right - you agreed that it would be possible that there
19 would be on-record interviews if and when the statement was
20 made public; is that what was agreed?

21 A. That's correct. But I can't approve on-the-record
22 interviews.
23

24 Q. I haven't asked you that. The three of you agreed
25 that on-record interviews would be possible if and when the
26 statement was made public; is that right?

27 A. That there was a possibility, not that they were
28 possible.
29

30 Q. If you just listen to the question, it will be
31 quicker.
32

33 MR TEDESCHI: I object. She was answering the question.
34

35 THE COMMISSIONER: No, I don't agree, Mr Tedeschi.
36

37 I'll ask you to put it again, please, Mr Gray.
38

39 MR GRAY: Q. Did the three of you agree that if and when
40 the statement was made public by the Coroner, there would
41 be a possibility of on-record interviews?

42 A. That there would be a possibility, not that there
43 would be.
44

45 Q. Yes. So if you could just confine yourself to the
46 question, as I say, it will be faster. Thank you. Now,
47 could you expand on that? You say you agreed on it. Who

1 raised it? What did you say? What did Mr Willing say?

2 What did Ms Young say?

3 A. I can't recall.

4

5 Q. No recollection at all?

6 A. It's eight years ago.

7

8 Q. Yes. No recollection at all, none?

9 A. No.

10

11 THE COMMISSIONER: Q. But you do agree that the
12 possibility of an on-record interview was raised during the
13 discussion between yourself, Mr Willing and Ms Young?

14 A. That's correct.

15

16 THE COMMISSIONER: Thank you.

17

18 MR GRAY: Q. Back on your statement, paragraph 11, you
19 say:

20

21 *The purpose of the "backgrounders" was to*
22 *provide an understanding to the*
23 *reporters ...*

24

25 et cetera, in the first sentence. And then second
26 sentence:

27

28 *We understood that the Coroner had released*
29 *the statement to the family of Scott*
30 *Johnson and anticipated that it may be*
31 *provided to journalists ...*

32

33 Now, when you say "we" there, does that mean you,
34 Mr Willing and Ms Young?

35 A. I can assume so, yes.

36

37 Q. Well, you've written this statement, and you've
38 written it about two weeks ago. Is that what you mean by
39 "we"?

40 A. Well, yes. I would have been advised by Mr Willing
41 and Ms Young, because I don't have any dealings with the
42 Coroner.

43

44 Q. You say, "We understood", so that means that
45 Mr Willing, does it, and/or Ms Young, told you this, and
46 that you took that to be right?

47 A. I took that to be understood. That's correct.

- 1
2 Q. Then you say:
3
4 *It was agreed that these "backgrounders"*
5 *would be "off the record" ...*
6
7 A. Yes.
8
9 Q. Do you mean by that that you were party to that
10 agreement or that it was agreed between Mr Willing and
11 Ms Young or what?
12 A. It was agreed between all three of us, and then it was
13 subsequently approved by the Director of Public Affairs
14 that it would be off-record or that they would be
15 off-record.
16
17 Q. A bit later in that same paragraph you say the
18 statement - that is, Pamela Young's statement -
19
20 *... was at the time subject to*
21 *a non-publication order.*
22
23 Do you see that?
24 A. (Witness nods).
25
26 Q. Are you sure about that?
27 A. I believe that to be the case but I don't directly
28 seek those.
29
30 Q. No, no, I'm sure you don't, but if I suggested to you
31 that, in fact, there was no non-publication order over the
32 statement as at that time - that is, prior to 13 April -
33 would you be able to comment one way or the other?
34 A. I may have been mistaken.
35
36 Q. Is the conversation referred to in paragraph 11 the
37 same conversation as referred to in paragraph 10?
38 A. I don't know. I don't know if we had one conversation
39 or several conversations, if I had one conversation with
40 all of them or several conversations with individuals.
41
42 THE COMMISSIONER: Q. And do I take it that of these
43 conversations, you don't have any contemporaneous notes of
44 them?
45 A. What was that, sorry?
46
47 Q. Of this conversation or conversations we're now

1 talking about, do I take it you have no contemporaneous
2 notes of your own of either the one or more conversations?

3 A. I don't have any notes from when I worked with the
4 police.

5
6 THE COMMISSIONER: Thank you.

7
8 MR GRAY: Q. If I were to suggest to you that, in terms
9 of non-publication orders at the time, prior to 13 April,
10 there was no non-publication order in place in respect of
11 the statement, but the police were making submissions to
12 the Coroner in support of the making of such an order -
13 does that come back to mind?

14 A. That may be correct, yes.

15
16 Q. Do you have a recollection of being aware at this
17 time - that is, the first half of April 2015 - that the
18 Coroner's office had, at some earlier time, supplied a copy
19 of the statement to the lawyers for the Johnsons?

20 A. That's correct. It's in my statement.

21
22 Q. And were you aware that Ms Young, for her part,
23 had provided a copy of the statement, redacted, to
24 Emma Alberici?

25 A. No, I was not.

26
27 Q. Turn, if you would, to tab 347 in the bundle
28 [NPL.0138.0001.0037]. This is the document which you
29 describe, using inverted commas, as the "media strategy",
30 in your statement. Do you remember that?

31 A. Mmm-hmm.

32
33 Q. You just need to answer yes or no for the transcript.
34 A. Yes.

35
36 Q. Thank you. Now, I'll just go through that, if I may.
37 You send that on Tuesday, 7 April, to Mr Kerlatec and
38 Mr Finch. Just tell us again, if you can remember, what
39 their positions were?

40 A. They were detective chief superintendents within State
41 Crime Command. One of them may have been acting as the
42 commander at the time but I can't recall.

43
44 Q. And you sent copies as well to Mr Monk, Mr Willing and
45 Ms Young?

46 A. Correct.

47

1 Q. And who was Mr Monk?

2 A. He was a senior - he may have been acting as one of
3 the detective chief inspectors at the time, because he
4 wasn't normally involved in homicide matters.

5

6 Q. In this email, in the first paragraph, you refer to
7 the directions hearing that was coming up the following
8 week, on Monday, 13 April; you refer to the fact that the
9 case was one of intense media interest. Do you see that?

10 A. Mmm-hmm, yes.

11

12 Q. In the second paragraph, you say that
13 a non-publication order had been sought by Detective Chief
14 Inspector Young. Do you see that?

15 A. Yes.

16

17 Q. I suggest to you that that is actually correct - that
18 that is the position.

19 A. That may well be and it may be that eight years later
20 I've mistaken the two.

21

22 Q. Quite so. In the third paragraph, you say:

23

24 *... we would like to provide a background*
25 *briefing to the ABC and The Australian*
26 *prior to Monday so they can take a look at*
27 *the report and have a chat to police about*
28 *what's in it. The briefing would be for*
29 *background information only and off the*
30 *record.*

31

32 Do you see that? And is that a reflection of the substance
33 of the discussion or discussions that you had with
34 Mr Willing and Ms Young on 1 April?

35 A. About giving background briefings for the ABC and
36 Australian, yes, that's correct.

37

38 Q. And that they would be for background information only
39 and off the record?

40 A. That's correct.

41

42 Q. A couple of lines lower in that same paragraph you say
43 this:

44

45 *If and when the statement is made public,*
46 *we would be happy to go on the record then,*
47 *plus address any media requests from all*

1 *media (including [a journalist from the*
2 *Herald]).*

3
4 Is that right?

5 A. That's correct, but we would still need to consider
6 any requests as they came in.

7
8 Q. Well, it seems to read as though the moment the
9 statement was made public "we" - and you'll tell us in a
10 minute who "we" is here - would be happy to go on the
11 record then?

12 A. Absolutely, but a request would still need to be made
13 and it would need to be considered.

14
15 Q. And who is "we" when you say "we would be happy to go
16 on the record then"?

17 A. That's the collective "we" of the NSW Police.

18
19 Q. Well, you're sending this to two senior officers of
20 the NSW Police, so "we" presumably is not those officers,
21 because they're the ones being told, so who is "we"?

22 A. The police in general. So you would have
23 a spokesperson, but "we" as in the police.

24
25 Q. If you turn to 367 in the bundle
26 [NPL.1038.0002.2771], this is another email of yourself
27 a week later, on 14 April to Mr Gordon, Mr Finch and
28 Mr Kerlatec. So this is a day after the Lateline
29 broadcast, and you say:

30
31 *Last Tuesday, Pam Young indicated she*
32 *would prefer to speak to Emma Alberici*
33 *on background at ABC rather than*
34 *Lorna Knowles ...*

35
36 Do you see that? You just need to answer.

37 A. Yes.

38
39 Q. So last Tuesday would be 7 April?

40 A. Yes.

41
42 Q. So on the day that you sent the email about the
43 strategy that we were just looking at, Pamela Young told
44 you, did she, that she would rather speak to Emma Alberici
45 rather than Lorna Knowles?

46 A. That would - yes.

47

- 1 Q. And she said that she would - she, Pamela Young
2 would - contact Emma Alberici directly?
3 A. Yes.
4
- 5 Q. And you said that Mick Willing and you discussed
6 briefly and agreed to that.
7 A. Yes.
8
- 9 Q. All of that happening, I take it, on the 7th?
10 A. Yes, I can assume so.
11
- 12 Q. Now, in the second paragraph you say:
13
14 *In discussing the backgrounders, we had*
15 *spoken about the ability for Pam to go on*
16 *the record if the Coroner made the*
17 *statement public, but would consider any*
18 *requests on the day.*
19
- 20 Do you see that?
21 A. Yes, that's consistent with standard practice.
22
- 23 Q. And when it says "In discussing the backgrounders, we
24 had spoken about the ability for Pam to go on the record",
25 who's "we"?
26 A. I imagine it would be Pamela, Michael Willing and
27 myself, but it may have also involved Strath, although
28 I note that the email was to Strath.
29
- 30 Q. Then you go on to say in the same sentence - or
31 I think it may be the next sentence, actually:
32
33 *Pam had indicated that ABC Lateline was*
34 *doing a story ...*
35
- 36 Now, when do you say - when do you mean that Pam had
37 indicated that?
38 A. I don't know when that indication - I would assume
39 that that would have been on the day of the --
40
- 41 Q. Sorry?
42 A. I'm assuming that would be on the 13th.
43
- 44 Q. Do you mean that as of today, you don't have a precise
45 recollection and that's, doing the best you can, what you
46 think you must mean?
47 A. That's correct.

1
2 Q. And you say in the rest of that sentence:
3
4 *... I was not aware of the actual interview*
5 *until late yesterday --*
6
7 ie, the 13th --
8
9 *(as per my late addition to the media*
10 *update)*
11
12 I will come to that, but does that remain your
13 recollection?
14 A. That's correct.
15
16 Q. So Pamela Young told you about Emma Alberici, you say,
17 for the first time on 7 April?
18 A. That's correct.
19
20 Q. We know, and I'm sure you remember this, that
21 Pamela Young told Siobhan McMahon that she did not want
22 a Media Liaison Officer with her when she went for the
23 backgrounder with Dan Box?
24 A. That's correct.
25
26 Q. What about Ms Alberici in that regard? In other
27 words, did Pam Young say to you or to anyone else, to your
28 knowledge, that she didn't want a Media Liaison Officer
29 there either?
30 A. I don't recall, but that week I was quite ill.
31
32 Q. We'll come to that, but your answer is you don't
33 recall; is that --
34 A. No.
35
36 Q. Now, I'll move to Wednesday, 8 April, and start with
37 tab 383 [NPL.0147.0001.0012_0001]. I showed you this
38 20 minutes ago. This is Ms McMahon's interview with
39 Ashurst. In that first paragraph attributed to "SM", she
40 mentions the 8th was a Wednesday and how normally on
41 a Wednesday you would do a handover by email or over the
42 phone. I think you accepted that that's right?
43 A. Yes.
44
45 Q. Towards the bottom of that page, two paragraphs from
46 the bottom, Ms McMahon says:
47

1 *So on the 8th we did the handover over the*
2 *phone. Georgie was sick*

3

4 Do you see that?

5 A. (Witness nods).

6

7 Q. Does that accord with your recollection, namely, that
8 although you were sick, you did the handover over the
9 phone?

10 A. Yes.

11

12 Q. Let's turn to 384 [NPL.0147.0001.0001]. This is your
13 own record of interview with Ashurst. On the second page,
14 a bit below halfway on the page, the solicitor SD asks you:

15

16 *When did Pam indicate she preferred Emma*
17 *Alberici?*

18

19 Do you see that line?

20 A. Yes.

21

22 Q. Your answer is:

23

24 *I don't know when that was. I got sick on*
25 *the Wednesday.*

26

27 Now, the Wednesday was the 8th?

28 A. Yes.

29

30 Q. And you say:

31

32 *I got sick on the Wednesday.*

33

34 I just wanted to know, if you remember, did you go to work
35 and then get sick and leave or did you just not go to work
36 at all?

37 A. I can't recall.

38

39 Q. If you, for all or part of the day, were not there,
40 did that mean that Ms McMahon had to take over or that you
41 just did your best from home?

42 A. I would have just done my best from home and hoped
43 that the Media Unit could assist with anything that needed
44 doing.

45

46 Q. A document has been produced this morning by the
47 police, which I should show you, if I could have this put

1 before the witness and a copy for you, Commissioner.

2

3 THE COMMISSIONER: Thank you.

4

5 MR GRAY: Q. This is an email from you to Michael
6 Willing on 8 April at 21 minutes past 8 in the morning.
7 Do you see that?

8 A. Yes.

9

10 Q. It's sent from your phone. So would that tend to
11 suggest that you were not at work?

12 A. That would suggest that is the case.

13

14 Q. You say:

15

16 *... I'm off sick today but on the mobile.*

17

18 Then you tell him something about Dan Box's story being on
19 page 3, that is of The Australian, and you refer to some
20 other things that are going to be done, and you had
21 organised for Siobhan - that is, Siobhan McMahon - to sit
22 in.

23 A. (Witness nods).

24

25 MR GRAY: I'm quite content for that document to be added
26 to the tender bundle, Commissioner.

27

28 THE COMMISSIONER: Where do you want it?

29

30 MR GRAY: It can go as just the next number, which would
31 be 526.

32

33 THE COMMISSIONER: Thank you.

34

35 MR GRAY: I think Mr Tedeschi said something; I didn't
36 quite hear it.

37

38 THE COMMISSIONER: Sorry?

39

40 MR TEDESCHI: Sorry, there should be the usual redactions
41 over the email addresses.

42

43 THE COMMISSIONER: Yes, all right. That can be arranged.
44 It won't be published until that occurs. Thank you.

45

46 Q. Can I just ask you this while Mr Gray is coming to the
47 next point: where you say "Dan Box's story" today,

1 "page 3", "reinforces to me that we need to fill him in on
2 the statement", does that mean that you thought that
3 Mr Box's story was incomplete or inadequate in some way
4 because he hadn't been given access to the statement?

5 A. I don't recall. I can't recall what the contents of
6 his story were.

7
8 THE COMMISSIONER: All right.

9
10 MR GRAY: Q. In tab 372 [NPL.0138.0002.3306] which is
11 your short email to Strath Gordon of 14 April summarising
12 the events of the previous two weeks or so, you itemise
13 something, a couple of things that happened on Tuesday, the
14 7th. Do you see that?

15 A. That's correct.

16
17 Q. And then you say:

18
19 *Following this I was off sick ...*

20
21 So that means, does it, that you were sick and at home on
22 the 8th, the Wednesday?

23 A. Yes.

24
25 Q. And then on Thursday, Friday, Siobhan McMahon would
26 have been on the job, as it were, in the normal way?

27 A. That's correct.

28
29 Q. Let's turn to 351, please. That's an email chain on
30 8 and 9 April [NPL.0138.0002.2959]. Can you see that the
31 first one in the chain is the bottom one that starts about
32 halfway down the page and it's from you to Pamela Young and
33 it's copied to Mr Willing, Ms McMahon, Mr Kerlatec,
34 Mr Finch, Mr Clifton, and it's sent at 1 minute to 4pm on
35 8 April?

36 A. Correct.

37
38 Q. And you tell Ms Young that you had spoken to Dan Box
39 and he was "very keen to meet with you on Friday",
40 et cetera, and you go into some details about how that was
41 going to work? Do you see that?

42 A. Yes.

43
44 Q. So you were, although sick, evidently, very
45 commendably, still sending emails on the 8th about this
46 matter?

47 A. Correct.

1
2 Q. And making telephone calls about the matter?
3 A. Yes.
4
5 Q. From home, on your mobile phone?
6 A. Yes.
7
8 Q. Any calls with Emma Alberici?
9 A. I don't recall.
10
11 Q. Could have been?
12 A. I don't recall.
13
14 THE COMMISSIONER: Q. Do you deny that it could have
15 happened?
16 A. I don't recall.
17
18 Q. Does that mean you can't deny it?
19 A. It means I can't remember.
20
21 MR GRAY: Q. Any calls with Mick Willing?
22 A. I can't recall.
23
24 Q. On that email chain, you having sent yours at 1 minute
25 to 4 on the Wednesday, Siobhan McMahon responds, next one
26 up, at 11 minutes past 3, the next day, Thursday the 9th,
27 and asks you something about whether she needed to organise
28 Lorna Knowles, and you then respond on Thursday, the 9th,
29 a few minutes later, telling Siobhan that Pam Young had
30 spoken directly with Emma Alberici from the ABC.
31 A. That's correct.
32
33 Q. To your knowledge, had Pamela Young been speaking to
34 Emma Alberici about these matters for months?
35 A. Not to my knowledge.
36
37 Q. Had you been speaking to Emma Alberici for months
38 about this matter?
39 A. No.
40
41 Q. Had you spoken to Emma Alberici at all?
42 A. I may have spoken to her once in this week. I don't
43 recall. But I'd never spoken to her before that.
44
45 Q. When you say "in this week", do you mean in this week
46 that had Wednesday the 8th in the middle of it?
47 A. I may have contacted both Dan Box and Emma Alberici,

1 either on the Friday or the Monday, just to find out if
2 they were doing stories. But that would have been the only
3 contact that I'd had.

4

5 Q. And do you say - is this your evidence - that apart
6 from possibly doing that, you had not previously spoken to
7 Emma Alberici at all?

8 A. Not that I can --

9

10 Q. -- about this topic?

11 A. Not that I can recall. I don't believe I'd ever had
12 any discussions with her prior, on this matter. Whether
13 I had on any other matter, I don't think so. It would be
14 quite unusual for the presenter of a program to contact me
15 directly. They have producers.

16

17 THE COMMISSIONER: Q. Why is that? Why is that?

18 A. Because they have producers that do the engagement
19 with Media Liaison Officers.

20

21 Q. Did you know who she was?

22 A. I don't recall.

23

24 Q. You don't recall whether you knew who Emma Alberici
25 was in 2015?

26 A. I may have had to look her up, but we didn't do a lot
27 of work with Lateline. It was not a program that we did
28 a lot of day-to-day work with.

