

**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**

**Tuesday, 3 October 2023 at 9.02am
(Day 95)**

Mr Peter Gray SC	(Senior Counsel Assisting)
Mr William de Mars	(Counsel Assisting)
Ms Meg O'Brien	(Counsel Assisting)
Mr Enzo Camporeale	(Director Legal)
Ms Caitlin Healey-Nash	(Principal Solicitor)
Ms Francesca Lilly	(Senior 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 <EMMA ALBERICI, on former oath: [9.02am]
2
3 THE COMMISSIONER: Ms Alberici, can you hear me?
4
5 THE WITNESS: I can.
6
7 THE COMMISSIONER: Thank you. You are on your former
8 oath.
9
10 Mr Thangaraj?
11
12 MR McARDLE: Before my friend commences, I understand that
13 there is an application to be heard later today about
14 excusing Mr Willing.
15
16 THE COMMISSIONER: Yes.
17
18 MR McARDLE: I just reserve my position on the progress of
19 cross-examination of Ms Alberici, if Mr Willing is not to
20 be present.
21
22 THE COMMISSIONER: I'm not following. I understand you
23 want to reserve your position, and I will note that.
24
25 MR McARDLE: Yes. That's all I will say at this stage.
26 I won't delay things.
27
28 THE COMMISSIONER: All right. Thank you.
29
30 Mr Thangaraj, I didn't mean to put you in the second
31 row. Yes, Ms Barnes?
32
33 MS BARNES: I can swap.
34
35 THE COMMISSIONER: Would you prefer to move closer? It's
36 up to you. The witness is not in court, so it is not quite
37 as relevant, but if you are comfortable in the second row
38 as opposed to the front row --
39
40 MR THANGARAJ: Yes, I'm set up now.
41
42 THE COMMISSIONER: All right, stay there.
43
44 Ms Alberici, Mr Thangaraj SC is going to ask you some
45 questions. He represents Mr Willing before the Inquiry.
46
47 <EXAMINATION BY MR THANGARAJ:

1
2 MR THANGARAJ: Q. Ms Alberici, do you have any more text
3 messages to produce?
4 A. Only those that have been printed and I think have
5 been circulated.
6
7 Q. So you do not have any further text messages to
8 produce; is that right?
9 A. I don't think so, no.
10
11 Q. You had a call with the Special Commission on Friday,
12 25 September. You have referred to that in your statement?
13 A. Yes.
14
15 Q. Did Mr Camporeale ask you if you had text messages
16 with Mr Willing?
17 A. Not specifically.
18
19 Q. You obviously did have text messages; correct?
20 A. Yes.
21
22 Q. And you have given evidence to say that you had
23 ongoing discussions with Mr Willing about Lateline around
24 and before April 2015?
25 A. Correct.
26
27 Q. So, on your version, there would be a likelihood of
28 texts with him in 2015; is that right?.
29
30 A. Possibly.
31
32 Q. You said in your statement, and in evidence, that you
33 spoke with him before the Lateline interview?
34 A. Yes.
35
36 (Audio interruption over AVL)
37
38 MR THANGARAJ: Q. Is anyone else in the room with you,
39 Ms Alberici? I assume not.
40 A. No.
41
42 Q. You referred to text messages with Mr Willing from
43 2015 to 2017. You referred to that in your statement.
44 A. I referred to text messages between 2015 and 2017?
45
46 Q. Yes. Do you agree with that?
47 A. I don't think so.

- 1
2 Q. Beg your pardon?
3 A. No, I don't think so.
4
5 Q. Do you have your statement there?
6 A. No.
7
8 Q. I will read out what is at paragraph 6 of your
9 statement, [SC0I.85817_0001]:
10
11 *During a telephone conversation with*
12 *Mr Camporeale on Friday, 22 September,*
13 *I mentioned a series of text messages*
14 *I retained in my phone recording my*
15 *interactions with Mr Willing from 2015 to*
16 *2017.*
17
18 Do you agree that's in your statement?
19 A. If that's what's written there, then yes.
20
21 Q. You printed out texts on Thursday morning of last
22 week.
23 A. Yes.
24
25 Q. And 2015 was the year of the Lateline interviews - we
26 know that.
27 A. Yes.
28
29 Q. So did you exchange texts with him before the Lateline
30 interview?
31 A. I can't remember. I did remember speaking to him.
32
33 Q. You have said that the 2015 to 2017 text messages were
34 seen by you on Friday, 22 September?
35 A. Yes.
36
37 Q. But then they disappeared by Tuesday, 25 September?
38 A. That was correct.
39
40 Q. And you gave evidence on Thursday of last week that
41 they reappeared?
42 A. That's right.
43
44 Q. And you were not suggesting that they partially
45 reappeared; you were suggesting that they all reappeared?
46 A. Yes.
47

1 Q. And then you printed them out?

2 A. Yes, that's right. I can't be certain that there
3 weren't text messages exchanged between us before those
4 that I've printed, but that's what's on my telephone.

5

6 Q. Yes. The texts you printed started in 2016?

7 A. That's right. I think December.

8

9 Q. So does that mean that you had text messages,
10 according to your own statement, from 2015 to 2017 with
11 Mr Willing, they all disappeared, some reappeared, and the
12 only ones that did not reappear just happened to be from
13 the year of the Lateline interviews?

14 A. No, no. That's not necessarily correct. I don't
15 remember whether I had any text messages in 2015, but I do
16 recall talking to him in 2015. Whether we also exchanged
17 text messages I can't recall.

18

19 Q. When you prepared your statement - sorry, when you
20 were speaking to Mr Camporeale on Friday, 22 September, you
21 had the text messages on your phone, you say?

22 A. Yes.

23

24 Q. And you say in your statement:

25

26 *... I retained in my phone recording my*
27 *interactions with Mr Willing from 2015 ...*

28

29 Right? That's what you said in your statement?

30 A. That's right.

31

32 Q. What you put in your statement in relation to Friday,
33 the 22nd was at a time when you had all of those text
34 messages, you say?

35 A. I'm not saying there were definitely messages from
36 2015. I might have assumed that those ones from 2016 were
37 2015. I wasn't really paying enough attention to the
38 dates, I suppose, but I did know that we had interactions,
39 we'd spoken, and I think from the tone of the messages, you
40 can see, whenever they start, it clearly wasn't the first
41 interaction we'd ever had.

42

43 Q. You say in your statement:

44

45 *This statement is true in every*
46 *particular ...*

47

1 MR McARDLE: I object.

2

3 THE WITNESS: Yes.

4

5 MR McARDLE: It doesn't say that. It says "to the best of
6 my knowledge and belief."

7

8 MR THANGARAJ: All right, I accept that.

9

10 Q. You say in your statement:

11

12 *This statement is true in every particular*
13 *to the best of my knowledge and belief.*

14

15 Right?

16

A. Yes.

17

18 Q. Presumably, you checked your statement before you
19 signed it?

20

A. Yes.

21

22 Q. And you're the one, not someone else, you're the one
23 that says that on Friday, the 22nd, you had text messages
24 with Mr Willing from 2015?

25

A. Yes.

26

27 Q. Before you wrote your statement, you told
28 Mr Camporeale that you had texts, didn't you?

29

A. Yes.

30

31 Q. Then you read them and you realised they were
32 inconsistent with the story you wanted to tell?

33

A. No.

34

35 Q. So you claimed, using your words, that they remarkably
36 and inexplicably disappeared. Is that what happened?

37

A. That was true. That was true.

38

39 Q. With no explanation whatsoever as to how they
40 disappeared?

41

A. Correct.

42

43 Q. And it was only those messages that had disappeared,
44 according to your statement, not messages with any other
45 person; is that right?

46

A. I wouldn't know. I didn't check my phone for every
47 other interaction I'd had with every other person.

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Q. So from 25 September to the following - sorry, from the day of the Friday, the 22nd, to your reappearance of the messages, did you notice any messages with any other person disappearing?

A. No. I wasn't looking for other messages.

Q. That wasn't the question. The question was, did you notice that any other text messages with any other person had disappeared?

A. To be able to notice such a thing, you would have to be looking for them. I don't routinely go over old messages, unless they're of relevance.

Q. So your evidence is, to your knowledge the only messages that disappeared between the Friday conversation with the Commission and the following week were those of Mr Willing?

A. Correct.

Q. And you realised how absurd that suggestion was, the suggestion that you had seen messages on Friday, but only his messages had gone on Tuesday, at the time they needed to be produced?

A. I didn't think that was absurd. I thought it was unusual. I wouldn't have categorised it as absurd.

Q. Having worked out that that's what you had said, you now decided to say, "Well, they've been found"?

A. I didn't decide to say that. It's the truth.

Q. And you tried to explain in evidence how they were relevant?

A. They are relevant. It shows that we had a relationship, we knew each other, we had had previous conversations.

Q. But you were stuck with the fact that there were no texts from 2015?

A. I got the date wrong.

Q. There are no texts, are there, that support your claim that Mr Willing knew about the studio interview in advance?

A. I think the tone of our messages subsequently indicate we'd had conversations.

Q. Is that an answer to the question, is it?

1 A. Ask me the question again?
2
3 Q. There are no texts that support your claim that
4 Mr Willing knew about the studio interview in advance, are
5 there?
6 A. There are no specific texts in that regard, that's
7 right.
8
9 Q. There are no texts that support your claim that you
10 were in contact with Mr Willing before the interview on
11 13 April, are there?
12 A. I think it's fairly obvious that we were.
13
14 Q. You have lied in your evidence and your statement?
15 A. No, I wouldn't categorise it as a lie.
16
17 Q. Your evidence of the appearing/disappearing/partially
18 reappearing texts are lies?
19 A. I didn't say they partially reappeared. I said
20 exactly that perhaps I thought they were 2015, but they
21 were 2016.
22
23 Q. Lies designed to fit your dishonest evidence about
24 Mr Willing and Police Media?
25 A. I have no reason to be dishonest in my evidence.
26
27 Q. I will come to that. Were you honest in your
28 interactions with people at the ABC when you were speaking
29 to them about the Lateline interviews?
30 A. Yes.
31
32 Q. You needed to report to certain people within the ABC
33 about a variety of matters, didn't you?
34 A. I don't know what you mean.
35
36 Q. Well, if you were doing a story, you had to get
37 permission to spend money, for example?
38 A. Sure.
39
40 Q. You needed approvals for expenses, resources,
41 et cetera?
42 A. Yes.
43
44 Q. And you needed approvals to do certain stories, did
45 you?
46 A. Well, I don't know that I'd categorise it as
47 "approvals", but we'd have to all agree. I was a very

1 senior member of staff.
2
3 Q. Would you talk up your efforts internally in order to
4 persuade people to give you what you needed or wanted for
5 a story?
6 A. No.
7
8 Q. Were your internal communications always accurate to
9 the best of your ability?
10 A. Yes.
11
12 MR THANGARAJ: Could we put up on the screen, please,
13 Commissioner, tab 348, [SCOI.82992_0001].
14
15 THE COMMISSIONER: I believe so, yes. Thank you.
16
17 MR THANGARAJ: Q. Can you please let us know when you
18 have a document on the screen which is an email from you of
19 8 April 2015 at 10.57am?
20 A. Yes.
21
22 MR THANGARAJ: Am I right that we will not see Ms Alberici
23 while the document is on screen?
24
25 THE COMMISSIONER: That's correct. I don't think we can
26 see the screen - oh, we can see her partially.
27
28 THE WITNESS: I can see that.
29
30 MR THANGARAJ: Q. I would like to take you through this
31 email, please. Do you want to read this whole email again
32 to yourself before I start or are you familiar with it?
33 A. Oh, I can't remember an email from 2015, so, yes, that
34 would be helpful.
35
36 Q. You were taken through this by Mr Gray last week.
37 A. I can't see anything other than - oh, right, okay.
38 Can we move up a bit? Yes, thank you. If we can just keep
39 going up, thank you. Yes, that's fine, yep. I remember
40 all of that.
41
42 Q. If we could go back to the top of the document,
43 please. I'd like to take you through this, Ms Alberici.
44 You told the recipients that you had locked in Mr Johnson
45 for an interview?
46 A. Correct.
47

- 1 Q. You described Ms Young as the "Head of Homicide at
2 NSW Police"?
- 3 A. Yes. I think she was head of the Unsolved Unit within
4 Homicide.
- 5
- 6 Q. So why is it that you had "Head of Homicide" as her
7 title?
- 8 A. Oh, it would have been my shorthand or I just got it
9 wrong.
- 10
- 11 Q. You go on to say that she was:
- 12
- 13 *... prepared to say that [the Johnson]*
14 *family, given its wealth, has had too much*
15 *influence over the criminal justice system.*
- 16
- 17 A. Yes.
- 18
- 19 Q. Did she say or did you have the view that the Johnson
20 family could influence whether or not someone was charged
21 with murder?
- 22 A. I don't say that anywhere.
- 23
- 24 Q. No, I'm asking you.
- 25 A. I don't say anything about anyone being charged with
26 murder.
- 27
- 28 Q. That wasn't the question, Ms Alberici. The question
29 was, did Ms Young say, or did you believe, that the Johnson
30 family could influence whether someone was charged with
31 murder?
- 32 A. No.
- 33
- 34 Q. What influence did they have over the criminal justice
35 system?
- 36 A. I think having a third inquest opened was what I was
37 referring to there.
- 38
- 39 Q. That's the criminal justice system, is it?
- 40 A. Oh, well, I don't work in the justice system, full
41 stop, so my terminology is probably not a hundred per cent
42 accurate.
- 43
- 44 Q. You then say:
- 45
- 46 *... I'm the only person outside the police*
47 *who's had a chance to read it.*

- 1
2 Do you see that?
3 A. That was to the best of my knowledge.
4
5 Q. Was it? You're making yourself sound very important
6 in this email, aren't you?
7 A. Well, we had an exclusive with police which other
8 broadcast media didn't have.
9
10 Q. Yes, but that's not what I'm asking about. You knew
11 The Australian were covering the matter, didn't you?
12 A. Well, police had asked us if it was okay for them to
13 give it also to a newspaper.
14
15 Q. Yes, I will come to that.
16 A. Because they understand that in the media, it's, you
17 know, exponentially more interesting for our audience if
18 we're the only ones who have something.
19
20 Q. But you were saying in this email that The Australian
21 was not given a copy of the statement. That's effectively
22 what you're saying, isn't it, because you're saying you
23 were the only person outside police who'd had a chance to
24 read it?
25 A. That was what I understood.
26
27 Q. That's what you understood at 8 April, was it?
28 A. I think so.
29
30 Q. Well, let's just have a look at your evidence that you
31 gave last week. Transcript 6229, please,
32 [TRA.00063.00001]. At 6229 line 36, the following
33 questions and answers were given:
34
35 *Q. Persons of interest and suspects ...*
36
37 This was asking in relation to the provision of the
38 statement to you, and you had given evidence that that was
39 towards the end of February. Just read from line 36 to the
40 bottom of the page, please?
41 A. Yes.
42
43 Q. You say in evidence that one from print was also going
44 to receive it. That's what you said in evidence.
45 A. Yes.
46
47 Q. And you said that was around the time she provided the

1 statement.

2 A. I don't understand what you're getting at, but sure.

3

4 Q. You were telling us in evidence last week that at the
5 time - that she communicated to you, at around the time she
6 provided the statement, that someone from print was also
7 going to receive the statement; correct?

8 A. Yes.

9

10 Q. And so you knew in February, around the time that she
11 provided you with the statement - you knew in February that
12 someone from print was also going to receive a copy of the
13 statement, didn't you?

14 A. I guess so, yes, and perhaps not knowing who that was
15 or whether that had been determined already.

16

17 Q. Well, it wouldn't make the slightest difference who it
18 was to make inaccurate what you wrote in your email of
19 8 April, which was:

20

21 *... I'm the only person outside the police*
22 *who's had a chance to read it.*

23

24 Let's go to one other piece of transcript. 6237, please,
25 [TRA.00063.00001], the top of the page to line 11.

26 A. You would like me to read this?

27

28 Q. Just to yourself, please.

29 A. Okay.

30

31 Q. There was no doubt, was there, that in February of
32 2015, you knew that The Australian was receiving a copy of
33 the Pam Young coronial statement?

34 A. Oh, this was eight years ago. I don't remember
35 exactly what I knew in February versus what I knew in March
36 versus what I knew in April.

37

38 Q. Well, then, if that's your position, why did you give
39 that evidence last week?

40 A. I subsequently knew that - or at some point, I did
41 know, rather, that The Australian was being given a copy.

42

43 Q. You subsequently knew. So you didn't know in February
44 2015, like you've given evidence?

45 A. No, I'm saying I knew at some point and I'm saying to
46 you now I don't remember precisely whether that was
47 February, March or April.

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Q. You didn't give that evidence last week, did you? You were very clear on two separate occasions that it was around the time she provided the statement to you?

A. I think I knew that she had given it to others. Whether I knew it in February or whether I knew it in March or April, right now I don't recall.

Q. And you say that not only was - if we go back to the original, 6229 --

A. And can I just add that for a journalist, the fact that someone else has also had it who is a journalist matters little. What matters is who publishes first and who has an exclusive per se in terms of being able to publish first.

Q. That's exactly right, and I will come to that. Not only do you say at 6229 that the statement was given to you - that she communicated to you in February that someone from print was getting it, you said you also had dealings on the phone with someone from Police Media about this. You say that at the bottom of 6229.

A. Yes, yep, that's right.

Q. Over the page, at 6230, the question was asked:

Q. Do you mean at around the time of receiving the statement?

A. Yes.

A. Yes, yep.

Q. So your evidence is, is it, that around February of 2015, the Police Media also spoke to you about this issue?

A. Yes.

Q. And you repeated that point at the same page, lines 29 to 39, at page 6230. Mr Gray asked:

Q. I'm just making sure I'm getting the timing right, though. Are you saying that conversations of that sort occurred as early as February when you received the statement or did that only happen later?

So not only do you go on to confirm it was February, but also you explain why you believed it was in February,

1 because there was toing and froing with Police Media?
2 A. Yes.
3
4 Q. This was another lie, wasn't it?
5 A. No.
6
7 Q. Did Pam Young actually tell you, in fact, that the
8 media strategy was not approved until 7 April 2015?
9 A. No.
10
11 Q. Did she tell you that until 8 April 2015, she had let
12 Police Media believe that Lorna Knowles from your network
13 was the journalist to be involved?
14 A. No, and - and I had spoken to Police Media. So I'm
15 not Lorna Knowles. Police Media spoke to me.
16
17 Q. You never spoke to Police Media in February or even
18 March at all?
19 A. That's not true.
20
21 Q. You were not on anyone's radar until April?
22 A. That's also not true.
23
24 Q. Continuing with tab 348, [SC0I.82992_0001], you refer
25 to a 500-page police report?
26 A. Yes.
27
28 Q. It wasn't a police report. It was the statement of
29 one person, wasn't it?
30 A. Oh, it was a - it was a report, as I understood, that
31 was the result of an investigation, and the investigation
32 wasn't just by one person.
33
34 Q. Okay. And you say that that report:
35
36 *The document proves that the family has*
37 *twisted facts and made stuff up to garner*
38 *public support for a finding of "murder".*
39
40 A. That's right.
41
42 Q. You were telling people at the ABC that this was the
43 considered view of police as detailed in a 500-page police
44 report; right?
45 A. I don't think I say there that that was the view of
46 police. That was my view.
47

1 Q. You were telling others at the ABC that that was your
2 view and it was clear from the report?
3 A. That's right.
4
5 Q. It was your assessment from reading the report that
6 the family had "twisted facts and made stuff up to garner
7 public support for a finding of 'murder'"?
8 A. Correct.
9
10 Q. So it was your assessment that the Johnson family was
11 dishonest, behaving dishonestly?
12 A. Correct.
13
14 Q. And your assessment was that that was established by
15 the police report?
16 A. Correct.
17
18 Q. Did you tell the Johnson family what you told others
19 at the ABC in that regard?
20 A. I don't think so.
21
22 Q. Or in order to secure an interview with Mr Johnson,
23 did you tell him what he wanted to hear?
24 A. I don't think that's a fair assessment.
25
26 Q. It's a question.
27 A. I didn't tell him anything. I asked him for an
28 interview about the case.
29
30 Q. You then claim, continuing with tab 348, that the
31 police have asked you if it's okay for The Australian to
32 interview Pam Young?
33 A. That's right.
34
35 Q. And that you convinced the police to stop
36 The Australian from publishing until Tuesday?
37 A. That's not unusual, yes.
38
39 Q. So Police Media, with their own needs, convinced
40 NewsCorp not to publish so that the ABC could go first?
41 A. That's right. That's a typical scenario.
42
43 Q. So NewsCorp gave up a story to the network they spend
44 most time attacking?
45
46 THE COMMISSIONER: Sorry --
47

1 THE WITNESS: If that's the arrangement, from --
2
3 THE COMMISSIONER: Hang on.
4
5 THE WITNESS: -- they received their - the report, then
6 it's not remarkable.
7
8 THE COMMISSIONER: Mr Thangaraj, there is a bit of licence
9 in that question. I won't say anything more about it now.
10
11 MR THANGARAJ: Q. You were claiming that you had secured
12 an exclusive for the ABC; right?
13 A. Correct.
14
15 Q. You did not speak to police for an hour about this at
16 all?
17 A. It says there that I did. I did.
18
19 Q. Firstly, that's part of the job of your producer,
20 isn't it, to speak to Police Media about logistics?
21 A. Oh, not when it's high profile like this.
22
23 Q. You gave evidence to say that the people who make
24 those decisions are Police Media?
25 A. That's true. I mean, that wouldn't be something that
26 Pam Young or Penelope Brown would have been privy to. They
27 wouldn't make those sort of arrangements with media.
28
29 Q. Or Mr Willing?
30 A. I didn't say that it was Mr Willing.
31
32 Q. You knew this issue had nothing to do with Mr Willing,
33 didn't you?
34 A. Oh, no, it had a lot to do with him. He was their
35 boss.
36
37 Q. No, the issue of whether or not The Australian would
38 not publish until the Tuesday - that was something
39 exclusively for Police Media, wasn't it?
40 A. Oh, yes, sure.
41
42 Q. Can we go to the transcript at 6239, please,
43 [TRA.00063.00001]. At line 28, Mr Gray says:
44
45 Q. *And you say you spent an hour in*
46 *conversation with them all; that's Police*
47 *Media people, is it, "them all"?*

1 A. *And I think, you know, the superiors -*
2 *probably Mick Willing ...*

3

4 So despite what you had given evidence about and despite
5 what you have just told us, you claimed in your evidence
6 that you also spoke to Mick Willing about this?

7

8 MR GLISSAN: I object to that. That's not what the
9 question and answer says.

10

11 THE COMMISSIONER: I will allow the question. If you read
12 it correctly, Mr Thangaraj, as I expect you will, the
13 witness is looking at it, so direct her attention to that
14 bit which you say supports what you have just put, and
15 I will allow it.

16

17 MR THANGARAJ: Q. The question at line 28:

18

19 *And you say you spent an hour in*
20 *conversation with "them all"; that's Police*
21 *Media people, is it, "them all"?*

22

23 So you knew the question was asking who were all the people
24 that you spoke to in relation to this conversation; you
25 understood that was the question, didn't you?

26

27

28 Q. And you say:

29

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

36

37 That's the question and answer; right?

38

39

40 Q. And it goes on:

41

42 Q. *So were those conversations with the*
43 *media people and with Mick Willing on about*
44 *8 April, over an hour, on the topic of*
45 *Ms Young giving an interview, not*
46 *a backgrounder but an interview, that would*
47 *be broadcast?*

1 A. Yes. I mean we were a TV show so you
2 would have to broadcast an interview for it
3 to have impact.

4
5 So you were making very clear in your evidence, weren't
6 you, that the discussion that you were talking about in
7 that tab, the conversation that you spent an hour in
8 relation to, included, at times, Mr Willing?

9 A. That's my recollection.

10

11 Q. And that was a lie as well?

12

13

14

15 Q. You explained perfectly well earlier in your evidence,
16 and a few minutes ago, why this was a Police Media
17 decision?

18

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

 That's what you wrote, isn't it?

 A. Yep.

 Q. That is all that you say you spoke to police about in
 that hour; correct?

 A. I think it's - that's what I say there, yes.

 Q. That is all --

 A. But it's fairly implicit that when we speak to police,
 we're speaking about more than a media strategy.

1 Q. What you have written in that email was that the
2 conversation that went for an hour was about persuading
3 them that The Australian can't publish until Tuesday;
4 correct?
5 A. I think that was the - what I'm saying was the upshot,
6 but I don't think anyone would have assumed that for
7 a whole hour we're talking about that.
8
9 Q. That's the question you were asked in evidence, wasn't
10 it?
11 A. Sure. I think the question was about speaking to
12 police. I don't think it was about the particulars of the
13 conversation.
14
15 Q. Have you got transcript 6239 there? Have you got that
16 there? Can you see that? [TRA.00063.00001], 6239, please.
17 A. Can we zoom in just a little bit on that, please?
18 That's fine.
19
20 Q. You were taken to the particular sentences I've just
21 read out in relation to The Australian not publishing until
22 Tuesday?
23 A. Mmm-hmm.
24
25 Q. You were asked:
26
27 *... who were you referring to when you say*
28 *"police"?*
29
30 You say:
31
32 *... Police Media. That's who makes those*
33 *decisions.*
34
35 A. Mmm-hmm.
36
37 Q. You were asked whether you had a recollection of who
38 it was, and you say you're not sure, but it could be
39 Georgie Wells. Do you see that?
40 A. Yes.
41
42 Q. And you were asked at 28:
43
44 *And you say you spent an hour in*
45 *conversation with "them all" ...*
46
47 Now, the "them all" are your words that are extracted at

1 the top of that page. Do you see that?

2 A. Yes.

3

4 Q.

5 *I have spent the past hour in conversation*
6 *with them all ...*

7 Right?

8 A. Mmm-hmm.

9

10 Q. And the "them all" was about not publishing until
11 Tuesday; do you agree with that?

12 A. No. I would say that was part of the conversation,
13 but I wouldn't have probably spoken an hour about it.

14

15 Q. Well, that's what you said in that email, and then you
16 were asked at line 28:

17

18 *And you say you --*

19

20 A. Pardon me. What I said in the email was that, through
21 the course of that hour, that was what was decided, but
22 I didn't say, through the hour, all we spoke about was
23 that.