29

30 MR GRAY: Q. Let me move to Friday, the 10th. So
31 Siobhan McMahon is at the desk, as it were, and you were
32 presumably still at home sick?

33 A. I didn't work on Fridays.

34

35 Q. I know that, but you were still at home, sick?

36 A. I may have been.

37

38 Q. You're not sure, okay. So if we go to 351 again, she
39 is in touch with you, as we have just seen, that is,
40 Siobhan is, on the 9th, and you exchange emails about Emma
41 Alberici - correct? On the 9th?

42 A. Yes.

43

44 Q. Then if we turn to 353 [NPL.0138.0005.2627] this is an
45 email chain on the 10th, on the Friday, and it starts at
46 the bottom with Siobhan McMahon telling you that Pam Young
47 had just called to request that she, Siobhan, not sit in on

1 her chat with Dan Box. Do you remember that?

2 A. Yes.

3

4 Q. She says, Siobhan says:

5

6 *Pam will have another officer with her,*
7 *(Penny Brown) and believes it will be "too*
8 *much" to have an MLO in there as well.*
9 *Mick Willing is OK with this course of*
10 *action.*

11

12 Do you see that?

13 A. Yes.

14

15 Q. She asks you whether, in effect, you have a different
16 view from herself, which was that she had acquiesced, and
17 you write back saying, in the middle of the page, on the
18 10th at 11.35:

19

20 *You've done the right thing. The most we*
21 *can do is offer, but just record it ...*

22

23 So you're telling her she has done the appropriate thing?

24 A. That's correct, to report it up the change and record
25 it, because as a media officer you can't tell a senior
26 detective, "No, you can't do that"; no authority to do so.

27

28 Q. I wanted to ask you about the point where you [sic]
29 say:

30

31 *Mick Willing is OK with this course of*
32 *action.*

33

34 You had spoken to Mick Willing, I take it, in order to know
35 that?

36 A. I would assume so, based on the email.

37

38 Q. And if Mick Willing is okay with it, as it says here
39 he was, as Commander Homicide, he would have the authority,
40 would he, to approve such a thing?

41 A. That's correct.

42

43 Q. So that wouldn't need to go to Strath Gordon?

44 A. So Strath was advised, and I think I had advised
45 Siobhan to let him know.

46

47 Q. I see that. But my question was: Mick Willing could

1 approve that himself; is that --
2 A. Well, Mick Willing had said he was okay with it.
3
4 Q. Yes.
5 A. So the backgrounder itself had already been approved.
6
7 THE COMMISSIONER: Q. But would you like to just listen
8 to the question. The question is: if Mr Willing approved,
9 that was the end of it, wasn't it? There was no-one else
10 in the Media Department who needed to be consulted apart
11 from as a courtesy?
12 A. Well, Strath could have stepped in if he chose to.
13
14 Q. I see. So Mr Willing had no authority to exercise
15 that judgment on his own, did he?
16 A. Well, I think it's about making sure that people are
17 aware.
18
19 Q. No, I'm not asking you what you think. No. No.
20 I understand that. I think what you're being asked about -
21 I will let Mr Gray do it - is who had authority to do what,
22 not what you think might be the best position or not.
23 Perhaps Mr Gray can take over.
24
25 MR GRAY: Q. Did Mr Willing have the authority to
26 approve what Pamela Young was asking to do?
27 A. The authority was just in relation to the
28 backgrounder, whether or not --
29
30 THE COMMISSIONER: Q. I'd ask you, please, to listen to
31 the question and, in your own interests, would you please
32 answer the question that's posed not the one that you pose
33 for yourself. Would you please listen to the question
34 again.
35
36 MR GRAY: Q. The topic is Ms Young telling Siobhan
37 McMahon on the 10th that she doesn't want Siobhan McMahon
38 to go with her to the discussion with Dan Box; right?
39 A. Correct.
40
41 Q. That's the topic. And Siobhan McMahon tells you,
42 "Mick Willing is OK with this course of action"; correct?
43 A. Correct.
44
45 Q. My question is: on the question of whether it was
46 okay for Pamela Young to go to the Dan Box interview
47 without a Media Liaison Officer, did Mick Willing have the

1 authority to approve that?

2 A. I guess so but there's no specific process or
3 procedure that says that this level of person can approve
4 that --

5

6 THE COMMISSIONER: Q. No, do you feel that that answer
7 you are giving is responsive to the question?

8

9 MR TEDESCHI: I object.

10

11 THE COMMISSIONER: Mr Tedeschi, I have heard a number of
12 witnesses give evidence and it has come to --

13

14 MR TEDESCHI: We say that it is responsive --

15

16 THE COMMISSIONER: I will finish my sentence if I may. It
17 has come to my attention that this witness sometimes
18 inadvertently argues rather than answers. That's all I'm
19 going to say.

20

21 Put it again, please, Mr Gray, if you will.

22

23 MR GRAY: Q. Did Mick Willing have the authority to
24 approve what Pamela Young had requested, namely, to go to
25 the backgrounder with Dan Box without a Media Liaison
26 Officer?

27 A. I can only assume so based on the fact that there was
28 no specific policy in relation to this.

29

30 THE COMMISSIONER: Q. And what was your understanding,
31 if any, as to whether he had authority to do so?

32 A. It's - it was a very unusual situation. It was --

33

34 Q. Look, nobody asked you whether it was usual or
35 unusual. What happened clearly was this, wasn't it, that
36 Mr Willing said it was okay, and you all abided by
37 Mr Willing's direction or decision; isn't that the fact?

38 A. You would assume so.

39

40 THE COMMISSIONER: Yes, all right.

41

42 MR GRAY: Q. Pamela Young did, in fact, do the
43 backgrounder with Dan Box without a Media Liaison Officer
44 present. You knew that at the time I presume?

45 A. Yes.

46

47 Q. And on the Friday, the 10th, she also went to the ABC

1 and did an interview with Emma Alberici, again with no
2 Media Liaison Officer present. Did you know that at the
3 time?
4 A. No, I did not.
5
6 Q. When did you learn that?
7 A. I don't think I knew - I still don't know. You told
8 me, I guess. I didn't know when Pamela had done
9 a backgrounder with Emma Alberici.
10
11 Q. You're hearing this for the first time now, are you?
12 A. I know that Pamela had spoken to Emma Alberici at some
13 stage during that week, but when that occurred I did not
14 know.
15
16 Q. You say you didn't know when it occurred. Did you
17 know that it did occur at some point?
18 A. I assumed it had occurred; it had been approved to
19 occur.
20
21 Q. I see. What, given that it in fact happened on
22 a Friday - you can take it from me that that's correct -
23 you --
24 A. Well, one of the emails indicates that Pam had spoken
25 to Emma. I don't know whether that was in a backgrounder
26 or a telephone conversation. I don't have that
27 information.
28
29 Q. Just wait for the question. Assume, if you would,
30 that Pamela Young did, in fact, go to the ABC on the
31 Friday afternoon, the 10th, and have an interview with Emma
32 Alberici - just accept that from me - when, if ever, did
33 you learn that that had happened?
34 A. I didn't learn that it had happened.
35
36 Q. Ever?
37 A. I guess I'm learning it today.
38
39 Q. That's my question. Have you only heard that for the
40 first time today?
41 A. From my recollection, that's the case.
42
43 Q. You knew that a backgrounder with Emma Alberici had
44 been approved?
45 A. Correct.
46
47 Q. Did you never inquire as to whether it happened?

1 A. I was very ill that week.
2
3 Q. Is the answer no?
4 A. No, I don't believe I did.
5
6 Q. Did you assume it had happened?
7 A. My emails would suggest that I knew they had spoken.
8 But that was prior to --
9
10 Q. I didn't ask that. Did you assume --
11 A. -- the Friday.
12
13 Q. Sorry, Ms Wells, really. Since you didn't know that
14 it happened, did you assume that it had happened?
15 A. Yes.
16
17 Q. So as of the Monday, a couple of days later, your
18 state of mind was, was it, that you assumed that Ms Young
19 had already done a backgrounder with Emma Alberici?
20 A. That's correct.
21
22 Q. Thank you. Now, let's move to 13 April, the Monday.
23 So about 12 noon or thereabouts, Coroner Barnes does order
24 a third inquest. You remember that?
25 A. Yes.
26
27 Q. He also makes orders that a redacted version of the
28 Pamela Young statement can be released. Do you remember
29 that?
30 A. Yes.
31
32 THE COMMISSIONER: Q. Just interrupting, were you back
33 at work on the Monday or still working from home?
34 A. I believe I was back at work.
35
36 THE COMMISSIONER: Thank you.
37
38 MR GRAY: Q. Going back to the media strategy at tab 347
39 [NPL.0138.0001.0037] and looking at the third paragraph,
40 the longest paragraph beginning "As such" - we looked at
41 this a little while ago - in the second-last line, the
42 media strategy says:
43
44 *If and when the statement is made public,*
45 *we would be happy to go on the record then,*
46 *plus address any ... requests from all*
47 *media ...*

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Do you see that?

A. Yes.

Q. So as at about midday on 13 April, the statement was made public, wasn't it; correct?

A. Yes.

Q. So you were happy to go on the record at that point?

A. We were happy to consider any requests to go on the record, yes.

Q. Well, doesn't it say "we would be happy to go on the record then, plus address any media requests"; isn't that what it says?

A. It does.

Q. Is that what it means? Is that what the strategy was?

A. No, if you look at my previous emails, which you have, I specifically mention that we would need to consider requests again following the backgrounders.

Q. Well, why did you say in the media strategy two things that would happen if the statement was made public, one, "we would be happy to go on the record then, plus", secondly, "address any media requests"?

A. We would be happy to go on the record, but we would still need to consider requests case by case and discuss what - the substance of what we would be going on the record with would be.

Q. And where does it say that in the strategy?

A. It doesn't say that in the strategy but it would be understood.

Q. Why?

A. Because that's a part of the media policy.

Q. And would Mr Kerlatec and Mr Finch have known that?

A. Mr Kerlatec and Mr Finch - we would have spoken, as well as this, but it would have been on the understanding, as per normal procedure, that when we're ready to go on the record that we would consider requests at that time, which is consistent with what has been included in other emails.

Q. Now, at some point during the morning, you tell us in your statement, Mr Willing told you that he had authorised

- 1 Pamela Young to make a brief statement outside court?
2 A. Correct.
3
- 4 Q. I had better just show you how you have expressed that
5 in your statement [NPL.9000.0027.0001].
6
- 7 THE COMMISSIONER: Q. Before you do, he had clear
8 authority to authorise Ms Young to do that, in your
9 understanding?
10 A. Yes.
11
- 12 THE COMMISSIONER: Thank you.
13
- 14 MR GRAY: Q. So if we turn to paragraph 16 - this is the
15 conversation that I was just asking you about - you say
16 Mr Willing informed you on the morning of the 13th that he
17 had had discussions with Pamela Young regarding a brief
18 statement that could be made by her to media
19 representatives outside the Coroners Court, following the
20 directions hearing? Correct?
21 A. Yes.
22
- 23 Q. That's still your recollection?
24 A. Yes.
25
- 26 Q. You say in your statement, based on that conversation,
27 you understood that Mr Willing had authorised Ms Young to
28 provide a "door-stop" statement to media representatives
29 indicating that the police welcomed the inquest, should
30 another inquest be ordered?
31 A. Yes.
32
- 33 Q. Then you say:
34
35 *This was to be in the form of "grabs";*
36 *a short statement to the media that can be*
37 *recorded and where questions are not*
38 *generally taken.*
39
- 40 Correct?
41 A. Correct.
42
- 43 Q. So you understood, did you, that what Mr Willing had
44 authorised, as referred to in this conversation --
45 A. Yes.
46
- 47 Q. -- was the making of a statement outside court, not

1 the answering of questions?

2 A. That's correct, or if there were answering questions,
3 it was just using the short statement that had been agreed
4 and nothing outside of that.

5

6 Q. In fact, Pamela Young called you, I understand, some
7 little time later, and said that, actually, she did not do
8 a door-stop statement outside court because the media had
9 gone by the time she came out of the court?

10 A. That's correct.

11

12 Q. And you tell us that in paragraph 17 of your
13 statement. Now, I imagine you know that it seems that, as
14 a matter of fact, Pamela Young did give a statement or
15 a door-stop outside the court. Do you know that?

16 A. I understand - I found out later, after the fact,
17 a few days later, I believe, that Pamela was filmed coming
18 out of the court, so media were, in fact, there.

19

20 Q. Yes. But my question was: did you become aware that
21 in fact she had made a statement and/or answered questions
22 outside court on that day?

23 A. I think when I received a phone call later that day to
24 say that Pamela had spoken to the ABC, I assumed that she
25 must have come across media after we'd had that
26 conversation and provided that door-stop.

27

28 Q. I see. You made that assumption?

29 A. I did.

30

31 Q. So that's what I wanted to ask you, actually. So she
32 tells you, at presumably some time after midday, early
33 afternoon, that she did not do a door-stop statement
34 outside court because the media had gone by the time she
35 came out?

36 A. Correct.

37

38 Q. And that was your state of mind - that is, that was
39 your belief as to the reality - thereafter on 13 April;
40 correct?

41 A. That's correct.

42

43 Q. Namely, that she had not given a statement or been
44 interviewed outside the court. That's what you understood
45 to be the case?

46 A. Yes.

47

1 Q. You then assisted in the issuing of a press release in
2 the early afternoon?
3 A. That's correct.
4
5 Q. And I don't need to take you to this in any detail,
6 but if you turn to tab 356 [NPL.0138.0004.7162], and 357
7 [NPL.0138.0004.7162] and 358 [NPL.0138.0001.0106], there's
8 a series of emails among various people, including you,
9 about the issuing of a press release.
10 A. Yes.
11
12 Q. It seems to have been finalised and to have been
13 issued by about maybe some time between about 12.30 and 1,
14 it would appear?
15 A. Yes.
16
17 MR GRAY: Is the Commission going to take a morning tea
18 adjournment today?
19
20 THE COMMISSIONER: If that is convenient. Is that
21 a convenient point?
22
23 MR GRAY: Sure.
24
25 THE COMMISSIONER: All right. I will take a short
26 adjournment.
27
28 **SHORT ADJOURNMENT**
29
30 THE COMMISSIONER: Yes, Mr Gray?
31
32 MR GRAY: Ms Wells, we'd got to the point where you had
33 played a part in the issuing of the media release?
34 A. That's correct.
35
36 Q. In the early afternoon of the 13th?
37 A. Yes.
38
39 Q. Then at 4.35 you sent out a media update, which is at
40 tab 361 [NPL.0138.0002.2947].
41 A. Yes.
42
43 Q. Do you have that? Yes. At 4.35pm you were updating
44 in relation to this topic, what the Coroner had done, and
45 then, in the first bullet point, referred to the fact that
46 the media release had gone out, and then in the second
47 bullet point, you said:

1
2 *Last week, backgrounders were facilitated*
3 *by [Ms Young] with Dan Box (Australian) and*
4 *Emma Alberici (ABC TV) about the contents*
5 *of the police statement.*
6

7 Do you see that?

8 A. Yes.

9
10 Q. So you were telling people on the 13th that Ms Young
11 had done a backgrounder with Emma Alberici "last week"?

12 A. Yes.

13
14 Q. So that, presumably, was your understanding at that
15 time?

16 A. Yes.

17
18 Q. Then at 5 o'clock - and you mention this in your
19 statement - or about 5 o'clock, you receive a phone call
20 from Mr Willing?

21 A. Yes.

22
23 Q. In paragraph 18 of your statement, you refer very
24 briefly to this conversation, you say:

25
26 *In the early evening of*
27 *13 April ... I first became aware that*
28 *Pamela Young would feature on Lateline when*
29 *I received a phone call from Mr Willing*
30 *prior to the airing of the Lateline*
31 *interview.*
32

33 Do you see that?

34 A. Yes.

35
36 Q. By the time we've looked at some documents, you may
37 remember this more clearly, but as we sit here now, do you
38 recall that, in fact, that was about 5 o'clock, that phone
39 call?

40 A. Yes.

41
42 Q. You don't say in that first sentence what Mr Willing
43 said. What did he say?

44 A. I don't remember.

45
46 Q. In preparing to give this statement that you've
47 presented, did you look over your own previous notes and

1 the interview with Ashurst and so on?

2 A. Yes. So based on that, I know that he had told me
3 that Pamela Young was appearing on Lateline, but I don't
4 remember any specifics of that conversation other than
5 that.

6

7 Q. Let's have a look at a couple of the things you wrote
8 at about the time in question. Let's have a look at
9 tab 384 [NPL.0147.0001.0001]. On the first page - this is
10 your interview with Ashurst on 27 April 2015 - in the third
11 paragraph, which is you speaking, you are recorded as
12 saying:

13

14 *I was told she was appearing a bit after*
15 *5pm and I was still shocked when I saw it.*
16 *It was not what I was expecting. Pam*
17 *contacted the Homicide Squad Commander.*

18

19 That's Mr Willing, right?

20 A. Yes.

21

22 Q. --

23

24 *He contacted me and said Pam had let him*
25 *know she was on Lateline and that Steve*
26 *Johnson also spoke.*

27

28 A. Yes.

29

30 Q. Now, do you have a recollection as to what he actually
31 said? In other words, did he say the words, "Pam told me
32 she will be on Lateline", or do you recall him saying
33 something else? What do you recall him saying?

34 A. I don't remember the exact words that were spoken
35 during the conversation.

36

37 Q. And you say in this interview with Ashurst, straight
38 after that, the next sentence:

39

40 *I assumed it would be quick grabs only,*
41 *along the lines of the media release.*

42

43 A. Yes.

44

45 Q. Why did you assume that?

46 A. Because that's all that had been approved, was for
47 a door-stop with grabs to take place.

1
2 Q. But you knew, because Pamela Young had told you, that
3 there had not been a door-stop, didn't you?
4 A. That's - at the time of that conversation, yes, which
5 I think may have been early afternoon. So some hours had
6 passed in between then.
7
8 Q. That's true. But nothing else had happened. She
9 hadn't rung you up and said, "Oh, as a matter of fact,
10 I did do a door-stop", had she?
11 A. No.
12
13 Q. So your state of knowledge was that she had not done
14 a door-stop; correct?
15 A. But I assumed she would have done one later when I had
16 the conversation with Michael Willing.
17
18 Q. Why would you assume that, if she told you, as you've
19 said she did, that when she came out of the court, all the
20 media had gone?
21 A. That was at that time, earlier in the afternoon, but
22 some hours had passed between when that conversation took
23 place and when the conversation with Michael Willing took
24 place. So to my mind, it would have occurred some time
25 between those two conversations.
26
27 Q. With what media? Given that the media had gone, how
28 would she have the chance to do a door-stop?
29 A. I assumed that they would have caught up with her
30 later on.
31
32 Q. So are you saying that from the moment Michael Willing
33 telephoned you, around about 5 o'clock, and said something
34 to the effect that Pamela was going to be on Lateline, you,
35 in your own mind, made an assumption that, contrary to what
36 she had told you previously, at some later point she must
37 have done a door-stop?
38 A. That's - yes, that's correct.
39
40 THE COMMISSIONER: Q. But the fact of the matter is,
41 having told you she did not do a door-stop, the truth of it
42 is, you didn't know one way or the other, in fact, what she
43 had done?
44 A. That's correct. But I wouldn't have expected that she
45 would have done anything --
46
47 Q. Did I ask you anything about your expectation?

1 I didn't, did I? You might be asked that by Mr Tedeschi in
2 due course. One of the problems I'm having, frankly, is
3 that if you just answer the questions, it's better for you.
4 Mr Tedeschi is taking careful note, with Mr Mykkeltvedt, of
5 things that they want to ask you. You won't be stopped
6 from saying anything you feel you should say. But, please,
7 just keep it to the question that you're asked; okay?

8 A. Okay.

9
10 THE COMMISSIONER: Thank you.

11
12 MR GRAY: Q. So down in paragraph 21 of your statement,
13 in a slightly different context, you make a similar
14 reference. You are actually addressing in paragraph 21 an
15 email where Pamela Young makes reference to "hair and
16 lippy" looking good. Do you remember that?

17 A. Yes.

18
19 Q. And you say, albeit in that slightly different
20 context:

21
22 *I understood at the time --*

23
24 I think you must mean "that that" --

25
26 *... was a reference to the "grabs" which*
27 *I had assumed were provided outside the*
28 *court after Pamela Young had indicated*
29 *there were no media representatives at*
30 *Court ...*

31
32 A. Yes.

33
34 Q. Wouldn't the more natural, more obvious, more
35 straightforward assumption to have made be not that some
36 door-stop had happened at some point after Ms Young told
37 you there wasn't a door-stop but, rather, that Ms Young had
38 spoken to Lateline in some other way?

39 A. No.

40
41 Q. Why not?

42 A. Because all that had been approved was a door-stop.

43
44 THE COMMISSIONER: Q. Are you saying that Mr Willing
45 could not, subsequent to your earlier understanding,
46 approve something else?

47 A. I would think that he would have advised me, if he'd

1 approved something --

2

3 Q. But he didn't have to advise you, did he?

4 A. He would have always advised me --

5

6 Q. Did he have to advise you before taking steps of this
7 sort? That's what I --

8

9 MR TEDESCHI: Commissioner, could I make a submission to
10 you in the absence of the witness, please?

11

12 THE COMMISSIONER: Yes, certainly. Do you want her to go
13 outside?

14

15 MR TEDESCHI: Yes, please.

16

17 THE COMMISSIONER: Would you go outside just for a short
18 time, thank you?

19

20 (The witness left the hearing room)

21

22 MR TEDESCHI: Commissioner, it may appear that the witness
23 is finding the questioning by you particularly difficult,
24 emotionally. She's feeling very fragile, and I anticipate
25 that if there are continuing questions by you, she may be
26 in a position where she is no longer able to give evidence.
27 So I would ask --

28

29 THE COMMISSIONER: Mr Tedeschi, I reject the suggestion
30 that I am causing a witness, who you have called and have
31 proofed and have conferenced and who has contemporaneous
32 notes, is finding it difficult. My observation is, and if
33 you're not observing the same thing, we're not in the same
34 room. She is --

35

36 MR TEDESCHI: Well --

37

38 THE COMMISSIONER: Please. I'll finish, please. She is
39 often causing the problem for herself by answering by
40 answering back or by answering by giving an explanation.
41 It's a common problem with many witnesses. For me to ask
42 her to be direct is exactly what I'm entitled to do.

43

44 MR TEDESCHI: It's not so much --

45

46 THE COMMISSIONER: Now, I hear what you say, Mr Tedeschi,
47 but I will not be told what I can and cannot do.

1
2 MR TEDESCHI: Commissioner, I'm not attempting to do that.
3 What I am asking you to do is --
4
5 THE COMMISSIONER: Is not ask any questions, if I want to
6 be informed.
7
8 MR TEDESCHI: What I would suggest, Commissioner, if we
9 are to complete her evidence today, which, hopefully, we
10 will, is if you would take care with the tone of your
11 questions.
12
13 THE COMMISSIONER: Thank you, Mr Tedeschi. You may resume
14 your seat. I will not be lectured by you about what
15 I should and should not do. If you have an application to
16 make, so be it. But that doesn't sound to me like an
17 application which is intelligible. I take your point.
18
19 MR TEDESCHI: I'm attempting to assist the Commission.
20
21 THE COMMISSIONER: Thank you. I know you are, as always.
22 Now, would you please resume your seat and let's get on
23 with it. Thank you.
24
25 MR GRAY: Commissioner, I have been told that the
26 Inquiry's witness assistance officer is with Ms Wells at
27 the moment, who has requested a few extra minutes before
28 resuming.
29
30 THE COMMISSIONER: All right.
31
32 (The witness returned to the hearing room)
33
34 THE COMMISSIONER: Thank you, Ms Wells, please sit down.
35
36 Yes, Mr Gray?
37
38 MR GRAY: Q. Ms Wells, on your statement, just in that
39 paragraph 21 that we were on, you say in the last sentence
40 or so that the thought of Pamela Young having a sit-down
41 studio interview did not cross your mind. Do you see that?
42 A. Yes.
43
44 Q. Is that the evidence that you stand by today?
45 A. Absolutely. No reason to believe that was the case.
46
47 Q. After Mr Willing had this conversation with you at

1 about 5 o'clock - oh, before I go to that, sorry, in
2 paragraph 18 of your statement, about halfway down that
3 paragraph, or beginning on the third line, you say after
4 receiving the call from Mr Willing you advised Strath
5 Gordon and others regarding Pamela Young's expected
6 appearance on Lateline.

7 A. Yes.

8

9 Q. You say that the Coroner's decision about the Scott
10 Johnson third inquest was considered a high-profile matter,
11 so it would not be unusual for Lateline to feature
12 a door-stop interview, if that was the only kind of media
13 engagement available. Is that right?

14 A. Yes. That was my belief.

15

16 Q. Now, just on that, you were familiar with Lateline,
17 were you?

18 A. As I indicated earlier, it's not a program that we had
19 a lot of dealings with.

20

21 Q. So how do you know what would be unusual or usual for
22 Lateline to do?

23 A. Because any program, if they have a story and there's
24 only grabs available, that's what they would go with, if
25 it's a story that they otherwise would like to cover.

26

27 Q. So when you've said in your statement that it would
28 not be unusual for Lateline to do something, we should
29 understand that as meaning it would not be unusual for
30 a media program to do something, should we?

31 A. Correct.

32

33 Q. Rather than applying to Lateline?

34 A. Correct.

35

36 Q. I think you were asked this earlier this morning: had
37 you ever heard of Emma Alberici or Lateline?

38 A. I probably had, but I can't remember specifically.

39

40 Q. You know what Lateline was - that is, a major ABC
41 current affairs program --

42 A. Yes.

43

44 Q. -- about 10 o'clock at night --

45 A. Yes.

46

47 Q. -- about the major stories of the day?

- 1 A. Yes.
2
3 Q. And that she was the anchor, the presenter at that
4 time?
5 A. Yes.
6
7 Q. So you say in that paragraph, 18, you considered that
8 the approved media strategy was being followed and Lateline
9 would only feature the authorised door-stop interview?
10 A. Yes.
11
12 Q. In doing that, you made the assumption in your own
13 mind that she must have done the door-stop interview, even
14 though, at an earlier part of the day, she'd told you she
15 hadn't?
16 A. That's correct.
17
18 Q. I see. So you advised Strath Gordon - and could we go
19 to tab 374 [NPL.0138.0004.5545] pleas. Did you advise
20 Strath Gordon by phone?
21 A. I don't remember.
22
23 Q. Tab 374 is some notes made by Strath Gordon, and it's
24 an email to himself of 21 April, "Notes on Pam Young
25 matter"; do you see that? That's the heading?
26 A. Sorry?
27
28 Q. It's at tab 374.
29 A. Yes.
30
31 Q. You can see from the heading that it's an email from
32 Strath Gordon to himself?
33 A. Yes.
34
35 Q. And it's headed "Notes on Pam Young matter" - do you
36 see that?
37 A. Yes.
38
39 Q. Dated 21 April?
40 A. Yes.
41
42 Q. The first topic that he records is that Siobhan had
43 told him at some point - not specified here - that Pam had
44 excluded her from the Dan Box briefing?
45 A. Yes.
46
47 Q. And he says that he, Strath Gordon, spoke with

1 Mick Willing and had indicated that while he was unhappy
2 with that, he would not intervene. Do you see that?

3 A. Yes.

4
5 Q. And then he says:

6
7 *The previously agreed media strategy*
8 *involved back grounding Dan and [the] ABC*
9 *reporter and then if we needed to provide*
10 *comment on the Coroners decision we could*
11 *do that in the day.*

12
13 What do you understand that to be a reference to, "we could
14 do that in the day"?

15 A. That we would need to receive a subsequent request to
16 do a formal interview and then we could consider it.

17
18 Q. A couple of paragraphs down, he records that
19 subsequently, Pam Young decided Emma Alberici would be her
20 background target and not the other ABC news reporter. And
21 then the paragraph I want to ask you about is the next one.
22 Strath Gordon says:

23
24 *On the day of the inquest [there was] no*
25 *further discussion on media other than*
26 *[Pamela Young] telling Georgie that she had*
27 *done no media because they had all left by*
28 *the time she came out.*

29
30 Do you see that?

31 A. Mmm-hmm.

32
33 Q. Then Strath Gordon says:

34
35 *However at five pm that day [Pam Young]*
36 *informed [Michael Willing] that she had*
37 *done the studio interview with no mention*
38 *of the content nor any mention of the*
39 *door-stop exclusive she gave Emma which was*
40 *on the ABC TV news that night.*

41
42 Do you see that?

43 A. Yes.

44
45 Q. Now, the way Strath Gordon was informed of what Pamela
46 Young had told Mr Willing was that you passed it on to
47 Strath Gordon; correct?

1 A. Correct.
2
3 Q. According to Strath Gordon, what was passed on to him
4 was that Pam Young had told Mick Willing that she had done
5 the studio interview, isn't it, that's what he has written?
6 A. That's what's written.
7
8 Q. Is that what you told him?
9 A. No, because I had no idea a studio interview had been
10 done until I saw it that night.
11
12 Q. So would you suggest, then, that Strath Gordon's note
13 of what you must have told him as to what Pam Young had
14 told Mr Willing is wrong?
15 A. It could be. I don't know. I haven't seen this note
16 before today.
17
18 Q. Thank you for that. What I thought we had established
19 was that whatever Strath Gordon was told about what
20 Mick Willing told you came from you telling Strath Gordon;
21 correct?
22 A. Correct.
23
24 Q. So he is setting out there his account of what he
25 understood, having spoken to you?
26 A. Yes.
27
28 Q. And his understanding, according to what he has
29 written, is that what Pamela Young told Mr Willing was that
30 she had done a studio interview. Do you see that?
31 A. I did not - I can see that, yes.
32
33 Q. Pausing there, you can see that's what he has written?
34 A. I can see that that's written there, yes.
35
36 Q. One obvious reason for him doing that is that that is
37 indeed what you told him?
38 A. No.
39
40 THE COMMISSIONER: Q. Do you say that prior to this last
41 few moments, no-one from the police has ever drawn your
42 attention to Mr Gordon's note?
43 A. I - I have not seen this one before.
44
45 Q. Is that another way of saying that prior to Mr Gray
46 asking you to look at it a moment ago, nobody had ever
47 shown you this from the police?

1 A. Not that I've noticed. It may have been in documents
2 that I somehow missed, but I have not seen this before.

3

4 MR GRAY: Q. Now that your memory has been directed to
5 it, just focusing on the actual conversation that this is
6 talking about, namely, the one between Mick Willing and
7 you --

8 A. Yes.

9

10 Q. -- where he rings you up, what's your recollection as
11 to whether Mick Willing said that Pamela Young had told him
12 that she had done an interview or that Pamela Young had
13 told him she was going to do an interview?

14 A. I can't remember. I am assuming, based on my media
15 update that I provided, that the interview had already
16 happened.

17

18 Q. That's an assumption you're making now, do you mean?

19 A. But based on the media update that I sent to the
20 senior officers.

21

22 Q. Yes, that's what I thought. You're making that
23 assumption now - and I'm not criticising this --

24 A. Mmm.

25

26 Q. You're making that assumption now as I'm asking you
27 these questions --

28 A. Yes.

29

30 Q. -- based on the media update?

31 A. Yes.

32

33 Q. Okay. But you say - I think you said this - that you
34 don't actually remember precisely what Mick Willing said?

35 A. I don't remember the specific words, no.

36

37 THE COMMISSIONER: Q. Is Mr Gordon an experienced media
38 person?

39 A. Yes.

40

41 Q. How long has he been, as far as you know or
42 understand, associated in the Media Department of the
43 police? How long has he worked there?

44 A. Oh, I don't recall when he started but he started
45 after I started.

46

47 Q. I'm so sorry, he --

1 A. He started after I started.

2

3 Q. Is he your superior, in the sense that was he the head
4 of the media?

5 A. He's the head of Public Affairs; that's correct.

6

7 THE COMMISSIONER: Thank you.

8

9 MR GRAY: Q. I'm sorry, I should have asked you this
10 before, but when did you - you're not still with the
11 NSW Police, are you?

12 A. No.

13

14 Q. When did you cease to be with the police?

15 A. 2018.

16

17 Q. Was Mr Gordon still there then, if you know?

18 A. I think so. But I can't remember exactly, but I think
19 he was.

20

21 Q. At tab 362 [NPL.0138.0002.3238] there's the first of
22 two updates that you circulated. You can see that it's at
23 18:18 - that is to say, 18 minutes past 6 in the evening?

24 A. Yes.

25

26 Q. I'm sorry, this is the second of two updates, I beg
27 your pardon. I took you to the first one previously?

28 A. Yes.

29

30 Q. This is a second one at 18 minutes past 6, and you
31 tell the recipients:

32

33 *In addition to the media update re:*
34 *[Strike Force] Macnamir, Det Ch Inspector*
35 *Pam Young spoke to Emma Alberici from ABC*
36 *Lateline on camera today. The reporter*
37 *also spoke with Steve Johnson. Both are to*
38 *appear on tonight's Lateline.*

39

40 A. Yes.

41

42 Q. You say, do you, that when you circulated the update
43 in those terms and said that Pam Young had spoken to Emma
44 Alberici from Lateline on camera, you were referring in
45 your mind to what you assumed must have been a door-stop?

46 A. Correct.

47

1 Q. And you assumed the door-stop must have been filmed?

2 A. Yes. Yes, it generally would be.

3

4 Q. Then if we could turn to tab 384 again

5 [NPL.0147.0001.0001] and could you turn to page 3. At the
6 top of that page, you answer a question from the Ashurst
7 lawyer saying that you didn't speak to Pam Young on the
8 Monday until lunchtime, that after the directions hearing
9 you spoke by phone about the media release, and she said
10 that by the time she came out, the media had all left,
11 "because we had spoken about a door-stop"; do you see that?
12 And then the question is:

13

14 *Was there an express conversation regarding*
15 *the terms of door-stop?*

16

17 And your answer was:

18

19 *Mick Willing had that conversation*
20 *regarding the door-stop. I didn't speak to*
21 *her until afterwards. She said the media*
22 *had left. Then she asked whether Dan Box*
23 *was doing a story. She said Lateline was*
24 *doing a story. I assumed it was based on*
25 *the backgrounder only.*

26

27 Is that still your evidence?

28

29

30 Q. Just bear with me one second, please. On page 3 - I'm
31 sorry, that is the relevant page, I just need to find -
32 yes, a bit lower down on that same page, in the next answer
33 from you, you say:

34

35 *I didn't know she had spoken to Lateline*
36 *until I received a call from Mick Willing*
37 *at 5pm.*

38

39 When you say there, "I didn't know she had spoken to
40 Lateline" until the call from Mick Willing --

41

42

43 Q. -- does that tell us that Mick Willing must have told
44 you that she had spoken to Lateline?

45

46

47

A. Yes, I believe Mick Willing had told me that she was
going to be on Lateline that night.

- 1 Q. No, different question. Did Mick Willing tell you, as
2 your answer seems to indicate, that she had spoken to
3 Lateline?
4 A. Yes.
5
6 Q. Well, speaking to Lateline is something different from
7 doing a door-stop outside the court, isn't it?
8 A. I would have assumed that Lateline would be outside
9 the court for the door-stop.
10
11 Q. Did you mean that you had in mind that there had been
12 a door-stop with lots of media present or just the ABC?
13 A. Whoever was there. Pamela had already said that there
14 were no media outside the court earlier, so in my mind, it
15 could have been highly possible that only Lateline had come
16 along later and then Pam had facilitated that door-stop,
17 just for Lateline.
18
19 Q. So in the next answer down - sorry, in that same
20 answer you say:
21
22 *... I thought it was just snippets. I sent*
23 *an email to everyone but didn't make big*
24 *deal because thought it would just be*
25 *grabs.*
26
27 A. Correct.
28
29 Q. And that's because of the answers you've been giving
30 just now?
31 A. Yes.
32
33 Q. You then say you were shocked when you saw Lateline.
34 A. Yes.
35
36 Q. She was in the studio. Then you say:
37
38 *... because I was expecting it to just be*
39 *a backgrounder.*
40
41 Do you see that?
42 A. Yes.
43
44 Q. The backgrounder is something different from the
45 door-stop, isn't it?
46 A. Yes. So I expected that, given the statement had now
47 been released and made public by the Coroner, that the

1 content of the story would be based on the information
2 within the statement, which is what the backgrounder had
3 been provided to do, provide understanding of what was in
4 the statement.

5
6 Q. So is this right, you thought that she must have,
7 after all, done a door-stop --

8 A. Yes.

9
10 Q. -- and that, when she did do this assumed door-stop,
11 what she must have said must have been derived from what
12 would have been in the backgrounder?

13 A. No. No. All that was supposed to be discussed at the
14 door-stop were lines that are consistent with the media
15 release.

16
17 Q. Yes.

18 A. In terms of the media reporting what they want to out
19 of the statement, which had been made public, it's a matter
20 for them, and the backgrounder had been provided to give
21 them an understanding of what's in the statement.