24

25 Q. You don't say that in the email, do you?

26 A. No.

27

28 Q. And you were asked at line 28:

29

30 *And you say you spent an hour in*
31 *conversation with "them all"; that's Police*
32 *Media people, is it, "them all"?*

33

34 You agree that that's the question?

35 A. Yep.

36

37 Q. You agree the "them all" is your phrase that's been
38 extracted above?

39 A. Yep.

40

41 Q. And you say:

42

43 *And I think, you know, the superiors -*
44 *probably Mick Willing ...*

45

46 et cetera, what I have just read out?

47 A. Yes.

1
2 Q. Now, Pam Young, to your knowledge --
3 A. I think it's important to point out that Police Media
4 don't make decisions in a vacuum.
5
6 Q. You understand Police Media media protocols, do you?
7 A. Yes, I do.
8
9 Q. Okay. We'll come to that.
10 A. Just like corporate or government, ultimately it's -
11 the decision-maker is the boss, not necessarily the people
12 in the Media Unit.
13
14 Q. And who were the decision-makers in relation to - who
15 could sign off on this media strategy, then?
16 A. I would have thought Mick Willing, as the boss of
17 Homicide.
18
19 Q. You would have thought, would you?
20 A. Yes.
21
22 Q. And where do you get that belief from?
23 A. Making an assumption based on 30 years of working in
24 the media.
25
26 Q. So if your assumption is wrong, can we take it that
27 you have no understanding of Police Media protocols?
28 A. No.
29
30 Q. Pam Young, you knew, did not give The Australian
31 anything explosive; correct?
32 A. No, I didn't know that.
33
34 Q. That's why they didn't publish.
35 A. Hmm?
36
37 Q. Well, are you saying that to your knowledge, Pam Young
38 told The Australian that the Police Minister was kowtowing
39 to the Johnson family, that millions of dollars had been
40 wasted, that the Johnson family had this influence over the
41 criminal justice system, and then they chose not to
42 publish; is that what you're saying?
43 A. No. I didn't say that anywhere.
44
45 Q. You called your interview an exclusive?
46 A. Yes.
47

- 1 Q. In the 8 April email, you referred to it as an
2 exclusive, and you knew it would remain an exclusive,
3 didn't you?
- 4 A. I knew that we were the only broadcasters that were
5 being given an interview.
6
- 7 Q. But if The Australian published an in-depth interview
8 saying everything that was on Lateline on the 13th, and if
9 they published that on the 11th, would you regard the
10 Lateline interview as an exclusive?
- 11 A. I'm forgetting the dates now. Was the 11th before
12 ours?
13
- 14 Q. It doesn't matter about the dates. I'm talking about
15 this concept of exclusivity, and you just inserted the word
16 "broadcaster". If The Australian published everything that
17 Lateline broadcast on the 13th - if The Australian did that
18 on the 11th, would you have regarded the Lateline interview
19 saying the same thing as an exclusive?
- 20 A. No.
21
- 22 Q. No, of course not. You knew that you had an exclusive
23 with Pam Young before 8 April, didn't you?
- 24 A. I don't understand the question.
25
- 26 Q. As of 8 April - look at tab 348 if you need to --
27 A. You mean the email?
28
- 29 Q. Yes. As of 8 April, you knew that you had an
30 exclusive with Pam Young?
- 31 A. Yes.
32
- 33 Q. Because that was the agreement you had with her,
34 wasn't it, prior to 8 April?
- 35 A. Well, that's implicit from the email.
36
- 37 Q. It is. And you add in that email, tab 348:
38
39 *She will also say that \$millions have been*
40 *wasted by the State of NSW pursuing a case*
41 *that can never be solved on the available*
42 *evidence.*
43
- 44 A. That's right.
45
- 46 Q. Now, you do not refer to the statement of Pam Young
47 when you say that; correct?

- 1 A. Yes.
- 2
- 3 Q. Are you agreeing with me?
- 4 A. What's the question, sorry?
- 5
- 6 Q. When you referenced the dishonesty of the Johnson
- 7 family, you referenced the statement of Ms Young; correct?
- 8 A. Yes.
- 9
- 10 Q. When you wrote, "She will also say that millions have
- 11 been wasted", do you not reference the statement; correct?
- 12 A. Where is that, sorry?
- 13
- 14 Q. It's on the bottom of the page on the screen as we see
- 15 it, the last few lines and over the page.
- 16 A. And what's your question?
- 17
- 18 Q. This came from something - this did not come from the
- 19 statement of Pam Young. This came from conversations you
- 20 had had with her?
- 21 A. That's correct.
- 22
- 23 Q. And that was said before the 10 April interview, of
- 24 course, because the email is of the 8th?
- 25 A. Sure.
- 26
- 27 Q. Now, you also refer to people, over the page, that the
- 28 Johnson family were able to meet?
- 29 A. That's right.
- 30
- 31 Q. Again, that came from discussions with Pam Young, not
- 32 from her statement?
- 33 A. Oh, that also came from conversations I'd had with
- 34 Steve Johnson himself and with members of his private
- 35 investigation team.
- 36
- 37 Q. I accept that. And you say:
- 38
- 39 *Detective Chief Inspector Pamela Young will*
- 40 *also say the case has been politicised in a*
- 41 *way she's never seen before.*
- 42
- 43 Again, that's not from her statement, is it? That's what
- 44 she had told you orally?
- 45 A. Correct.
- 46
- 47 Q. And it's what she had agreed to say in the forthcoming

1 studio interview?

2 A. Well, not specifically, but if that's what she
3 believed, I had no reason to believe she wouldn't say it in
4 an interview.

5

6 Q. Well, you say, "She will also say that". I'm reading
7 your words?

8 A. With respect, everyone in my line of work knows that -
9 and I'm sure in yours - that ultimately what people say on
10 the record can differ, but you know - you can assume what
11 they are going to say based on what they have told you
12 before.

13

14 Q. Your belief was that Ms Young "will" say during your
15 exclusive explosive interview that the case had been
16 politicised in a way she had never seen before; correct?

17 A. Correct, yes.

18

19 Q. And that was not from her statement. That's from what
20 she told you orally?

21 A. That's right.

22

23 Q. And what you understood that she had agreed to say
24 during the forthcoming studio interview?

25 A. Not what she had agreed to say, just what I'd assumed
26 that she would repeat, given she had said that to me
27 before.

28

29 Q. It certainly wasn't something that was out of bounds
30 for the Lateline interview, was it?

31 A. No.

32

33 Q. If you had spoken to Police Media about any of this,
34 you would have said so in this email at tab 348, wouldn't
35 you?

36 A. About any of what?

37

38 Q. About the interview that was coming up, about the
39 discussions in relation to the studio interview of Lateline
40 on the 13th.

41 A. I don't understand the question.

42

43 Q. I will ask it in a different way. When you
44 communicated internally at the ABC, did you ever note that
45 Mr Willing knew about the forthcoming studio interview?

46 A. Specifically Mr Willing, no, but I do clearly
47 reference police more broadly.

1
2 Q. Did you ever specifically directly - sorry. Did you
3 ever specifically, in any of your communications internally
4 at the ABC, note that Mr Willing had helped you or
5 encouraged the studio interview?
6 A. No, but it would be implicit, given my line of work,
7 that when I talk about having spoken to police broadly
8 about this interview, it was open to be inferred that meant
9 the authorities within police.
10
11 Q. I want to ask you about some parts of the Lateline
12 interview on the 13th. Tab 5, page 7 to start,
13 please - sorry, not tab 5. It's the Lateline interview of
14 the 13th.
15
16 THE COMMISSIONER: Tab 13, is it?
17
18 MR THANGARAJ: Sorry, it's my tab 5. Sorry about that.
19
20 MR GRAY: I may be able to assist with the tab numbering.
21 I'm not sure what my friend is actually after, but the
22 actual Lateline interview as broadcast is at tab 318, and
23 the entire Lateline interview of the 13th is at tab 344.
24
25 THE COMMISSIONER: So which tab should the reporter be
26 looking for, then?
27
28 MR THANGARAJ: I'm grateful for Mr Gray's assistance. It
29 is the Lateline interview of the 13th.
30
31 THE COMMISSIONER: Okay. Mr Gray, you said the full
32 interview is where - tab 344, is it?
33
34 MR GRAY: The entirety is at tab 344. The broadcast of
35 the television program itself on the night is at 318.
36
37 THE COMMISSIONER: Just to draw a distinction, though -
38 I'm sorry, I'm not following this. At 318 is what went to
39 air?
40
41 MR GRAY: That's right.
42
43 THE COMMISSIONER: What is at 344 is what was filmed but
44 did not all go to air?
45
46 MR GRAY: That's right.
47

1 THE COMMISSIONER: Okay. So which of those do you want,
2 Mr Thangaraj?

3
4 MR THANGARAJ: I think the one on the screen will be fine.
5 Could we try page 7, please, [NPL.2017.0004.0498_0001].
6

7 THE COMMISSIONER: It may not be unimportant,
8 Mr Thangaraj, it may not matter, but it may not be
9 unimportant that you are asking about what actually went to
10 air as opposed to what was filmed but did not entirely go
11 to air. I don't know whether anything turns on that, but
12 I think we should just find out, the one that is on the
13 screen at the moment - Mr Gray, you are the keeper of these
14 records in one sense. Can assist Mr Thangaraj in telling
15 him whether the one on the screen went to air or is only
16 part of a larger filming segment.
17

18 MR GRAY: The one on the screen is tab 344, which is the
19 entirety of the transcript of the interview between
20 Ms Alberici and Ms Young on the 13th.
21

22 THE COMMISSIONER: Prior to editing or prior to whatever
23 happened?
24

25 MR GRAY: That's my understanding.
26

27 THE COMMISSIONER: Mr Thangaraj, are you happy to proceed
28 on that understanding?
29

30 MR THANGARAJ: Yes. What I'm looking for is the question
31 from Ms Alberici, "And before I let you go". It is my
32 page 8. I don't know if it is the same page 8. That's it.
33 I have the same copy as that.
34

35 THE COMMISSIONER: All right, that will do.
36

37 MR THANGARAJ: Q. Line 16 on page 8, which was getting
38 towards the end of the broadcast, you say:
39

40 *And before I let you go, I must pick up on*
41 *what you said just a moment ago when you*
42 *talked about the influence Steve Johnson*
43 *has had over the government and others.*
44 *Where do you think that comes from?*
45

46 And then Pamela Young launches into the answer that
47 involves accusing the then Police Minister of kowtowing to

1 Steve Johnson. Do you see that?
2 A. Yep.
3
4 THE COMMISSIONER: I think it won't be controversial, but
5 I think at the date of this broadcast, Mr Gallacher was not
6 the Minister, relevantly, it was Mr Ayres. That may be
7 uncontroversial. Mr Gallacher's period in office ended in
8 2014, about a year before this broadcast. I don't think
9 that will be controversial. If anyone has a different
10 view, please let me know, but by 2015, Mr Stuart Ayres was
11 the relevant Minister, in my belief, although it may be -
12 Mr Gray?
13
14 MR GRAY: To be specific, my understanding is that
15 Mr Ayres became the Minister in 2014, but on 1 or 2 April
16 Mr Grant became the Minister.
17
18 THE COMMISSIONER: Mr Troy Grant became the Minister after
19 Mr Ayres?
20
21 MR GRAY: Yes.
22
23 THE COMMISSIONER: So it seems that if - as I said,
24 I don't believe it will be controversial, and it probably
25 doesn't affect one bit what you will say.
26
27 MR THANGARAJ: It makes no difference who the Minister
28 actually was.
29
30 THE COMMISSIONER: I understand. Thank you.
31
32 MR THANGARAJ: Q. Now, those criticisms by her of Steve
33 Johnson and the Johnson family improperly using influence
34 over the government were nowhere to be found in her
35 statement, were they - the 445-page statement?
36 A. I don't recall.
37
38 Q. Similarly, the accusations of kowtowing, and so forth,
39 against the Minister are nowhere to be found in the
40 statement; do you agree with that?
41 A. I think that's right.
42
43 Q. As far as you were concerned, you were able to ask
44 Ms Young any relevant question, as you saw it?
45 A. That's right.
46
47 Q. And to broadcast any answer?

- 1 A. Correct.
2
- 3 Q. You were not confined to what was in the 445-page
4 statement of Ms Young, as you saw it?
5 A. No.
6
- 7 Q. And she never told you that she could only comment on
8 what was in her statement?
9 A. Sorry, can you - I don't understand the question.
10
- 11 Q. She never told you that there were boundaries in
12 relation to what she could say, and the boundaries were her
13 statement?
14 A. Well, no.
15
- 16 Q. The media policy was that backgrounding and any
17 further public comment must be limited to the information
18 and evidence within the 445-page statement; was that your
19 understanding?
20 A. And my understanding was that someone who had been
21 investigating for more than two years would have an
22 extremely valid perspective on the matters.
23
- 24 Q. That's nothing to do with the question I asked you.
25 The question I asked you was, the media policy was that
26 backgrounding and any further public comment must be
27 limited to the information and evidence within the
28 445-page statement; was that your understanding of the
29 media policy?
30 A. No. What I'm saying is that perspectives that can be
31 gleaned from the statement are also relevant.
32
- 33 Q. Was it your understanding that the media policy was
34 that backgrounding and any further public comment must be
35 limited to the information and evidence within the
36 445-page statement?
37 A. What I'm saying is that, for instance, if I can give
38 you an example of what I'm saying, if there are details,
39 which were there, in the statement, 20 or 30 other suicides
40 documented in the general vicinity of where Scott Johnson's
41 body was found, if I then ask a question, "Were there other
42 suicides in that area?", and we discuss it, whilst the
43 document doesn't say there were 30 or 20, or whatever the
44 number was, that it's clearly something that can be gleaned
45 from the document.
46
- 47 Q. Now, things that could not be gleaned from the

- 1 document, you agree - and you have just agreed that these
2 things had nothing to do with her statement - the influence
3 that Steve Johnson had over the government --
- 4 A. I didn't say - sorry, excuse me. I didn't say it had
5 nothing to do with her statement. I said it wasn't
6 verbatim in her statement, which is, you know, not quite
7 the same thing.
8
- 9 Q. So are you saying it could be gleaned from her
10 statement that Steve Johnson had influence over government
11 and others?
- 12 A. I think that would be fair, because some people had
13 talked about the case in a way that Steve Johnson had
14 spoken about it, which was not necessarily a reflection of
15 fact.
16
- 17 Q. And that was in her statement, was it?
- 18 A. That could be gleaned.
19
- 20 Q. And could it be gleaned from her statement that the
21 Police Minister was kowtowing to Steve Johnson?
- 22 A. Not necessarily, that I recall.
23
- 24 Q. Well, not at all, could it?
- 25 A. I think that if a third inquest is called when no new
26 information has been uncovered, then it's open to many
27 interpretations why a third inquest would be called.
28
- 29 Q. It could not be gleaned from Pamela Young's coronial
30 statement that the Police Minister was kowtowing to Steve
31 Johnson, could it?
- 32 A. I think it can be gleaned that something isn't quite -
33 you would think that a third inquest would be called
34 because new information had emerged or otherwise some other
35 thing could be at play that isn't necessarily articulated
36 in a document.
37
- 38 Q. What you understood from Pam Young was that she was
39 entitled to answer any relevant question that you had for
40 her?
- 41 A. Yes.
42
- 43 Q. She was entitled, as you understood it from what she
44 told you, to give her opinions?
- 45 A. Her informed opinions, yes.
46
- 47 Q. She was not constrained, in relation to public

1 comment, by the information and evidence within her
2 coronial statement; that's what she told you, isn't it?
3 A. I don't say that she specifically told me that, but
4 it's certainly the view I had after speaking to Police
5 Media, Mick Willing, herself, Penelope Brown. I think
6 there was a general frustration about the way this case had
7 been previously reported.

8

9 Q. Forget about everyone else for the moment. You're
10 saying that on the basis of your multiple meetings with
11 Pamela Young, the rehearsal on 10 April 2015, she was
12 making it abundantly clear that she was not constrained in
13 public comment by the information and evidence within her
14 coronial statement; do you agree with that?

15 A. No, I don't agree with that, because I didn't have
16 multiple meetings with her. We had a lunch, I think we had
17 one phone call and then that pre-interview. So I wouldn't
18 categorise that as "multiple meetings".

19

20 Q. Set aside the "multiple meetings" issue. On the basis
21 of your meetings with Pamela Young, she was making it clear
22 to you that she was not limited in her public comment by
23 information and evidence within her coronial statement;
24 correct?

25 A. I wasn't talking to her about things outside of that.
26 Why would I be talking to her about things outside of that?

27

28 Q. Well, kowtowing to the Police Minister was outside
29 that, wasn't it?

30 A. It was something she - it was her opinion based on her
31 investigation.

32

33 Q. Yes, I know it is, but it's not in her statement, is
34 it? It's separate to her statement?

35 A. Her opinion is separate to that statement.

36

37 Q. Yes.

38 A. Yes.

39

40 Q. Now, I'm not going to ask for this to be brought up on
41 the screen, but this is what Pam Young says in her second
42 statement, at paragraph 104 [SCOI.85816_0001]:

43

44 *Equally, I knew that backgrounding and*
45 *further public comment must be limited to*
46 *the information and evidence within my*
47 *coronial statements.*

- 1
2 I want you to assume that that's what she has written in
3 her statement; okay?
4 A. Okay.
5
6 Q. She never told you that, did she?
7 A. I kind of think it's a moot point, because we were
8 talking about what was in her --
9
10 Q. It doesn't matter what you think, Ms Alberici. Just
11 answer the question, please. She never told you that, did
12 she?
13 A. She never told me what specifically?
14
15 Q. She never told you what she has written in her
16 statement? She never told you that she was constrained in
17 public comment by what was information and evidence within
18 coronial statements? She never told you that, did she?
19 A. I don't recall.
20
21 Q. She told you and behaved in a very different way,
22 which was she was entitled to give you any opinion she
23 wanted?
24 A. Based on the information in her statement. I think
25 you can't untangle the two. We weren't - her opinion
26 wasn't based on something else.
27
28 Q. Her opinions about this matter were not all in her
29 statement, were they? She had views that were not
30 expressed in her statement, didn't she?
31 A. But they could be extrapolated from her statement,
32 I suppose.
33
34 Q. Well, let others decide that. Now, you have told us
35 about the meetings and phone calls with Ms Young - there
36 were multiple; correct?
37 A. No. I wouldn't categorise them as "multiple".
38 I think I've told you, there was a lunch, there was I think
39 one phone call where I was trying to clarify something from
40 the report, and then there was the meeting before the
41 interview. So I wouldn't say that was "multiple".
42
43 Q. So everything that was in tab 348 came to you from
44 either the lunch or one phone call, did it?
45 A. Yes, and then that pre-interview.
46
47 Q. I'm not talking about what happened on the 10th.

1 Everything that was in tab 348 you say came from a lunch
2 in, what, February?
3 A. I can't recall when the lunch was - February, March.
4
5 Q. So everything that was in tab 348 came from one phone
6 call and the lunch, did it?
7 A. I can't remember what tab 348 is.
8
9 Q. The email that you wrote on 8 April that I have taken
10 you to this morning.
11 A. Oh, I can't remember what was - the basis of the
12 email, but, I mean, we worked in a pretty small office, so
13 we'd been discussing this. It wasn't just the email.
14 I mean, you know, this --
15
16 Q. Every time you said in that email "she will say", that
17 came, are you saying, from either the lunch in February or
18 that one phone call?
19 A. Yes.
20
21 Q. Was Mr Willing part of the lunch?
22 A. When you say "part of the lunch", he wasn't at the
23 lunch.
24
25 Q. Was he on the phone call that you're talking about?
26 A. The phone - no.
27
28 Q. Was Police Media on the phone call?
29 A. No.
30
31 Q. Do you have any file notes or documents recording any
32 discussion with Mr Willing about the Lateline interview?
33 A. This was eight years ago and I have not been working
34 at the ABC for the last three years, so I don't have notes
35 from anything that I did at the ABC over those 18 years
36 I was there.
37
38 Q. You say, with respect to the Lateline interview of
39 2013, that Ms Young was authorised by Mr Willing and others
40 to give a studio interview; right?
41 A. Mmm-hmm.
42
43 Q. And you say in no uncertain terms in your statement
44 that she was "then hung out to dry by police, including
45 Mr Willing"; is that right, was that your understanding?
46 A. Yes.
47

1 Q. You greatly respected Pam Young and you became good
2 friends with her?
3 A. That's right.
4
5 Q. You describe her as a courageous woman?
6 A. Yes.
7
8 Q. You spoke with her in the period straight after the
9 Lateline interview of 13 April; correct?
10 A. Yes.
11
12 Q. You were the interviewer, after all, and there was
13 a significant fallout for her?
14 A. Subsequently, yes.
15
16 Q. And you lived that fallout with her, which was very
17 significant?
18 A. Yes.
19
20 Q. Even in April 2015, you believed that Mr Willing had
21 hung her out to dry, did you?
22 A. I can't remember.
23
24 Q. Well, certainly in the months after?
25 A. Oh, certainly, yes.
26
27 Q. Certainly. And so by this stage, in those months
28 after April '15, you had a very low opinion of his
29 integrity, did you?
30 A. Of Mick Willing's integrity?
31
32 Q. Yes.
33 A. I don't know that I would put it in those terms.
34
35 Q. So he told you that he supported the interview in
36 advance, apparently shared the sentiments that she
37 expressed in the interview, and publicly hung her out to
38 dry, this courageous woman - that's your evidence; right?
39 A. Yep.
40
41 Q. And, what, what was your opinion of him then, in the
42 months after April 2015?
43 A. Didn't really - I thought it was all very
44 disappointing and unfortunate.
45
46 Q. And the person that was wearing it all was your good
47 friend, this highly decorated Detective Chief Inspector,

1 Ms Young?

2 A. Not because she was a friend. I wouldn't say she
3 became, you know, a friend that fast. It was someone I'd
4 respected and I had considered - we were going to do
5 a follow-up story about her career in the police, and I'd
6 spoken to many senior police about her and about her work,
7 so I had formed a view of her professionally.

8

9 Q. And your view of him, your opinion of Mr Willing, is
10 reflected in your text messages subsequently, is it?

11 A. Sorry, can you repeat that? What was the question?

12

13 Q. Well, you have told us about your view of him. You
14 have told us about what you say that he did before and
15 after the Lateline interview. You told us about the --

16 A. I don't know that I have expressed any view of my
17 opinion of him. I just said I thought it was
18 disappointing. I don't know that that's a --

19

20 Q. Was any of that disappointment reflected in your text
21 messages that we now have?

22 A. No, only insofar as - oh, I mean, not specifically.

23

24 Q. In fact, they are very friendly text messages, aren't
25 they?

26 A. Yes, they are.

27

28 Q. You didn't have any issue with him at all?

29 A. I don't understand. Like, I don't - I mean, it's
30 work. I don't have issues with people who express
31 a different view to the one I hold at work.

32

33 Q. Well, let's go to transcript 6263 as well, please,
34 [TRA.00063.00001]. At line 21:

35

36 *Q. But prior to that, back in the*
37 *immediate aftermath of the program in*
38 *about April 2015, was there any*
39 *communication between you and Mr Willing at*
40 *that stage?*

41 *A. I think there would have been maybe*
42 *phone calls or - I don't have it in text*
43 *message form, but there would have been*
44 *phone calls.*

45

46 *Q. You say there "would have been". Do*
47 *you remember any?*

1 A. *Oh, yes, I remember that I was in*
2 *contact with him and I think that it's*
3 *consistent with, when you see the texts and*
4 *the tone of "How was your Christmas", it's*
5 *not like I've never met him before or we've*
6 *never spoken before.*

7
8 That's the evidence you gave last week?

9 A. Yep.

10
11 Q. So what's clear is that there was a consistent tone in
12 the immediate aftermath of the 13 April interview,
13 consistent with, "How was your Christmas?"; right?

14 A. December '16 is not what I would have thought was
15 immediate aftermath of the interview.

16
17 Q. Okay. Let's go back to the question. Line 21:

18
19 *But prior to that, back in the immediate*
20 *aftermath of the program in about April*
21 *2015, was there any communication between*
22 *you and Mr Willing ...*

23
24 And you give your answer. You say "there would have been",
25 and then your answer at 29:

26
27 *Oh, yes, I remember that I was in contact*
28 *with him and I think that it's consistent*
29 *with, when you see the texts and the tone*
30 *of "How was your Christmas" ...*

31
32 A. Yep.

33
34 Q. What you were saying in that evidence was the
35 interactions you had with Mr Willing in April 2015 were
36 consistent with the tone of the text messages you produced,
37 such as, "How was your Christmas?"

38 A. I think what I'm saying is it's consistent with the
39 idea that it wasn't the first time we'd spoken, not
40 necessarily whether we were, you know, friendly or
41 otherwise. And I think, from my recollection, as I say to
42 you, I was going to do a piece on Pamela Young as
43 a detective and her career, and so on, so I had spoken to
44 Nick Kaldas and to Mick Willing and to others about Pamela
45 Young in the force and what sort of a detective she had
46 been and what a loss she would be to the force. So Mick
47 Willing was one of the people I'd spoken to in that

1 context.

2

3 Q. You weren't saying on that page of transcript - you
4 weren't simply saying that, "We had had communications back
5 then". You word you used at line 31 was "tone". You were
6 talking about the nature of the communications between you
7 and Mr Willing in the immediate aftermath of the program,
8 weren't you?

9 A. I think I was just talking about it after the program,
10 yep. I don't know about "immediate aftermath", because
11 we don't have those messages. We have ones from December
12 2016, which is significantly after.

13

14 Q. The point is that immediately after the April
15 interview in 2015, your tone with him was friendly, wasn't
16 it?

17 A. I don't - I don't know that it was anything in
18 particular. I mean, it was a professional capacity. It
19 wasn't - you know, it wasn't like I was talking to
20 a friend; I was talking to him in a professional capacity.
21 And I'm saying there that it's consistent that we had had
22 previous conversations; it wasn't the first time we'd
23 spoken. So it's consistent with my recollection that we'd
24 spoken previously, not whether that was friendly or
25 otherwise, just that we'd spoken previously.

26

27 Q. When you asked Mr Johnson for an interview, did you
28 tell him that you were interviewing Pam Young as well?

29 A. No.

30

31 Q. You wanted to make sure that you had recorded the
32 Steve Johnson interview before he knew about the Pam Young
33 interview; right?

34 A. Correct.

35

36 Q. It was very important that no-one knew about the Pam
37 Young interview in advance; right?

38 A. No, it was important that Steve Johnson didn't know,
39 or his team. He had a team of people who were previous
40 police - NSW Police people and other people from the US.

41

42 Q. And the fact that they were previous police people
43 gave them access to incumbent police officers, didn't it?

44 A. Oh, I don't know. It just meant that he could find
45 out if people knew that were close to him.

46

47 Q. And his people might find out who Pam Young was

1 speaking to on the record; correct?