22
23 Q. Yes, I thought so. That's why I'm asking you, in
24 relation to that answer that you give, when you say "when
25 it started I was shocked she was in the studio because
26 I was expecting it to just be a backgrounder", I thought
27 your evidence was that you were expecting it to be the
28 door-stop?

29 A. I was expecting the content of the story to be based
30 on the information that had been provided in the
31 backgrounder --

32
33 Q. No, no, you are not quite, I don't think - we may be
34 at cross-purposes. I'm not asking you about what you
35 thought the Lateline story would be about. I'm asking what
36 you thought Pam Young's participation in the broadcast was
37 going to be. I thought you had told us that you expected
38 it was going to be some grabs from the door-stop?

39 A. Correct.

40
41 Q. But here you seem to be saying that you were expecting
42 it to be a backgrounder, which is a different thing?

43 A. I was expecting the story to be the content of the
44 backgrounder.

45
46 Q. I see. So when you say "because I was expecting it to
47 just be a backgrounder", you mean the whole ABC Lateline

1 program, do you?
2 A. No, no. And I believe if you look at the next
3 sentence in that interview, I was asked, "Using the
4 backgrounder as an interview?" And I have confirmed no,
5 that's not what I meant. Any interview that I was
6 anticipating was just to be in terms of the grabs that
7 I thought had been provided. However, the broader story
8 would not just use the grabs; it would also use information
9 from the statement, which is what had been discussed at the
10 backgrounder. But that wouldn't be attributed in an
11 interview to Pam Young. That would be a matter for the ABC
12 to be reporting what is in the statement.

13
14 Q. All right, then. Let's go to that answer that you
15 have just referred to. You say in that answer, after
16 saying, "No, I was expecting grabs", you say:

17
18 *The backgrounder was off the record. Pam*
19 *and I discussed it previously and she asked*
20 *"once the statement is released does the*
21 *backgrounder become on the record?"*

22
23 And you said:

24
25 *No, there needs to be a separate*
26 *interview'.*

27
28 Do you stand by that evidence?

29 A. Yes.

30
31 Q. Ms Young has put on a statement - have you been shown
32 Ms Young's statement?

33 A. I have seen it, yes.

34
35 Q. And you're aware that she says that that conversation
36 never occurred?

37 A. It would have occurred because I would have --

38
39 Q. No, my question is: are you aware that she says --

40 A. I'm aware that she --

41
42 Q. -- that that conversation never occurred?

43 A. -- said that, yes.

44
45 Q. You are aware of that?

46 A. I'm aware of that.

47

- 1 Q. And you reject that, do you?
2 A. I do.
3
4 Q. When do you say that conversation happened?
5 A. That conversation would have happened at the time we
6 were discussing and putting in place the backgrounder. So
7 back on - around 1 April.
8
9 Q. As early as that; is that right?
10 A. Yes, in relation to the backgrounder.
11
12 Q. Then at tab 363 [NPL.0138.0005.1813] you sent an
13 email, just a couple of minutes after your updated update,
14 at 19 minutes past 6, to Rory O'Connor, do you see that,
15 saying --
16 A. Yes.
17
18 Q. --
19
20 *Pam Young is expected to be on Lateline*
21 *tonight.*
22
23 A. Yes.
24
25 Q. Remind me who he is?
26 A. He was a Media Liaison Officer in the Media Unit who
27 was working the afternoon/late shift.
28
29 Q. Now, 40 minutes later, the ABC news comes on,
30 7 o'clock?
31 A. Yes.
32
33 Q. Did you watch it?
34 A. I don't remember.
35
36 Q. You don't remember whether you watched the news that
37 night?
38 A. I can't. It's eight years ago.
39
40 Q. It was eight years ago, but you've been preparing to
41 give evidence about these very topics in the last week or
42 two, I assume?
43 A. Yes, but I can't remember. I have - at the time,
44 I had a toddler, so it's very, very possible I did not
45 watch the news that night.
46
47 Q. Was it part of your responsibilities - I'm just asking

1 because I don't know - holding the media position that you
2 did, to watch programs about which you had been giving
3 advice or participating in discussions about media
4 strategies and so on?

5 A. No, not necessarily. We had people in the Media Unit
6 who would monitor the news that night, because I can't work
7 24/7 hours a day.

8
9 Q. No, you can't do that. Anyway, you can't tell us
10 whether you watched the news or not?

11 A. I can't remember.

12
13 Q. The Commission has seen an extract from the news in
14 the last few days, and there is footage of Pamela Young and
15 Penny Brown walking along the street outside the Coroners
16 Court, and there is footage of Pamela Young saying a few
17 things to camera, perhaps outside the court, although that
18 is not necessarily clear. When did you become aware that
19 such footage existed, that Pamela Young had been shown on
20 the news in that way?

21 A. I can't remember specifically. I did - I can remember
22 in terms of the different evidence that I've had a look at,
23 that Strath made reference to it in an email, that he had
24 seen footage of Pamela and Penny being shown on the news,
25 but I can't specifically remember.

26
27 Q. Let's turn to tab 364 [NPL.0138.0001.0042] this was an
28 email or a text actually - I'll start again. You can see
29 that it's actually, this very document, an email from
30 Pamela Young to herself. Do you see that?

31 A. Yes.

32
33 Q. But the heading is "Texts Mick Willing and Georgie
34 Wells"?

35 A. Yes.

36
37 Q. And it would seem that these are texts passing between
38 you and Mick Willing, on the one hand, and you and Pamela
39 Young, on the other hand?

40 A. Yes.

41
42 Q. Do you remember those texts?

43 A. I do remember those texts.

44
45 Q. Okay. So Pamela Young tells you and Mick Willing:

46
47 *In case you missed it the ABC news coverage*

1 *was balanced with a reference to an*
2 *exclusive tonight on Lateline.*

3

4 Do you see that?

5 A. Yes.

6

7 Q. Now, if you remember, approximately when did you get
8 that text?

9 A. It would have been, I think, between 5pm, when
10 Mick Willing had told me that she had spoken to Lateline,
11 and when it aired, later that night.

12

13 Q. It does seem, doesn't it, it must have been either
14 during or perhaps after the ABC 7 o'clock news? That's
15 what she's referring to?

16 A. Yes.

17

18 Q. So it's either between 7 and 7.30, or even after 7.30
19 but before Lateline?

20 A. Yes.

21

22 Q. So she tells you that there's reference in the news to
23 an "exclusive tonight on Lateline", and you say:

24

25 *Thanks Pam, look forward to seeing it.*

26

27 Is that right?

28 A. Yes.

29

30 Q. And do you say that although she refers to an
31 "exclusive" on Lateline, you thought she was still
32 referring to the door-stop?

33 A. Absolutely.

34

35 Q. How would that be exclusive?

36 A. Well, if all the media had already left and then she'd
37 managed to speak to Lateline and they were the only ones
38 she spoke to, then no other media would have those same
39 grabs.

40

41 Q. I see. So that's a sort of additional part of the
42 assumption that you made?

43 A. Yes.

44

45 THE COMMISSIONER: Q. You referred a moment ago to
46 Mr Gordon. Is he someone whose judgment you trust?

47 A. Yes.

1
2 Q. And is he a person, from your observation, who is
3 accurate in detailed matters?

4 A. Yes.

5
6 THE COMMISSIONER: Thank you.

7
8 MR GRAY: Q. There is an email at tab 365
9 [NPL0138.0004.5579] from Rory O'Connor to various people at
10 6 minutes to 8 on that night, and down the bottom of that
11 page, there's a reference to the Johnson case, and at the
12 end of that paragraph about the Johnson case, this appears:

13
14 *Det Insp Pamela Young from the Homicide*
15 *Squad welcomed the Inquest. She will be on*
16 *ABC Lateline tonight.*

17
18 Do you see that?

19 A. Yes.

20
21 Q. Did you see that on the night or at some subsequent
22 time?

23 A. I may have but I'm not sure.

24
25 Q. I don't think your name is on the addressees, so I'm
26 not suggesting you did, I'm just asking whether you've seen
27 it or whether you played any part in it?

28 A. No, I wouldn't have been - I wasn't working in the
29 Media Unit that night.

30
31 Q. Did you, in fact, watch the Lateline program that
32 night, as you --

33 A. I did.

34
35 Q. And what was your reaction?

36 A. I was shocked.

37
38 Q. And why is that?

39 A. Because Pamela was sitting in the studio and I was not
40 expecting for her to be in the studio.

41
42 Q. So your evidence is that until you saw the Lateline
43 program, you had no idea that she had done or might have
44 done a sit-down interview?

45 A. Correct.

46
47 Q. Did you contact anybody that night, having watched the

- 1 program and been shocked?
- 2 A. No, I was in shock. I went straight to bed and said,
3 "This will be tomorrow's issue."
4
- 5 Q. Did anyone contact you?
- 6 A. If they did, I didn't hear it. I don't believe so.
7
- 8 Q. Let's go to the next day, which is the Tuesday, the
9 14th, starting with tab 367 [NPL.0138.0002.2771]. This is
10 an email chain that finishes up with you. It starts down
11 the bottom of the page with an email from Kenneth Finch
12 late on the evening of the night before, the 13th, at about
13 20 past 10. Do you see that at the bottom of the page?
- 14 A. Yes.
15
- 16 Q. Kenneth Finch is asking:
17
18 *So - the question is who organised -*
19 *and approved Pam Young's interview with*
20 *Emma Alberici? What was the purpose of it?*
21
- 22 That's his question and then the next morning, the next
23 email is from Strath Gordon at 7.24am, and when he answers
24 Kenneth Finch he ccs you, among others. Do you see that
25 one?
- 26 A. Mmm-hmm, yes.
27
- 28 Q. And I assume because he ccs you, you then, about half
29 an hour later, fill out, from your perspective, a little
30 bit more detail, in effect, for Mr Finch; is that right?
- 31 A. Yes.
32
- 33 Q. At 368 [NPL.3000.0009.0669_0001] a little later in the
34 morning, about another hour and a bit later, at 18 minutes
35 past 9, you send an email from Mick Willing's computer to
36 Ms Vaughan and others. Do you see that?
- 37 A. Yes.
38
- 39 Q. And Ms Vaughan had a position with the Commissioner of
40 Police; is that right?
- 41 A. Yes. She was the Commissioner's media adviser.
42
- 43 Q. When you sent this email, and you sent it from Mick
44 Willing's computer, who was in the room?
- 45 A. I think it was Mick Willing and I.
46
- 47 Q. Just the two of you?

- 1 A. Yes.
2
3 Q. Who had come up with the lines that you set out there
4 under the heading - under the introductory words "Some
5 lines"?
- 6 A. I can't remember the specifics, but I am assuming that
7 we collaborated on those and came up with those together.
8
- 9 Q. You and Mick Willing?
10 A. Yes.
11
- 12 Q. And what was the catalyst for that? Why were the two
13 of you coming up with lines to be used? Was that your own
14 idea, you or he, or had somebody else asked you to come up
15 with lines?
- 16 A. I can't recall the specifics but we had a very
17 contentious unapproved interview that had aired on Lateline
18 so we needed to start working on a strategy to deal with
19 that.
20
- 21 Q. When you say "very contentious", who had told you it
22 was very contentious?
- 23 A. I was able to make my own views that it was
24 contentious, based on the content of what was said.
25
- 26 Q. In particular, what?
27 A. Criticism of a Minister.
28
- 29 Q. Criticism of the Minister?
30 A. And information said about the family.
31
- 32 Q. What did you have in mind there?
33 A. I think there was criticism of the family as well.
34
- 35 Q. By Ms Young?
36 A. That's correct.
37
- 38 Q. The words that you and Mick Willing came up with in
39 the first paragraph are:
40
- 41 *... Pam Young did express some personal*
42 *views during last night's interview, but*
43 *the majority of points she raised are*
44 *contained within her statement provided to*
45 *the Coroner.*
46
- 47 Do you see that?

1 A. Yes.
2
3 Q. Now, the contentious parts were not in her statement
4 to the Coroner, were they?
5 A. Correct.
6
7 Q. Why did you express these lines in that way, omitting
8 reference to what might be called the elephant in the room?
9 A. I think everyone knew about the elephant in the room
10 in any case.
11
12 Q. But these were lines, I take it, to be published by
13 way of a press release or the like, were they?
14 A. No, no. These were lines for discussion with the
15 Commissioner's media adviser.
16
17 Q. Yes, with what intention in mind in the end, for the
18 lines to be published in some way?
19 A. They were the starting point for discussion on what we
20 would publish.
21
22 THE COMMISSIONER: Q. And it was done, was it, to your
23 understanding, for the purposes in part of supporting
24 Ms Young?
25 A. It was done to respond to the media.
26
27 Q. I wonder if you'd do me the courtesy of answering my
28 question: was it done in part, the terms that were used,
29 in order to support Ms Young?
30 A. I'm not sure if "support" would be the correct word.
31
32 Q. What would you call it?
33 A. I don't know.
34
35 Q. Well, you say her "personal views during last night's
36 interview":
37
38 *..., but the majority of points she raised*
39 *are contained within her statement provided*
40 *to the Coroner.*
41
42 A. Yes.
43
44 Q. Well, weren't you supporting her by saying that the
45 thrust of or many of the points, if not much of what she
46 said, was already in her statement to the Coroner?
47 A. Again I can only say these were starting points for

1 discussion with the Commissioner's adviser.

2

3 Q. All right. So you can't tell me one way or the other
4 whether your intention here was to support Ms Young?

5 A. It was not my level of authority to decide whether or
6 not to support Ms Young.

7

8 Q. But you did what Mr Willing asked you to do, namely,
9 type up the words that you and he talked about?

10 A. Yes.

11

12 THE COMMISSIONER: All right. Thank you.

13

14 MR GRAY: Q. You said in the course of one of those
15 answers just now that - and I'm not quoting you precisely -
16 something to the effect that by this time, 9.18, the media
17 were already wanting answers or wanting responses?

18 A. I don't know if we'd started receiving inquiries or
19 not but with something like this, you would proactively go
20 in and start working on how you would respond, because they
21 were bound to come, if they hadn't started already.

22

23 Q. And what you expected or anticipated, as it turned out
24 correctly, was that the media would want to know, what did
25 the police have to say about what Pamela Young had said on
26 Lateline?

27 A. Yes.

28

29 Q. And in particular, they would want to know - and I'm
30 putting this to you as a question - they would want to
31 know, you anticipated, did the police support what Ms Young
32 had said in her criticisms of the Minister and criticisms
33 of the family? That's what you anticipated?

34 A. We anticipated that but we would not have said that we
35 support those personal views.

36

37 Q. No, just one question at the time. That's what you
38 anticipated the media would want to know?

39 A. Yes.

40

41 Q. And in anticipating that that's what the media would
42 want to know, what you and Mr Willing came up with was:

43

44 *[Detective] Young did express some personal*
45 *views during last night's interview, but*
46 *the majority of points she raised are*
47 *contained within her statement provided to*

1 *the Coroner.*

2

3 Correct?

4 A. Yes.

5

6 Q. Now, given what you anticipated was the real likely
7 thrust of the media's interest, that was a form of words
8 that played down the real problem and tried to present
9 Ms Young in as favourable a light as possible, wasn't it?

10 A. I guess you could say that, yes.

11

12 Q. Is part of the reason for that that, as you understood
13 it, Mr Willing did not have a problem with what Ms Young
14 had said?

15 A. No, I don't think that's the case. I think we were
16 very concerned about what had been said, both myself and
17 Mr Willing and, in fact, Strath Gordon and other people
18 involved. We were very concerned.

19

20 THE COMMISSIONER: Q. But the rest of the email that
21 you're being asked about, in effect, was a glowing
22 reference of Ms Young, wasn't it? Just have a look at it:

23

24 *- Pam is an experienced and talented*
25 *detective ... 16 of those in homicide.*

26 *- [She] has led an extensive and methodical*
27 *two year investigation ...*

28 *- during that time ...*

29

30 Et cetera, et cetera, et cetera.

31

32 Now, it is a glowing reference for Ms Young, isn't it,
33 by saying that she's a top detective, she knows everything
34 she's talking about in relation to this matter, and the
35 majority of what she's said is already in her statement,
36 which is part of the record. Isn't that, overall,
37 a reference in favour of Ms Young?

38 A. You could come to that conclusion, yes.

39

40 Q. Beg your pardon?

41 A. You could come to that conclusion, yes.

42

43 Q. Well, would you, though, come to that conclusion, not
44 objectively, wasn't that the purpose of you and
45 Mr Willing - I don't associate you entirely, but there's
46 nothing here that's critical of Ms Young at all, is there?

47 A. There were other considerations --

1
2 Q. No, look, please, there may be other considerations,
3 I'm just simply asking you, on the face of this document,
4 which you typed, Mr Willing tells you that's what you're
5 going to do. There's nothing critical in that email of
6 Ms Young really at all, is there?
7 A. No.
8
9 THE COMMISSIONER: Thank you.
10
11 MR GRAY: Q. Did Mr Willing tell you by 9.18am that he
12 had spoken to Ms Young?
13 A. I don't remember.
14
15 Q. Did you ask him if he had spoken to Ms Young?
16 A. I don't remember.
17
18 Q. Did you speak to Ms Young?
19 A. I don't think so.
20
21 Q. To your knowledge, had Mr Willing, by this time,
22 9.18am, been in communication with the Commissioner's
23 office, for example, through Ms Vaughan or otherwise?
24 A. I would assume so.
25
26 Q. Did he tell you what the Commissioner's view was as
27 conveyed to him?
28 A. Not that I remember.
29
30 Q. If we turn to tab 370 [NPL.0138.0002.6715] this is an
31 email chain a little later that morning, and it starts at
32 the bottom, as they do. The first one is from Michael
33 Willing to Ms Vaughan, and copied to various others
34 including yourself, and this is at 12.49 on the 14th, so
35 about three and a half hours later?
36 A. Yes.
37
38 Q. This time, Michael Willing says:
39
40 Z --
41
42 that's Ms Vaughan--:
43
44 *Z and Strath, below words for*
45 *consideration. I am happy to own the*
46 *comment subject to the Commissioner's view.*
47

1 Do you see that?

2 A. Yes.

3

4 Q. This time, the words are different. The first
5 paragraph says that Pamela Young is:

6

7 *... an experienced officer who, along with*
8 *her team, have worked hard on this case and*
9 *conducted an outstanding investigation.*

10

11 But then the second paragraph says:

12

13 *Perhaps some of her comments (on Lateline)*
14 *were inopportune in light of the Coroner's*
15 *decision yesterday ...*

16

17 et cetera. Do you see that?

18 A. Yes.

19

20 Q. Now, what was the chain of events that led to this
21 second form of words being generated?

22 A. As I mentioned earlier, the initial words that were
23 put together and sent to Zdenka were put together as
24 talking points for discussion to determine what the
25 statement would be. So I can't remember the specifics of
26 what happened between 9.18 and when this email was sent,
27 but there would have been some back and forth on the
28 language and what would be included in that, and this is
29 what has eventuated out of that.

30

31 Q. Right. Well, speaking bluntly, the first form of
32 words, as you've agreed, was essentially a glowing
33 reference in praise of Pamela Young; correct? I think you
34 just agreed with that?

35 A. Yes.

36

37 Q. This form of words, however, moves a long way away
38 from that and says that some of her comments were perhaps
39 inopportune?

40 A. Yes.

41

42 Q. Which is a very different angle, isn't it?

43 A. Yes.

44

45 Q. Well, whose idea was the change of angle?

46 A. I believe it was a discussion between the Commissioner
47 and Zdenka Vaughan, between Mick Willing and Zdenka

1 Vaughan, between discussions with myself and Mick Willing
2 and Zdenka Vaughan. So it would have been discussions by
3 all of those people.
4

5 Q. And were you party to those discussions?

6 A. I don't think I was probably party to all of those
7 discussions. I certainly wasn't party to any conversations
8 between the Commissioner and the Commissioner's adviser,
9 and there may well have been discussions between Mick
10 Willing and Zdenka as well. And I note also that this
11 email from Mick Willing to Zdenka and Strath is not from
12 Mick Willing and I. It's what he has sent directly.
13

14 Q. Yes. Well, did you play a part in the drafting of
15 these words that include the word "inopportune"?

16 A. I may well have. As I said, there would have been
17 discussions going back and forth, some of which I would
18 have been a part of, but not necessarily all.
19

20 Q. Mick Willing would have consulted you, wouldn't he,
21 on --

22 A. Not necessarily.
23

24 Q. -- what would be the best form of words?

25 A. This had gone beyond me. It was now with the
26 Commissioner's media adviser. And so I had taken a back
27 step to this, because this was now being dealt with at
28 a more senior level.
29

30 Q. The response that comes back from Strath Gordon is to
31 say that, "I am fine with that, Mick". He makes a couple
32 of other comments, and then you say, because you then
33 respond to Strath and Zdenka:
34

35 *Will amend.*
36

37 And you say:

38
39 *Once the Commissioner has approved the*
40 *wording ... shall I respond to Rick*
41 *Feneley ...*
42

43 Do you see that?

44 A. Yes.
45

46 Q. Now, the approach from Rick Feneley is the tab before,
47 369 [NPL.3000.0004.0742_0001]. Do you see that? Rick

1 Feneley sends an email to Zdenka at 12.03?
2 A. Yes.
3
4 Q. And he asks essentially the very sort of questions
5 that you and I discussed a few minutes ago that you were
6 anticipating; is that right?
7 A. Yes.
8
9 Q. "Was the Commissioner aware that a DCI was going to
10 accuse the Minister of improper conduct"; "Does the
11 Commissioner own or disown the statement", et cetera.
12 A. Mmm.
13
14 Q. So that's the very kind of inquiry from the media that
15 you anticipated?
16 A. Yes.
17
18 Q. And that comes in at 12.03?
19 A. Yes.
20
21 Q. And the words that we see that are generated - before
22 I go to that, the email from Feneley to Zdenka is then sent
23 by Zdenka Vaughan to Mr Willing and you and others at
24 12.05. Do you see that at the top of the page?
25 A. Yes.
26
27 Q. And then we find at the bottom of tab 370
28 [NPL.0138.0002.6715], the email that I started with, at
29 12.49, 40 minutes after Zdenka has said to Mick Willing,
30 "Mick, calling you now"?
31 A. Yes.
32
33 Q. Well, did Zdenka call Mick in your presence?
34 A. As I said, there were some discussions where all three
35 of us were part of, and then there would have been
36 discussions with Mick and Zdenka directly. But I can't
37 recall which ones I was a part of and which ones I was not.
38
39 Q. By the time this email of 12.49, at the bottom of the
40 first page of tab 370, was sent, you were aware, I take it,
41 that the Commissioner wanted something to be said that was
42 not simply supportive of Pamela Young but took the
43 different angle that eventually was taken?
44 A. Yes.
45
46 Q. And that seems to have happened, does it, between
47 12.03 and 12.49?

1 A. Yes.

2

3 Q. Did Mick Willing say to you, "Commissioner Scipione
4 has decided that he has to cut Ms Young loose"?

5 A. No, I don't recall any conversations to that effect.

6

7 Q. Tab 371 [NPL.0138.0002.6717] seems to be the kind of
8 finishing line of this sequence of events, where you send
9 an email to Rick Feneley, with ccs to Strath Gordon and
10 Mick Willing and Zdenka Vaughan, saying:

11

12 *Hi Rick,*

13 *This statement can be attributed to*

14 *[Mr Willing] ...*

15

16 And then it is in the form of the previous email.

17 A. (Witness nods).

18

19 Q. What did Mr Willing tell you about what the
20 Commissioner had said to him about what needed to be said?

21 A. I don't know if the Commissioner and Mick Willing did
22 speak that day.

23

24 Q. Well, what did Mick Willing tell you about what
25 someone from the Commissioner's office, such as Ms Vaughan,
26 had said about what the Commissioner wanted?

27 A. As I said, there were various discussions throughout
28 the day about the content of the statement. I can't recall
29 the specifics of those, but we went from the original
30 discussion points to what ended up being in the statement
31 but, as I said, I had taken a bit of a back step to it all
32 because it was being dealt with at a more executive level.

33

34 MR GRAY: I only have a couple of minutes to go, I think.
35 I see it is a few minutes to one, but I think I can
36 probably finish --

37

38 THE COMMISSIONER: I think it is advantageous that you
39 finish and then - unless my clock is wrong, you have five
40 minutes anyway.

41

42 MR GRAY: Yes.

43

44 Q. Ms Wells, are you aware that Ms Alberici has put on
45 a statement before the Inquiry about these matters?

46 A. Yes.

47

1 Q. And have you read it?
2 A. Yes.
3
4 Q. And are you aware that she gave some oral evidence
5 yesterday?
6 A. Yes.
7
8 Q. And has somebody told you, or have you been able to
9 read, what she said?
10 A. I have been told what she spoke about.
11
12 Q. Yes, but you haven't actually seen the transcript?
13 A. No.
14
15 Q. But somebody has told you essentially the nature of
16 what she said yesterday?
17 A. Yes.
18
19 Q. So one of the things she said - and for the moment
20 I won't go into chapter and verse, but in general - was
21 that from as early as February 2015, when she received the
22 Pamela Young statement from Pamela Young, she was in
23 communication with the Police Media personnel. You are
24 aware she says that?
25 A. I'm aware she said that, yes.
26
27 Q. What do you say in response to that?
28 A. It certainly wasn't with me, and I don't think it was
29 with Strath because he would have advised me, and there's
30 no-one else within the Media Unit that really would have
31 had oversight of this matter to be having those
32 discussions.
33
34 Q. Let's just get that clear. Potentially,
35 theoretically, if it happened, it could have been with
36 you - in terms of who would have known something about it,
37 there would be you?
38 A. It would be me, but I didn't have any discussions.
39
40 Q. I understand. Just one thing at a time. It could be
41 Siobhan McMahon?
42 A. Possibly.
43
44 Q. It could be Strath Gordon?
45 A. Yes.
46
47 Q. Anyone else - that is, from Police Media, that was

- 1 anything to do with this Lateline topic?
2 A. No, not that I recall.
3
4 Q. So if it happened, it had to be one of those three; is
5 that right?
6 A. Yes.
7
8 Q. And you say it wasn't you?
9 A. It wasn't me.
10
11 Q. Then, in terms of the lead-up to the Lateline
12 interview that in fact happened on 13 April, Ms Alberici
13 has said that she had a number of telephone conversations
14 with people from the Police Media section. What do you say
15 to that?
16 A. As I indicated earlier in the day, I believe I may
17 have had one conversation with Emma Alberici, in which
18 I was trying to find out if Lateline was doing a story. It
19 would have been a very brief conversation. And that's the
20 only time that I would have spoken to her.
21
22 Q. Could we turn to tab 348 in the bundle
23 [SCOI.82992_0001] this is an email on 8 April, Wednesday.
24 You can see about six lines from the top that it is from
25 Emma Alberici - it is not quite clear to whom, but it says
26 that Emma Alberici wrote this at 10.57am on 8 April. Do
27 you see that?
28 A. Yes.
29
30 Q. Have you been shown this document before today, before
31 right now?
32 A. I believe I looked at it yesterday.
33
34 Q. Are you aware that Ms Alberici gave some evidence
35 about it yesterday?
36 A. Yes.
37
38 Q. Now, 8 April was the Wednesday when you were sick and
39 at home?
40 A. Correct.
41
42 Q. And we have established that although sick and at
43 home, you were making calls and taking calls and sending
44 emails, at least to some extent?
45 A. Yes.
46
47 Q. You will see that Ms Alberici says in the middle of

1 this email, on this page, tab 348, about four lines from
2 the top of what is not redacted, to whoever she is writing
3 to:

4
5 *We also have an exclusive interview with*
6 *the head of Homicide at NSW Police Pamela*
7 *Young ...*

8
9 Do you see that?

10 A. Yes.

11
12 Q. And then about ten lines below that, so about seven or
13 eight lines from the bottom, can you see there is
14 a sentence that begins:

15
16 *Police have asked me if it's ok for The*
17 *Australian to be given an interview Monday*
18 *with Pamela Young also.*

19
20 A. Yes.

21
22 Q. Was that you who did that?

23 A. I don't think so.

24
25 Q. Then she says:

26
27 *I have spent the past hour in conversation*
28 *with them all and have had them agree that*
29 *the Australian can't publish until Tuesday.*

30
31 Do you see that?

32 A. Yes.

33
34 Q. And she said in evidence yesterday that the references
35 to "them all" was a reference to Police Media personnel.
36 Do you have a recollection of telephone calls with Emma
37 Alberici on 8 April?

38 A. No, and any telephone call that I had ever had with
39 Emma Alberici probably lasted an entirety of 30 seconds,
40 not an hour.

41
42 Q. According to her evidence - and I just need to put
43 this to you for your response - she had numerous calls over
44 the course of that hour, back and forth. What do you say
45 about that?

46 A. They weren't with me.

47

1 Q. Let me just take you to a couple of passages from her
2 transcript of yesterday. At 6229 of the transcript, over
3 to 6230, she said that at about the time that Pamela Young
4 provided her with the statement, which was February, she
5 had some dealings on the phone with someone from Police
6 Media, a woman. Now, you say if that happened, it wasn't
7 with you?

8 A. No.

9
10 Q. And no-one told you, such as Siobhan McMahon or anyone
11 else, that she had had such a conversation?

12 A. No, and Siobhan would have told me if she had had that
13 conversation.

14
15 Q. Ms Alberici said at 6230 that at around that time,
16 she:

17
18 *... had one or two conversations with*
19 *Police Media where they had asked did*
20 *I have everything I needed for the*
21 *interview and could they help me with*
22 *anything else? Did I need any more*
23 *information?*

24
25 What do you say about that?

26 A. I may have had that conversation, but it wouldn't have
27 been in relation to an interview; it may have been in
28 relation to the backgrounder.

29
30 Q. At page 6246 - just to orient you on this, if you have
31 still got the tab open there - have you got the tab open in
32 your folder, Emma Alberici's email?

33 A. Yes.

34
35 Q. Yes. I won't take time on it, but at one point in her
36 evidence yesterday she referred to the fact that she
37 recorded, I think perhaps in another email, that she had
38 developed a strong relationship with police involved in
39 this matter. That's what Ms Alberici says. I asked her:

40
41 *What did you mean by "strong relationship*
42 *with police involved"?*

43
44 And she said, at 6246:

45
46 *That I had been discussing the case at*
47 *length with them for some months.*

1
2 I asked:
3
4 *"Them" being who?*
5
6 Her answer was:
7
8 *Oh, Mick Willing, Police Media, Penny*
9 *Brown, Pamela Young.*
10
11 So Ms Alberici's evidence was that she had been discussing
12 the case, the Johnson case, with Police Media for months.
13 What do you say about that?
14 A. No.
15
16 Q. As at April, this is?
17 A. No, I don't think that's the case. Certainly not with
18 me.
19
20 Q. And then at 6254 she gave evidence that, so far as she
21 was aware, Mr Willing and one or more people from the Media
22 Unit were fully aware that the interview with Pamela Young
23 was going to go to air. What do you say to that?
24 A. No. As I said, I was not aware that a sit-down studio
25 interview had taken place until I saw it at 10 o'clock that
26 night.
27
28 MR GRAY: Yes. Those are my questions.
29
30 THE COMMISSIONER: All right. Thank you. I will adjourn
31 until after 2. Now, just before we do that, Ms Barnes,
32 first of all, do you have any questions?
33
34 MS BARNES: No.
35
36 THE COMMISSIONER: Mr Glissan?
37
38 MR GLISSAN: I will, your Honour, yes.
39
40 THE COMMISSIONER: All right. You will go next.
41 Mr Tedeschi will follow. We will need to complete this
42 witness today. Is there any difficulty, you see, in that
43 regard, Mr Glissan?
44
45 MR GLISSAN: Not so far as I'm concerned.
46
47 THE COMMISSIONER: Mr Tedeschi?

1
2 MR TEDESCHI: I will finish today.

3
4 THE COMMISSIONER: Good. Thank you. I will adjourn,
5 then, until slightly after 2 o'clock.

6
7 **LUNCHEON ADJOURNMENT.**

8
9 THE COMMISSIONER: Yes, Mr Glissan?

10
11 **<EXAMINATION BY MR GLISSAN:**

12
13 MR GLISSAN: Q. Ms Wells, my name is Glissan and
14 I appear in the interests of Pamela Young. I want to ask
15 you just some few questions. Do you remember that, I think
16 it was the day after this Lateline interview had occurred,
17 you sent an email to Strath Gordon about what had happened?

18 A. Yes.

19
20 Q. And set out a short chronology?

21 A. Yes.

22
23 Q. In that email - it is at tab 372 [NPL.0138.0002.3306],
24 if it's required, Commissioner, but I don't propose to go
25 to it in detail - you began by saying:

26
27 *As requested, please find a brief*
28 *chronology regarding the Scott Johnson*
29 *matter. Apologies if my memory is hazy on*
30 *some things but I was completely bedridden*
31 *last [Wednesday] and [Thursday].*

32
33 So even at the immediate aftermath, you had some memory
34 problems about what had occurred; is that right?

35 A. No, I wouldn't say "memory problems". I have outlined
36 what my recollections of what had happened were.

37
38 Q. But you did say, did you not, that you were hazy about
39 some things?

40 A. Well, anything that might have happened on the
41 Wednesday and Thursday, when I wasn't, in fact, working.

42
43 Q. All right. And so, the next time - well, let me ask
44 you this: you weren't trying to distance yourself from it
45 even at that stage, were you?

46 A. No.

47

1 Q. Within a fortnight, you had been to and been
2 interviewed by two lawyers at Ashurst about the matter?

3 A. Yes.

4

5 Q. And so may we take it reasonably that your memory then
6 was more clear about what had occurred than when you made
7 your statement in the last week or so?

8 A. Yes.

9

10 Q. In relation to that, at the early part, as we
11 understand your evidence, of your involvement, you had sent
12 an email to a group of people about what was proposed in
13 relation to the statement?

14 A. Yes.

15

16 Q. Tab 347 [NPL.0138.0001.0037], and in that, one of the
17 people who had been copied in to it was Bradley Monk?

18 A. Yes.

19

20 Q. Is it the case that Bradley Monk was in the office of
21 the Deputy Commissioner of Police?

22 A. He may have been. I can't remember.

23

24 Q. You don't remember. So you don't remember whether or
25 not at that stage he was in Nick Kaldas's office?

26 A. I don't remember, no.

27

28 Q. Thank you. In that, one of the things you said was -
29 and this is your drafting --

30

31 *If and when the statement is made public,*
32 *we would be happy to go on the record*
33 *then ...*

34

35 A. Yes.

36

37 Q. Just to put that even more clearly, the following day,
38 on 8 April, you send a further email to Pamela Young,
39 tab 351 [NPL.0138.0002.2959], talking about the Dan Box
40 backgrounding information, and in that you confirmed to her
41 that any background information was to be used only if or
42 when the statement was made public by the Coroner?

43 A. Yes.

44

45 Q. So your understanding was at that stage that when the
46 Coroner made a determination, that the material in her
47 statement was to be made public, you were prepared - that's

1 to say Police Media was prepared - "to go on the record",
2 to use your words?

3 A. To do interviews but, as I said earlier, they would
4 still be subject to further discussion and approval.

5
6 Q. Well, that's not quite right, is it? Because if
7 I then take you to your statement to Ashurst at tab 384
8 [NPL.0147.0001.0001], there are a number of things that
9 come out of that interview that I want to ask you about.
10 At the foot of the first page of that - do you have it
11 there?

12 A. Yes.

13
14 Q. One of the things you were asked, and in respect of
15 which you gave an answer, was about going on the record,
16 and you said, at the bottom of page 1:

17
18 *The possibility of going on the record*
19 *afterwards.*

20
21 Do you see that?

22 A. Yes.

23
24 Q. Then you talk about you assume a DCI would understand
25 that to mean you can't sit down and do a 20-minute
26 interview with Lateline?

27 A. Correct.

28
29 Q. But you go on to say police at superintendent level
30 and up can do it without express permission?

31 A. Yes.

32
33 Q. So that was one rank above Detective Chief Inspector
34 Young as she then was?

35 A. Yes.

36
37 Q. And, of course, the one person who could have done it
38 was the Commander of Homicide, Mr Willing?

39 A. That's correct.

40
41 Q. And of course, you would agree - because it is
42 consistent with the evidence you gave the Commissioner
43 earlier today - that he could have approved her doing it?

44 A. No. He could not have approved her doing it. That
45 would have needed to go to the Commander of Public Affairs
46 as well.