2 A. I think it's just important to note that he didn't
3 like the current investigative crew from NSW Police, so he
4 wouldn't have wanted to potentially be involved in
5 a broadcast that involved them.

6

7 Q. The more police that knew about the studio interview,
8 the greater the risk of Steve Johnson and his team, which
9 included ex-police, the greater the risk that they would
10 find out that Pam Young was giving you an interview;
11 correct?

12 A. Yep, that's right.

13

14 Q. That's one of the reasons why Police Media and Mick
15 Willing were deliberately kept out of the loop by you,
16 Ms Brown and Ms Young?

17 A. No, that's not right and that's not what I've said.

18

19 Q. You knew that if Steve Johnson - you knew that if you
20 told Mr Johnson that you had an interview with Pam Young,
21 he would get upset and would be unlikely to cooperate with
22 you?

23 A. That's right.

24

25 Q. So you actively misled him, didn't you?

26 A. No.

27

28 Q. Did you give him the impression that you were only
29 speaking to him?

30 A. No.

31

32 Q. Did you tell him you were interviewing Ms Young as
33 well?

34 A. No. I didn't say it either way. I think it was
35 probably his assumption that no-one else was interviewed,
36 because police up until that point had not spoken publicly
37 about it.

38

39 THE COMMISSIONER: Mr Thangaraj, can you just give me an
40 idea of how much longer you might be?

41

42 MR THANGARAJ: Maybe 45 minutes.

43

44 THE COMMISSIONER: Well, if it's 45 minutes, just work on
45 this basis, that Ms Brown must finish today and I will stop
46 this hearing today a little before 4 because of an
47 application that will be dealt with after that time, and

1 Mr Glissan may have a question or two, Mr McArdle may have
2 a question, and then Ms Brown will give evidence. So
3 I won't take any breaks unless it is necessary. I don't
4 want to interrupt you again, but you use your time here
5 with this witness, but you may be constrained with
6 Ms Brown, so you have to make a forensic choice.

7
8 MR GRAY: Commissioner, I perhaps should pass on that on
9 the information I have been given, Ms Alberici has
10 constraints of her own whereby, as I am informed, she needs
11 to leave by 11, but I know no more than that.

12
13 THE COMMISSIONER: That's 45 minutes. But if it is going
14 to be 45 minutes, Mr Thangaraj - I'm happy to take a minute
15 or two break for you to trim your sail, but I need to let
16 anyone else, including Mr McArdle, importantly, ask any
17 questions, if he has any. Would you like a minute or two
18 just to --

19
20 MR THANGARAJ: No, your Honour.

21
22 THE COMMISSIONER: All right. Okay.

23
24 MR THANGARAJ: Q. Going back to the text messages with
25 Mr Willing, you never express any criticism of him in
26 those, do you?

27 A. No.

28
29 Q. When you met him, did you say, "Why did you say that
30 Pam Young was unauthorised, when you knew full well she
31 was?" Did you ask him any question like that when you had
32 coffee with him?

33 A. I'm so sorry, I don't understand your question. Can
34 you repeat it?

35
36 Q. Yes. You have told us that your understanding of
37 media policy was that Mr Willing could authorise the studio
38 interview?

39 A. Well, that would be the normal course of events, yep.

40
41 Q. And you're saying that he knew about the studio
42 interview in advance because you had spoken to him about
43 it?

44 A. Yes, it certainly wasn't - it wasn't my understanding
45 by any stretch that he didn't know. I mean, obviously he
46 did, because we were discussing it.

47

1 Q. And you're saying that after that, he hung her out to
2 dry; right?

3 A. That's right.
4

5 Q. So did you say, when you met him face to face, "Why
6 did you lie about this, Mick? You knew she was giving an
7 interview. You authorised it. Why are you hanging her out
8 to dry? You're being dishonest"; did you say anything like
9 that to him?

10 A. I didn't need to, because as soon as we sat down, he
11 told me how much regret he felt and how guilty he felt, so
12 that was sort of implied. We were catching up for coffee
13 and we ended up sitting there for more than two hours, as
14 he told me how much regret he felt because she was such
15 a great detective and such a great loss to police and that
16 he felt personally guilty for what had happened to her.
17

18 Q. That is a complete lie that he suggested anything
19 about him knowing in advance of the studio interview that
20 that was going to happen?

21 A. That sounds like a statement to me, but it's not one
22 I agree with.
23

24 Q. When you had these discussions with him, the
25 discussions that you had before and after the Lateline
26 interview, not the coffee but around that time - did you
27 tell Pam Young, "What's Mick doing? Why is he saying this?
28 He was speaking to me about this in advance. He knew that
29 you were authorised"; did you tell Pam Young that?

30 A. I didn't need to tell her that. I think we all
31 understood that there was some political pressure being
32 brought to bear.
33

34 Q. So did you ever remind Pam Young, when she was under
35 fire, of the advance knowledge and encouragement that
36 Police Media or Mr Willing had given her?

37 A. Well, I don't understand why I would need to remind
38 her of that. And I think it's also - well, to me, it's
39 implicit that when the text message from Mick Willing says,
40 "I'm sorry I kept you so long at coffee" - I mean, he kept
41 me long because he wanted to keep telling me how sorry he
42 was for everything that had happened to Pam.
43

44 Q. He's saying, "I'm sorry that I took up so much of your
45 time having coffee", and therefore that means, does it,
46 that he made these incredible admissions about the most
47 politically charged issue at the police in April 2015?

1 That's what we're supposed to read into that text message,
2 are we?

3 A. That's my recollection of what happened, because Pam
4 had been such a loss to the force, and he wasn't the only
5 one who was saying that to me.
6

7 Q. You said that the Police Media and Mr Willing knew in
8 advance of the studio interview. Did either of them say -
9 did anyone from Police Media or Mr Willing say to you,
10 "Please make sure you don't tell anyone that I know about
11 this, because I don't have authority to allow an
12 on-the-record interview"?

13 A. No.
14

15 Q. Did anyone say, "Please don't tell anyone that I know
16 about this, because I'm supposed to have a Media Liaison
17 Officer there and that would be a clear breach of protocol,
18 so don't tell anyone about this studio interview"?

19 A. No.
20

21 Q. So you were free, as you understood it, to speak to
22 any police officer you wanted, were you, in advance of the
23 interview?

24 A. No, that's - no. I mean, the only person who was of
25 interest was Pamela Young, who had authored the - and ran
26 the investigation.
27

28 Q. You never communicated --

29 A. There wasn't anyone more senior that I would have
30 wanted to have spoken to about the matter or anyone who
31 would know it more intimately than her.
32

33 Q. You never communicated with Mr Willing about the
34 Lateline interview of 13 April before it went to air?

35 A. That's not true.
36

37 Q. He never said in the coffee conversation that the
38 Commissioner was enraged?

39 A. I think that was implicit from public reporting on the
40 matter.
41

42 Q. Okay, it was implicit. That's fine. Did he ever tell
43 you that the Commissioner hosted a morning tea for Ms Young
44 and her team after the Family Court bombing convictions?

45 A. Yes, I knew about that.
46

47 Q. Mr Willing never said anything about what would happen

1 if it became public. Are you seriously saying that he
2 said, "I thought that the political pressure would be
3 alleviated by that studio interview"?

4 A. Not those exact words necessarily. It was a long time
5 ago, but that's the general tenor of the conversations,
6 yes.

7
8 Q. So the political pressure would be diminished by
9 criticising the Police Minister; is that what you're
10 honestly saying that he said?

11 A. No. That's not what I'm saying he said.

12
13 Q. What Ms Young said about the Police Minister kowtowing
14 to the family would only throw fuel on any political
15 pressure, wouldn't it?

16 A. Well, he - Mick Gallacher was no longer the Police
17 Minister.

18
19 Q. So the idea was that police - sorry, you're saying
20 that a politician said, through Pam Young, "Get the family
21 off our back"; is that right? Pam Young, you say, said to
22 you a politician said, "Get the family off our back"; is
23 that right?

24 A. Sorry, can you say the question again?

25
26 Q. Yes. In your statement at paragraph 10(c)(v), you're
27 describing a number of things that Ms Young told you, and
28 one of them was:

29
30 *The top brass in the Police "got rung up"*
31 *by politicians, to "Get this family off our*
32 *backs", I think is what they said, (all*
33 *about fourth hand [hearsay] of course).*

34
35 Right?

36 A. Yep.

37
38 Q. Did you ask her who the politician was who said this?

39 A. I can't remember.

40
41 Q. So was the idea that the police would help get the
42 family off the politician's back by seriously offending the
43 Police Minister?

44
45 MR GRAY: May I just interject there, Commissioner? In
46 fairness to the witness, that paragraph 10(c)(i) to (viii)
47 seems to be a sequence, and (v) seems to be at a point in

1 the sequence at around about the second inquest, ie, back
2 in 2012.

3
4 THE COMMISSIONER: I think that may be right,
5 Mr Thangaraj.

6
7 MR THANGARAJ: Okay.

8
9 Q. You see that, Ms Alberici?

10 A. Yep.

11
12 Q. So you're saying --

13 A. It might be helpful for some context. That second
14 inquest was called I think in the immediate aftermath, if
15 not the very day after a broadcast by the Australian Story
16 program on the ABC about Scott Johnson, in which Steve
17 Johnson and his team were the only ones, as I recall,
18 interviewed in that Australian Story, so it was all very
19 heavily weighted towards his point of view of NSW Police
20 and the case and the way it had been handled. So I think
21 that's the context of the "get this family off our backs".

22
23 Q. What actually happened was that in 2018 and 2019, you
24 were on perfectly good terms with Mr Willing?

25 A. Sorry, we've jumped from 10(c)(v) to - I'm losing
26 track of where we're at, sorry.

27
28 Q. I'm asking you a totally separate question.

29 A. Okay.

30
31 Q. What actually happened was that you were on perfectly
32 good terms with Mr Willing in 2018 and 2019?

33 A. I'm very professional in my work. I don't have - you
34 know, I think the suggestion you're running with here is
35 that I would hold some vendetta against someone that I had
36 some vague dealings with about a story. That's just not
37 the way things work. It's my job. I have cordial
38 relationships with everyone in my job. I don't - I don't
39 understand the nature of the question, that somehow we have
40 personal sort of vendettas against people we've had
41 dealings with at work. It's just odd.

42
43 Q. You're not seriously saying, are you, that Mr Willing
44 knew before the Lateline interview that Pam Young would
45 criticise the Minister on the record?

46 A. I think that's fair that he probably didn't know that.
47

- 1 Q. Or that she would challenge the deceased's family like
2 she did?
- 3 A. Oh, I think he would have known that, and he had said
4 similar things to me, which is why I produced the text
5 message I had had with the online editor at the ABC talking
6 about a background conversation I'd had with Mick Willing
7 where he had equally criticised the family.
8
- 9 Q. I'm not talking about the belief as to how the family
10 was behaving. I'm talking about a knowledge that she would
11 say that in public, on air. Do you agree - you're not
12 suggesting, are you, that Mr Willing knew that Pam Young
13 would say, on the record, what she did about the deceased's
14 family?
- 15 A. I think he probably would have had a pretty strong
16 clue that she would say - she would be critical of the
17 family because of the pressure the family had put on
18 police.
19
- 20 Q. The reason you are hypothesising is because he never
21 said that to you; right?
- 22 A. Oh, I think quite the contrary. I think I've put it
23 in a text message to my online editor that he absolutely
24 said those things to me.
25
- 26 Q. There is a difference - do you accept there is
27 a difference between someone having a view and that view
28 being expressed on the national broadcaster?
- 29 A. Sure.
30
- 31 Q. He never gave you any reason to believe that Pam Young
32 would say on the record what she did about the deceased's
33 family?
- 34 A. No, I think - I think he did think that she would
35 criticise the family on air. And my absolute recollection
36 was that the senior people in police thought it was about
37 time, you know, the scales were rebalanced so that it
38 didn't look like the police had been doing the wrong thing
39 for 30 years or whatever. The family had been criticising
40 police for 30 years, so I don't think it was outside the
41 realms of possibility that police might fire back, to some
42 extent.
43
- 44 Q. When you were meeting with him, you wanted some
45 off-the-record information for an article you were writing
46 about Ms Young; is that right?
- 47 A. Yes.

1
2 Q. Would you have sought such information from someone
3 who you did not trust?
4 A. Well, I trusted that he knew the information. I don't
5 understand the - well, of course he was someone - he was
6 her boss.
7
8 Q. I want to move on to your statement and what you have
9 said in it. When you were asked - you were called to give
10 evidence last week, and you said that you were conscious of
11 the need for accuracy when publicly reporting, and you had
12 the same concern for accuracy when applying to your
13 evidence before this Commission; right?
14 A. Yes.
15
16 Q. And that would apply equally to your statement;
17 correct?
18 A. Correct.
19
20 Q. You were very careful when you prepared your
21 statement?
22 A. I thought so.
23
24 Q. You ensured it was accurate to the best of your
25 ability?
26 A. Yes.
27
28 Q. Now, I want to ask you some questions about what is
29 there. Can the annexure 1 be brought up, please, the
30 letter from the Commission of 20 September 2023 -
31 annexure 1 to her statement, [SCOI.85817_0006].
32
33 THE COMMISSIONER: You mean annexure 1 to her statement,
34 which is the letter of 20 September? Yes, thank you.
35 While this is being retrieved, Mr Thangaraj, could you
36 perhaps ask the witness about some paragraph or paragraphs
37 in it, or is that not convenient?
38
39 MR THANGARAJ: I beg your pardon? I didn't --
40
41 THE COMMISSIONER: While we are waiting to get the
42 annexure up on the screen, could you ask her some questions
43 about particular - or would you prefer to --
44
45 MR THANGARAJ: I will have to take her to the question.
46 She won't remember it.
47

1 THE COMMISSIONER: All right.
2
3 MR McARDLE: To save time, I wouldn't object to my friend
4 reading out the proposition.
5
6 MR THANGARAJ: I will do that. I am grateful.
7
8 Q. Ms Alberici, can I remind you of the question, and if
9 you need to see it on the screen, let us know. You were
10 asked to address a series of questions in your statement.
11 A. (Witness nods).
12
13 Q. And you did that?
14 A. Yes.
15
16 Q. Question 2 - this is what you were asked to address:
17
18 *How you came to be involved in the*
19 *interviews with Pamela Young on 10 and*
20 *13 April 2015, including when, how and with*
21 *whom discussions in relation to the*
22 *interviews took place.*
23
24 THE COMMISSIONER: Go to the bottom of that page.
25
26 THE WITNESS: Yes.
27
28 MR THANGARAJ: Q. Your answer to question 2 was in two
29 parts, (a) and (b). In (a) you talked about the lunch in
30 February 2015; and in (b) you said:
31
32 *I discussed the interviews with Ms Young*
33 *and Ms Brown and with my producers at*
34 *Lateline as well as with ABC legal.*
35
36 Right? That's your answer.
37 A. Yes.
38
39 Q. That was a true and complete answer, wasn't it?
40 A. Yes.
41
42 Q. No mention of Police Media in that answer; correct?
43 A. Not in that answer, no.
44
45 Q. No mention of Mick Willing in that answer; correct?
46 A. Correct.
47

1 Q. If you were honestly answering the question in the way
2 that you have given evidence, the answer to question 2
3 would have to include, on your evidence, Police Media and
4 Mr Willing; correct?

5 A. That's right.

6

7 Q. Let's go to question 3. Your answer to question 3,
8 four lines down:

9

10 *She was going to brief me on the*
11 *circumstances, which she did, and then we*
12 *would record an interview, which we did.*

13

14 It was always the plan, wasn't it, to record a studio
15 interview?

16 A. Yes.

17

18 Q. From before the time you were provided the statement
19 in February?

20 A. Oh, no. No, I wouldn't say that. It was never -
21 I wasn't provided the statement at lunch. I was provided
22 the statement after lunch, because Pam Young wanted to see
23 whether she could trust me with it.

24

25 Q. So from the time that she decided she could trust you
26 and gave you her coronial statement, the agreement was that
27 she would record an interview, was it?

28 A. Yes.

29

30 Q. So that's about February of 2015?

31 A. No, it was some time after that.

32

33 Q. So how long after was it?

34 A. It was closer to the actual interview, because she had
35 asked me to read it and read it in full, and that took
36 quite some time.

37

38 Q. So how long before 13 April was it agreed between you
39 that she would record a studio interview?

40 A. Maybe a week or so before, I can't remember, but it
41 was after I had read the entire report and it took - and
42 I do recall it took me a long time to read, because I had
43 other things on - family, young family, a busy show.
44 I wasn't only reading this report. And also, my distinct
45 recollection is that Easter fell around the end of March or
46 something, because my family also recalls that I spent the
47 whole of our Easter break reading this report. So I think

1 it was taking up a lot of time.

2

3 Q. You did know, at the very latest by your email of
4 8 April, that she had agreed to a recorded interview with
5 you?

6 A. Oh, yes, I think that's fair.

7

8 Q. You just can't tell us how long before the 8 April
9 email?

10 A. No, I can't remember. As I say, I think Easter was
11 just before that, and that's - I was still - she wasn't
12 going to agree until after I had read the report in full
13 and demonstrated through my questions to her in that phone
14 call that I had. But then I distinctly remember that it
15 wasn't multiple conversations, because I attempted to call
16 her while I was reading the report to clarify something,
17 and she - I absolutely remember, because I felt a bit taken
18 aback, because I rang about something in the report, and
19 she said, "You clearly haven't read the whole report. Get
20 back to me when you have read the whole report." So she
21 wasn't engaging in conversation with me until I had read
22 the whole report.

23

24 Q. I want to take you to question 4 of the letter that
25 was sent to you. I will read it out, and again if you want
26 to - sorry, there it is. Question 4:

27

28 *Any communications or dealings between you*
29 *and NSWPF media or other personnel (apart*
30 *from Ms Young and Ms Brown) in relation to*
31 *arrangements for either or both of the two*
32 *interviews, at any time in 2015, including*
33 *as to how the interview of 13 April 2015*
34 *would be conducted (for example: whether*
35 *it would be a sit-down interview in the*
36 *studio or in some other form; and whether*
37 *it would be for broadcast, or only as an*
38 *off the record backgrounder, or otherwise).*
39 *Please identify any such NSWPF personnel*
40 *with whom you had any such communications,*
41 *and when.*

42

43 So, firstly, you accept that the question specifically
44 excludes named people, meaning, "Don't worry about Ms Young
45 and Ms Brown"; agree with that?

46 A. Yes.

47

1 Q. It does not specifically exclude anyone else?

2 A. That's right.

3

4 Q. The question, therefore, is very clear that it wants
5 you to identify any other person in NSW Police that was
6 relevant to that question; do you agree with that?

7 A. Yep.

8

9 Q. Let's go to what you said in answer to question 4:

10

11 *I had minor dealings with Police Media who*
12 *called me to check that I had everything*
13 *I needed to conduct the interview with*
14 *Pamela Young for Lateline. I recall them*
15 *confirming to me that another journalist,*
16 *Dan Box at The Australian, was also being*
17 *given a concurrent interview about the*
18 *matters.*

19

20 Right?

21 A. Yep.

22

23 Q. You do say other things in answer to question 4, which
24 have nothing to do with the question, but do you agree that
25 your answer at question 4 is what I have read out?

26 A. That's right.

27

28 Q. No mention there of Mr Willing; you agree?

29 A. Yes, I agree.

30

31 Q. And, again, if what you have told this Commission
32 about Mr Willing's knowledge about the studio interview, if
33 that was true, then your answer to question 4 should have
34 included Mr Willing; do you agree?

35 A. Not necessarily, because in terms of who speaks to the
36 media, it's the Media Unit normally. I mean, I wouldn't
37 have - if the Media Unit is talking to me about
38 arrangements for an interview, I don't need to have those
39 same conversations with Mr Willing if I'm talking to
40 Mr Willing about the particulars in the interview or the
41 particulars in the report, the issues of the investigation
42 and the matter more broadly. I wouldn't talk to him
43 about - you wouldn't normally talk to a commander of
44 homicide about, you know, logistics of an interview. That
45 just doesn't sort of make sense.

46

47 Q. So your evidence is, is it, that Mr Willing did

1 nothing that could come within the terms of question 4?
2 A. Oh, I'm sorry, I now forget exactly what question 4
3 was.

4
5 *Any communications or dealings ... in*
6 *relation to arrangements for ... the*
7 *interviews.*

8
9 Yes, "arrangements for the interviews" I took to mean, "She
10 will be there, it will be live or it will be pre-recorded
11 as-live", which is when you pre-record an interview but you
12 don't edit it, so it's as it was recorded, which is, as
13 I recall, what we ended up doing. We recorded an as-live
14 interview. So that was what I took that question to mean,
15 arrangements for how the interview - in terms of, you know,
16 logistics and whether it would be live or as-live, that
17 sort of thing.

18
19 Q. Is that a serious answer?

20 A. Yes.

21
22 Q. What about the words:

23
24 *... and whether it would be for broadcast,*
25 *or only as an off the record backgrounder*
26 *or otherwise ...*

27
28 A. Are you asking me about a question?

29
30 Q. I'm asking you about question 4, where it says --

31 A. But what's your question?

32
33 Q. My question is, did Mr Willing speak to you about
34 whether it would be for broadcast or only as an
35 off-the-record backgrounder?

36 A. I think as I mentioned last week, a TV presenter of
37 one of the premier shows on the ABC doesn't just have
38 a chitchat. I mean, we're doing it on - we're doing
39 a broadcast interview. If I'm involved, I'm the presenter
40 of a high-profile program, I'm not just having a chitchat
41 about a story; I'm getting ready for a broadcast interview.
42 I think that's fairly obvious.

43
44 Q. What's fairly obvious is that in question 4, you were
45 being asked about communications with anyone from
46 NSW Police Force personnel in relation to whether the
47 interview would be broadcast or only off the record; do you

1 agree with that?
2 A. Do I agree that that's what question 4 is asking me?
3
4 Q. In part, yes.
5 A. Yes.
6
7 Q. And your evidence is now - sorry, your answer is taken
8 to mean that Mr Willing was not a person from NSW Police
9 with whom you had any such communications concerning
10 whether it would be for broadcast or only off-the-record
11 backgrounder; correct?
12 A. What I'm saying is that --
13
14 Q. Is that correct?
15 A. -- everyone I spoke to was well aware that we were
16 doing an interview.
17
18 Q. A studio interview?
19 A. Because it makes absolutely no sense that I would be
20 having such in-depth conversations with people if we
21 weren't doing an interview.
22
23 Q. So you have hypothesised --
24 A. I'm not a newspaper journalist. The only way I can
25 have impact with a conversation is if there is a camera
26 pointed in front of the person I'm speaking to.
27
28 Q. So you have hypothesised that, have you?
29 A. No. It is implicit.
30
31 Q. No-one knew, apart from Pam Young and Penny Brown,
32 no-one knew you were doing a studio interview until
33 13 April?
34 A. Oh, that's not true. I will draw your attention to
35 the fact that I expressly remember that police media were
36 asking me if I had everything I needed and did I need
37 anything else from them. But typically when you've got the
38 most senior person involved in the investigation, you don't
39 need anything else specifically from the media team.
40
41 Q. The reason you had minor dealings with the Police
42 Media, as you described it, was because of course Police
43 Media are going to speak with the journalist with whom
44 police are having background discussions?
45 A. Why would I be having background discussions that
46 weren't leading to an actual interview when I'm the
47 presenter of a major program on television? It just

1 doesn't make sense. Background to what, then?

2

3 Q. Is it your evidence that --

4

5 THE COMMISSIONER: Mr Thangaraj, I won't stop this
6 question. I just want to remind you and others that there
7 are time constraints.

8

9 Mr Glissan, do you know how long you might need?

10

11 MR GLISSAN: I will be very brief.

12

13 THE COMMISSIONER: Does that mean two minutes, three
14 minutes, five minutes - what do you need?

15

16 MR GLISSAN: Less than five.

17

18 THE COMMISSIONER: Mr McArdle, at the moment, do you have
19 any questions?

20

21 MR McARDLE: Three minutes.

22

23 THE COMMISSIONER: All right. It is a quarter to,
24 Mr Thangaraj. Again, I don't want to call it off if you
25 can continue and finish, of course.

26

27 MR THANGARAJ: Q. What you say Mr Willing knew - sorry,
28 are you saying that it wasn't just Mr Willing that knew, it
29 wasn't just Police Media and Mr Willing that knew it was
30 going to be a sit-down interview, but there were others,
31 other senior police as well, who knew this?

32

33 A. I never said that.

34

35 Q. So your evidence, your answer in your statement was
36 that Mr Willing - I withdraw that. You were asked whether
37 it would be broadcast or only as an off-the-record
38 backgrounder. Mr Willing did not fall within that, did he?

39

40 A. I'm totally confused, I'm sorry. What is the
41 question?

42

43 Q. Read question 4 to yourself again, please.

44

45 A. Yes. I've got it.

46

47 Q. Okay. You were asked whether you had discussions with
anyone from NSW Police about whether the interview would be
a broadcast or only off the record. Do you agree with
that; you were asked that?

1 A. Yes.
2
3 Q. And you have given evidence that you had precisely
4 those conversations with Mr Willing?
5 A. Precisely what conversations, sorry?
6
7 Q. That you had conversations that the interview would be
8 broadcast?
9 A. We talked about the interview, yes.
10
11 Q. And that the interview would be broadcast, because it
12 was a sit-down interview; that's what you're saying?
13 A. With respect, I was the host of a national television
14 program.
15
16 Q. Exactly, so you are saying --
17 A. If I did an interview with someone, that's how it
18 would manifest, on television.
19
20 Q. I just want to confirm, you're saying that you had
21 discussions with Mr Willing in advance of 13 April 2015
22 about the fact that it would be a sit-down interview on
23 TV - yes or no?
24 A. Yes.
25
26 Q. So if that's true, why have you not identified him in
27 answer 4 in your statement?
28 A. Because answer 4 specifically says "arrangements" for
29 the interviews. I would not have discussed arrangements,
30 what time, whether it would be live or as-live, whether we
31 would provide make-up for Ms Young - all those sorts of
32 procedurally relevant arrangements would not have been
33 things I would have discussed with her boss in homicide.
34 With her boss in homicide, I'd have been discussing matters
35 relating to the investigation itself and therefore
36 substantive matters that would have been discussed in our
37 interview, not what the arrangements for the interview
38 would be.
39
40 Q. I completely agree.
41 A. Okay.
42
43 Q. But the question also asked you:
44
45 *... including as to how the interview of*
46 *13 April 2015 would be conducted (for*
47 *example: whether it would be a sit-down*

1 *interview in the studio or in some other*
2 *form; and whether it would be for*
3 *broadcast, or only as an off the record*
4 *backgrounder, or otherwise). Please*
5 *identify any such NSWPF personnel with whom*
6 *you had any such communications, and when.*

7

8 Do you agree this question asks for more than arrangements?

9

A. Yes.

10

11 Q. Okay. Question 7 asked you this:

12

13 *Any communications (written or oral)*
14 *between you and any NSWPF officers or staff*
15 *(including Ms Young, Ms Brown and NSWPF*
16 *media personnel) following the broadcast of*
17 *the Lateline episode on 13 April 2015,*
18 *including the identity of those persons and*
19 *the content of what was said and when.*

20

21 You were asked that in question 7; right?

22

A. Yep.

23

24 Q. Your answer to question 7:

25

26 *See above.*

27

28 Right? So given that all of your answers "above" do not
29 mention Mr Willing, we take it, then, that Mr Willing also
30 does not fall within question 7; do you agree with that?