47

1 Q. You do agree, though, don't you, that the fact of the
2 matter is that either there was a misunderstanding about
3 that or there was some error in Police Media about it? Is
4 that not right?
5 A. I don't believe there was a misunderstanding.
6
7 MR TEDESCHI: I object
8
9 THE COMMISSIONER: I'm sorry, I can't hear who objected.
10
11 MR TEDESCHI: I'm sorry, I objected.
12
13 THE COMMISSIONER: To what?
14
15 MR GLISSAN: It has been answered, your Honour.
16
17 MR TEDESCHI: A misunderstanding by her,
18 a misunderstanding by someone else?
19
20 THE COMMISSIONER: Fair enough. No, fair enough.
21
22 MR GLISSAN: I understand.
23
24 THE COMMISSIONER: You clear it up, Mr Glissan.
25
26 MR GLISSAN: I will.
27
28 Q. I mean an understanding by both you and by Ms Young?
29 A. No. I think that would be a very long stretch.
30
31 Q. Well, she said it was approved - you told Ashurst
32 that?
33 A. The backgrounder was approved; that's correct.
34
35 Q. She said there was a misunderstanding as to what was
36 approved?
37 A. I don't --
38
39 MR TEDESCHI: I object. Sorry, who said? Somebody at
40 Ashurst? Ms Young?
41
42 THE COMMISSIONER: Mr Tedeschi, I'm assuming Mr Glissan is
43 referring to this person's interview with Ashurst.
44
45 And I think, in fairness, though, Mr Glissan, could
46 you just refer --
47

1 MR GLISSAN: Your Honour, let there be no doubt about what
2 I'm putting.
3
4 Q. You said, in the interview with Ashurst, referring to
5 Pamela Young:
6
7 *Briefly last week. She said there was*
8 *a bit of a misunderstanding regarding what*
9 *was approved. She says it was approved.*
10
11 A. Sorry, could you repeat where in the statement that
12 was?
13
14 Q. Yes, at the very top of page 2 --
15
16 THE COMMISSIONER: That's at 384, is it?
17
18 MR GLISSAN: Tab 384. [NPL.0147.0001.0001_0001]
19
20 THE WITNESS: So that's after the interview had taken
21 place, by the look of it.
22
23 MR GLISSAN: Q. Yes, after the interview had taken
24 place.
25 A. I don't believe that there was a misunderstanding.
26 I cannot understand how there could have been
27 a misunderstanding.
28
29 Q. But you yourself said you had not been clear in your
30 dealings with her about it, didn't you?
31 A. But she's also a very experienced senior detective.
32 I shouldn't need to be clear.
33
34 Q. But she had done these things before?
35 A. All that was approved was a backgrounder.
36
37 Q. Well, let us test that with what you said to Ashurst.
38 You said, three or four questions further on in relation to
39 what was discussed on the 1st:
40
41 *There was no discussion that we would need*
42 *to get approval ... those were assumptions*
43 *on my part.*
44
45 You said - that's right, isn't it? That's in your
46 statement?
47 A. Yes, that was a --

- 1
2 Q. You said - please. You said:
3
4 *I never specifically said you need to come*
5 *back and get approval.*
6
7 That's right, isn't it?
8 A. That's what it says.
9
10 Q. You said:
11
12 *That was approved with possibility of on*
13 *the record later.*
14
15 A. Later, yes.
16
17 Q. And you said later in the interview, page 3 at about
18 the middle of the page:
19
20 *Pam and I discussed it previously and she*
21 *asked, "once the statement is released does*
22 *the backgrounder become on the record?"*
23 *I said "no, there needs to be a separate*
24 *interview".*
25
26 A. That's correct. The backgrounder.
27
28 Q. And so it's wrong to say that you were expecting her
29 interview on Lateline merely to be grabs, because that was
30 the backgrounder, wasn't it?
31 A. The backgrounder was not the grabs, no.
32
33 Q. And you took the view, strongly, that there needed to
34 be a separate interview?
35 A. That's correct.
36
37 Q. And so when you learned, as you did, that she was
38 going to be on Lateline, as was made clear to you - and
39 I will come to that in a moment - it must have been clear
40 to you that that was for the purpose of the separate
41 interview?
42 A. I was of the belief that a door-stop in the form of
43 grabs had been conducted outside the court and that was
44 what is - what I was expecting to see on Lateline that
45 night.
46
47 THE COMMISSIONER: Q. Now, I wonder if you would be kind

1 enough to answer the question, please.

2

3 MR GLISSAN: Thank you, Commissioner.

4

5 Q. You knew, didn't you, that what was contemplated was
6 the separate interview that was the follow-up, when you
7 were going to go on the record?

8 A. I don't understand. Do you mean the door-stop
9 interview or the sit-down interview?

10

11 Q. The fact is, what had been in your original email was
12 an indication that when the Coroner released the statement,
13 you were happy to go on the record?

14 A. Subject to further discussions, yes.

15

16 Q. Where is there any expression in that email of yours
17 "subject to further discussions"? Please look at it if you
18 need. There isn't, is there?

19 A. No.

20

21 Q. No. So the fact is, what had been conveyed to
22 everybody up the chain, to the level of the Deputy
23 Commissioner of Police, was that once the Coroner had
24 released the statement, you were happy to go on the record?

25 A. That's correct.

26

27 Q. The only person who was capable of going on the record
28 and providing detail about the quality of the investigation
29 and the extent to which there had been any interference by
30 the Johnson family was Detective Chief Inspector Young?

31 A. No. No-one would have been approved to provide that
32 context.

33

34 Q. I didn't ask you whether they'd been approved.
35 I asked you whether you were aware of anybody else who was
36 competent to provide that information?

37 A. No.

38

39 Q. And the answer is no, isn't it?

40 A. No.

41

42 Q. It was Detective Chief Inspector Young's baby, for
43 want of a better word? She was the investigator. Yes?

44 A. Yes.

45

46 Q. Right. So that right at the beginning, there is
47 effectively, an acknowledgment that once the Coroner

1 releases the statement, you, as the relevant person in
2 Police Media were happy to go on the record?

3 A. No, I can't go on the record.

4

5 Q. No, not you personally but you were happy for police
6 to go on the record?

7 A. I can't approve that either.

8

9 Q. But you see, it had already been approved, hadn't
10 it, because this had gone up the chain all the way to
11 Nick Kaldas's office?

12 A. As a backgrounder.

13

14 Q. The Coroner had, on the morning of the 10th, released
15 the redacted statement of Detective Chief Inspector Young,
16 so that the trigger for going on the record had been
17 pulled?

18 A. On the --

19

20 THE COMMISSIONER: I think you mean the morning of the
21 13th, don't you?

22

23 MR GLISSAN: I'm sorry, the 13th. I'm sorry, your Honour.
24 Dates are not something I'm - yes, I'm sorry. I apologise
25 for that.

26

27 Q. But that's right, isn't it?

28 A. Correct.

29

30 Q. So the trigger had been pulled, you were ready to go
31 on the record and the appropriate person was Young?

32 A. With approval.

33

34 Q. Yes, thank you. I think you've said that before.

35

36 THE COMMISSIONER: Q. And as I have understood your
37 evidence, you could not have given approval one way or the
38 other; is that right?

39 A. No, I was not authorised to give approval for
40 interviews.

41

42 THE COMMISSIONER: Okay, thank you.

43

44 MR GLISSAN: Q. What did you mean, then, when you refer
45 in the statement that you made to Ashurst, when you said,
46 in relation to a subsequent conversation --

47

1 MR TEDESCHI: Page, please?

2

3 MR GLISSAN: Page 2, from about line 12, I suppose:

4

5 *That if we had requests as a result of the*
6 *statement being released ...*

7

8 You went on to say:

9

10 *There was no discussion that we would need*
11 *to get approval ...*

12

13 What did you mean when you said:

14

15 *I never specifically said you need to come*
16 *back and get approval.*

17

18 A. I don't - I don't recall the specifics of that.

19

20 Q. Well, this was your recollection within two weeks of
21 the event, and you have no recollection now at all; is that
22 right?

23

24 A. I am very sure that those conversations were had but,
25 in this statement, it's obviously a little bit confused,
26 because I say one thing at the top of that page and another
27 thing at the bottom of the page. But to my memory, we did
28 discuss going on the record afterwards, and that separate
29 approval would need to be sought.

29

30 Q. You do say, though:

31

32 *We didn't go into that specifically. It*
33 *was very brief. I let her know there was*
34 *a misunderstanding.*

35

36 That's the next question and answer.

37

38 A. Is that in relation to discussions on the day or in
39 the backgrounder?

39

40 MR TEDESCHI: That should be made clear, that it was
41 subsequent conversations after the interview.

42

43 THE COMMISSIONER: Q. I think, in fairness, you should
44 just take a moment and read it yourself. It's your
45 recollection, not Mr Tedeschi's, nor mine, nor
46 Mr Glissan's. So, rather, it is the question you have just
47 posed a moment ago, as one you should answer yourself,

1 I think. So why don't you just take a moment, read it, and
2 then, I'll ask Mr Glissan to put the question again and
3 then you can answer it.

4
5 MR GLISSAN: Certainly, your Honour.

6
7 THE WITNESS: Can you please repeat your question?

8
9 MR GLISSAN: Q. Yes, it's page 2, from the first long
10 answer of yours "That if we had requests", and for the next
11 10 lines, down to the words "misunderstanding".

12 A. Sorry, the "misunderstanding" is at the top of page 2.

13
14 Q. I'll read it to you so that there can be no
15 misunderstanding between us . You said:

16
17 *That if we had requests as a result of the*
18 *statement being released we would look at*
19 *those at the time. There was no discussion*
20 *that we would need to get approval etc,*
21 *those were assumptions on my part. I never*
22 *specifically said you need to come back and*
23 *get approval. That was approved with*
24 *possibility of on the record later.*

25
26 You were then asked:

27
28 *In subsequent conversations did she --*

29
30 that being Pamela Young --

31
32 *think she had free reign [sic]?*

33
34 Answer:

35
36 *We didn't go into that specifically. It*
37 *was very brief. I let her know there was*
38 *a misunderstanding.*

39
40 A. Yes. So what was your question, sorry?

41
42 Q. And that was right, wasn't it?

43 A. That we had discussed that there was
44 a misunderstanding, yes.

45
46 Q. And you had never specifically said that she needed to
47 come back and get approval?

- 1 A. In relation to this conversation, yes.
2
- 3 Q. Thank you. And, of course, the document that was
4 shown to you this morning in relation to Dan Box, which is
5 now I understand tab 526 [NPL.2017.0001.0150], related to
6 Pam and, inter alia, you say to Mr Willing:
7
8 *Have a chat to Pam for her availability*
9 *this week and once Nick Kaldas has been*
10 *briefed I'm happy to organise those chats*
11 *with Dan as well as Lorna from the ABC.*
12
- 13 A. Correct. I can't find that document. I don't have
14 a 526. But --
15
- 16 Q. No, no.
17 A. -- I know which email you are referring to.
18
- 19 Q. If I have inaccurately read it, I'm sure somebody will
20 correct me. So the fact of the matter was that you were
21 sick and had some days off, and you left the running of
22 this aspect of the matter to Siobhan?
23 A. Correct.
24
- 25 Q. One of the things that you said in relation to this
26 backgrounding issue is to be found halfway down page 3, if
27 you'll go back to this for a moment. "When you saw the
28 Lateline, were you shocked", is the question. Do you see
29 that question asked of you?
30 A. Yes.
31
- 32 Q. You said:
33
34 *When it started I was shocked she was in*
35 *the studio because I was expecting it to*
36 *just to be a backgrounder.*
37
- 38 How long had you been in media at this stage?
39 A. How long have I worked in media?
40
- 41 Q. Mmm.
42 A. Some years.
43
- 44 Q. And you knew that Lateline was a late-night news
45 television program?
46 A. Correct.
47

1 Q. So where would the backgrounder have been?

2 A. I explained this earlier. That would have been in
3 relation to the content of the story - what was in the
4 statement I was anticipating would be the content of the
5 story.

6

7 Q. But that would not have involved Ms Young at all.
8 That would have been background material of when the
9 statement had been provided?

10 A. That's correct. But I anticipated that --

11

12 Q. But you knew that she was going to be on Lateline?

13 A. I did.

14

15 Q. So it couldn't have been the backgrounder, could it?

16 A. I anticipated that the show would feature both content
17 that had been gleaned through - from the statement, which
18 had been discussed in the backgrounder, as well as an
19 interview that I thought was a door-stop outside the court.

20

21 Q. How does that fit with your statement in the next
22 sentence:

23

24 *Pam and I discussed it previously and she*
25 *asked, "once the statement is released does*
26 *the backgrounder become on the record?"*
27 *I said "no, there needs to be a separate*
28 *interview".*

29

30 A. The discussions in the backgrounder cannot be used as
31 the interview, because that was background and off the
32 record. However, the statement was made public and the
33 content of the statement is what can go on record in terms
34 of the program discussing the content of the statement.

35

36 Q. Well, then, you knew that she was going to appear on
37 Lateline that evening?

38 A. Correct.

39

40 Q. You had learned that as early as the middle of the
41 afternoon?

42 A. Approximately 5pm I believe it was.

43

44 Q. 4.35, I think, if we look at the emails at tab 361
45 [NPL.0138.0002.2947]. By 6.18, it was quite apparent that
46 there was going to be an appearance by Ms Young on
47 Lateline?

- 1 A. Correct.
2
- 3 Q. And you sent an email in relation to that, tab 362
4 [NPL.0138.0002.3238], which included Mr Kerlatec and
5 Mr Finch, Bradley Monk from the Deputy Commissioner of
6 Police's office as well, and you talked about the fact that
7 you knew that Pam Young spoke to Emma Alberici from
8 Lateline "on camera today"?
9 A. Correct.
10
- 11 Q. By a minute or so later, you copied Rory O'Connor
12 and said she was expected to be "on Lateline tonight re
13 Scott Johnson"?
14 A. Yes.
15
- 16 Q. You say that was still this limited idea that you had
17 that it wasn't to be a subsequent interview but just
18 a door-stop?
19 A. Correct.
20
- 21 Q. Senior police officers don't need to get permission to
22 do door-stops, do they?
23 A. Not inspectors, no.
24
- 25 Q. No. They do it all the time?
26 A. But it depends on the case, what the matter is.
27
- 28 Q. The general rule is that a detective inspector or
29 above, including a detective chief inspector, can do
30 a door-stop and do a quick grab for the media?
31 A. Yeah.
32
- 33 Q. This was completely different, wasn't it?
34 A. Grabs outside the court --
35
- 36 Q. This was an appearance on Lateline?
37 A. Yeah. Grabs outside the court was fine.
38
- 39 Q. But this was an appearance on Lateline, a television
40 news program. Had you been concerned, it was perfectly
41 open to you to speak to Mr Willing, who was her commander,
42 or to whatever his name is, Mr Gordon, and say, "This is
43 inappropriate. Stop it."
44 A. I had no idea there was a studio interview happening
45 to - I had no reason to be concerned.
46
- 47 Q. So your answer is yes, it would have been possible,

1 had you been concerned, but you were not concerned?
2 A. I did not think that there was a sit-down interview
3 taking place.
4
5 Q. You had had conversations, because you've given
6 evidence about it, with Mr Willing about what was going to
7 happen on Lateline?
8 A. We had a very short conversation. I can't remember
9 the specifics of it. However, it was along the lines of
10 "Pam is appearing on Lateline tonight".
11
12 Q. Was anything raised with you by him, that he was
13 concerned that something might be introduced?
14 A. No. There was nothing that I recall that concerned
15 me. If there had been --
16
17 Q. So there was nothing --
18 A. -- I would have looked for more.
19
20 Q. Sorry. So, so far as you were concerned, your
21 position was, this was nothing more than the grabs that
22 might have turned up from a door-stop interview?
23 A. Yes.
24
25 Q. A door-stop interview that you had been told hadn't
26 taken place?
27 A. I did not expect there to have been a sit-down
28 interview, but as I indicated earlier, that conversation
29 was in the middle of the day. There were some hours
30 between that and when I found out that an interview had
31 taken place.
32
33 Q. You have told us you may or may not have seen the ABC
34 news?
35 A. That's correct.
36
37 Q. Had you seen the ABC news, would the fact that there
38 was a direct reference to an interview with Ms Young have
39 alerted you to the risk there might be a problem?
40 A. No, because I'd already been told that Pamela had
41 spoken to the ABC.
42
43 Q. You wrote something to the effect, or received
44 something from Pamela Young, before the thing went to air,
45 somewhere around the time of the ABC news, in which she
46 said, "Hair and lippy look good too"?
47 A. Yes.

1
2 Q. Did that not suggest to you that she might have been
3 in make-up for a television appearance?
4 A. No.
5
6 Q. You do agree that there was, if there was any
7 suggestion that this was not something that had approval,
8 time in which to prevent it going to air?
9 A. If I had known at 5pm that it was a sit-down interview
10 that was taking place, or had taken place, then I could
11 have reported that up the chain to determine what the next
12 steps were. Certainly had we known the content of that
13 interview, we would have spoken, reached out to Lateline to
14 see if there was any way that we could stop that going to
15 air.
16
17 MR GLISSAN: Thank you.
18
19 THE COMMISSIONER: Yes, Mr Tedeschi?
20
21 **<EXAMINATION BY MR TEDESCHI:**
22
23 MR TEDESCHI: Q. Ms Wells, did you know that in
24 late January 2015, Pamela Young and Penny Brown had had
25 a meeting with Emma Alberici in which Pamela Young had
26 offered a copy of her statement to Emma Alberici?
27 A. No.
28
29 Q. Had you known of that, what steps would you have
30 taken?
31 A. I would have reported that to my superiors and
32 I certainly wouldn't have agreed with doing a backgrounder
33 to provide advice about the content of the statement,
34 because the content of the statement was already known.
35
36 Q. Had you known about it, would you have committed your
37 views to writing?
38 A. Probably, yes.
39
40 Q. To your superiors?
41 A. Yes, to Strath Gordon.
42
43 Q. Did you know that in February of 2015, Pamela Young
44 had actually provided a copy of her statement to Emma
45 Alberici?
46 A. No, I did not know.
47

1 Q. Had you known, what would you have done?

2 A. Again, I would have reported that up to my superiors.

3

4 Q. Is that the sort of thing that in your experience
5 would have required some approval by Pamela Young?

6 A. Yes.

7

8 Q. At that stage, what's your view about whether or not
9 that approval would have been given?

10 A. I think that far out from the matter going to the
11 Coroner, no, it would not have been approved.

12

13 Q. Did you know that well before the interview on
14 13 April, perhaps even some months before, Pamela Young had
15 agreed to do a studio interview with Emma Alberici?

16 A. No.

17

18 Q. Had you known, what would you have done?

19 A. Again, I would have reported that up to my superiors.

20

21 Q. If you had reported up to your superiors that a chief
22 inspector was proposing to do an in-studio interview about
23 a matter such as the Johnson matter, what, in your view,
24 was likely to have been the reaction?

25 A. I think it probably would have been prevented from
26 going ahead. There would have been an order for it not to
27 proceed.

28

29 Q. Why?

30 A. Because of the risks in talking about a matter that
31 the Coroner had yet to consider.

32

33 THE COMMISSIONER: Can I just interrupt and ask this, if
34 I may.

35

36 Q. You have been asked a series of questions, you may be
37 asked some more, about approval. In this area, I take it
38 you said to me a few minutes ago, you would not have been
39 able to approve - whilst you might have disapproved
40 personally, you wouldn't have been able to approve any of
41 the things that Mr Tedeschi is asking you about?