31

32 A. Oh, well, obviously I've subsequently found the texts
33 or - I mean, they're there. I wasn't trying to not
34 disclose them. I probably just didn't remember them for
35 this purpose. I'm not trying to be --

35

36 Q. I'm not worried about the texts.

37

38 A. -- difficult. I'm just saying that there clearly was
39 communication, and I guess I had it in my head that it was
40 about media personnel, so I wasn't really thinking that -
41 of the relevance of Mick Willing in this regard.

41

42 Q. That's another lie, Ms Alberici. The question is
43 clear --

44

A. I reject that. That's unfair, unkind.

45

46 MR McARDLE: I'm not sure that hurling abuse at the
47 witness --

1
2 THE COMMISSIONER: Mr McArdle, I'm allowing it.
3 Mr Thangaraj will no doubt sustain it in due course.
4 Please sit down. Thank you.

5
6 MR THANGARAJ: Q. The question, Ms Alberici,
7 specifically says:

8
9 *Any communications (written or oral)*
10 *between you and any NSWPF officers or staff*
11 *(including ... NSWPF media personnel) ...*
12

13 Do you agree that's what the question asks?
14 A. Yes.

15
16 Q. Do you agree it's not limited to Police Media
17 personnel?

18 A. Yes.

19
20 Q. So forget about the text messages. Aside from the
21 text messages, you are saying, aren't you, that Mr Willing
22 does not fall within question 7?

23 A. No, I'm not saying that.

24
25 Q. Well, have you put his name into your statement in
26 answering question 7?

27 A. I haven't got my statement in front of me, but I'm
28 thinking no.

29
30 Q. I will read your statement for question 7. It's:

31
32 *See above.*

33
34 A. Well, then, no.

35
36 Q. And if your evidence that you have given was true,
37 apart from the evidence about the text messages,
38 Mr Willing's name should have been in answer 7 as well,
39 shouldn't it?

40 A. Yep.

41
42 Q. Let's go to question 8:

43
44 *Any communications (written or oral)*
45 *between you and Michael Willing at any*
46 *time before or after the Lateline broadcast*
47 *of 13 April 2015, including the date, time*

1 *and content of all such communications.*

2

3 Now, you spoke to Ms Young and Ms Brown about the purposes
4 of meeting, didn't you?

5 A. Before our lunch, you mean?

6

7 Q. Yes, and at the lunch.

8 A. Yes.

9

10 Q. And you spoke to them as to their understanding of
11 what had been approved at some point in time, didn't you?

12 A. I can't remember those exact discussions.

13

14 Q. The only constraint that you were aware of was that
15 there was an embargo until the statement was released?

16 A. Yes.

17

18 Q. Did either of them tell you that the idea within
19 police was to background select journalists?

20 A. Well, it was to ensure that we had everything we
21 needed to be comprehensive in our reporting on the day.

22

23 Q. Did they tell you that the idea within police was to
24 background select journalists?

25 A. The idea was to ensure we had everything we needed to
26 be as comprehensive as possible on the day.

27

28 Q. So when they met you, did they tell you that it was
29 limited to backgrounding?

30 A. No.

31

32 Q. Did they ever tell you that that's why they were
33 meeting you?

34 A. No.

35

36 Q. Did they ever tell you that that's what Pam Young had
37 discussed with police?

38 A. No - well, no, I mean, obviously we weren't reporting
39 until the day, so up until the day, it was backgrounding.

40

41 Q. Did Pam Young ever tell you that it was her idea that
42 police background select journalists to get more balanced
43 coverage?

44 A. I think it was her - she had told - the way I remember
45 it was that her and Mick Willing had discussed the best way
46 to balance the reporting and that that would be for her to
47 be the one to front the media and discuss the case, because

1 she was the closest to it.

2

3 Q. Did she tell you that it was her idea that police
4 background select journalists?

5 A. No, not specifically.

6

7 Q. All Mr Willing did to encourage her, as she relayed to
8 you, was to encourage the backgrounding, as she suggested?

9 A. And, again, I will just - for your information about
10 the way the media works, that we're given everything we
11 need, so that on the day when we're reporting because the
12 day is significant, being the day the Coroner decides to
13 call another inquest, that we have everything we need to be
14 able to report as comprehensively as possible on the
15 case (indistinct - multiple speakers) --

16

17 Q. Which means it's very important that on the 13th,
18 after the announcement that there's going to be a third
19 inquest - it's very important that the backgrounding
20 continues, isn't it?

21 A. Well, it's not backgrounding anymore. It's happening.

22

23 Q. It's very important that police tell you - as the
24 journalist they have been speaking to, it's very important
25 that they give you their thoughts about the third inquest
26 being announced, for your coverage; correct?

27 A. Sure. That's the most up-to-date information.

28

29 THE COMMISSIONER: Mr Thangaraj, I'm going to bring this
30 to an end in a couple of minutes. Please, would you just
31 keep that in mind.

32

33 MR THANGARAJ: Q. Ms Young never told you that she had
34 spoken to Mr Willing about going on the record, had she?

35 A. Well, that contradicts everything I've been saying,
36 so, no, I don't agree with your statement.

37

38 Q. Did she tell you that she had spoken to Mr Willing
39 about going on the record?

40 A. Yes.

41

42 Q. Did she tell you that he had approved the studio
43 interview?

44 A. Yes.

45

46 Q. Did she tell you whether he had authority to approve
47 a studio interview?

- 1 A. He was her boss.
2
- 3 Q. Do you agree that you gave evidence shortly after you
4 prepared your statement?
5 A. Yes.
6
- 7 Q. And do you agree you have given evidence of alleged
8 interactions with Mr Willing which were not in your
9 statement?
10 A. Yes.
11
- 12 Q. You said in your statement Ms Brown wanted to be
13 a whistleblower?
14 A. Ms Brown?
15
- 16 Q. Sorry, Ms Young.
17 A. On behalf of police, yes. That's how I categorised
18 it, yes.
19
- 20 Q. So you're saying that she was a whistleblower even
21 though her organisation approved and organised for the
22 comments to be made?
23 A. I think my exact words were "whistleblower on behalf
24 of police", so you're blowing the whistle about things that
25 are happening above you, whether that's politicians or
26 others.
27
- 28 Q. And she was sacrificing her career, was she, on
29 a significant point of principle, even though her bosses
30 had approved it; is that what you're saying?
31 A. Afterwards, that's what happened, yes.
32
- 33 Q. On the 10th, when you interviewed --
34
- 35 THE COMMISSIONER: Mr Thangaraj, I don't know whether you
36 have listened to anything I have said in the last hour and
37 40 minutes, but you are constrained. Now, I really ask you
38 to make a selection, as no doubt you can, for the final
39 couple of minutes. I've got to give other people an
40 opportunity, please.
41
- 42 MR THANGARAJ: Q. On 13 April, were you at Glebe?
43 A. Yes, for some of that time, yes.
44
- 45 Q. You did the cross for the 7pm news?
46 A. Not from there.
47

1 Q. Did any other ABC journalist appear on the news from
2 Glebe?

3 A. I don't think so.
4

5 Q. You interviewed Pam Young at Glebe, didn't you?

6 A. I don't recall that. It could have been me that asked
7 her a question or it could have just been her talking to
8 the camera, I can't recall, because by the time that the
9 hearing would have finished, I would have needed to be back
10 in the studio for various reasons, to prepare for the
11 night. So it's in all likelihood not the case that I was
12 there, that it was just the cameraman, you know, getting
13 what we call a grab, a quote from the detective involved.
14

15 Q. You did not want her telling any other journalist what
16 she was going to say on Lateline that night, did you?

17 A. Oh, I think we already had an understanding that we
18 had an exclusive. I wasn't worried that that was going to
19 be breached in any way.
20

21 Q. Did you speak to Police Media about you speaking to
22 Ms Young at Glebe?

23 A. I can't remember. I don't think so.
24

25 MR THANGARAJ: I do have other questions, Commissioner,
26 but --
27

28 THE COMMISSIONER: I'm afraid that I am under a time
29 constraint as much as everyone else is, Mr Thangaraj.
30 You've had a fair opportunity, so thank you.
31

32 Mr Glissan?
33

34 MR GLISSAN: I have no questions.
35

36 THE COMMISSIONER: Thank you. Mr McArdle?
37

38 **<EXAMINATION BY MR McARDLE:**
39

40 MR McARDLE: Q. Ms Alberici, in view of the questions
41 you have been asked, I'm going to ask you to confirm
42 something for me. Has the evidence you have been giving
43 been the truth, the whole truth and nothing but the truth?
44 A. Yes.
45

46 Q. Can the witness be shown on the screen her answer to
47 question 8 in her statement, if that's possible. Can you

1 see that on the screen?

2 A. Yes.

3

4 Q. Can you read, starting with the heading "As to
5 question 8", not out loud, obviously - can you read what's
6 there?

7

8 THE COMMISSIONER: To yourself, I think you are being
9 asked.

10

11 MR McARDLE: Q. Yes, you don't have to read it out loud.

12 A. Sure.

13

14 Q. Tell us when you have finished.

15 A. Yes.

16

17 Q. In view of the questions you have been asked about
18 your dealings with Mr Willing, is that passage you have
19 just read reflective of your dealings with Mr Willing?

20 A. Yes.

21

22 Q. Are there any other dealings with Mr Willing that have
23 been left out of that statement - that paragraph you have
24 just read to yourself?

25 A. Well, I subsequently had a look through my phone to
26 see if I had any other references to Mick Willing, and
27 I did, and that was just the interaction I had had with my
28 Online editor, Online being the sort of print version of
29 the ABC, and I think I mentioned it somewhere in that
30 email, that I was also writing an Online piece about the
31 case and the timeline, and so I had spoken to Mick Willing
32 for background on that, which came out in those text
33 messages with the Online editor, whereby he had
34 backgrounded me about - I can't remember the exact words
35 now and I don't have the text messages in front of me, but
36 he had said something disparaging about the families, you
37 know, exerting influence, and so on, but I think that that
38 was background and he didn't want those particular words
39 and his view of the family to be made public.

40

41 Q. Thinking now about this suggestion that there was
42 a restriction on the questions that could be asked or
43 answered in your interview with Ms Young and otherwise,
44 what would you have said to Police Media or anybody else if
45 they had said, "There are questions you can't ask"?

46 A. Well, I would say that we don't ever do interviews
47 where we're constrained in the questions we're allowed to

1 ask. I mean, that would be - imagine if a politician said,
2 "You can't ask me this or that." We don't generally allow
3 that's sort of thing. That's censorship.

4
5 Q. Did you speak to Mr Willing at all prior to the
6 interview with Ms Young?

7 A. Yes.

8
9 MR McARDLE: No further questions.

10
11 THE COMMISSIONER: Thank you. Anything arising, Mr Gray?

12
13 **<EXAMINATION BY MR GRAY:**

14
15 MR GRAY: Q. Two things, Ms Alberici. If we could have
16 the transcript again, at 6239, and just a bit further down
17 the page, please, so we can see the bottom of the page.
18 Ms Alberici, do you see the question at line 28 and your
19 answer?

20 A. Mmm-hmm. Yep, yep.

21
22 Q. Do you remember Mr Thangaraj asked you quite a lot of
23 questions about that question and answer at line 28?

24 A. Yes.

25
26 Q. You were not then taken to the questions and answers,
27 the next three questions - the one at line 36 and the
28 answer, the one at line 43 and the answer, and then the one
29 on the next page at line 1 and the answer. If we could
30 just scroll slightly further so we can see the top of the
31 next page as well, please.

32 A. Yes, I've read all that, yep. Yep.

33
34 Q. Do you today adhere to those answers to those
35 questions - in other words, do you stand by the answers to
36 those questions?

37 A. Yes, I do.

38
39 Q. Prior to 13 April, in your conversations with
40 Mr Willing, was there reference made, either by you or by
41 him or both, to the fact that the interview would be
42 a sit-down interview and would be broadcast?

43 A. Yes.

44
45 Q. Lastly, you were just shown by Mr McArdle your answer
46 to question 8 in your statement. I wonder if that could be
47 brought up again, please. Thank you. Now, do you see

1 there, Ms Alberici, you are referring, in about the third
2 or fourth line, to the meeting in North Sydney with
3 Mr Willing in 2017. Do you see that?

4 A. Mmm-hmm.

5
6 Q. You then tribute two sets of statements to Mr Willing
7 in inverted commas. The first is that he said to you:

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

14
15 That's the first one. Do you stand by that evidence? Is
16 that something which you recall him saying?

17 A. I'm paraphrasing, but yes.

18
19 Q. You then tribute to him a second statement, which is
20 as follows, that he said to you:

21
22 *I thought that once it was public, and the*
23 *scandalous misdirection of investigation*
24 *resources was exposed, the political*
25 *pressure would stop. I had no idea the*
26 *Commissioner would be as enraged as he was*
27 *about the interview and Pam got the blame,*
28 *unfortunately.*

29
30 Do you stand by that; in other words, do you say that
31 Mr Willing did indeed say to you something close to that?

32 A. Yes.

33
34 MR GRAY: Yes, thank you.

35
36 THE COMMISSIONER: All right. Thank you. Ms Alberici,
37 thank you very much for being available this morning. I'm
38 now going to excuse you, so thank you. We'll terminate the
39 broadcast, or terminate the live stream from your end.
40 Thank you.

41
42 <THE WITNESS WITHDREW

43
44 THE COMMISSIONER: I will take a five-minute break now
45 just to allow everyone to reassemble or assemble. We'll
46 then come back and start Ms Brown. Subject to the witness
47 and anybody else, I won't take another break then until

1 1 o'clock, but I will be about five minutes.

2

3 MR McARDLE: Your Honour, might I be excused?

4

5 THE COMMISSIONER: Yes, of course, Mr McArdle. Thank you.
6 If that means rearrangement at the table for anybody,
7 please do so while I'm outside. Thank you. I will adjourn
8 briefly.

9

10 **SHORT ADJOURNMENT**

11

12 THE COMMISSIONER: Yes.

13

14 **<PENELOPE BROWN, sworn: [11.13am]**

15

16 THE COMMISSIONER: Now, just in case you're very softly
17 spoken, which you may be, just move the two microphones
18 together and, as best you can, speak towards them.

19

20 THE WITNESS: How's that - Can you hear me?

21

22 THE COMMISSIONER: Yes, that will be good. We'll see how
23 that goes. Thank you. Yes, Mr Gray?

24

25 **<EXAMINATION BY MR GRAY:**

26

27 MR GRAY: Q. Ms Brown, could I start by asking you
28 whether you made a statement - your name is Penelope Brown?
29 A. That's correct.

30

31 Q. And you have made two statements, one on 19 September
32 and a second one on 29 September 2023, for this Inquiry?

33 A. That's correct.

34

35 Q. And are the contents of those two statements true and
36 correct?

37 A. Yes, they are.

38

39 Q. Just some dates first, Ms Brown. When did you join
40 the Police Force, what year?

41 A. 1988.

42

43 Q. And you are currently a detective sergeant?

44 A. Yes, I am.

45

46 Q. When did you reach that rank?

47 A. 2008.

1
2 Q. Has your experience, if you could tell us briefly,
3 been in Homicide or - to what extent has it been in
4 Homicide, to what extent in the Unsolved Homicide Team, and
5 what came before that?
6 A. Before I - I transferred to the Homicide Squad in June
7 2012 from the Detective Training Unit. It was at the
8 Detective Training Unit where I received my promotion.
9 I was at the Detective Training Unit for three years, from
10 2008 to 2012. Prior to that, I was at the Property Squad
11 in the Arson Unit. I don't recall how many years I was
12 there.
13
14 Q. That's okay.
15 A. I'm going backwards. Prior to that, I was at the
16 Crime Faculty Unit as a detective sergeant, and that was
17 a position where we sourced experts for the police in the
18 field.
19
20 Q. When you said I think three years at the Detective
21 Training Unit.
22 A. Yes.
23
24 Q. Was that being trained or as a trainer?
25 A. No, as a lecturer and a principal tutor.
26
27 Q. And, sorry, you started in Homicide when?
28 A. When I started my plain clothes career around
29 1990/1991, the training to be a detective was different as
30 it is now, and we had to spend some time in what was then
31 called the Anti-Theft Squad and then we had to spend time
32 at the Crime Squads back then, and each time we spent a few
33 months in each section. So that was from - it took five
34 years of training as a plain clothes constable before you
35 were able to go on the detective training course and then
36 go through the course to become a detective, and then that
37 was about 12 to 18 months. So all up, from entering plain
38 clothes to becoming designated, was five or six years. And
39 in that time, I spent numerous - in numerous positions.
40 But as a plain clothes constable in the Crime Squads, when
41 a major event happened, like, you were always tasked to
42 assist. So I worked on Ivan Milat, Ebony Simpson - all
43 those type of positions. I was at south-west, which was
44 Flemington.
45
46 Q. From February 2013, you were assigned to Strike Force
47 Macnamir?

- 1 A. That's correct.
2
3 Q. As officer in charge?
4 A. Yes.
5
6 Q. And you stayed with Macnamir until it concluded
7 essentially at the time of the third inquest in November
8 2017?
9 A. After the - I stayed on Macnamir after the second
10 tranche, and during - between the tranche and the actual
11 findings, I was on Macnamir, as I was still conducting
12 inquiries, but I was also still attached to the review team
13 and I was doing tasks within the review team, the triaging
14 of investigations as well as reviewing of some of the
15 unsolved matters.
16
17 Q. When you said "the second tranche" then, what were you
18 referring to?
19 A. The coronial hearing for Strike Force Macnamir. So
20 there was a tranche in December of 2016.
21
22 Q. 2016, yes.
23 A. Yes, and then there was one in June of 2017.
24
25 Q. You're referring to that, the one in June, as "the
26 second tranche"?
27 A. That's the second tranche.
28
29 Q. So with those qualifications, you were with Macnamir
30 for those - from February '13 to November '17?
31 A. Yes. I was the officer in charge of Strike Force
32 Macnamir from the time it started to the time it finished.
33
34 Q. Now, we know that Ms Young initially was the
35 investigation supervisor?
36 A. That's correct.
37
38 Q. That's from February 2013. But from about April 2015
39 or thereabouts, she was removed from Macnamir. You would
40 remember that?
41 A. Yes, I do.
42
43 Q. Did you remain as officer in charge or were you
44 elevated to the role of investigation supervisor or what?
45 A. No. I was the officer in charge.
46
47 Q. So was somebody else the investigation supervisor?

1 A. Yes, Detective Inspector Jason Dickinson became the
2 manager, the investigations manager.

3
4 Q. In effect, replacing Pamela Young?

5 A. That's correct.
6

7 Q. I see, thank you. Then for a period of some months,
8 at least, from about October 2015, you were also - and
9 I will come to this - the officer in charge of Strike Force
10 Neiwand?

11 A. Yes.
12

13 Q. And that seems to have lasted until some time in the
14 first half of 2016?

15 A. That's correct.
16

17 Q. Just looking at Macnamir first - do you have your
18 statement with you?

19 A. Yes, I do.
20

21 Q. If you look at paragraph 7 of your main statement,
22 your first statement, [SCOI.85747_0001], you say that you
23 had no direct investigative role with either Neiwand or
24 Parrabell, but you were aware of their existence and
25 purpose. Do you see that?

26 A. Yes.
27

28 Q. I will come to the particular things you did with
29 Neiwand, but just looking at that paragraph 7 generally,
30 you would recall - we've just established the dates that
31 Macnamir was in existence, and you would be aware that
32 Parrabell was in existence from about August 2015 until the
33 beginning or mid part of 2018?

34 A. I'm not --
35

36 Q. You are not sure of that?

37 A. -- precise with the dates, but I'm aware that it
38 was --
39

40 Q. A couple of years?

41 A. Yes.
42

43 Q. And Neiwand a similar period?

44 A. Yes.
45

46 Q. Namely, from October 2015 until December '17 or
47 January '18?

1 A. That's correct.
2
3 Q. So from late 2015 to late 2017, all three were under
4 way concurrently?
5 A. They were.
6
7 Q. And you were aware of that?
8 A. Yes.
9
10 Q. Mr Willing, as we know, was Commander Homicide, from
11 a date in 2011 to a date in 2017, basically spanning nearly
12 all of those periods of those three strike forces?
13 A. Sorry, I didn't hear you at the beginning.
14
15 Q. Mr Willing was Commander Homicide from a date in 2011
16 to a date in 2017?
17 A. Yes.
18
19 Q. So for nearly all the period of all three of those
20 strike forces, he was the Commander Homicide?
21 A. That's correct.
22
23 Q. You tell us in your second statement - and you are
24 quite correct - that Mr Willing initiated Neiwand on
25 1 October 2015. Now, as to Macnamir, it was initiated at
26 the time of Australian Story in February 2013; you would
27 remember that?
28 A. I do remember it being initiated, and I remember it
29 was initiated after the Australian Story. That's my
30 memory.
31
32 Q. That followed considerable activity on the part of the
33 Johnson family to try to bring about another investigation?
34 A. That's correct.
35
36 Q. And it followed considerable media attention to the
37 Johnson case in particular and other --
38 A. That's correct.
39
40 Q. -- gay hate crimes or matters that were thought to be
41 gay hate crimes; correct?
42 A. That's correct.
43
44 Q. In your main statement, paragraph 8, you say:
45
46 *I'm aware that Mr Willing, with the*
47 *endorsement of Assistant Commissioner*

1 *Crandell, established SF Parrabell in*
2 *response to the media attention being*
3 *directed towards crimes involving sexuality*
4 *or gender bias.*

5
6 Is that correct?

7 A. That's correct.

8
9 Q. Where do you have that awareness from, that it was
10 Mr Willing who established Parrabell?

11 A. The awareness comes from being the officer in charge
12 of Strike Force Macnamir. When it initially - we started
13 the investigation, the Johnson family, through the media,
14 were implying that all these deaths were related to gay
15 hate crimes. So initially, DCI Young and I incorporated
16 all those deaths into the Macnamir matter to - just to
17 correct and to clarify what was being said in the media and
18 the community as well, to reassure the community that -
19 because there was a bit of fear out there. So we, in
20 better terms, investigated them all together so they could
21 all be looked at. But then it became - the task was too
22 big, and then it was a management decision that there would
23 be a separate body that would look at that. And that's
24 all - that's my awareness of that.

25
26 Q. I'm sorry, I missed that last --

27 A. That's my awareness, my knowledge of that.

28
29 Q. Your awareness, as you say in paragraph 8, is that it
30 was Mr Willing who established Parrabell, albeit with the
31 endorsement of Assistant Commissioner Crandell?

32 A. Yes.

33
34 Q. Your understanding was that the reason, or a reason,
35 for the establishment of Parrabell was in response to the
36 media attention being directed towards crimes involving
37 sexuality or gender bias?

38 A. Yes.

39
40 Q. Was that something that Mr Willing said to you at the
41 time or that others said to you, or how did you get that
42 awareness?

43 A. I can't be precise, but it would have been
44 conversations with DCI Young, Mr Willing. I didn't know
45 Mr Crandell, but it would have been Mr Willing, because we
46 did have conversations with Mr Willing.

1 Q. You say quite correctly in your second statement that
2 it was Mr Willing who established Neiwand. To your
3 understanding, was Neiwand also established in response to
4 media attention being directed towards crimes involving
5 sexuality and gender bias, as Parrabell had been?

6 A. I have recorded in my duty book that it was
7 established. The reasoning that it was established
8 I can't - I don't recall.

9

10 Q. I will come to Neiwand in particular in a moment. As
11 to the time frame generally, do you recall in March 2013 -
12 that is, in the month or so after Australian Story and in
13 the month or so after Macnamir was established - there were
14 articles in the Sydney Morning Herald by a journalist
15 called Paul Sheehan about gay hate crime?

16 A. Yes.

17

18 Q. And they caused something of a splash at the time?

19 A. Yes, they did.

20

21 Q. Then later that year, in July 2013, there was another
22 series of articles in the Herald, over three or four days
23 consecutively, by a journalist called Rick Feneley. Do you
24 remember those?

25 A. I do remember those.

26

27 Q. All of those articles were to do with gay hate crime.
28 Do you remember them?

29 A. I do remember them, yes.

30

31 Q. And they caused a splash as well?

32 A. Yes, because I uploaded them on to e@gle.i, so
33 I remember them because I had to read them.

34

35 Q. Those articles, broadly speaking, were suggesting in
36 the media that there had been 80 or more gay hate deaths
37 since the 1970s?

38 A. That's correct.

39

40 Q. And the media were suggesting that up to 30 of those
41 were unsolved?

42 A. That's correct.

43

44 Q. That was based, seemingly from the articles, on work
45 done by Sue Thompson, a former police Gay and Lesbian
46 Liaison Officer?

47 A. Yes.

1
2 Q. That's what the articles were saying?
3 A. Yes.
4
5 Q. Were you aware that just a couple of months after
6 those Feneley articles, in September 2013, DCI Lehmann and
7 DCI Young of the Unsolved Homicide Team produced an issues
8 paper about these suggestions of 30 unsolved gay hate
9 murders?
10 A. Was I aware that the paper was being created?
11
12 Q. And/or that it came into existence.
13 A. Yes.
14
15 Q. Did you see it at the time?
16 A. I don't remember seeing it, no.
17
18 Q. But you knew it was --
19 A. I'm aware, because it was in the office, so --
20
21 Q. You knew it was being done?
22 A. I knew it was happening.
23
24 Q. And did you know that it was Ms Young and Mr Lehmann
25 who were doing it?
26 A. Yes.
27
28 Q. Have you ever seen it, to this day?
29 A. No. I can't recall. I - I've seen a lot of things,
30 you know.
31
32 Q. Sure.
33 A. I'd have to look at it.
34
35 Q. If need be, I will put it in front of you, but they
36 were - that is, Mr Lehmann and Ms Young were the two senior
37 officers in the UHT at that time?
38 A. They were, yes.
39
40 Q. They were both DCIs?
41 A. They were.
42
43 Q. And presumably their views carried considerable weight
44 within the Unsolved Homicide Team?
45 A. They were management, so their views did.
46
47 Q. So their views did carry considerable weight?

1 A. Yes.

2

3 Q. Were you aware or did you become aware that in their
4 paper, they concluded that only eight of the 30 cases that
5 the media were saying were unsolved were probable or
6 possible gay hate crimes?

7 A. Are you saying do I recall if that was the outcome?

8

9 Q. That's right.

10 A. I - I don't remember.

11

12 Q. Perhaps I had better show it to you just for the sake
13 of clarity.

14 A. Yes, please.

15

16 Q. It is volume 2, tab 47, [SCOI.74906_0001]. You can
17 see the heading is "Issue", and the topic under "Issue" is
18 said to be:

19

20 *Assessment of 30 potential "gay hate"*
21 *unsolved homicides by the Unsolved Homicide*
22 *Team (UHT) to determine if any bias*
23 *motivation existed.*

24

25 Do you see that's the topic?

26 A. Yes.

27

28 Q. In the first couple of lines under the heading
29 "Background", there is reference to the Rick Feneley
30 articles of late July?

31 A. Yes.

32

33 Q. There is reference to Ms Thompson, Sue Thompson,
34 having been one of the sources for these suggestions?

35 A. Yes.

36

37 Q. In the third paragraph, the author says:

38

39 *Since that time, I have conducted an*
40 *assessment of the 30 unsolved cases listed*
41 *by Ms Thompson ...*

42

43 et cetera.

44 A. Yes.

45

46 Q. It is signed by John Lehmann, it was attributed to
47 John Lehmann, but you can accept from me that the evidence

1 before the Commission is that it was actually created by
2 Mr Lehmann and Ms Young together?

3 A. Yes.

4

5 Q. If you just flick through it, you can see that it then
6 has a short 10 or 15 lines about each of these 30 cases?

7 A. Yes.

8

9 Q. When we get to number 12, it is Scott Johnson, and
10 I will just let you read what is written about the Johnson
11 case there. Have you read that?

12 A. I have read that, yes.

13

14 Q. Just let me ask you a question or two about that. You
15 can see that about four lines from the bottom of that
16 entry, the paper says this:

17

18 *Strike Force Macnamir is nearing finality*
19 *and a comprehensive report will be*
20 *submitted by Detective Chief Inspector*
21 *Young when it is completed ...*

22

23 Now, pausing there, you would know that that's essentially
24 correct, that Macnamir was getting towards the end of its
25 analysis or its investigation by the end of September 2013?

26 A. I can't recall, because it went on, so --

27

28 Q. Later on, we will see when Ms Young's statement was
29 prepared, but I won't take time on that now.

30 A. Okay, yes.

31

32 Q. But this entry about Scott Johnson goes on:

33

34 *... however, at this late stage of the*
35 *investigation there is no indication that*
36 *the deceased was subjected to "gay hate"*
37 *motivated violence causing his death or in*
38 *any case, that he was murdered.*

39

40 Do you see that?

41 A. I see that.

42

43 Q. Now, you were working on Macnamir yourself at this
44 time?

45 A. Yes.

46

47 Q. Is that consistent with your understanding of what

- 1 Macnamir was coming to - that is, no indication of gay hate
2 factor --
- 3 A. No.
- 4
- 5 Q. -- and, indeed, no evidence that he was murdered at
6 all?
- 7 A. We were still in the investigations stage.
- 8
- 9 Q. Sure. The author says:
- 10
11 *... at this late stage of the investigation*
12 *[this was the position].*
- 13
- 14 Do you agree that that was accurate?
- 15 A. That it was coming to the end?
- 16
- 17 Q. That at that late stage of the investigation -
18 namely, September 2013 - Macnamir had found no indication
19 that Mr Johnson was subjected to gay hate motivated
20 violence or even that he had been murdered?
- 21 A. There was no evidence.
- 22
- 23 Q. So you would say that was accurate?
- 24 A. At that stage, there was no evidence to support that.
- 25
- 26 Q. When we get over to the last two pages of the
27 document, do you see halfway down the second-last page
28 there is a heading "Summary"?
- 29 A. Yes.
- 30
- 31 Q. It gives some statistics about different cases from
32 within the 30 in various ways. Do you see that?
- 33 A. Yes.
- 34
- 35 Q. Then on the top of the last page, the final bullet
36 point, the authors say:
- 37
38 *Only 8 cases from 30 were probable or*
39 *possible "gay hate" motivated murders and*
40 *these are on file at the [UHT] with*
41 *consideration for future investigation.*
- 42
- 43 Do you see that?
- 44 A. Yes.
- 45
- 46 Q. Now, did that conclusion on the part of Mr Lehmann and
47 Ms Young - namely, only 8 cases out of 30 being probable or

1 possible gay hate motivated murders - come to your notice
2 at about this time? Did you become aware that that was the
3 conclusion they reached?

4 A. I have no memory.

5

6 Q. One way or the other?

7 A. No.

8

9 Q. In the next paragraph, you can see that the author
10 says that in his opinion, the suggestion of 30 gay hate
11 related unsolved murders was a gross exaggeration?

12 A. In Mr Lehmann's opinion?

13

14 Q. Yes.

15 A. Yes.

16

17 Q. As I say, on the evidence before the Inquiry, this
18 document was actually authored by Ms Young as well, so in
19 her opinion too, if you could read it that way. So you see
20 that on that footing, they are both saying that they think
21 this is a gross exaggeration?

22 A. Yes.

23

24 Q. The 30?

25 A. That's their opinion?

26

27 Q. Yes.

28 A. Yes.

29

30 Q. And they suggest that it was irresponsible journalism
31 on the part of the Herald, bordering on sensationalism, to
32 say so?

33 A. That's their opinion?

34

35 Q. Yes.

36 A. Yes.

37

38 Q. That was indeed their opinion. What I would like to
39 ask you is, did it become known to you, did you become
40 aware, that they did hold opinions to that effect? Did
41 they talk about it?

42 A. No.

43

44 Q. No? Did these articles by Feneley and Sheehan about
45 the 80 gay hate deaths and the 30 unsolved, and so on, that
46 you have agreed caused a splash - were they the subject of
47 conversation within the UHT?

- 1 A. Not that I recall, no.
2
- 3 Q. In what sense did they cause a splash, then?
4 A. Pardon?
5
- 6 Q. In what sense did they cause a splash? You agreed
7 that they did, the articles?
8 A. The articles did, in one sense, because the reporting
9 wasn't correct and it needed to be clarified, from the
10 reporting, because I read them, putting them on e@gle.i.
11 The information - this is my opinion - was concerning,
12 because it was producing fear in the community.
13
- 14 Q. And were the articles and your views along the lines
15 that you have just told us talked about among the UHT?
16 A. No.
17
- 18 Q. So you were concerned about it and they caused
19 a splash, but you didn't talk about it?
20 A. No, not really. I just recall in here, there's four
21 cases that could not be found after searches of police
22 archive records - Williams, Shiel, Rudney and Payne.
23 I recall - they'd be in Strike Force Macnamir somewhere,
24 but I ended up - I remember, because I found their death
25 certificates.
26
- 27 Q. Did you become aware that the matters stated in this
28 paper by Mr Lehmann and Ms Young, including their opinions
29 at the end, were endorsed in writing by Mr Willing?
30 A. I have no knowledge of that.
31
- 32 Q. Did you become aware that Mr Willing shared their
33 views as expressed in this paper?
34 A. No, because that's management, not me.
35
- 36 Q. A strike force such as Macnamir absorbs a lot of
37 resources; would you agree?
38 A. Yes.
39
- 40 Q. It means, obviously enough, that less resources are
41 available for other work?
42 A. Well, it was four years of my time there; 99 per cent,
43 I was on Macnamir.
44
- 45 Q. Yes, but you weren't the only one on Macnamir?
46 A. No.
47

1 Q. Perhaps you could tell us approximately how many were
2 working on Macnamir?
3 A. I was the main investigator, sir, on Macnamir, and
4 when certain inquiries had to be conducted, then we would
5 get police to assist. [Officer A] came on board, and then
6 when [Officer A] and I were there, it was mainly
7 [Officer A] and I conducting the majority of the
8 investigations, and at times, if [Officer A] wasn't
9 available or I wasn't available, we would draw on other
10 staff that were in our office to assist us.
11
12 Q. Do you mean by that - and I'm just asking so that
13 I can learn - really it was mainly just the two of you
14 doing Macnamir?
15 A. When [Officer A] became on board, it became herself
16 and I on Macnamir.
17
18 Q. I didn't catch that?
19 A. When [Officer A] came on board, it was - majority of
20 the time, it was [Officer A] and I.
21
22 Q. I see, not with others additionally below you in the
23 chain?
24 A. If I wasn't available on a particular day and an
25 inquiry had to be conducted, then [Officer A] would rely on
26 somebody else in the office to assist, because we were both
27 part time.
28
29 Q. I will come to that. Can I just intervene here at the
30 moment. You have mentioned that officer's name a few
31 times, the one that was working with you?
32 A. [Officer A].
33
34 Q. Yes. The arrangement that has been made at the
35 request of that officer is that her name not be used and
36 that she just be referred to as "Officer A".
37 A. Okay. I wasn't aware of that.
38
39 Q. No. I should have jumped in a couple of questions
40 earlier, but if we understand that if we say "Officer A",
41 that's who we're talking about.
42 A. Okay.
43
44 Q. So you were both part time. What was the degree of
45 the part timeness?
46 A. I can only speak for myself, and I was working three
47 days a week or six days a fortnight.

1
2 Q. And she?
3 A. I don't know. I can't tell you.
4
5 Q. Less than full time, though?
6 A. Less than full time, yes.
7
8 Q. Did you have any understanding as at 2013, 2014, 2015,
9 2016, when you were doing your work on Macnamir and you
10 became aware that Parrabell was also in due course under
11 way and Neiwand was also in due course under way, as to
12 what those above you in the chain of command had in mind or
13 expected to be the results or outcomes of those three
14 strike forces?
15 A. Can you rephrase the question, please?
16
17 Q. Yes. Did you have an understanding, during the time
18 that you were working on Macnamir and at the time when
19 Parrabell and Neiwand were also under way, as to what those
20 above you in the chain of command expected or anticipated
21 would be the results of those strike forces?
22 A. Well, the results would be wherever the evidence led
23 you to. They wouldn't have had an expectation. No
24 investigator would.
25
26 Q. Did you have any understanding that it was
27 anticipated, either within the UHT or higher up the chain
28 of command, that these strike forces would arrive at
29 outcomes suggesting that the extent of gay hate violence or
30 gay hate homicide was less than the media was saying?
31 A. Well, it would - it's all based on the evidence.
32
33 Q. But what was your understanding as to what was
34 anticipated or expected that the evidence would show?
35 A. Well, what would have been anticipated would have been
36 a thorough investigation, and then as a result of that
37 investigation, the evidence would lead you to what the
38 result would be.
39
40 Q. So are you saying that, at least to your knowledge,
41 there was no particular expectation on the part of those
42 above you in the UHT or higher up the chain of command as
43 to what the results of any of these strike forces would be?
44 A. No expectation as to results, but they would expect
45 a thorough investigation.
46
47 Q. Just moving to the Johnson case specifically --

1 A. Yes. Can I move this folder?
2
3 Q. Yes, sure.
4 A. Thank you.
5
6 Q. So just to recap, get the dates in your mind again,
7 Mr Johnson --
8 A. Can I have a pen, so I've got the dates in front of
9 me, because I'm a visual - thank you.
10
11 Q. You will probably recall these things. Mr Johnson
12 died in December 1988.
13 A. I do, 10 December 1988.
14
15 Q. And there was an initial inquest in early 1989, which
16 returned a suicide finding?
17 A. Yes.
18
19 Q. Then in the early 2000s, you know now, I'm sure, that
20 in relation to three deaths at Bondi, there was the
21 Taradale operation, which in due course led to the inquest
22 before Coroner Milledge?
23 A. Yes.
24
25 Q. And Coroner Milledge found that two of those three
26 deceased, two of those three men, were the victims of
27 homicide?
28 A. It was Mr Warren --
29
30 Q. Mr Russell and Mr Warren?
31 A. Yes.
32
33 Q. She expressed the view that they probably met their
34 deaths at the hands of gay hate assailants?
35 A. Yes.
36
37 Q. She said she couldn't ascertain the cause of
38 Mr Mattaini's death, but she made a finding that he was
39 indeed dead?
40 A. Yes.
41
42 Q. And she expressed the view that he may well have met
43 his death in the same way as the other two?
44 A. That's correct.
45
46 Q. Did you become aware of all of that at about the time
47 it happened or only later?

1 A. Only later.
2
3 Q. By the time you started on Macnamir, I assume you were
4 aware of --
5 A. I was aware prior to Macnamir starting, because of the
6 review that was being conducted at the Unsolved with
7 Detective Senior Constable Taylor, because I was a sergeant
8 on the review team, so I was aware of the reviews.
9
10 Q. Thank you. I will come to that almost immediately.
11 In June 2012, there was a second inquest in the Johnson
12 case, and Coroner Forbes this time made an open finding?
13 A. That's correct.
14
15 Q. One of the matters that Coroner Forbes referred to in
16 her reasons for bringing in a different finding - namely,
17 an open finding rather than suicide - was what had been
18 learned about gay hate violence through the Taradale
19 operation and the Milledge Inquest; correct?
20 A. That's correct.
21
22 Q. And that Coroner, Forbes, referred the Johnson case to
23 "cold cases", which in effect was the UHT; you agree with
24 that?
25 A. Yes, I agree.
26
27 Q. And then, as you have just mentioned, Alicia Taylor,
28 in October 2012, completed a case screening form in respect
29 of the Johnson case?
30 A. That's correct.
31
32 Q. She also did a case screening form at almost the same
33 time in respect of the three Bondi deaths as well. Were
34 you aware of her doing either or both of those?
35 A. Yes, I was.
36
37 Q. Both?
38 A. Both, yes.
39
40 Q. Did you say that you were, in some sense, her
41 supervisor in that regard?
42 A. Yes.
43
44 Q. Did you have any involvement in the work that she did
45 in the case screening exercises, in either of them,
46 yourself?
47 A. Yes.

1
2 Q. What was your role?
3 A. The more - the role with the death of Scott Johnson,
4 the role we had there - because of the line of inquiry of
5 a gay hate crime, I suggested we go to the records, where
6 they're stored, and have a look at the old charge books,
7 because there was no evidence. We had no evidence. So we
8 went and went through all the charge books at Kingsgrove,
9 or Kingswood there, looking for any type of line of inquiry
10 or pattern of any gay hate violence around that area to go
11 into the review.
12
13 Q. I wonder if Ms Brown could have volume 17, please,
14 tab 399A [SCOI.85777_0001]?
15 A. Thank you.
16
17 Q. So this, we understand, is the case screening form
18 that Ms Taylor did about the Johnson case in about October
19 2012?
20 A. That's correct.
21
22 Q. You would have seen this at the time, no doubt?
23 A. Yes, and I would have reviewed it after DC Taylor had
24 completed it.
25
26 Q. You will see on the last page and the second-last
27 page that the one that has been produced is not signed
28 either by the reviewer, Ms Taylor, or by the coordinator.
29 But would you have been the person filling the description
30 of "coordinator" for this one?
31 A. The reviewer certification?
32
33 Q. Would you have been the person described as
34 "coordinator" for this?
35 A. No, that - that would have been the - Mr Lehmann,
36 DCI Lehmann.
37
38 Q. So when you said you would have reviewed it or you did
39 review it, what was your role in relation to this form?
40 A. It was either myself or Sergeant Connie Tse, we would
41 have reviewed it for grammar correction.
42
43 Q. I see.
44 A. Yes. But I had input into the review stage.
45
46 Q. You will see on the second-last page, most of the page
47 is taken up with a box headed "Recommendation"?

1 A. Yes.

2

3 Q. The reviewer, Ms Taylor, says in the second paragraph:

4

5 *Without developing further lines of inquiry*
6 *there is no reasonable prospect of*
7 *determining if the death of Scott Johnson*
8 *was suicide or homicide.*

9

10 A. That's correct.

11

12 Q. By all means, take what time you need to read all of
13 this recommendation and point out anything that you think
14 needs pointing out, but I wanted to take you to the last
15 paragraph, where the recommendation is that:

16

17 *... consideration should be given to*
18 *undertake an investigation targeting known*
19 *persons of interest who have been charged*
20 *with offences against homosexuals in the*
21 *Northern Beaches area over the period of*
22 *Scott Johnson's death which may produce*
23 *further lines of inquiry and enable covert*
24 *opportunities to gather information.*

25

26 That was her recommendation?

27

28 A. That's correct.

29

30 Q. And was that a recommendation that you agreed with?

31

32 A. Yes.

33

34 Q. In the ordinary course, would you expect that she
35 would have signed that as reviewer and that Mr Lehmann or
36 someone else would have signed as coordinator?

37

38 A. That's correct.

39

40 Q. Then if we turn to 399, the tab one ahead of that,
41 [NPL.0209.0001.0087], this is a document called a review
42 prioritisation form?

43

44 A. Yes.

45

46 Q. It is four pages long, and on the last page it is
47 signed by Mr Lehmann; you can see that?

48

49 A. Yes.

50

51 Q. It says that this prioritisation assessment was
52 conducted by four people - namely, Mr Lehmann, Detective

53

1 Sergeant Richardson, Detective Sergeant Tse, and yourself?
2 A. Yes.

3
4 Q. And that's correct, is it?
5 A. Yes.

6
7 Q. I asked Mr Lehmann some questions about this, but in
8 a nutshell, the ranking on this form came in at a total of
9 14 - do you see that on the last page?
10 A. Yes.

11
12 Q. We can see from the explanation at the bottom of the
13 last page that a score under 15 resulted in a designation
14 of "Nil priority"?
15 A. That's correct. That's correct.

16
17 Q. And it says in brackets, referring to the expression
18 "Nil priority", "(close or suspend case)". Do you see
19 that?
20 A. Yes.

21
22 Q. Was that your understanding of the system in place at
23 that time - that is, November 2012 - that if a case scored
24 below 15 on this prioritisation exercise and thus was nil
25 priority, the case would be closed or suspended?
26 A. The case would be closed or suspended, yes, unless
27 other information came to hand.

28
29 Q. What was the difference between closed, on the one
30 hand, and suspended, on the other?
31 A. Well, I - this is my opinion. Do you want my opinion?
32 In my opinion, for unsolved homicide, the cases are never
33 closed, because I was part of the review team and we would
34 assess, through our intelligence officers, we would get
35 information constantly through Crime Stoppers or somebody
36 would call and we would assess that information on all our
37 cases. So if something came through, then it doesn't
38 matter the rating; if it was reliable, credible or
39 relevant, we would look at that.

40
41 Q. Right. So the language on this form in that last
42 line, where it says "Nil priority" means "(close or suspend
43 case)", you would say, really, to use the word "close" is
44 not quite accurate --
45 A. No.

46
47 Q. -- as you would see it, and maybe the word "suspend"

1 is more accurate, because what you would say is that
2 nothing would happen - I'm paraphrasing now - nothing would
3 happen unless and until some new information came in?

4 A. That's correct.

5
6 Q. But when I say "nothing would happen", the result of
7 a nil priority would be that the Unsolved Homicide Team
8 would take no further action unless and until some new
9 piece of information turned up; is that correct?

10 A. Unless - that's correct.

11
12 Q. Now, could Ms Brown have volume 14,
13 [NPL.0209.0001.0087]. Just before you take that away,
14 sorry, one last question on that form, tab 399. Given that
15 Ms Taylor's recommendation, which we just looked at at
16 399A, [SC0I.85777_0001], was that consideration should be
17 given to targeting known persons of interest with the
18 possibility of covert opportunities to gather information,
19 and so on - do you remember that? I showed you --

20 A. Yes.

21
22 Q. How does that recommendation play into the scoring on
23 the prioritisation form at tab 399 - that is, what I'm
24 getting at is, the recommendation seems to be that there is
25 a possibility here for some pursuit of possible persons of
26 interest by covert means, among others, and that seems to
27 be recommending that something be tried, and yet the result
28 of the prioritisation form is a very low score, resulting
29 in nil priority. How do the two mesh together?

30 A. Well, that would - this is my opinion. The last
31 paragraph, if - that would be wishful thinking and it's
32 something we would hope would have happened. So if the
33 matter was reopened, it's a consideration that we would do,
34 so it would be an investigative stage. And if we were able
35 to identify a pattern or a suspect, then we would go down
36 that line of inquiry.

37
38 Q. So you think the recommendation in that last
39 paragraph of the document at 399A, [SC0I.85777], was really
40 just wishful thinking?

41 A. Well, it was something that we would hope that would
42 occur.

43
44 Q. Well, it says consideration should be given to doing
45 it, doesn't it?

46 A. And we would do it, and we did that - we identified
47 a number of offenders.

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Q. Well, later. But what immediately happened was the prioritisation form, which ranked it as nil priority, and thus the case was suspended?

A. Based on the ratings that it got.

Q. Quite. And what I'm asking you is, how would it get such a low rating, given that the recommendation was, in effect, positive in the last paragraph?

A. The rating was based on what we knew, the evidence that was presented at the time of the rating. The last paragraph is an inquiry that we conducted, because we actually - and I applied for the reward. So that was also in anticipation of, we would apply for the reward, which I applied for that application, and seeing what would come of that.

Q. So do you mean that the reward would go out, and it might lead to some more information coming in?

A. Yes.

Q. And then at that point, consideration could be given to targeting persons of interest?

A. Yes.

Q. That's how we should read the recommendation?

A. Yes.

Q. I see. Could we go to volume 14 and tab 319, [SCOI.82485_0001]. This is a transcript of the Australian Story program that went to air on the ABC in February 2013. Do you follow?

A. Yes.

Q. If you turn to the last page --

A. The last page?

Q. Well, the last full page of transcript of what people said. Do you see there is an entry for Detective Chief Inspector John Lehmann?

A. Yes.

Q. He says:

The case is with the Unsolved Homicide Team --

1 this is in February 2013 --

2
3 *having been referred to by the Coroner.*
4 *I won't comment on what stage the*
5 *investigation is at. Certainly we haven't*
6 *closed the books on this case, it's an open*
7 *case.*

8
9 And then he adds reference to the fact that police had
10 applied for a monetary reward for information that may lead
11 to the identification of persons that may have been
12 responsible. Do you see that?

13 A. Yes.

14
15 Q. So when he said, "We haven't closed the books on this
16 case, it's an open case", was that, in your understanding,
17 an accurate statement of the real position?

18 A. Yes.

19
20 Q. Hadn't it been suspended?

21 A. As I said previously, all our cases are - well,
22 they're all open. It's just a turn of phrase.

23
24 Q. I do understand. You did explain that.

25 A. Yes.

26
27 Q. But you agreed, I thought, that the case had been
28 suspended, in the sense that no more active work was being
29 done on it by the police unless and until something came
30 in?

31 A. That's correct.

32
33 Q. So what do you say about Mr Lehmann saying, "We
34 haven't closed the books on this case, it's an open case"?

35 A. All our cases, like all our files, over 500, they're
36 all open cases, because information can come in at any
37 time, and that's why we have the Crime Stoppers and we
38 review, so they're all open cases.

39
40 Q. Do you think that it might have given the impression
41 to viewers of the program that the police were actively
42 working on the case?

43 A. I can't comment on what the viewers' impressions are.

44
45 Q. Now, Macnamir, then, was established in February 2013?

46 A. Do you want me to put this away?
47

1 Q. Yes, that can come back now. By July 2014, Ms Young
2 had completed her 445-page statement and provided it to
3 Coroner Barnes. Do you remember that?
4 A. Yes.
5
6 Q. I imagine, but tell us, if you would - did you assist
7 her in the preparation and composition of that statement?
8 A. I was the investigator, so --
9
10 Q. Quite.
11 A. -- DCI Young articulated my investigation.
12
13 Q. So is the answer yes: did you work with her on the
14 preparation of that statement?
15 A. Did I actually - DCI Young prepared the statement on
16 what - on my investigation. I had no --
17
18 THE COMMISSIONER: Q. So you supplied her with
19 information?
20 A. Through - from e@gle.i. so every investigation, every
21 person I spoke to, every inquiry that I conducted, my
22 results would be on our recording system called e@gle.i.
23 So all our information was on there, and DCI Young would
24 have --
25
26 Q. But what you are saying to Mr Gray, though, is that
27 although DCI Young may have accessed your contribution and
28 uploading to information on e@gle.i, you say that she wrote
29 the statement herself?
30 A. Yes.
31
32 MR GRAY: Q. That is what I'm asking.
33 A. Yes.
34
35 Q. In other words, you played no part in the actual
36 wording of the statement?
37 A. No, not at all.
38
39 Q. Did you ever read it? Did you see it?
40 A. Yes.
41
42 Q. But only after she had finished it?
43 A. I can't remember. It was so long ago. There was so -
44 I conducted so much work, inquiries. I don't remember if
45 I actually read --
46
47 Q. Well, you will recall - perhaps I will ask you. Do

1 you recall that in the statement, in various ways, she
2 talked about matters going to the possibility of suicide
3 and matters going to the possibility of homicide and
4 matters going to the possibility of misadventure?

5 A. Yes.

6

7 Q. Did you play any part in the way those three sections
8 were organised or in relation to how different emphases
9 might have been chosen?

10 A. No.

11

12 Q. Or was that her?

13 A. That was DCI Young.

14

15 Q. Once it was completed and you read it in its final
16 form, was it your view that her statement generally was
17 directed to supporting the likelihood of suicide and
18 refuting arguments in favour of homicide?

19 A. No.

20

21 Q. You think not?

22 A. No, I - no, I don't think --

23

24 Q. What's your view?

25 A. My view is an objective review of the brief of
26 evidence would demonstrate that we looked at all possible -
27 all three lines of inquiry.

28

29 Q. You knew, I take it, that the Johnson family were
30 strongly against the suicide theory and strongly arguing
31 that Scott Johnson's death was a homicide?

32 A. Yes.

33

34 Q. Is it fair to say that the view of Ms Young was that
35 a finding of homicide by the Coroner would amount to a win
36 for the Johnsons?