42 A. That's correct.

43

44 Q. So all you would have done, in each case, if you were
45 concerned, was to report it up the chain and then that
46 would be a matter for, presumably, discussion and approval
47 or not approval?

1 A. Yes, and as part of that, I may also provide my views.

2

3 Q. Certainly, if they were listened to, then they would
4 be, if not, so be it?

5 A. Correct.

6

7 THE COMMISSIONER: Okay, thank you.

8

9 MR TEDESCHI: Q. Ms Wells, were you aware that on
10 Friday, 10 April, Pamela Young had done a preparatory
11 recorded sit-down interview in the studio with Emma
12 Alberici?

13 A. No.

14

15 Q. Had you been told about that, what would you have
16 done?

17 A. Again, I would have reported that up to my superiors.

18

19 Q. And what do you think the reaction of your superiors
20 is likely to have been?

21 A. I think we would have collectively tried to find out
22 what the content of the interview was and probably worked
23 with Lateline to see if there was any way we could stop
24 that interview going ahead.

25

26 Q. You have said in evidence, in answer to questions from
27 Counsel Assisting, that you worked very closely with Strath
28 Gordon and also with Siobhan McMahon?

29 A. Yes.

30

31 Q. Did you have a relationship of trust with those two
32 people?

33 A. Yes.

34

35 Q. Did you regularly exchange information that you had
36 obtained with them and them with you?

37 A. That's correct. With Strath Gordon, it was probably
38 more so I would provide him with information. Due to his
39 senior level, he would be discussing things that I would
40 necessarily not be privy to.

41

42 Q. If either Strath Gordon or Siobhan Herbert [sic] had
43 been given any of the information that I have just related
44 to you about the meeting in late January, the statement
45 in February, the agreement to do a studio interview early
46 in the piece and the preparatory interview on 10 April - if
47 either of them had been told that, would you expect that

1 they would have notified you?

2 A. Absolutely.

3

4 Q. Why?

5 A. Because I was the media officer that was managing that
6 from a media perspective, and we had a policy of being open
7 and transparent with each other on matters like that, any
8 matters that are potentially contentious or high profile.

9

10 Q. If Superintendent Mick Willing had been given any of
11 that information, in your view, would he have discussed it
12 with you?

13 A. I believe he would have, yes.

14

15 Q. Why is that?

16 A. Because we had a very good working relationship on
17 media issues where I would let him know if I became aware
18 of things, he would let me know if he became aware of
19 things, and we would regularly discuss strategy and how we
20 might approach things.

21

22 Q. As a Media Liaison Officer, which you were, have you
23 ever attended a studio interview with a television station
24 assisting a police officer?

25 A. Yes, I have.

26

27 Q. On how many occasions would you have done that?

28 A. In studio, probably a handful, but I've also done
29 a lot of on-scene interviews at different locations with
30 A Current Affair, 60 Minutes, different programs like that.

31

32 Q. And what's the role of the Media Liaison Officer in
33 that context?

34 A. It's twofold. One is to, I guess, just be across
35 what's being discussed and making sure that it aligns with
36 preparation work that had been done; and then, if there is
37 anything of concern, also just stepping in and providing
38 some advice that perhaps the interview is straying into
39 territory that we shouldn't be talking about and could we
40 perhaps redo the questions or look at a different approach.

41

42 Q. Do Media Liaison Officers also from time to time
43 attend off-the-record backgrounder interviews?

44 A. Correct.

45

46 Q. What's the role of the Media Liaison Officer there?

47 A. Again, much the same, to take a record and be across

1 what is being discussed, and then also, if it is straying
2 into areas that it shouldn't be, being able to step in and
3 have a discussion with both parties, or one of the parties,
4 to say that this is perhaps going somewhere that it
5 shouldn't.

6
7 Q. Have you had an experience, other than the one that
8 you have told us about in evidence with Ms Young, of
9 a police officer requesting to have an interview with
10 a journalist without the presence of a Media Liaison
11 Officer?

12 A. Not that I can recall directly, no.

13
14 Q. Is it for that reason that you were concerned when you
15 heard about the request that had been made by Pamela Young?

16 A. I was concerned, but by the same token, we couldn't
17 say no. All we could do was report that up to our
18 superiors for them to consider the next steps.

19
20 Q. And what you advised Siobhan McMahon, when you were
21 told about that request, was to, in effect, put it on the
22 record and let her superior know; is that right?

23 A. That's correct.

24
25 Q. Was that an established procedure?

26 A. Yes. So anything was always recorded, like that - put
27 on the record. We kept notebooks that we would take notes
28 and keep things like that, and then obviously, when you're
29 letting people know, you do it in email so there's a record
30 in email as well.

31
32 Q. Now, you have told us that you have attended a handful
33 of studio interviews with police officers. Are they much
34 less common than backgrounders?

35 A. Yes. Yes. Oh, no, they're probably about the same.
36 There's probably more studio interviews. But backgrounders
37 don't take place that often, because generally, you're not
38 really talking to media unless you're talking about
39 something that is current and on the record. So
40 backgrounders are something that are only considered
41 occasionally.

42
43 Q. Before doing a studio interview, what are the
44 procedures that your Media Unit goes through with the
45 officer who is going to do the interview?

46 A. So I'll take it one step earlier. So prior to
47 speaking with the officer, you'd have a chat to the

1 producer to find out what sort of questions that they would
2 be asking; could we expect that they might go off those
3 questions and ask any surprises, because sometimes they,
4 you know - obviously you don't want surprises, but try and
5 find out as much about what's going to be discussed as
6 possible. You would then go and sit down with a police
7 officer who is conducting the interview and go through,
8 I guess, the specifics of what may be asked and what the
9 answers might be.

10
11 Q. What's the benefit of that?

12 A. So the person who's giving the interview is prepared
13 and knows what they can talk about and what they should not
14 talk about.

15
16 Q. Yes.

17 A. And then you may also do some role play and throw in
18 some questions that you were not anticipating in there,
19 just to see how prepared they were for taking questions
20 that were outside of what we were anticipating.

21
22 Q. This, of course, is completely apart from the approval
23 process?

24 A. This would only take place after the approval had been
25 granted.

26
27 Q. Are there any documentary requirements in the Police
28 Force for these steps to be taken? Is there a Police Media
29 protocol of some sort that --

30 A. We do have a Police Media policy, which outlines at
31 what level different police officers can undertake
32 different things, and then it's, I guess, spelt out, you
33 know, "You need to work with the Media Unit on those."

34
35 In terms of those steps that I've just outlined,
36 I don't think they're specifically documented in a policy,
37 but they're well known to all that work in the Media Unit
38 and to senior officers as well.

39
40 Q. Would it be more known to senior officers because they
41 are the ones that are going to be doing the interviewing?

42 A. That's correct.

43
44 Q. You have read a transcript of the interview conducted
45 by Pamela Young on Lateline?

46 A. Yes.

47

1 Q. And I think you told us that you watched it when it
2 was broadcast?
3 A. (Witness nods).
4
5 Q. If you had done a practice session with Pamela Young
6 prior to that interview, which parts of it would you have
7 advised her not to do?
8
9 MR GLISSAN: I object.
10
11 THE COMMISSIONER: I really don't need this, Mr Tedeschi.
12 It speaks for itself, doesn't it? Why do I need the
13 evidence about what she should have been advised not to do
14 or do, and the underlying assumption is that someone was
15 bound to take Ms Wells's advice? There is no evidence that
16 she had approval or was in a position of such seniority
17 that she could --
18
19 MR TEDESCHI: I could rephrase the question to make it
20 more relevant.
21
22 Q. Had you had such a session with Pamela Young and had
23 she told you that she was going to make a criticism about
24 the Minister kowtowing to the family, what would have been
25 your reaction?
26
27 MR GLISSAN: I object to that.
28
29 THE COMMISSIONER: Again, it's not really her role, is it?
30 You haven't established --
31
32 MR TEDESCHI: We would submit that it explains why --
33
34 THE COMMISSIONER: No, it might explain it but --
35
36 MR TEDESCHI: -- why Pamela Young didn't want to have
37 a Media Liaison Officer --
38
39 THE COMMISSIONER: You can put that to Ms Young, if you
40 wish, in due course. I don't want this person speculating
41 all afternoon about what she may or may not have done had
42 she known. Her evidence is she didn't know, full stop.
43 That's what she says. There's no suggestion she did know
44 any of the detail of what Ms Young said on the program.
45
46 MR TEDESCHI: If the Commission please.
47

1 Q. You've been asked questions about off-the-record
2 interviews and on-the-record interviews. We understand the
3 difference. You have explained it. What is required by
4 the Police Media Unit for an off-the-record interview to be
5 become on the record?

6 A. It would need --

7

8 MR GLISSAN: I object to that as well, Commissioner. (a),
9 I don't understand the question the way it is expressed --

10

11 THE COMMISSIONER: I think I know what he is getting at,
12 but I will allow it, Mr Glissan, thank you.

13

14 MR GLISSAN: As your Honour pleases.

15

16 THE COMMISSIONER: Thank you.

17

18 THE WITNESS: So a backgrounder is approved to take place
19 and it is completely off the record with no comments
20 discussed in that backgrounder to be attributed to police.
21 For it to become an on-the-record interview, it would need
22 to be considered again, and given that this was quite
23 a high profile matter, it would have required
24 consideration, most likely by Strath Gordon as the
25 Commander of Public Affairs.

26

27 MR TEDESCHI: Q. Would it have required any other steps
28 to be taken apart from approval?

29 A. It would definitely - I don't think that a sit-down
30 interview with Lateline would have been approved in any
31 case.

32

33 MR GLISSAN: I object.

34

35 THE COMMISSIONER: Yes, it really wasn't responsive, but
36 there has been a fair bit of that.

37

38 Q. But leaving aside Mr Strath Gordon, if such
39 a situation arose, you would fully expect, would you, the
40 relevant senior police officer to be intimately involved
41 with what was going on?

42 A. Yes.

43

44 Q. And in this case, it would be Mr Willing?

45 A. Did you say Mr Willing?

46

47 Q. Willing; in this case, it would have been Mr Willing?

- 1 A. To approve it or do the interview?
2
- 3 Q. No, I didn't ask you about approval. You're talking -
4 you're being asked questions about the process of - and you
5 mentioned Strath Gordon would be involved. All I'm asking
6 you is does it also mean that in collaboration, with or
7 without him, you would have a senior police officer
8 relevantly concerned, in this case, Mr Willing?
9 A. Yes, it most likely, for this, would have gone higher
10 and it would have gone to the Commander of State Crime
11 Command.
12
- 13 Q. You're speculating, aren't you, and I understand that,
14 but at least Mr Willing would be involved?
15 A. Yes.
16
- 17 THE COMMISSIONER: All right. Yes?
18
- 19 MR TEDESCHI: Q. The approval for the backgrounder was
20 given by whom?
21 A. Was by Strath Gordon, in collaboration with the
22 Commander of State Crime Command, who I think at the time
23 was Ken Finch. Both John Kerlatec and Ken Finch were aware
24 as well and had approved that backgrounder.
25
- 26 Q. Were you aware that Deputy Commissioner of Police
27 Nick Kaldas had also been consulted?
28 A. Yes. So that was the role of Strath Gordon, to do
29 that consultation, I believe.
30
- 31 Q. And in your view, in order for permission to be given
32 for an on-the-record interview about that same case, would
33 it require approval at the same level?
34 A. For a sit-down interview, yes.
35
- 36 Q. So it would have required somebody to go as high as
37 the Deputy Commissioner of Police for approval to be given
38 for such an interview?
39 A. Most definitely for awareness but most likely also
40 approval.
41
- 42 Q. Is that because this was a high profile matter,
43 perhaps one of the highest profile matters at the time?
44 A. It was a very high profile matter, yes.
45
- 46 Q. After the interview was broadcast - Counsel Assisting
47 showed you some email exchanges between you and various

1 other people about, firstly, suggested lines, do you
2 remember --
3 A. Yes.
4
5 Q. -- that you discussed with Mr Willing?
6 A. Yes.
7
8 Q. Were those discussions a form of attempted damage
9 control for the situation that had arisen overnight?
10
11 THE COMMISSIONER: I don't think that's appropriate.
12 You're putting words into the witness's mouth. You're not
13 asking a question at all, and you know how sensitive this
14 area is. I don't find - I really don't find it helpful
15 when you put words into a witness's mouth.
16
17 MR TEDESCHI: Commissioner, my learned friend repeatedly
18 asked leading questions of that kind.
19
20 THE COMMISSIONER: He asked the question, so did I, as to
21 whether the terms of that email were supportive. Now, if
22 you want to turn it around and say was it damage control,
23 you're putting words in her mouth. But if she agrees to
24 it, then it may trivialise much of what she has otherwise
25 said, but go ahead. You go ahead.
26
27 MR TEDESCHI: I will rephrase the question.
28
29 THE COMMISSIONER: No, no, go ahead, by all means.
30
31 MR TEDESCHI: Q. Those lines of response, you have told
32 the Inquiry that they were for discussion purposes?
33 A. That's correct.
34
35 Q. Between you and Mr Willing?
36 A. Yes.
37
38 Q. Did it involve possible discussion about those lines
39 with others as well?
40 A. Yes.
41
42 Q. Was there any benefit for the NSW Police Force at that
43 stage, in your view, in severely criticising Pamela Young
44 for doing the interview?
45 A. No, because there was - that could have impacted the
46 entire matter going before the Coroner.
47

1 Q. So what was your view at that time about the best
2 approach to be taken to the situation that had arisen
3 because of the in-studio interview and what had been said
4 in it?

5 A. The police had to distance themselves from the
6 personal comments, the ones that we discussed earlier about
7 the Minister and the family. The police, as a Police
8 Force, had to distance themselves from those comments, but
9 still support that this was a thorough investigation
10 undertaken by a very experienced detective.

11
12 Q. Now, it has been pointed out to you in questions by
13 Counsel Assisting that the first version, the lines that
14 were discussed between you and Mr Willing, were rather
15 positive about Pamela Young, whereas the eventual line that
16 was issued to the media contained a statement that what she
17 had said was in some respects inopportune?

18 A. Correct.

19
20 Q. And it was pointed out to you by Counsel Assisting
21 that that was a more negative approach to Pamela Young;
22 correct?

23 A. Correct.

24
25 Q. What was your view at that time about where the
26 correct approach was?

27
28 THE COMMISSIONER: Why do I need to know, over and above
29 what the police actually issued --

30
31 MR TEDESCHI: I withdraw the question.

32
33 THE COMMISSIONER: -- whether her view was the same or
34 different?

35
36 MR TEDESCHI: I withdraw the question.

37
38 THE COMMISSIONER: All right.

39
40 MR TEDESCHI: Q. Were there differences of opinion
41 between different people about where that line should
42 be drawn, as to what position should be taken vis-a-vis
43 Pamela Young?

44 A. As I said this morning, whilst I was in the initial
45 discussions, there were subsequent discussions that took
46 place without me, to my belief, so how the specifics of it
47 came to that, I don't think I was necessarily part of all

1 of those discussions, and that would have come through the
2 discussions between Zdenka and Michael Willing directly,
3 and I'm not sure whether Strath Gordon and the Commissioner
4 were involved in those discussions. I don't want to
5 assume.

6
7 Q. And you were merely notified about the eventual
8 release?

9 A. Yes, and then it was my role to provide that to any
10 media who were asking for it.

11
12 Q. You were asked a number of questions by Mr Glissan
13 about your interview at Ashurst lawyers in which you
14 mentioned several times about a misunderstanding, and
15 perhaps I might take you to that interview on page 2,
16 tab 384 [NPL.0147.0001.0001_0001], at the top of the page.

17 A. Yes.

18
19 Q.

20 *Briefly last week. She said there was*
21 *a bit of a misunderstanding regarding what*
22 *was approved. She says it was approved.*
23 *She is not a stupid person. She wouldn't*
24 *take that as approved.*

25
26 And then about five or six questions further down, you
27 said:

28
29 *There was no discussion that we would need*
30 *to get approval ... those were assumptions*
31 *on my part. I never specifically said you*
32 *need to come back and get approval. That*
33 *was approved with possibility of on the*
34 *record later.*

35
36 And then two answers further down you say:

37
38 *I let her know there was*
39 *a misunderstanding.*

40
41 Now, could you tell us, as best you can recollect, what was
42 your actual conversation with Ms Young about this
43 misunderstanding? Firstly, when did it take place in
44 relation to the interview?

45 A. I don't think it was too soon after, I didn't speak to
46 Pam immediately after, and then, when I did, I think it was
47 very brief, and I think it was her that initially said it

1 was a misunderstanding. And I must have agreed to it -
2 that it was a misunderstanding. However, I believe that's
3 a very, very long - I just don't understand how that could
4 have been misunderstood.

5
6 THE COMMISSIONER: Q. I can't understand just what
7 you've said, so would you forgive me. What was the
8 misunderstanding that you were referring to in this
9 interview?

10 A. So Pamela was of the belief that she had approval to
11 do the Lateline interview, and had indicated that it was
12 a misunderstanding.

13
14 Q. Sorry, you didn't have any misunderstanding, though,
15 did you?

16 A. I was of the view that there was no approval granted
17 for the interview.

18
19 Q. However, you did say candidly to the solicitors that
20 the question of approval had not been expressly discussed?

21 A. In terms of --

22
23 Q. No, I will ask you again: would you answer the
24 question. The approval process was not discussed. You
25 made assumptions about it?

26 A. Correct.

27
28 Q. But there was no - as I understand, you told the
29 solicitors that whilst you assumed there would be an
30 approval process, the question of approval was not the
31 subject of express discussion between you all?

32 A. Yes.

33
34 THE COMMISSIONER: Okay, thank you.

35
36 MR TEDESCHI: Q. Is this the situation, as far as you
37 were aware, that in your presence, nobody specifically
38 said, or explicitly said, to Pamela Young, "Once the
39 statement is on the record, we need to go back and get
40 another approval in order for you to go on the record and
41 do a studio interview"; is that right?

42 A. To my recollection, yes.

43
44 Q. So why do you say now that it was obvious that further
45 approval was needed?

46 A. Because all that had been approved was a backgrounder,
47 and certainly to do a sit-down interview, that would need

1 to be discussed, there would need to be preparation, there
2 would have been a range of different steps put in place
3 before that happened, and the media policy was quite
4 specific that sit-down interviews did require that approval
5 and a sit-down interview had never been discussed.

6
7 Q. Is that something that would be known to a detective
8 chief inspector, in your view?