37 A. No.

38

39 Q. Is it fair to say that Ms Young wanted to ensure that
40 the Johnsons would not win?

41 A. No.

42

43 Q. Is it fair to say that in Ms Young's view, a finding
44 of suicide or an open finding would mean that the Johnsons
45 had not won?

46 A. No.

47

- 1 Q. Would any of those reflect your own views?
2 A. No.
3
4 Q. Did any of those views reflect the views of others
5 working on Macnamir, as far as you knew?
6 A. No.
7
8 Q. Did they reflect the views of Mr Willing?
9 A. I don't know what the views of Mr Willing were.
10 I can't comment.
11
12 Q. Could we have - I'm sorry?
13 A. I said I can't comment on Mr Willing's --
14
15 Q. Could we have volume 16, please, tab 382A,
16 [NPL.2017.0001.0029]. Ms Brown, these are some dot points
17 created by Mr Willing back in April 2015 after the Lateline
18 interview. I just want to take you to the second-last
19 page. That's the page. It's on the screen now. Just
20 below halfway on that page, there is a paragraph or a dot
21 point beginning "At 5.04pm". Do you see that?
22 A. Yes.
23
24 Q. Mr Willing is here talking about 14 April, which is
25 the day after the interview, the Lateline broadcast. Do
26 you remember that - do you remember the Lateline broadcast?
27 A. Yes, I do.
28
29 Q. So this is the next day.
30 A. Yes.
31
32 Q. This is 14 April. Could you just read those two dot
33 points beginning with the one starting "At 5.04pm", just
34 read those two to yourself?
35 A. To myself?
36
37 Q. Yes, please.
38 A. Yes. I've read that, yes.
39
40 Q. Now, you see that in the first text message, which was
41 from Ms Young to Mr Willing, she refers to what she regards
42 as her "own organisation" - namely, the police - putting
43 her in a position "where the Johnson family could criticise
44 and humiliate" her - you saw that?
45 A. Yes.
46
47 Q. Then Mr Willing's reply, beginning "I know Pam",

1 includes this sentence, or two sentences:

2

3

4

5

6

7

8

9

Do you see that?

10

A. Yes.

11

12

Q. His reference to "letting them win" is a reference to letting them succeed in getting a finding of homicide, isn't it?

13

14

15

A. I don't know. I can't comment. This is the first time I've seen this. I'm --

16

17

18

Q. Quite, but what do you think he meant by "letting the Johnsons win"?

19

20

A. I don't know.

21

22

Q. No idea?

23

A. No idea.

24

25

Q. And he says:

26

27

This is for Penny and [sic] well and all of the other people who have helped.

28

29

You've got no idea what he meant by referring to "letting the Johnsons win"?

30

31

A. No.

32

33

34

Q. Then Ms Young writes back:

35

36

Mick - I will not let them win - that is not in my DNA.

37

38

39

Do you say that you've got no idea what she meant by that, either?

40

41

A. No. You will have to ask DCI Young.

42

43

Q. No doubt. But just for completeness, I will ask you again: you don't think it meant that the Johnsons would win if there was a finding of homicide?

44

45

A. Not at all.

46

47

1 Q. And so when Mr Willing says, in the last text
2 mentioned at the end of that bullet point, "We will work
3 through it and we will come out on top", do you say that's
4 not a reference to defeating the Johnsons?
5 A. No.
6
7 Q. So they would come out on top in what way, then?
8 A. Well, I'm not --
9
10 MS BARNES: I object, Commissioner. She has already said
11 she doesn't know what it means and she can't say what
12 someone else thinks.
13
14 THE COMMISSIONER: Yes, I think there might be a limit,
15 Mr Gray. It is not her text and not her choice of words.
16
17 MR GRAY: I will move on.
18
19 Q. You have dealt with this in your statement to some
20 extent.
21 A. Can I move this?
22
23 Q. But could Ms Brown now have volume 14 and turn to
24 tab 311, [NPL.0115.0002.8325]. This is an email from
25 Mr Olen to various people the day after Coroner Barnes
26 handed down his findings in the third inquest - namely,
27 that it was homicide. Do you follow?
28 A. Yes.
29
30 Q. He says that he was present at the court with you and
31 with [Officer A] --
32 A. Yes.
33
34 Q. -- the day before, when the findings were read out.
35 He says that you and [Officer A] have done a fantastic job,
36 and then he says I think they were more --
37
38 MR TEDESCHI: Could we have it back online, please?
39
40 THE COMMISSIONER: Certainly, it will be if it can be. It
41 is tab 311 of volume 14.
42
43 MR TEDESCHI: Thank you.
44
45 MR GRAY: Q. I'm in the second paragraph, Ms Brown.
46
47 THE COMMISSIONER: Mr Gray, just halt for a minute. There

1 may be a technical issue. If Mr Tedeschi or anyone else
2 wants to follow this, they should. It might be the subject
3 of a confidentiality order.

4
5 MR GRAY: It went into evidence, but subsequently there
6 has been, apparently, a non-publication --

7
8 MR TEDESCHI: I can't hear my friend.

9
10 MR GRAY: It went into evidence, but I am told that
11 subsequently there was a non-publication order to do with
12 the name of one of the officers.

13
14 THE COMMISSIONER: Right. Then it can't go on the screen.

15
16 MR GRAY: So it is inappropriate to put it on the screen,
17 but I can ask Ms Brown the questions, which will only take
18 a minute or two, without naming the person.

19
20 THE COMMISSIONER: All right. Mr Tedeschi, if you can
21 otherwise access it, it's tab 311, volume 14,
22 [NPL.0115.0002.8325]. I will get Mr Gray to read what he
23 wants to ask about it, and he will avoid, obviously, that
24 which is the subject of the non-publication order.

25
26 MR GRAY: Q. Do you have that second paragraph?

27 A. Oh, sorry.

28
29 Q. The second paragraph.

30 A. Yes. Yes, I do.

31
32 Q. Mr Olen says, referring to you and [Officer A]:

33
34 *I think they were more stunned than*
35 *anything else with the result as we all*
36 *were but understandably both girls became*
37 *pretty upset thereafter.*

38
39 Do you see that?

40 A. I do see that.

41
42 Q. You have discussed this in your statement --

43 A. Yes.

44
45 Q. -- at paragraphs 28 to 36 [SCOI.85747_0001], and you
46 say that Mr Olen's interpretation of your reaction was
47 incorrect?

1 A. That's correct.
2
3 Q. What do you say your reaction actually was when the
4 findings came down?
5 A. I was perplexed by the findings based on the evidence
6 that went over the inquest, and there were 38 witnesses who
7 gave evidence at that inquest. So based on the evidence
8 presented at the inquest, I was perplexed that the actual
9 finding was so precise, because the evidence didn't support
10 such a precise finding.
11
12 Q. Were you disappointed by the finding of homicide?
13 A. Not at all, no.
14
15 Q. Were you disappointed that the finding represented
16 a win for the Johnsons?
17 A. No.
18
19 Q. Were you disappointed that the Coroner had not
20 preferred the suicide theory?
21 A. No.
22
23 Q. You are aware of course, now, that some years later
24 a suspect was arrested and charged for the death of
25 Mr Johnson?
26 A. Yes.
27
28 Q. And that that suspect eventually pleaded guilty -
29 initially to murder and later to manslaughter?
30 A. Yes.
31
32 Q. And that he has now been convicted and sentenced for
33 manslaughter?
34 A. Yes.
35
36 Q. And thus, in those circumstances, the suicide theory
37 was wrong and the death was a homicide?
38 A. Yes. It's not a gay hate --
39
40 Q. Sorry?
41 A. It's not a gay hate homicide.
42
43 Q. It was a homicide?
44 A. It was a homicide, yes.
45
46 Q. Do you have any regrets about the stance taken by
47 Macnamir in resisting the view that the death was

1 a homicide?
2 A. Not at all. If an objective review was conducted of
3 Strike Force Macnamir, of the work that I did, it would be
4 shown, and it would be established, that the whole three -
5 the three possibilities were explored. Every line of
6 inquiry was explored.
7
8 Q. Let me move to Lateline. That folder can come back.
9 You tell us in your main statement, your first statement,
10 that on 17 February 2015, you printed out a copy of
11 DCI Young's 445-page statement --
12 A. Yes.
13
14 Q. -- so that it could be provided to Emma Alberici;
15 correct?
16 A. Yes, that's correct.
17
18 Q. That happened to be your last day of work for nearly
19 two months?
20 A. Yes.
21
22 Q. What was your understanding, when you printed that
23 statement out and provided it to Ms Young to be given to
24 Ms Alberici, as to whether there were any restrictions on
25 the publication or distribution of the statement?
26 A. I didn't have any understanding. I just was asked to
27 print the statement out prior to taking my leave, because
28 I was going to be on a considerable amount of leave.
29
30 Q. I just didn't catch the last --
31 A. I was going to be on a considerable amount of time
32 off, so DCI Young asked me to print it out in preparation
33 for the possibility of her giving it to Emma Alberici.
34
35 Q. Did you have any concern yourself about it being
36 provided to a journalist?
37 A. No.
38
39 Q. Why not?
40 A. Because in the Homicide Squad, senior management speak
41 to journalists all the time.
42
43 Q. Did Ms Young tell you that there was anything secret
44 or problematic about providing the statement to
45 Ms Alberici?
46 A. No, there was no - nothing secret.
47

1 Q. Did she say anything to you at all about what she had
2 in mind by giving the statement to Ms Alberici?

3 A. My understanding for the media strategy was to correct
4 and clarify some of the reporting that was already out
5 there in the media and to reassure the community, because
6 there was a bit of fear out there, so to reassure the
7 community that what had been reported wasn't correct.

8

9 Q. When you referred to the media strategy in that
10 answer - we're talking about February 2015 here. Was there
11 a media strategy, as you understood it, under way or in
12 place at that time?

13 A. I understood there had been communication with
14 Mr Willing and DCI Young around the media that was being
15 publicised in the community.

16

17 Q. At the time of the statement being printed out by you
18 to be given to Ms Alberici, do you mean?

19 A. Well, they'd - there was always discussions about the
20 incorrect reporting in relation to the deaths and the --

21

22 Q. The deaths, plural?

23 A. The deaths of - the suspected deaths of the gentlemen
24 that were subject to maybe a gay hate crime.

25

26 Q. Are you talking about deaths, plural, there or just
27 the Johnson case?

28 A. Well, they were - it was all the deaths, because Mr -
29 the Johnson family reporting, because it was based on the
30 80 deaths, the death of Mr Scott Johnson, the death of
31 Mr Ross Warren, Mr John Russell, it was --

32

33 Q. I'm just trying to get this clear. Are you saying
34 that by February, when you printed it out and then went off
35 on your six or eight weeks' leave, it was your
36 understanding that Ms Young believed that journalists
37 should be given the statement so as to enable them to
38 report more accurately about things that other people were
39 saying in the media?

40 A. It was my understanding that there needed to be
41 correctness and clarifying what was being reported in the
42 media.

43

44 Q. Yes, and that giving her the statement, giving
45 Ms Alberici the statement, would assist in that?

46 A. Well, I don't think - it was a possibility that
47 Ms Alberici would get the statement.

1
2 Q. Sorry?
3 A. There was a possibility that she would get it, so that
4 was in preparation.
5
6 Q. Well, it was more than a possibility. Your email to
7 Ms Young says - the heading is "Documents for Emma"?
8 A. Yes.
9
10 Q. You knew that she was going to provide it to
11 Ms Alberici?
12 A. Well --
13
14 Q. That was the point of you printing it out, wasn't it?
15 A. It was - Pam would have - it was up to Pam to decide
16 that, not me. It was Pam --
17
18 Q. But you knew that that's what she was going to do?
19 A. Well, that was what she was planning and thinking of
20 doing, subject to if Emma had have passed the test for
21 Pamela, because Pamela wouldn't have just handed it over to
22 her. Pamela, being Pamela, would have subjected Emma to
23 see if she was the right fit, if she was going to report on
24 it truthfully.
25
26 Q. Okay. But subject to her being satisfied about those
27 things --
28 A. Yes.
29
30 Q. -- her intention, as you knew, was to provide her with
31 the statement?
32 A. Yes.
33
34 Q. Should we understand from something you said a few
35 answers back that your understanding was that Mr Willing
36 also had that same approach?
37 A. Yes.
38
39 Q. And do you understand that from something Ms Young
40 said or from something else?
41 A. From what they both said, because --
42
43 Q. What - sorry, go on.
44 A. There was - and I can't remember exactly when, but
45 there was communications between Mr Willing, DCI Young and
46 myself in relation to the media, because there was a lot of
47 unfair criticism directed mainly at me from the Johnson

1 family.

2

3 Q. And are we talking now about February, before you went
4 on leave, or after 7 April, when you got back?

5 A. I can't remember. I can't remember.

6

7 Q. When you said there were conversations involving you
8 and Ms Young --

9 A. Oh, no, before. There were conversations with
10 Mr Willing and DCI Young. There were conversations with
11 them that I wouldn't have been privy to, because that's not
12 my authority or my rank.

13

14 Q. No, but the ones that you were privy to - I'm just
15 trying to understand what you are telling us.

16 A. Yes.

17

18 Q. Are you telling us that in the ones that you were
19 party to with Ms Young and Mr Willing, there was discussion
20 of providing the statement to Ms Alberici? Is that what
21 you are saying?

22 A. Well, there was - what I'm saying, there was
23 a strategy for - to correct the reporting. I can't
24 remember about giving the statement to Emma Alberici, but,
25 I mean, I wouldn't have printed it out - like, that was -
26 would have been part of the discussions, that he --

27

28 Q. With Mr Willing, is what I'm asking you?

29 A. Yes, because Pam wouldn't do anything that wasn't
30 authorised or that the bosses didn't know. She doesn't -
31 Pam doesn't work like that. She would never do anything
32 that the bosses didn't know about. She was very
33 structured, and she led by example.

34

35 Q. So we should understand that your belief as at
36 February, when you printed this out, was that if Ms Young
37 provided it to Ms Alberici, as it was likely she would if
38 she was satisfied about the things you mentioned, she would
39 have been doing so with the approval, as you understood it,
40 of Mr Willing?

41 A. That's my understanding, yes.

42

43 Q. And you get that understanding from conversations that
44 you were part of?

45 A. Between both, yes.

46

47 Q. You come back to work on 8 April?

1 A. Yes.
2
3 Q. And on Friday, 10 April, you go to the ABC with
4 Ms Young, and she participates in an interview with Emma
5 Alberici on the Friday?
6 A. Yes.
7
8 Q. Was that in a studio, or where was that, and was it
9 filmed or just audio recorded?
10 A. From my memory, it was in a - it was audio recorded,
11 but it was in an area - it wasn't like in open space, so it
12 wasn't like in a coffee shop or --
13
14 Q. It was a dedicated room for --
15 A. From memory, it was a dedicated room, yes.
16
17 Q. You were present, I think --
18 A. Yes.
19
20 Q. -- throughout? And what was your understanding on the
21 Friday, as this interview was going ahead, as to what the
22 purpose of that interview was on the Friday?
23 A. I didn't have a real - well, I wasn't part of any of
24 the media inquiries with management or Emma Alberici, so
25 I didn't really have an opinion of what it was.
26
27 Q. Did you think that it was the one that was going to be
28 broadcast?
29 A. I didn't have a - no, I don't know, because I didn't
30 really have an opinion or was informed or --
31
32 Q. Did Ms Young tell you what she was going there for on
33 the Friday?
34 A. From memory - and I'm assuming from just my opinion -
35 it would have been like a pre-interview thing.
36
37 Q. Pre-interview?
38 A. But I'm not sure. I don't - I don't understand when
39 you're talking about backgrounding, because that's not my
40 authority, so I've never had anything to do with the media,
41 so I don't know the terminology.
42
43 Q. But do you recall anything that she said --
44 A. No, I don't.
45
46 Q. -- about why she was there on the Friday?
47 A. No. But Pamela has done a lot of media.

1
2 Q. Do you have any recollection - and I'm speaking now
3 about the Friday; I will come to the Monday in a minute -
4 in terms of the Friday, as you were driving to the ABC, was
5 there any conversation with Mr Willing in the car?
6 A. There was.
7
8 Q. On the Friday?
9 A. On the --
10
11 Q. On the Friday?
12 A. Oh, on the Friday. I have no recollection of the
13 Friday, no.
14
15 Q. And what about on the way home or on the way back from
16 the ABC on the Friday?
17 A. No, I have no --
18
19 Q. Coming to the Monday, Monday, the 13th, at the
20 Coroners Court, the Coroner announces his decision. You
21 were there?
22 A. Yes, I was there.
23
24 Q. His decision essentially was that (a) there would be
25 a third inquest?
26 A. Yes.
27
28 Q. And (b) that the Pamela Young statement, with some
29 redactions, would be public?
30 A. Yes.
31
32 Q. Do you have a recollection of about what time that
33 court proceeding finished on that day, what time the
34 Coroner left the court and people left the room?
35 A. It was late in the afternoon. It was - my
36 recollection, it was, like, very late in the afternoon,
37 near closing of court.
38
39 Q. There's material before the Inquiry that press
40 releases went out announcing the result by about midday or
41 12.30?
42 A. Oh.
43
44 Q. Does that help you recall that actually it might have
45 been more like that sort of time?
46 A. I know after the findings, then we went into the legal
47 area and had a conference with Dr Pritchard from the OGC.

1 So there was a legal meeting.
2
3 Q. Inside the court precinct?
4 A. Yes, but I can't recall the times.
5
6 Q. After that legal meeting with Dr Pritchard and others,
7 did you and Ms Young emerge out on to the street?
8 A. Yes, we did.
9
10 Q. Was anyone there, that is, any other people at all,
11 any particular - any media?
12 A. There was media there, but I - yes, I just -
13 I remember there was media and there was a camera there.
14
15 Q. Just one media representative or --
16 A. I can't remember.
17
18 Q. -- several?
19 A. Oh, I can't remember.
20
21 Q. Did Ms Young give some statements or answers to
22 questions from an interviewer?
23 A. She - yes.
24
25 Q. Did she tell you anything, either before or after she
26 did that, as to what her authority was about making such
27 remarks outside the court?
28 A. No.
29
30 Q. Was there any mention of the term "door-stop" in any
31 of your conversations?
32 A. No.
33
34 Q. On the ABC news that night, there's footage of you and
35 Ms Young --
36 A. Yes.
37
38 Q. -- walking along the street outside the court. Was
39 that filmed by arrangement with a --
40 A. No.
41
42 Q. -- cameraman or did it just happen?
43 A. It just happened.
44
45 Q. Was that before or after the court proceedings on that
46 day?
47 A. That was - from memory, that was after, because we

1 were walking away from the court.
2
3 Q. And so, as far as you were aware, there was no prior
4 arrangement about that filming?
5 A. No, because if there was, I wouldn't have been in it.
6
7 Q. Why is that?
8 A. Because I refused to do any - any media things.
9
10 Q. I see. So the fact that you were shown was --
11 A. Yes. I wouldn't have --
12
13 Q. -- not something you would have --
14 A. Because I would have not volunteered - I would have
15 volunteered not to be in it.
16
17 Q. What can you tell us, if anything, about what
18 arrangements were made between Pamela Young and whoever it
19 was that asked her the questions outside the court and
20 filmed the two of you?
21 A. I - I don't remember that - what was - what was the
22 question again?
23
24 Q. Do you know anything about any arrangements made --
25 A. No.
26
27 Q. -- in respect of that interview --
28 A. Not at all.
29
30 Q. -- or that filming?
31 A. No.
32
33 Q. Is it right, then, that as far as you are aware, it
34 simply happened, without any prearrangement?
35 A. That was as far as I was aware, yes.
36
37 Q. In your statement at paragraph 23, [SCOI.85747_0001]
38 you say that you were in attendance at the ABC studios
39 because you and DCI Young were a team:
40
41 *... and we travelled together to the*
42 *Coroners Court and Glebe so travelled in*
43 *the same car directly from Glebe to the ABC*
44 *Studios.*
45
46 So that's correct?
47 A. Yes, that's correct.

1
2 Q. It seems from other material that the inquiry has
3 received that you and Ms Young probably arrived at the ABC
4 at about 5 o'clock. Does that accord with your
5 recollection?
6 A. I - if that's what the material says, that's - I will
7 say that was right.
8
9 Q. That's what it seems to indicate, but I'm just asking
10 if you have a memory about what time you got there?
11 A. It would be - it was in the afternoon.
12
13 Q. And did you say earlier the late afternoon, like
14 around 5 --
15 A. Yes, it was after court time, like court sitting. It
16 was after 4 o'clock.
17
18 Q. So if the decision had been announced by about 12.30,
19 which the press releases seem to suggest, what were the two
20 of you doing between about 12.30 and, say, 4 o'clock or
21 4.30, when you drive off to the ABC?
22 A. After the decision was made - this is from my memory -
23 we had the legal conference, and that would have gone for
24 quite a significant amount of time, because they are never
25 short, and then we would have gone and got some lunch, and
26 then we would have gone to the studio.
27
28 Q. So if you had the legal conference and then some
29 lunch, when in that sequence does the interview outside
30 court and the filming take place - before lunch or after
31 lunch or what?
32 A. Well, I don't - I don't remember.
33
34 Q. Now, in your statement, or with your statement, you
35 have attached some pages from your duty book?
36 A. Yes.
37
38 Q. Could we turn to the one that particularly concerns
39 this date, which is 13 April. It is seven or eight pages
40 in. Have you found that entry?
41 A. 13 April?
42
43 Q. Yes.
44 A. 2015? Yes.
45
46 Q. Yes. It says you commenced at 7am, off duty 8.30pm -
47 should have been "3"?

1 A. Yes.

2

3 Q. You say:

4

5 *On duty from home. Travel to Glebe*
6 *Coroners Court via train, so engaged.*
7 *Attend Glebe Coroners Court [Strike Force]*
8 *Macnamir, so engaged.*

9

10 That presumably takes us up to the announcement of the
11 result and the period spent in the legal conference, does
12 it?

13 A. It may have. It should have, yes.

14

15 Q. Then you say:

16

17 *Meal break taken 1pm to 1.30pm.*

18

19 Do you see that?

20

21 A. Yes.

22

23 Q. Then you say:

24

25 *Resumed court duties.*

26

27 What did that mean?

28

29 A. Well, that would have been back in the conference.

30

31 Q. Back in the conference?

32

33 A. Conference, or duties with our - anything to do with
34 the court matter, but I can't specifically recall what that
35 says - what it specifically was on the day, but it would
36 have "resumed court duties".

37

38 Q. Your note then says:

39

40 *Travelled to ABC studios with DCI Young ...*

41

42 So you are in the same car, I take it?

43

44 A. Yes.

45

46 Q. Then it says:

47

48 *On route to ABC studios, DCI Young made*
49 *a telephone call to Commander Willing on*
50 *loudspeaker --*

51

1 so we can understand that you could hear both sides?

2 A. Yes.

3

4 Q. And it says:

5

6 *DCI Young advised Commander Willing of*
7 *interview with journalist Emma Alberici &*
8 *stated if she was asked she would say that*
9 *she felt the MP --*

10

11 that's Minister for Police, yes?

12 A. The Minister of Police at the time.

13

14 Q. Yes.

15

16 *... the [Minister of Police] at the time*
17 *kowtow to the request of the Johnson*
18 *family.*

19

20 That's what you have written?

21 A. Yes, I remember.

22

23 Q. When you say:

24

25 *DCI Young advised Commander Willing of*
26 *interview with journalist Emma Alberici ...*

27

28 Are you able to recall what words she actually spoke?

29 A. This is from memory, and I recall the conversation,
30 because it was no secret that DCI Young thought that the
31 Police Minister at the time kowtowed to the family. She
32 made it known in the office. So on the way, she mentioned
33 to Mr Willing that if she is asked, she will say that it
34 was her opinion that she thought that the Police Minister
35 kowtowed to the family.

36

37 Q. Right. What did she say, though, in terms of the fact
38 that there was an interview? In other words, did she say -
39 and I'm not suggesting this one way or the other; I'm just
40 asking you so you can tell us - that she had already done
41 an interview, or did she say she was about to do an
42 interview?

43 A. She was about to go and do the interview.

44

45 Q. That's what she said?

46 A. Yes, she was on the way to the Lateline studios to do
47 the interview.

1
2 Q. And did he say, "What interview are you talking
3 about?", or what was his reaction?
4 A. Mr Willing knew Pamela Young was going to Lateline
5 that day to give an interview.
6
7 Q. And how did he know that?
8 A. Because they spoke about it.
9
10 Q. When?
11 A. Well, there's been conversations in the hallway when
12 I've been present with them, even when - that that was
13 going to happen.
14
15 Q. Do you mean - those conversations in the hallway or
16 the like, were they in the week or so before, like, after
17 you got back from leave?
18 A. No, that was - yeah, it would have been the days I've
19 got back from leave. But Mr Willing knew, yeah, Mr Willing
20 knew that the interview was happening.
21
22 Q. And you say that, do you - and, again, I'm just
23 checking that I'm understanding what you're saying -
24 because you heard conversations involving Ms Young and
25 Mr Willing about the fact that she was going to go to the
26 ABC and give an interview?
27 A. That's correct.
28
29 Q. And was there any suggestion in those conversations
30 that you heard that the interview was in some way off the
31 record or --
32 A. No.
33
34 Q. -- restricted in some way?
35 A. No.
36
37 Q. So when Ms Young was in the car and had this
38 conversation on loudspeaker, is it your evidence that she
39 said to Mr Willing, "I'm on the way to the ABC to do the
40 interview with Emma Alberici"?
41 A. Yes.
42
43 Q. Or something close to that?
44 A. Yes.
45
46 Q. So did she use the word "backgrounder" or the word
47 "door-stop", or did she use the word "interview"?