9 A. Absolutely --

10
11 THE COMMISSIONER: Oh, really, now look, Mr Tedeschi, you
12 can ask me to draw inferences, you can ask Ms Young about
13 it. I really don't want people speculating what they
14 think, at their level, somebody in the chief inspectors -
15 how many of those in the Police Force I wouldn't know - are
16 you talking about the Homicide Unit? Are you talking
17 about - I don't know. So I'm not helped by that sort of
18 speculation.

19
20 MR TEDESCHI: If the Commissioner pleases.

21
22 Q. To your knowledge, had there been any approval given
23 for a sit-down studio interview the previous Friday,
24 10 April?

25 A. No.

26
27 Q. Could I take you, please, to the emails that you have
28 been shown by Counsel Assisting. The first one is tab 347.
29 [NPL.0138.0001.0037]. It is dated 7 April, 2 o'clock in
30 the afternoon. In the third paragraph - have you got that
31 in front of you?

32 A. Yes.

33
34 Q. In the third paragraph, you have written to a whole
35 lot of people, including Pamela Young:

36
37 *As such, we would like to provide*
38 *a background briefing to the ABC and The*
39 *Australian prior to Monday so they can take*
40 *a look at the report and have a chat to*
41 *police about what's in it. The briefing*
42 *would be for background information only*
43 *and off the record.*

44
45 Would you have written that if you knew that Pamela Young
46 was going to do an in-studio interview, if you had known at
47 that stage?

1 A. No.

2

3 Q. Did Pamela Young ever get back to you and say, "Well,
4 look, hold on, I know you've written about just
5 a background, off-the-record interview, but as I understand
6 it, I'm going to do an on-the-record interview if the
7 Coroner makes the statement available"?

8 A. No.

9

10 Q. The next one is tab 526 [NPL.2017.0001.0150]. On the
11 following day, 8 April --

12

13 THE COMMISSIONER: Sorry, 526? Yes, sorry.

14

15 THE WITNESS: Thank you.

16

17 MR TEDESCHI: Q. This is again from you, this time to
18 Mr Willing:

19

20 *... Nick Kaldas has been briefed I'm happy*
21 *to organise those chats with Dan as well as*
22 *Lorna from ABC.*

23

24 At that time, did you view that what was going to happen,
25 so far as the ABC was concerned, was the same as what was
26 going to happen to Dan Box?

27 A. Yes.

28

29 Q. Namely, a backgrounder?

30 A. (Witness nods).

31

32 Q. The next one - sorry, I don't have a tab number.
33 Tab 351 [NPL.0138.0002.2959]). At the bottom of the page,
34 you've written to Pamela Young that you've spoken to Dan
35 Box:

36

37 *... he's very keen to meet with you on*
38 *Friday. He has agreed to the discussion*
39 *being off the record and for background*
40 *purposes only ...*

41

42 Did Pamela Young ever get back to you and say, "Yes, that's
43 what we've agreed to with Dan Box but with the ABC it's
44 going to be different"?

45 A. No.

46

47 Q. Next one, tab 352 [NPL.0138.0004.7178], on 10 April,

1 at the top of the page, this is from Siobhan McMahon to
2 a number of people, including yourself:

3
4 *As you're probably aware Dan Box from "The*
5 *Australian" is coming to State Crime today*
6 *for an off the record backgrounder*
7 *with ... Pam Young ... in relation to the*
8 *Scott Johnson matter.*

9
10 And then at the end of that paragraph:

11
12 *This statement is the subject of the back*
13 *grounder with Dan Box.*

14
15 And then in the third paragraph, Ms McMahon has recorded
16 the fact that Pamela Young doesn't want to have a Media
17 Liaison Officer present, and what she has written is, in
18 the last two lines of the third paragraph:

19
20 *Det Insp Young added her decision is also*
21 *designed to protect me (or any MLO) from*
22 *possible repercussions over her comments.*

23
24 Did that raise your concerns about possible repercussions
25 for an MLO?

26 A. I believe that this email came when I was quite ill so
27 I'm not sure --

28
29 THE COMMISSIONER: Q. Ms Wells, can I just ask you
30 again, would you be so kind as to answer the question
31 instead of going off at a tangent. You were asked the
32 question, purely and simply: did it raise concerns? Is
33 the answer yes or no?

34 A. I can't remember.

35
36 THE COMMISSIONER: Thank you.

37
38 MR TEDESCHI: Q. What was your situation at that time?

39 A. I was very ill with the flu.

40
41 Q. Is it possible that you didn't read it carefully
42 enough and missed that?

43 A. I'm not sure if I even read it.

44
45 THE COMMISSIONER: Q. But in any event, you understood
46 that Mr Willing had been alerted to the request, or
47 whatever it was, by Ms Young and was content for there to

1 be no Media Liaison Officer present?

2 A. Yes.

3

4 Q. So, in a sense, it was off your plate. Once
5 Mr Willing had expressed his view, you need not have
6 worried about it any further?

7 A. I was not at work that day.

8

9 Q. I understand that, but what I'm saying is once
10 somebody like Mr Willing had said it was okay, Mr Gordon
11 says, "Okay, I'm happy to go along with it", that was the
12 end of it, wasn't it?

13 A. Yes.

14

15 MR TEDESCHI: Q. Could I take you next to tab 358,
16 13 April, at 2.15 in the afternoon. This, of course, is
17 after the Coroner had ordered the third inquest. There's
18 an email from you to Pamela Young, it says:

19

20 *Pam and Mick --*

21

22 It refers to both of them --

23

24 *I've spoken to Dan Box, and he is unsure*
25 *yet whether there will be a story in*
26 *tomorrow's paper, but he is grateful for*
27 *the backgrounder as he says it has*
28 *certainly given some perspective to the*
29 *matter ...*

30

31 And then the last line of the email:

32

33 *We've had no requests at this time.*

34

35 At that stage, were you still of the view that what had
36 been given or done with Dan Box was the same as what was
37 going to be done with the ABC?

38 A. Yes, I believe this was the day that the - yes, this
39 was the day. So, yes, at that stage I still thought that
40 the ABC only had the same as what Dan Box had had.

41

42 Q. And then following that is a press release.

43 A. Yes.

44

45 Q. Were you involved in that being issued?

46 A. No. That's a Sydney Morning Herald story written by
47 Rick Feneley.

1
2 Q. This mail at 2.15 was to Pamela Young?
3 A. Yes.
4
5 Q. And it clearly indicated that Dan Box had only been
6 given a backgrounder?
7 A. Yes.
8
9 Q. Did Pamela Young respond to that and say anything
10 about her doing more than a backgrounder?
11 A. No.
12
13 Q. Could I take you next to tab 361,
14 [NPL.0138.0002.2947], which is a media update at 4.35pm?
15 A. Yes.
16
17 Q. That was sent to a lot of police officers. Was that
18 a standard email each working day?
19 A. Yes.
20
21 Q. What was the purpose of the media update?
22 A. The media update was to advise the police executive
23 and a range of senior officers within State Crime Command,
24 as well as the Media Unit, what the key issues of the day
25 had been, what requests had come in, what actions I had
26 undertaken in relation to the media, any media releases
27 that had been issued and any media statements that were
28 provided to the media.
29
30 Q. And how often per day was such a media update given?
31 A. It was at the end of each day.
32
33 Q. And this one was issued by you?
34 A. Yes, I believe it was. Yes.
35
36 Q. And in that, you have recorded in relation to Strike
37 Force Macnamir, on the first page --
38
39 THE COMMISSIONER: Mr Tedeschi, I don't want to be rude,
40 but what is the point of asking a question that speaks for
41 itself from the very document? The document hasn't been
42 contested. Nobody suggests this didn't go out.
43
44 MR TEDESCHI: I'm just bringing it to her attention and
45 then I'll ask --
46
47 THE COMMISSIONER: But she has had it brought to her

1 attention --
2
3 MR TEDESCHI: I will ask her a question.
4
5 THE COMMISSIONER: -- and if she hasn't, then you should
6 have done so. But she doesn't deal with it in a way - nor
7 is it controversial. I'm really asking myself what are you
8 doing by asking her to agree furiously with what she has
9 written and in respect of which there is no controversy?
10
11 MR TEDESCHI: I will ask her the question.
12
13 THE COMMISSIONER: What question?
14
15 MR TEDESCHI: Well, I will ask it now.
16
17 THE COMMISSIONER: No, you tell me what you want to ask
18 her.
19
20 MR TEDESCHI: What I want to ask her is, what she has on
21 that first page, in the column on the second dot point
22 note - if she believed that that was accurate at the
23 time --
24
25 THE COMMISSIONER: There's no suggestion she didn't, but
26 you tell me why you need to get it from her.
27
28 MR TEDESCHI: -- and what would have been the consequences
29 if she had really known.
30
31 THE COMMISSIONER: Oh, really? You mean really really or
32 really known?
33
34 MR TEDESCHI: If she had known that Pamela Young was going
35 to --
36
37 THE COMMISSIONER: It's simpler to let you do it,
38 Mr Tedeschi, even though it really is bordering on the
39 trivia, because there is no controversy about these
40 matters. I don't know what you think you are doing,
41 whether it is emphasis, I don't know.
42
43 MR TEDESCHI: It is not emphasis, Commissioner.
44
45 THE COMMISSIONER: Well, then what is that you want - she
46 is not in a position to say one --
47

1 MR TEDESCHI: What it is is that some evidence has been
2 given to suggest that this witness knew perfectly well that
3 an in-studio interview would be given.

4
5 THE COMMISSIONER: And what does she say in response to
6 that? She didn't. So you are going to ask her every time
7 she writes something, was she ever aware of it. She has
8 said she wasn't. It is a matter for me whether I accept
9 that, ultimately. But the question is, why keep asking her
10 the same questions?

11
12 MR TEDESCHI: Would you allow me please to ask the
13 question?

14
15 THE COMMISSIONER: It is going to be quicker, I agree.
16 Keep going for another minute, then you'll stop.

17
18 MR TEDESCHI: Q. Ms Wells, do you see the last dot point
19 note about a backgrounder facilitated by Pam Young with
20 Dan Box and Emma Alberici?

21 A. Yes.

22
23 Q. Of course, we know that several hours later that
24 night, an in-studio interview was broadcast on national
25 television?

26 A. Yes.

27
28 Q. Had you known --

29
30 THE COMMISSIONER: Mr Tedeschi, I don't know where some of
31 these ideas come from, but evidence from the Bar table -
32 I think it's usually called in the political terms
33 a Dorothy Dixier. You either know what she is going to say
34 or not. I presume you do. But you ask her this question
35 and then would you please bring this topic to an end
36 because there is not much controversy. I want to deal with
37 matters which are controversial.

38
39 MR TEDESCHI: Yes, I will.

40
41 Q. Had you known that she was going to do a studio
42 interview, what would have been the consequences for you of
43 that entry?

44 A. It would have been incorrect and I probably would have
45 gotten into a bit of strife about it.

46
47 Q. Could I take you to tab 362 [NPL.0138.0002.3238], also

1 an email from you to a whole lot of senior officers, that
2 same night, but later on, 6.18pm, "Both are to appear on
3 Lateline tonight". You've explained that you understood
4 that to be the door-stop interview?

5 A. Yes.

6
7 Q. What would have been the reaction if it had been
8 disclosed later that you knew that, in fact, she was going
9 to do a studio interview?

10 A. I would have been reprimanded. I could have - to know
11 something like that and not report it up, when we had
12 a very stringent, "no surprises" policy, it would not have
13 been good for me career wise.

14
15 Q. Could I take you to tab 372 [NPL.0138.0002.3306]. You
16 set out a chronology there - this is the day following the
17 interview --

18 A. Yes.

19
20 Q. You have been asked about the last paragraph. In the
21 last couple of sentences you have recorded:

22
23 *DCI Young did indicate ABC were doing*
24 *a story but I was not aware an interview*
25 *had been conducted until Det Supt Willing*
26 *was advised by DCI Young about 5pm. No*
27 *issues of concern were raised at the time.*

28
29 Could you explain why no issues of concern were raised at
30 the time?

31 A. I believe it was quite a short conversation, Pamela
32 had rang Mick Willing to --

33
34 THE COMMISSIONER: I'm sorry, I won't allow this. This is
35 her - she can talk about her concerns. If you are asking
36 her to explain something else, then how can she do that?

37
38 MR TEDESCHI: Q. Could you explain why no issues of
39 concern were raised by you at that time?

40
41 THE COMMISSIONER: Q. Or were raised for you?

42 A. Mick Willing did not raise any issues of concern
43 and --

44
45 Q. And so, therefore, you were not concerned because he
46 didn't tell you any more than what you record here; is that
47 right?

1 A. That's correct. But he was a very transparent
2 person --
3
4 Q. Please, now, really, did I ask you - did anyone ask
5 you - whether Mr Willing was transparent or not?
6 A. No.
7
8 Q. No. So the position is this: whatever Mr Willing
9 said to you raised no concerns on your part?
10 A. No.
11
12 THE COMMISSIONER: Okay.
13
14 MR TEDESCHI: Q. Did it appear to you, during your
15 conversation with Mr Willing at about 5pm, that he was
16 aware of anything more than --
17
18 THE COMMISSIONER: Oh, no, Mr Tedeschi, I'm sorry, you are
19 now asking her to read his mind? I'm not permitting it,
20 really.
21
22 MR TEDESCHI: Q. Did Mr Willing say to you, during that
23 conversation at about 5pm, anything about Pamela Young
24 doing an in-studio interview or an on the record interview?
25 A. He said that he - he said that she'd spoken to Emma
26 Alberici on camera, as indicated in my statement that I -
27 or the email that I provided later to the senior police.
28 But it was not mentioned that it was a studio interview and
29 he raised no issues of concern.
30
31 Q. And your concerns were not aroused?
32 A. No.
33
34 Q. The media release that was issued on 13 April, that
35 was obviously on the record?
36 A. Yes.
37
38 Q. Who had given approval for that?
39 A. I believe that had been approved by Mick Willing. It
40 should say at the bottom of the media release. Sorry,
41 I don't have the tab number here, but it would normally say
42 at the bottom of the media release who has approved it.
43
44 MR TEDESCHI: Commissioner, that completes my questioning
45 of Ms Wells.
46
47 THE COMMISSIONER: All right. Anything arising?

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MR GLISSAN: There is one matter, your Honour, just before my friend goes.

THE COMMISSIONER: Mr Glissan, you can go first.

MR GLISSAN: It is just that there was reference by the witness during the course of my learned friend's examination to some notebooks. To the extent that it is appropriate for me to do it, I call for those notebooks.

THE COMMISSIONER: We have summonsed these things. I will take that on board, Mr Glissan. I don't know whether notebooks have been asked for.

Q. Did you indicate during an answer a moment or two ago that you kept notebooks of your conversations or notes of your conversations with various people?

A. I kept a general notebook for work that I no longer have. All my notebooks were archived. However, the week that I was home, sick, I believe in one of my statements here it actually indicates that because I was at home and didn't have my notebook, that there were no notes taken during those times.

Q. So I presume as a result of being previously alerted to this issue, and no doubt for perhaps the Ms Dawson exercise, you have exhausted what records exist, and your belief at the moment is that there are no notes that you took --

A. No.

Q. -- in the time that you were off sick?

A. That's correct.

Q. Or, if you did, you don't have them?

A. That's correct.

<EXAMINATION BY MR GRAY:

MR GRAY: Q. Mr Tedeschi invited you to agree that, at the time, there was something called a Police Media policy?

A. Correct.

Q. Did that change from year to year, was there one in place, in force, at 2015 that had changed, or that has changed since?

1 A. I don't know. I no longer work for the police so
2 I don't know if it has changed.

3
4 Q. But you knew of it in 2015, did you, the Police Media
5 policy?

6 A. I used the Police Media policy, yes.

7
8 MR GRAY: I ask through you, Commissioner, that we be
9 provided with the --

10
11 THE COMMISSIONER: I think the simple course is a summons
12 might be prepared and if there is such a document, it can
13 be produced.

14
15 MR GRAY: Very good.

16
17 Q. Secondly, at the beginning of Mr Tedeschi's questions
18 this afternoon he asked a number of questions of you about
19 whether, if you had known certain things, would you have
20 reported them to your superiors?

21 A. Yes.

22
23 Q. Remember questions about that? And you answered yes,
24 you would have. Who did you mean by your "superiors"?

25 A. So I would have reported it up to two lines. One
26 would have been up to the Police Media Unit manager and
27 also the head of Public Affairs, Strath Gordon; and then
28 I would have advised internally within State Crime Command,
29 reported up via - to the Commander of State Crime Command.

30
31 Q. Who was that?

32 A. I think it was Ken Finch. He was acting as the
33 commander. It may have been John Kerlatec. I'm not sure
34 who was in which position.

35
36 Q. But when you used the expression your "superiors", you
37 meant not just Strath Gordon in the media world but also
38 Mr Finch or Mr Kerlatec in the actual police world?

39 A. Correct.

40
41 Q. Thank you. The third and final thing, when Mr Willing
42 rang you at 5 o'clock, or thereabouts, on 13 April, did he
43 say to you: (a) that Pamela Young was going to be on
44 Lateline; or (b) that Pamela Young had spoken to Emma
45 Alberici in particular?

46 A. My notes here indicate --

47

1 Q. No, no, never mind what your notes indicate. What is
2 your memory?

3 A. I don't remember.

4

5 MR GRAY: Thank you.

6

7 THE COMMISSIONER: All right. Thank you. I will excuse
8 you, Ms Wells, from further attendance. Thank you.

9

10 <THE WITNESS WITHDREW

11

12 THE COMMISSIONER: Can I just deal with one or two
13 housekeeping matters.

14

15 Ms Alberici will be in New South Wales on Tuesday
16 morning, so the AVL will be 9am Eastern Standard Time.
17 Secondly, she will be followed by Ms Brown, and if I can
18 just alert everyone concerned, or not concerned, as the
19 case may be, there is some correspondence coming out this
20 afternoon, if it hasn't already come out, about an
21 application that will be made at 4 o'clock on Tuesday
22 afternoon. You will be given a brief understanding of
23 that, and I would like to know, as soon as possible,
24 whether and who wishes to participate in that application.
25 That's all I need to know from the point of view of
26 management of time. There will be a number of procedural
27 questions that may arise. I will deal with those as an
28 when the materials are provided.

29

30 Once I know who is or wishes to be or participate in
31 that application, then I will take the view as to who
32 should get copies of whatever it is that is filed in
33 support of it.

34

35 All right. Thank you. I will adjourn, then, until
36 9 o'clock only Tuesday morning

37

38 **AT 3.26PM THE SPECIAL COMMISSION OF INQUIRY WAS ADJOURNED**
39 **TO TUESDAY, 3 OCTOBER 2023 AT 9AM**

40

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