1 A. She would have - she used the word "interview" because
2 I don't - I've never heard of "backgrounder" or "door-stop"
3 until these proceedings.
4

5 Q. When she said that, if asked, would say that she
6 thought the Minister for Police at the time kowtowed to the
7 Johnsons, what did Mr Willing say? What was his reaction?
8 A. I can't recall specifically, but it was supportive of
9 Pamela.
10

11 Q. Any recollection of what words he may have used?
12 A. I'd be guessing, but it was supportive.
13

14 Q. Did he say anything in the course of this conversation
15 which in any way gave you the impression either that he
16 didn't know that she was going to give this interview or
17 that in some way he didn't approve of it?
18 A. No, not at all.
19

20 Q. Did either Ms Young or he, Mr Willing, say anything in
21 this conversation about this interview being off the
22 record?
23 A. No. No, it wasn't - no, not at all.
24

25 Q. Just as a detail, your statement then says:
26
27 *Attend to duties at ABC studio. So*
28 *engaged. Off duty 8.30pm.*
29

30 Does that mean you were at the ABC for several hours?
31 A. No. That's the time I would have got home, because
32 I've finished in the field, so I'm technically off duty --
33

34 Q. I see, once you get home.
35 A. Yes, yes.
36

37 Q. Just on this entry in the book, when did you make that
38 entry?
39 A. It would have been my next shift, because I don't
40 recall - sometimes I take my duty book with me. I either
41 make that at the time or on my next shift.
42

43 Q. Well, it looks, it would seem, just looking at what
44 documents you have produced, that the next shift may have
45 been Thursday, the 16th?
46 A. Yes.
47

1 Q. Which is a few days later. So does that mean that
2 either you made the entry for the 13th once you were back
3 at your desk on the 16th, or is it another possibility that
4 you had the duty book with you on the 13th and wrote it
5 out --
6 A. Yes, could have, yes.
7
8 Q. -- on that day?
9 A. Yes, it could have been.
10
11 Q. Do you have any recollection now of which it was?
12 A. No, not at all.
13
14 Q. Is there a reason why you made a particular record of
15 this phone call? Did you think it was of some
16 significance?
17 A. Because it was controversial.
18
19 Q. What was controversial at the time you wrote it?
20 A. Well, the "kowtowing" - it would be controversial.
21
22 Q. So do you think - that being so, that it was
23 controversial, do you think you wrote this note before the
24 Lateline broadcast had gone to air, before the
25 controversial nature of it had hit the deck, or in the
26 couple of days later, when, by then, it certainly was
27 controversial?
28 A. I wasn't - to me - well, I wasn't aware when the
29 controversy happened, like, I wasn't involved in any of
30 that, so I wasn't - I've put it in there because of my
31 experience of - past experience with controversial matters,
32 and this is where I record things - you record them in your
33 duty book.
34
35 Q. So are you saying that you think you anticipated that
36 it would be controversial, and that's why you wrote it
37 down?
38 A. Yes.
39
40 Q. Before the controversy had actually erupted?
41 A. Yes.
42
43 Q. Is that right?
44 A. That's right - that's right.
45
46 Q. I think you've probably covered this in several of the
47 answers you've given, but either in that conversation in

1 the car or at any other time prior to the Lateline
2 broadcast, did you have any sense or understanding that in
3 giving the Lateline interview, Ms Young was doing something
4 that was not authorised?
5 A. No. Pam would never do anything that wasn't -
6 unauthorised.
7
8 Q. Did you have any sense that she was doing something
9 that was somehow secret or problematic?
10 A. Not at all. Not at all.
11
12 Q. You, I take it, sat in the room while the interview
13 actually was conducted on the Monday; is that correct?
14 A. At the studio?
15
16 Q. Yes.
17 A. No. I was away - I was nowhere - in another room,
18 away from the studio, so I wasn't --
19
20 Q. But could you hear it?
21 A. I could hear it.
22
23 Q. So you heard what was being said?
24 A. Yes.
25
26 Q. Could you see it or only hear it?
27 A. I could see it, I think I could see it, too, from
28 memory, on a screen.
29
30 Q. On a screen?
31 A. Yes.
32
33 Q. As you watched it and listened to it, as it was
34 recorded, did you think that any part of it was unexpected?
35 A. No.
36
37 Q. Now, in particular --
38 A. Did you say "unexpected"?
39
40 Q. Yes.
41 A. Yes, no, none - no.
42
43 Q. You didn't think so?
44 A. No.
45
46 Q. So when she said the Minister, she thought, had
47 kowtowed --

1 A. Yes.

2

3 Q. -- as I understand your evidence, that was not
4 unexpected to you, but you thought it was going to be
5 controversial?

6 A. Yes.

7

8 Q. And when she made some various criticisms of the
9 Johnson family in the interview, was that expected or
10 unexpected, from your perspective?

11 A. Well, no, it was expected.

12

13 Q. Expected?

14 A. Yes.

15

16 Q. And did you think that would be controversial?

17 A. No, because it was true.

18

19 Q. When she accused the Police Minister of kowtowing,
20 I think you have said that her views on that score were
21 well known?

22 A. Yes.

23

24 Q. Was it your view too?

25 A. No. I wasn't part of that - that meeting that Pamela
26 had with Mr Olen and the Police Minister and the family.
27 So that was their opinion, not mine. I hadn't - I didn't
28 have any involvement in that.

29

30 Q. Was it Mr Willing's view, as far as you understood,
31 that the Police Minister had --

32 A. No, I don't know what his view was, because he wasn't
33 part of that meeting, either, was my understanding. He was
34 relieving somewhere else, and Mr Olen was the relieving
35 Commander of Homicide at the time.

36

37 Q. As you understood it, was that view - namely, that the
38 Police Minister had kowtowed - also held by other police
39 officers?

40 A. No.

41

42 Q. You don't know or it wasn't?

43 A. No, it wasn't - because it was only held by Pamela and
44 Mr Olen, because they were present; it was their opinions
45 based on what occurred in that office.

46

47 Q. Were you, in relation to Ms Young's dealings with Emma

1 Alberici and in relation to the Lateline interview,
2 participating in a secret scheme with Ms Young to
3 contravene an authorised media strategy?
4 A. No, not at all.
5
6 Q. Could Ms Brown be given the written submissions on
7 behalf of Mr Willing, please, [SCOI.84210_0001]. Do you
8 have that document?
9 A. I've got that document.
10
11 Q. These are the submissions before this Inquiry on
12 behalf of Mr Willing, dating back to 28 June. Have you
13 been shown these before today?
14 A. No.
15
16 Q. Could I ask you to look at paragraph 4. Could you
17 just read paragraph 4 to yourself.
18 A. Paragraph 4? Yes.
19
20 Q. Thank you. And then having read paragraph 4, could
21 you now read paragraph 5 as well. So you have read that?
22 A. Yes.
23
24 Q. You see there that on behalf of Mr Willing, it is
25 alleged that you and Ms Brown [sic] deliberately concealed
26 your plan from everyone at NSW Police, including
27 Mr Willing. What do you say about that?
28 A. Well, that's not true.
29
30 Q. Then if you would turn to paragraph 11, could you just
31 read that to yourself.
32 A. Yes.
33
34 Q. Do you agree that Ms Young sought to ensure that
35 nobody other than you was aware of the studio interview
36 until the program went to air?
37 A. I do not agree. That isn't true.
38
39 Q. Did you have the knowledge or the belief that any
40 senior officer who knew about the studio interview in
41 advance would have been obliged to inform the Police Media
42 Unit and that police would have taken steps to stop the
43 interview being broadcast?
44 A. Are you saying if I knew?
45
46 Q. Did you know what is asserted in that second sentence?
47 Was that your state of mind?

1 A. No.
2
3 Q. Then could you turn to paragraph 43 and read that to
4 yourself.
5 A. Up to - 43?
6
7 Q. So if I could just take you through those, asking
8 about yourself. You will see that the accusation there is
9 that Ms Young knew all these things. So far as you were
10 concerned, was it your state of knowledge that the senior
11 police hierarchy would not support Ms Young's forthright
12 positions?
13 A. No, I wouldn't - I don't know. I'm not aware of
14 any of that management, media things, no.
15
16 Q. Was it your understanding - I'm looking at (b) - that
17 Ms Young was only authorised to speak off the record for
18 backgrounding purposes?
19 A. No.
20
21 Q. Did you know that Ms Young was not permitted to say
22 what she wanted to say?
23 A. No.
24
25 Q. Did you have any knowledge or understanding that the
26 police hierarchy would actively stop an on-the-record
27 interview which adversely questioned the conduct of the
28 Police Minister?
29 A. No.
30
31 Q. Did you have any knowledge or understanding that
32 Ms Young had organised or tried to organise the interview
33 discreetly?
34 A. It wasn't organised discreetly, no.
35
36 Q. And did you have any knowledge or belief as to whether
37 Ms Young thought she could only trust you and no-one else?
38 A. No, that's not true.
39
40 Q. In paragraph 44, the submission is made that
41 Ms Alberici also understood all of those things and that
42 Ms Young needed to keep the studio interview a secret until
43 it was aired. What do you say about that?
44 A. That's not true.
45
46 Q. Then if you could just read 45 to yourself.
47 A. I've read 45.

- 1
2 Q. Now, you will see there that the accusation is made on
3 behalf of Mr Willing that what Ms Young did was to devise
4 a covert plan and that you were part of a conspiracy with
5 her and that you and Ms Young were guilty of "extraordinary
6 concealment, deception and misconduct". What do you say
7 about that?
8 A. It's not true at all.
9
10 Q. At any time since April 2015, have you been the
11 subject of any disciplinary action by the police with
12 respect to your involvement in Ms Young's interview on
13 Lateline?
14 A. Not that I know of.
15
16 Q. Has there been, to your knowledge, any complaint or
17 reprimand or any similar step by the police with respect to
18 those matters?
19 A. What do you mean?
20
21 Q. Well, have you been informed that you have been
22 reprimanded or criticised or disciplined in any way for
23 anything that you did in relation to Lateline --
24 A. No.
25
26 Q. -- in 2015?
27 A. No.
28
29 Q. Could Ms Brown have the transcript of the oral
30 submissions in I think June, [TRA.00063.00001]. These are
31 some submissions that were made orally on behalf of
32 Mr Willing in this courtroom, in this Commission, back
33 in June. If I could ask you to turn to page 4373, at the
34 bottom of that page, lines 43 to 47, the representative of
35 Mr Willing again says that Ms Young chose you as a trusted
36 ally and the two of you deliberately then concealed your
37 plan from everyone in NSW Police. Is that true or false?
38 A. That's false.
39
40 Q. Then at 4376, if you could just read from line 2 to
41 line 15. Have you read that?
42 A. The whole page?
43
44 Q. No, just to line 15.
45 A. Oh, sorry.
46
47 Q. That's all I'm asking about.

1 A. Yes, I have.

2

3 Q. You will see there that the representative for
4 Mr Willing asserts that there was a strategy on the part of
5 Ms Young that required that no-one in police know that she
6 would record a studio interview, and the Commissioner
7 asked:

8

9 *Is it part of your case theory that*
10 *Ms Brown had to be in on all of this?*

11

12 And the answer was "Yes". Were you in on or part of or
13 party to a strategy that involved keeping secret the fact
14 that there was going to be a studio interview?

15

A. No.

16

17 Q. Then I think lastly on this transcript, at page 4439 -
18 in fact, at the bottom of 4438, really, do you see at 4438
19 line 44 that the submission is made on behalf of Mr Willing
20 that there was an available inference that Ms Young was
21 acting irrationally, and he says:

22

23 *That may explain her deception --*

24

25 that's Ms Young's deception --

26

27 *and her recruiting of Ms Brown.*

28

29 Then we go over the page and the Commissioner asks whether
30 it was being suggested that you, Ms Brown, were behaving
31 irrationally, and the answer was:

32

33 *I don't know ...*

34

35 And then the question from the Commissioner:

36

37 *I'm sorry, you have implicated Ms Brown in*
38 *what you said was a state of deception.*

39

40 Answer "Yes". Were you involved in any deception of
41 anybody in relation to Lateline?

42

A. Not at all.

43

44 MR GRAY: Commissioner, I'm conscious of the time, but
45 I would probably be about another 5 or 10 minutes. I can
46 do it now or I can do it --

47

1 THE COMMISSIONER: What I will do is I will continue now,
2 but I will take a shortened lunch break so that everyone
3 has adequate time, given what has unfolded. So take your
4 time now, and then I will announce what time we will
5 resume.

6
7 MR GRAY: Q. I just want to turn briefly to Neiwand,
8 Strike Force Neiwand.

9 A. Shall I put this folder away?

10
11 Q. Yes, thank you. In fact, could Ms Brown have
12 volume 6, please. We've been through this briefly already,
13 but we know that the Taradale operation was in the early
14 2000s, and the Milledge Inquest was in 2003 to 2005, and
15 you are familiar with those events?

16 A. Yes.

17
18 Q. And we've covered also briefly today that in June 2012
19 there was the second Johnson inquest by Coroner Forbes,
20 which brought in --

21 A. Yes.

22
23 Q. -- the open finding, and we've looked at that?
24 A. Yes.

25
26 Q. Now, just as Ms Taylor did a case screening form for
27 the Johnson case, she also did one for the three Bondi
28 cases?

29 A. Yes.

30
31 Q. If we turn to tab 162B [NPL.0131.001.2193].
32 A. B?

33
34 Q. B for Bobby, yes. This is one that is signed by her,
35 Ms Taylor, 25 October 2012, and it is signed by Mr Lehmann
36 as coordinator on 14 August 2013.

37 A. Yes.

38
39 Q. As with the Johnson one, did you play a part in
40 working with Ms Taylor on this one and reviewing it with
41 her?

42 A. Yes.

43
44 MR GRAY: I need to tender three documents, Commissioner,
45 at this stage. They are already in the folder, but there
46 are four documents - I should interrupt myself to do this.
47 Firstly, there are three review prioritisation forms - one

1 for Mr Mattaini, one for Mr Russell, one for Mr Warren -
2 which I would tender as tabs 162C, 162D and 162E.

3
4 **EXHIBIT #6 SUPPLEMENTED BY THE ADDITION OF THREE REVIEW**
5 **PRIORITISATION FORMS - ONE FOR MR MATTAINI, ONE FOR**
6 **MR RUSSELL, ONE FOR MR WARREN - TABS 162C, 162D AND 162E**

7
8 MR GRAY: There is also, fourthly, the second statement of
9 Ms Brown, which I would tender as tab 519A.

10
11 **EXHIBIT #6 SUPPLEMENTED BY THE ADDITION OF THE SECOND**
12 **STATEMENT OF MS BROWN, TAB 519A**

13
14 MR GRAY: As I say, they are already in the tender bundle.
15 The parties have agreed non-publication orders over these
16 documents, as well as two additional redactions to
17 Ms Brown's first statement, and I hand up a short minute of
18 order, the terms of which are agreed.

19
20 THE COMMISSIONER: Yes, thank you. I have made those
21 orders. Thank you.

22
23 MR GRAY: Thank you, Commissioner.

24
25 Q. Have you got 162C there, Ms Brown?

26 A. Yes.

27
28 Q. This is the Review Prioritisation Form for
29 Mr Mattaini --

30 A. Mr Mattaini, yes.

31
32 Q. -- signed by Mr Lehmann a day or two after his
33 signature on the case screening form, namely, on 15 August
34 2013. Do you see that?

35 A. Yes.

36
37 Q. Similarly, 162D is the Review Prioritisation Form for
38 Mr Russell, signed by Mr Lehmann on 14 August. And 162E is
39 the Review Prioritisation Form for Mr Warren, signed by
40 Mr Lehmann on 14 August.

41 A. 162D doesn't have the signature of Mr Lehmann. It has
42 only got "Passage of Time". It appears to be missing.

43
44 Q. Ms Brown, we can probably help.

45 A. Oh, yes, it's up here. Yes.

46
47 Q. Okay. What I wanted to ask you first of all is, these

1 three were obviously all done either the same day or a day
2 or so apart by Mr Lehmann. Were you involved in this
3 process with these three?

4 A. I don't have any memory of being involved.

5
6 Q. Your name is not on them.

7 A. No. So if my name is not on them, I mustn't have had
8 any involvement.

9
10 Q. Just taking Mr Mattaini, the score at the end is 21,
11 which puts it in the low priority category.

12 A. Yes.

13
14 Q. You will recall the case of Mr Mattaini, by the way,
15 I assume? He is the person who --

16 A. Mr Mattaini, yes.

17
18 Q. -- went missing in 1985 --

19 A. Yes.

20
21 Q. -- and was never seen again, and seemingly the
22 disappearance wasn't reported at the time, and so the first
23 time the police really looked at it was in the Taradale
24 phase?

25 A. Yes.

26
27 Q. I think 17 years later?

28 A. Mmm-hmm.

29
30 Q. So in this form, on the second page, under
31 "Suspect" --

32 A. Second page?

33
34 Q. Yes. There is a heading "Suspect" at the top?

35 A. Yes.

36
37 Q. Out of 10, Mr Lehmann has given an assessment of 5,
38 whereas in fact, as I think you would recall, there were no
39 suspects in the case of Mr Mattaini at all; isn't that
40 right?

41 A. From memory, the suspects - from the evidence at the
42 time of the review, there was none, no.

43
44 Q. No. There were suspects, and many of them, identified
45 by Taradale in relation to the 1989 deaths of Mr Warren and
46 Mr Russell?

47 A. Yes.

- 1
2 Q. But not in relation to the 1985 disappearance of
3 Mr Mattaini?
4 A. I'd have to look at the records again.
5
6 Q. Is that your memory, though, not holding you to it, as
7 you sit here now?
8 A. Yes, from my memory.
9
10 Q. If that's right, it is a somewhat generous assessment
11 to give it 5 out of 10, would you agree?
12 A. I don't - I can't answer that because I don't - I'm
13 not aware of where Mr Lehmann has based his assessment on.
14 He may have based it on the findings of Taradale, but
15 that's just my opinion. I'm just assuming. I can't
16 comment on this.
17
18 Q. Similarly, on the next page, halfway down, under the
19 heading "Passage of time", as to whether there are
20 witnesses still around, the rating is 5, whereas there were
21 really no witnesses either, were there, in terms of what
22 happened to Mr Mattaini on the day of his disappearance,
23 other than somebody seeing him at some point on that day?
24 A. I can't comment on how Mr Lehmann came to his
25 assessment, no.
26
27 Q. For present purposes, let me just confine it to this:
28 if you look at all three of them, Mr Mattaini is rated low
29 priority, 21?
30 A. Yes.
31
32 Q. Mr Russell is rated medium priority, score of 34?
33 A. Yes.
34
35 Q. And Mr Warren is rated low priority, score of 24?
36 A. Yes.
37
38 Q. We know that Neiwand was instituted a bit more than
39 two years later, in October 2015 - do you remember we
40 looked at that briefly earlier?
41 A. Yes.
42
43 Q. Do you remember that - Neiwand was instituted in
44 October 2015?
45 A. Yes.
46
47 Q. So that seems to have happened despite the low

1 priority or, in the case of Russell, medium priority two
2 years previously, on those documents?

3 A. Yes.

4

5 Q. When you were appointed as OIC of Neiwand initially in
6 October 2015, did you know of these documents?

7 A. I would have had an awareness of the documents.

8

9 Q. So what was your understanding of the reason or
10 reasons why Neiwand was established by Mr Willing in
11 October 2015?

12 A. There must have been some media. There must have been
13 some media around the time.

14

15 Q. Looking at the documents, it doesn't seem to have been
16 a flow-on from the prioritisation, because two of them were
17 low and one of them was medium two years before.

18 A. No, but was - does the Inquiry have some information
19 about some media? There was - there was an - was it an SBS
20 documentary? Was it around that time?

21

22 Q. Yes, there was one in the wind that was understood to
23 be coming shortly or before long.

24 A. Was it around 2015?

25

26 Q. It was understood by 2015 that it would probably be on
27 the next year.

28 A. Oh, okay. That's --

29

30 Q. Is that ringing a bell with you?

31 A. That would be - yes, it would be media related.

32

33 Q. And media related in what sense? Do you mean that
34 Mr Willing would have set it up so as to get ahead of the
35 media curve?

36 A. Yes.

37

38 Q. Is that the idea?

39 A. Yes.

40

41 Q. Now, just on personnel, on the forms that the Inquiry
42 has - and I don't want to take up time with this, but
43 initially on the documents, the investigation supervisor
44 was Mr Lehmann, and the OIC was yourself?

45 A. That's correct, yes.

46

47 Q. Then by some time in 2016, by about May, perhaps

1 earlier, Mr Morgan was the investigation supervisor and
2 Mr Chebl was the OIC?

3 A. And Mr Olen - did Mr Olen have --

4

5 Q. I think he might have been called "coordinator"?

6 A. Okay, I haven't --

7

8 Q. In any event, what I want to ask you is how did it
9 come about that you bowed out and Mr Lehmann bowed out and
10 officers Morgan and Chebl took your place? Was it because,
11 as I think your statement is telling us, basically you were
12 too busy because of Macnamir?

13 A. That's correct, and I was part time and I had the knee
14 injury, and I just - it was just impossible. It was not
15 possible for me to conduct both.

16

17 Q. Could Ms Brown have volume 14, please.

18 A. From memory, Mr Lehmann may have gone off on sick
19 report by that stage.

20

21 Q. I think the evidence before the Inquiry, if this
22 assists, is that he went off on sick leave towards the end
23 of 2016, in other words, slightly later. But that may or
24 may not help you.

25 A. No.

26

27 Q. Could you have a look at tab 289, please - oh, sorry,
28 that's not the one I'm after. Just bear with me one
29 second. Just excuse me one second. I'm sorry for this
30 delay. I'm sorry, 285. My apologies. 285,
31 [NPL.0115.0004.3512]. This is an email from Mr Morgan,
32 Detective Sergeant Morgan, to a colleague of his, and it's
33 dated 26 February 2016. This is at a point where you had
34 been appointed OIC in October 2015, we're now at February
35 2016, so about four months later, and he says to his
36 colleague:

37

38 *I've been taken off the Review team here*
39 *and put with an investigation team. Our*
40 *priority job is S/F Neiwand - renewed*
41 *investigation into the three gay guys who*
42 *were believed to have been thrown from the*
43 *cliffs near Bondi during the mid-late*
44 *1980's. Apparently it is going to be*
45 *a political and media-driven hot potato*
46 *later this year, and the Boss wants to be*
47 *able to say that his squad are further*

1 *investigating the matter.*

2

3 *Why would I be surprised ...*

4

5 Do you see that?

6 A. Yes.

7

8 Q. Now, does that correspond with your understanding of
9 why Neiwand was set up?

10 A. Yes, I knew that there was some media happening, but
11 I can't remember what it was, but I knew that there was
12 media happening.

13

14 Q. And he says, Mr Morgan says, to his colleague:

15

16 *... the Boss wants to be able to say ...*

17

18 "The Boss", he told us, was Mr Willing:

19

20 *... the Boss wants to be able to say that*
21 *his squad are further investigating the*
22 *matter.*

23

24 Did you have any knowledge or understanding about that part
25 of things?

26 A. No, no.

27

28 Q. I think lastly, Ms Brown, in your second statement,
29 your supplementary statement, [SC0I.85950_0001] if you've
30 got that with you, in paragraph 5, you were talking about
31 the topic of your having been originally the OIC of
32 Neiwand, and you say:

33

34 *Initially at the creation of SF Neiwand, it*
35 *was a Management decision that I would be*
36 *the [OIC]. This was due to my involvement*
37 *and knowledge of the reward application and*
38 *subsequent reward media release as well as*
39 *my knowledge of the circumstances*
40 *surrounding the death of [Mr Russell] and*
41 *the disappearance of [Mr Warren] and*
42 *[Mr Mattaini].*

43

44 Do you see that?

45 A. Yes.

46

47 Q. Now, when you say you refer to your knowledge of the

1 circumstances surrounding Russell, Warren and Mattaini,
2 what are you referring to there? What knowledge did you
3 have of those at that time?
4 A. At the time, I had involvement with the reward
5 application, and during my investigation with Strike Force
6 Macnamir at the very start, we looked at the three deaths -
7 the two deaths and the disappearance of Mr Mattaini to see
8 if there was any crossover or linkages in the Scott Johnson
9 matter.
10
11 Q. Thank you. I thought that was probably it. In the
12 first of Ms Young's two interviews at the ABC, the one on
13 the Friday afternoon, 10 April 2015 --
14 A. Yes.
15
16 Q. -- remember you were there?
17 A. Yes.
18
19 Q. You were actually in the room and --
20 A. Yes.
21
22 Q. One of the things Ms Young said in that interview was
23 that it was part of the work of Macnamir to "put to the
24 test" some of the findings of Taradale. That was the
25 language she used "put to the test some of the findings".
26 You were there when she said that. Did that reflect your
27 understanding of what Macnamir was doing in relation to
28 Taradale, putting to the test its findings?
29 A. Well, we were putting - I wouldn't say "putting to the
30 test". I would say if there was any crossover or patterns
31 or linkages that we could establish.
32
33 Q. Was it your understanding that Neiwand, when it was
34 formed or at any time, to your knowledge, was going to take
35 a critical look at Taradale with a view to arriving at
36 different conclusions?
37 A. Can you ask that question again, sorry?
38
39 Q. Yes. Was it your understanding that Neiwand, when it
40 was formed or at any time that you knew anything about it,
41 was going to take a critical look at Taradale with a view
42 to arriving at different conclusions about the three
43 deaths --
44 A. No, I would --
45
46 Q. -- from Taradale?
47 A. Me, as the officer in charge, I would have

1 investigated it to - thoroughly without fear or favour, as
2 I did with Macnamir, and followed every line of inquiry and
3 trying to establish and identify any suspects.
4

5 Q. Now, in that regard, Taradale, as you know, had
6 identified many persons of interest?

7 A. Yes.
8

9 Q. And possible suspects. Early in 2016, in February -
10 and I can take you to this if you need it - you sent an
11 email to --

12 A. Yes, I did.
13

14 Q. -- Neiwand personnel --

15 A. Yes.
16

17 Q. -- attaching a spreadsheet of over 100 persons of
18 interest. You would remember doing that?

19 A. I have a recollection - I don't remember who's on the
20 spreadsheet. If I can be shown the spreadsheet?
21

22 Q. Okay. It is volume 14. I think it might be the
23 volume you've got there, tab 306. This is your email of
24 1 February to various people, Chebl and others, who were
25 part of Neiwand, and attaching a spreadsheet, which is at
26 306A [NPL.3000.0001.0026]. Do you recall that now?

27 A. I have a recollection.
28

29 Q. Your covering email says:

30
31 *Attached is a spreadsheet of the Taradale*
32 *suspects and victims.*
33

34 A. Mmm.
35

36 Q. You say later on in the email:

37
38 *I look forward to working with you all and*
39 *am hoping we will get a positive result for*
40 *SF Neiwand.*
41

42 A. Yes.
43

44 Q. So does that indicate that, so far as your
45 understanding was concerned, at least as at February, you
46 thought Neiwand was supposed to look again at those persons
47 of interest?

1 A. Yes.

2

3 Q. You saw that Mr Morgan's email that we just looked at
4 was sent later the same month, at the end of February. Are
5 you able to recall when it was that you bowed out of
6 Neiwand, ceased to be involved in it?

7 A. It would have been when Steve Morgan has taken over,
8 so it would have been around that time.

9

10 Q. Around that time. He is sending that email on
11 26 February, saying, "I've been put on to Neiwand." The
12 formal terms of reference with a commencement date seems to
13 be a bit later, maybe May. But is it your recollection
14 that by probably late February or soon after, you had bowed
15 out of Neiwand?

16 A. Yes.

17

18 Q. And are you aware now that, in fact, Neiwand did not
19 look at those hundred or more persons of interest at all,
20 as it turns out?

21 A. I've only become aware of that now.

22

23 Q. Recently?

24 A. Just at the Inquiry.

25

26 Q. When you became aware of that, did that surprise you?

27 A. Well, it did.

28

29 Q. Are you aware of who made the decision to go down that
30 quite different path and not look at the persons of
31 interest?

32 A. I can only speak as, like, the officer in charge.
33 Every month we would have to submit progress reports of
34 what we were doing and what we were up to, and I know with
35 Macnamir I submitted over 28 or 30, so Sergeant Morgan
36 would have submitted the progress reports of what he did,
37 and it's up to management, and that's the investigation
38 supervisor, which either would have been Mr Leggat or
39 Mr Olen, and then they would have made those decisions of
40 how - but I can't comment on why.

41

42 Q. He himself, actually, Morgan, was the investigation
43 supervisor, and another officer, Chebl, was the OIC.

44 A. Okay.

45

46 Q. But above Morgan - tell me if I'm wrong - would have
47 been the others in the UHT, such as Leggat and/or Lehmann?

1 A. Not Mr Lehmann. He was off sick.
2
3 Q. By a little later in the year, he was?
4 A. He - he may be on the records later on with the sick
5 leave, he may have - but I'm aware Mr Lehmann was - went
6 off sick, I thought it was shortly after that SBS
7 documentary.
8
9 Q. I think that's right.
10 A. From memory, yes.
11
12 Q. That puts it about October 2016, so about five or six
13 months after this?
14 A. Yes.
15
16 Q. So all I'm asking you is - and the answer seems to be
17 no - you don't know who made the decision to take this very
18 different course?
19 A. No, no.
20
21 Q. And you don't know why?
22 A. No.
23
24 MR GRAY: Those are my questions.
25
26 THE COMMISSIONER: All right. Thank you. Now, I'm
27 conscious of the time. Mr Thangaraj, as I best understand
28 it, you can't be here after 4 today?
29
30 MR THANGARAJ: No, I will be here.
31
32 THE COMMISSIONER: I'm sorry?
33
34 MR THANGARAJ: I will be here.
35
36 THE COMMISSIONER: I have been told you weren't here.
37
38 MR THANGARAJ: I'm not running the application, but I will
39 be here.
40
41 THE COMMISSIONER: I see, all right. Look, I will need to
42 have a discussion about potentially delaying the time of
43 the application. Could I ask - I'm going to do it in this
44 order: Mr Tedeschi; then you, Mr Thangaraj; Mr Glissan, if
45 he has any questions; and Ms Barnes. Could I ask if you
46 two - that is, you, Mr Thangaraj and Mr Tedeschi - have
47 a discussion. I'm going to break until 2 o'clock. I won't

1 take the full hour. Can you just have a talk among
2 yourselves as to how best to divide up that time - "that
3 time" being until at least 4 o'clock. I will then -
4 Mr Glissan, do you have any inkling at the moment as to how
5 much time you may want to spend?
6

7 MR GLISSAN: At the moment, zero, your Honour.
8

9 THE COMMISSIONER: All right. Ms Barnes?
10

11 MS BARNES: It wouldn't be very much at all.
12

13 THE COMMISSIONER: What I will do is this, gentlemen:
14 I will sit on this afternoon for a short time, but I will
15 have to discuss with the inquiry staff whether it is going
16 to be feasible to deal with the application this afternoon.
17 When I come back at 2 o'clock, I may be able to give your
18 side, Mr Thangaraj, a bit more information about that.
19 I will juggle - I would prefer to get the evidence dealt
20 with. I understand the importance of the application. So
21 why don't I just let you get away for the moment until 2,
22 to have a break, and I will say something at 2 o'clock
23 about the application. In the meantime, you can perhaps
24 talk to Mr Tedeschi and find out how best to divide at
25 least that two hours. All right. I will adjourn.
26

27 LUNCHEON ADJOURNMENT

28
29 THE COMMISSIONER: I will sit, if needs be, until half
30 past 4 to enable Ms Brown to be completed, and in the event
31 Mr Glissan or Ms Barnes have some questions, that can be
32 accommodated with the extra half hour, I would imagine.
33 Thank you.
34

35 Mr Thangaraj, could someone let Mr Wood know that he
36 need not be here at 4 o'clock.
37

38 MR THANGARAJ: Just so I understand, it is not going to be
39 dealt with today?
40

41 THE COMMISSIONER: What - the application?
42

43 MR THANGARAJ: The application, so he can be told.
44

45 THE COMMISSIONER: No, the application will be dealt with
46 at 4.30. Forgive me, I should have made it clear.
47 Mr Milner knew what I was talking about. You didn't.

1 That's all right. I will deal with the application at
2 4.30, not at 4, just to enable a bit of extra time in the
3 event that you need it or somebody needs it. All right.
4

5 **<EXAMINATION BY MR TEDESCHI:**

6
7 MR TEDESCHI: Q. Sergeant Brown, you were asked a number
8 of questions by Counsel Assisting about your involvement in
9 Strike Force Macnamir, your involvement in Strike Force
10 Neiwand and your knowledge of Strike Force Parrabell. What
11 do you say to the suggestion that the objective of any of
12 those strike forces was to seek to minimise the incidence
13 of gay hate crime?

14 A. That's not true.

15
16 Q. Whilst you were involved in Strike Force Macnamir, did
17 anybody put any pressure whatsoever on you or even make any
18 suggestions to you to suggest that you should aim away from
19 a finding of homicide or gay hate homicide?

20 A. No.

21
22 Q. Did anybody do that in relation to any of the three
23 cases as part of Strike Force Neiwand?

24 A. No.

25
26 Q. And did you hear anything or witness anything in
27 relation to Strike Force Parrabell to suggest that the
28 objective of that exercise was to minimise the true
29 incidence of gay hate homicide?

30 A. No.

31
32 Q. Thank you. Now, I'd like to ask you some questions
33 about the Lateline interview.

34 A. Mmm-hmm.

35
36 Q. Would it be correct to say that within a very short
37 time of the interview, within a matter of a couple of days,
38 you knew that there was a real controversy about the
39 interview that had been broadcast on the television?

40 A. A couple of days? No. It was weeks before I had any
41 knowledge.

42
43 Q. Weren't you told perhaps soon after that a Police
44 Media - some sort of media production had been given to
45 describe what had been said by Chief Inspector Young as
46 being inopportune?

47 A. No. It was - how many days after was that?

1
2 Q. Well, several days after, Detective Superintendent
3 Willing issued a press statement from the police, under his
4 hand, to say various things about the investigation, but it
5 included that maybe some of the statements that had been
6 made during the interview by Chief Inspector Young had been
7 inopportune, and that was the word that was used. Do you
8 remember that?
9 A. I remember that when it was - not straight after.
10
11 Q. Well, it was only a couple of --
12 A. But I remember it, yes.
13
14 MS BARNES: Sorry, your Honour, could Detective Sergeant
15 Brown maybe be shown it, then, given the date, rather than
16 a loose "several days"?
17
18 THE COMMISSIONER: She can just be told the date and asked
19 to make the assumption.
20
21 MR TEDESCHI: Q. I understand that the day after, there
22 was a press release to say that certain parts had been
23 inopportune. What do you say about that?
24 A. About the comment that --
25
26 Q. Were you aware of that?
27 A. I was aware of it.
28
29 Q. So you knew from that early stage that there was some
30 real controversy about at least some of the things that had
31 been said by Chief Inspector Young very shortly after the
32 interview?
33 A. What do you mean by "very shortly"?
34
35 Q. Well, within a couple of days.
36 A. Within a couple of days. When I came back to the
37 office, or the week after - I don't recall.
38
39 Q. Well, let's say within a week, were you aware?
40 A. Within a week.
41
42 Q. And were you aware that there were certain parts of
43 what she had said during the in-studio interview that were
44 the subject of that controversy and that it included the
45 statement that the Minister was kowtowing to the family -
46 that was part of what was said to be inopportune?
47 A. Yes.

- 1
2 Q. And the criticism of the family in public was said to
3 be the subject of some controversy; was that your
4 understanding?
5 A. Yes.
6
7 Q. Within a fairly short time, were you and Chief
8 Inspector Young issued with a directive that you were not
9 to speak to any media about the case whatsoever?
10 A. That would have - that was, from memory, a week, two
11 weeks later.
12
13 Q. So within two weeks, you knew --
14 A. Within two weeks.
15
16 Q. -- that you and Chief Inspector Young were forbidden
17 to speak to the media about the case?
18 A. Yes.
19
20 Q. And around about or shortly after that, were you told
21 that the Coroner had requested that Chief Inspector Young
22 not be engaged in any fresh inquiries in that case?
23 A. Yes, because Detective Inspector Jason Dickinson took
24 it over. That's when I became aware of that.
25
26 Q. So that was, what, within a month of the interview?
27 A. I would have to look at the dates. It would be - I'd
28 have it recorded either - it would be on e@gle.i. It would
29 be on e@gle.i or - it would be recorded on e@gle.i as --
30
31 Q. Were you aware within, say, a month of the interview
32 that Chief Inspector Young was being criticised for some of
33 the things that she had said in the interview?
34 A. Yes.
35
36 Q. And, in particular, about the Minister kowtowing?
37 A. Yes.
38
39 Q. About the criticisms of the family in public?
40 A. Yes.
41
42 Q. And about pre-empting the findings of the Coroner by
43 advancing a preference for suicide?
44 A. I don't agree with DCI Young saying that - pre-empting
45 the finding of suicide, because there were the three
46 possibilities, so I don't agree with that.
47

1 Q. Without excluding any possibility, she had clearly,
2 during the interview, highlighted the preference on the
3 evidence for suicide at that time?
4 A. At that time, it was DCI Young's opinion that the
5 evidence was angling towards that, but we hadn't finished.
6
7 Q. All right. Angling towards that at that time - was
8 she criticised for having indicated that in the interview?
9 A. Well, she was, yes.
10
11 Q. Did you feel - you were aware of those criticisms
12 within a month of the interview?
13 A. Within a month.
14
15 Q. And were you aware that there was a real controversy
16 in that Chief Inspector Young was saying that she had been
17 authorised to go online and do an on-the-record, in-studio
18 interview, whereas there were others in the Police Force
19 that were claiming that she was not so authorised?
20 A. Can you say the question again, please?
21
22 Q. Sure. Did you become aware, within that month that
23 we're talking about, that there was a difference of opinion
24 between Chief Inspector Young, who was saying, "I was
25 authorised to go in the studio and say these things ", and
26 other people in the Police Force, who were saying, "No, you
27 weren't authorised"?
28 A. DCI Young was authorised to go --
29
30 Q. No, please listen to my question.
31 A. Okay.
32
33 Q. During that month, did you become aware that there was
34 a controversy or a difference of opinion between Chief
35 Inspector Young, on the one hand, saying, "I was authorised
36 to go into the studio and do this interview and say these
37 things", on the one hand, and other persons in the Police
38 Force saying, "No, you weren't so authorised"?
39 A. Yes, there was a change in direction.
40
41 Q. You were aware of that difference of opinion?
42 A. Yes.
43
44 Q. Now, you say that you were aware of some discussions
45 prior to the interview in which some sort of approval had
46 been given; is that right?
47 A. Well, there were discussions between Mr Willing and

1 DCI Young and I on the - I can't remember what day, but it
2 was when I came back. So I had no reason to believe that
3 Mr Willing or DCI Young weren't aware.

4

5 Q. Didn't you give evidence, in answer to questions from
6 Counsel Assisting, that you had actually heard
7 Superintendent Willing saying something --

8 A. Yes.

9

10 Q. -- by way of permission --

11 A. Yes.

12

13 Q. -- to do the in-studio interview?

14 A. Well, they were talking about it. Whether - he didn't
15 say, "I permit you, Pamela", but there were discussions
16 about it.

17

18 Q. So did you immediately go to somebody senior and say,
19 "Listen, this is grossly unfair. She's been accused of
20 doing an unauthorised interview. I know that she was
21 authorised, because I overheard something" - did you go and
22 do that?

23 A. I said that to Mr Willing.

24

25 Q. You said it to Mr Willing?

26 A. (Witness nods).

27

28 Q. When did you say that?

29 A. Mr Willing called me, and I can't remember when,
30 shortly after. He called me and I was driving home,
31 because I remember it, and he was saying - he said to me he
32 did not know Pam was going to say about the kowtow, and
33 I said, "Sir", or "Boss", because I refer to him as "Boss",
34 "I was in the car when Pamela called you, and she said".

35

36 Q. So did you go to anybody else and say, "Look, this is
37 grossly unfair, this senior police officer, Detective Chief
38 Inspector Young, is being treated unfairly"?

39 A. Well, I - I said it to Mr Willing.

40

41 Q. Did you say it to anybody else?

42 A. No.

43

44 Q. You became aware that eventually, Chief Inspector
45 Young was completely taken off the case?

46 A. Yes.

47

- 1 Q. That was after permission had been requested from the
2 Coroner for her and you to go overseas to conduct some
3 inquiries; is that right?
4 A. I don't - what's --
5
- 6 Q. Did you and her wish to go overseas to conduct some
7 interviews?
8 A. There was one line of inquiry from the initial review,
9 and it was - it's from the initial review that was
10 originally conducted, and I recall - and this is just from
11 my memory. In the initial inquest, Mr Noone had disclosed
12 that Scott --
13
- 14 Q. Sorry, I don't need to know what the inquiry was. Did
15 the Coroner eventually say, "She's not to do anything
16 further on this case"?
17 A. Yes.
18
- 19 Q. And some time after that, did she go on leave?
20 A. I can't remember.
21
- 22 Q. And do you recall that at some stage she actually left
23 the Police Force?
24 A. She went off on sick leave and then, unfortunately,
25 yes, left.
26
- 27 Q. Sorry?
28 A. Unfortunately, yes.
29
- 30 Q. Were you aware that there was a civil action between
31 her and the Police Force?
32 A. No.
33
- 34 Q. You weren't aware of that?
35 A. No.
36
- 37 Q. Were you asked at any stage to give evidence in civil
38 proceedings or to do a statement in civil proceedings?
39 A. No, I wasn't aware - I wasn't aware.
40
- 41 Q. Here you were in possession of information about what
42 you say was relevant to the authorisation of Ms Young to do
43 the interview, and you were never asked --
44 A. I was never asked.
45
- 46 Q. You received a letter in relation to this Inquiry and
47 providing a statement?

1 A. Yes.
2
3 Q. And you were asked certain questions in that letter,
4 to address them in your statement?
5 A. Yes.
6
7 Q. And you were asked to address the circumstances in
8 which the Lateline interview came to take place?
9 A. Yes.
10
11 Q. Were you also asked about the pre-recording interview
12 on 10 April? Were you asked questions about that?
13 A. Yes.
14
15 Q. And you were asked questions about the provision of
16 Pamela Young's statement to Emma Alberici?
17 A. Yes.
18
19 Q. And questions like that - all of those questions. You
20 realised from that letter from the Inquiry that one of the
21 issues that the Inquiry was looking into was to what degree
22 Pamela Young was authorised to have contact with media?
23 A. Yes.
24
25 Q. You knew that that was a central issue that you were
26 asked --
27 A. It was a question I was asked.
28
29 Q. Now, in your statement that you prepared and signed on
30 the 19th of last month, you refer to the fact that you, on
31 17 February, printed a copy of DCI Young's statement?
32 A. Yes.
33
34 Q. You don't mention there that in fact you had been
35 present at the meeting on 30 January, but that is referred
36 to in your police diary, isn't it?
37 A. In preparation of DCI Young's statement?
38
39 Q. Sorry, could I take you to paragraph 19,
40 [SC0I.85747_0001]. You refer to 30 January 2015 in
41 paragraph 19?
42 A. Yes.
43
44 Q. You attended a backgrounding meeting with DCI Young
45 and Emma Alberici?
46 A. Yes.
47

- 1 Q. Was that the first meeting that you and Inspector
2 Young had had with Emma Alberici?
3 A. Yes.
4
- 5 Q. And in fact, that's referred to in your police diary?
6 A. Yes.
7
- 8 Q. Could I take you to that entry on 30 January 2015. If
9 that could be brought up?
10 A. Yes.
11
- 12 Q. It says:
13
14 *On duty UHT. Review team, attend to inside*
15 *duties, prepare for staff interview with*
16 *[a named person] for UHT position. Attend*
17 *interview. ... so engaged.*
18
- 19 Then you say:
20
21 *Out of office, catch train to SPC to meet*
22 *DCI Young Re: meeting for [Strike Force]*
23 *Macnamir, meal break taken 12.30-1pm in the*
24 *city.*
25
- 26 Right?
27 A. Yes.
28
- 29 Q.
30 *Meet with ABC Journalist Emma Alberici re:*
31 *Media Strategy to balance reporting of*
32 *[Strike Force] Macnamir, so engaged.*
33
- 34 I think it says "FIF 4pm"?
35 A. Yes, finish in the field.
36
- 37 Q. Finish in the field, 4pm. Do you recall now that, in
38 fact, you didn't take a meal break before seeing Emma
39 Alberici; you actually had lunch with Emma Alberici?
40 A. Oh, well, yes, but that would have been a meal break.
41
- 42 Q. Do you remember that you had lunch with Emma Alberici?
43 A. Yes.
44
- 45 Q. The whole interview took a lot more than just half an
46 hour, didn't it?
47 A. I only ate for half an hour.

- 1
2 Q. Sorry?
3 A. Yes, we only had lunch and then we - so I would have
4 eaten for half an hour.
5
6 Q. You had an extensive lunch in the city with Emma
7 Alberici, is that right, you and DCI Young?
8 A. I would - yes.
9
10 Q. So your meeting with Emma Alberici was over lunch; is
11 that right?
12 A. Yes.
13
14 Q. Did you in fact meet with Emma Alberici until 4pm?
15 A. I can't remember.
16
17 Q. Do you recall what you did in the afternoon after
18 meeting with Emma Alberici?
19 A. I can't remember.
20
21 Q. Do you recall when this was written, this entry?
22 A. Either the day, on that day, or when I was back on the
23 Sunday, if I'd taken my duty book with me or not. I can't
24 recall.
25
26 Q. Your next day on duty was the Sunday, two days later?
27 A. Yes.
28
29 Q. You might have done it then?
30 A. I may have done it then.
31
32 Q. Well, would you go back from the city to the police
33 station just to fill out your duty book?
34 A. I would have gone back to - on occasions, I would have
35 gone back to SPC to check emails or --
36
37 Q. Your duty book wasn't there, was it?
38 A. But it might have been in my handbag.
39
40 Q. If you had it in your handbag - do you normally carry
41 your duty book in your handbag?
42 A. Well, it depends. Sometimes I did, sometimes
43 I didn't. It just depended.
44
45 Q. Could you explain to the Commissioner what the purpose
46 of a duty book is?
47 A. The duty book is to record your activities, of what

1 you did on that particular day.
2
3 Q. It is not to record conversations or experiences or
4 things that you've witnessed, is it?
5 A. No, it's just a brief summary or - you put in there,
6 like, something that you think may be controversial.
7
8 Q. The purpose of a duty book is to show what hours you
9 are actually working and what you're doing during that
10 time, isn't it?
11 A. That's correct, and to record items of --
12
13 Q. Sorry?
14 A. To record specific incidents that may - you may need
15 to remind you, to trigger your memory.
16
17 Q. Going back to your statement, the only reference to
18 what happened on 30 January is in paragraph 19, isn't it,
19 that this was a background meeting?
20 A. Yes.
21
22 Q. There is nothing there about whether or not it was
23 with or without permission, is there?
24 A. No.
25
26 Q. You went on leave - you then printed the 445-page
27 statement on 17 February. There's nothing in your
28 statement about whether the giving of that statement to
29 Emma Alberici was with or without permission, is there?
30 A. No.
31
32 Q. Your next activity involving the Lateline program was
33 on 10 April 2015; is that right?
34 A. That's right.
35
36 Q. Have you had an opportunity to read the transcript of
37 that interview?
38 A. Yes.
39
40 Q. And would you agree that it was an interview in which
41 Emma Alberici made a number of suggestions to DCI Young
42 about what she should say and how she should say it, and
43 there was discussion between them about how to present in
44 the best possible light?
45 A. I recall from reading the transcript, yes.
46
47 Q. Do you recall Chief Inspector Young saying things

1 about the family, criticisms of the Johnson family?

2 A. You'd have to show me the transcript.

3

4 Q. Did she say anything about the Minister during that
5 interview, do you remember?

6 A. I don't remember.

7

8 Q. Again, in your statement, there's nothing at all about
9 whether that interview was done with permission or without
10 permission, is there?

11 A. No, but I'm assuming it would have been done with
12 permission.

13

14 Q. Just answer my question, please. Is there the
15 slightest skerrick of material in your statement about
16 whether the interview on 10 April 2015 was with or without
17 permission?

18 A. No.

19

20 Q. Now, the next occurrence was on 13 April 2015, the
21 actual interview itself and obviously the decision by the
22 Coroner to hold the third inquest. Could I take you,
23 please, to your diary entry for that day:

24

25 *Travel to Glebe Coroners Court via train,*
26 *so engaged. Attend Glebe Coroners Court*
27 *[Strike Force] Macnamir, so engaged. Meal*
28 *break taken 1pm to 1.30pm.*

29

30 I would ask you to accept the correctness of what Counsel
31 Assisting suggested to you, that the Coroner made his
32 decision and was off the bench some time between 12 and
33 12.30 on that day. Do you recall immediately going into
34 a room and speaking to Sarah Pritchard about what had
35 happened?

36 A. Not immediately. I recall going into the room.

37

38 Q. Would it be correct to say that you went and saw Sarah
39 Pritchard before you had lunch on that day?

40 A. I can't remember.

41

42 Q. Is that a possibility?

43 A. I can't remember.

44

45 Q. Do you recall how long you spent with Sarah Pritchard?

46 A. I recall that it was for some time, but the specific
47 amount of time I don't remember.

- 1
2 Q. And what topics were you discussing?
3 A. The coronial - it bore relation to the coronial
4 inquest.
5
6 Q. The inquest that had just been ordered that day?
7 A. Yes.
8
9 Q. Did you have lunch between 1 and 1.30pm, as recorded
10 in your diary?
11 A. It says I did, so I would have.
12
13 Q. Did you then go with DCI Young outside and find that
14 there was only one journalist there?
15 A. I recall going outside and there was - there wasn't -
16 there was not many journalists there, from - compared to
17 the morning, where there was a lot. But the specific -
18 I don't know how many. I can't remember.
19
20 Q. Was there in fact only one cameraman there?
21 A. I can't remember.
22
23 Q. Do you recall seeing video image on the news that
24 night showing you and DCI Young walking away from the court
25 that afternoon?
26 A. I didn't see the image of me walking away. I remember
27 getting a lot of messages asking, but I didn't see the
28 news.
29
30 Q. If court didn't resume that afternoon, you would have
31 no particular reason to remain there if you had already
32 spoken to Sarah Pritchard before lunch, would you?
33 A. I can't remember - no, there's a police room at the
34 Coroners Court.
35
36 Q. Would you have any reason to remain after lunch if you
37 had already spoken to Sarah Pritchard?
38 A. There would be reasons to remain, because you go into
39 the police room and you access your computer and you
40 conduct inquiries from the Coroners Court.
41
42 Q. That's not what you have in your diary, is it? What
43 you have written is "Resume court duties"?
44 A. Duties.
45
46 Q. What does "court duties" mean?
47 A. Well, it would mean duties in relation to the inquest,

1 which is Strike Force Macnamir - -
2
3 Q. It doesn't say that, does it? It doesn't say "Resume
4 investigations" --
5 A. No.
6
7 Q. -- or "Resume Strike Force Macnamir". It says "Resume
8 court duties".
9 A. Court duties. It does say that.
10
11 Q. What does "court duties" mean?
12 A. Well, that would mean duties in relation to the
13 finding - not the finding, the inquest, like the third
14 hearing, the third inquest.
15
16 Q. So what did you have to do because of that finding, at
17 court?
18 A. From memory, a situation report or a - like a sit rep.
19 That would have --
20
21 Q. What's that?
22 A. A situation report.
23
24 Q. What's that?
25 A. A situation report? How the coronial matter has -
26 a third inquest has been awarded.
27
28 Q. So what do you think you were doing between 1.30pm,
29 when you finished lunch, and around 5pm, when the call
30 between DCI Young and Superintendent Willing took place in
31 the car?
32 A. I can't remember, but it would have been duties. But
33 I can't - I can't remember back then.
34
35 Q. The only reference in your diary to what you were
36 doing is "court duties"; is that right?
37 A. That's right.
38
39 Q. Between 1.30 and a short time before 5pm; correct?
40 A. Correct.
41
42 Q. Now, if you didn't have your diary with you at the
43 time, you would have filled in this diary entry for
44 13 April, when you next went to work on the 16th, three
45 days later?
46 A. That's correct.
47

1 Q. Three days later, did you - is there every real
2 possibility that you did the entry for the 13th on the
3 16th?
4 A. Yes, there is a possibility I did that.
5
6 Q. So, going back to your statement, you refer in
7 paragraph 25 to the telephone call between Mr Willing and
8 Ms Young?
9 A. Yes.
10
11 Q. Going back to your diary, you have written in there
12 all that you recall of what happened during that phone
13 call?
14 A. Well, what I recall that would be controversial.
15
16 Q. Do you remember anything else about that phone call at
17 this time?
18 A. At this time, I remember DCI Young informing
19 Mr Willing that we were on the way to the ABC studios to
20 conduct - she was going to conduct the interview with the
21 journalist.
22
23 Q. Apart from what's in this diary entry, do you have any
24 other memory of that conversation?
25 A. Oh, without the diary entry? Yes, I recall.
26
27 Q. Apart from that?
28 A. No - apart from the diary entry?
29
30 Q. Yes.
31 A. Do I recall the conversation?
32
33 Q. Do you recall anything else in the conversation?
34 A. No.
35
36 Q. You were asked by Counsel Assisting what response
37 Mr Willing had, and you said it was "supportive"?
38 A. Yes.
39
40 Q. What do you say to this suggestion, that his only
41 reaction was to laugh?
42 A. I can't remember that.
43
44 Q. If that happened, if in fact he laughed when that was
45 suggested, what's your view about whether or not that is
46 supportive of what she was saying?
47 A. Of him laughing?

1
2 Q. Him laughing at the suggestion that she was going to
3 say on the record, on national television, that the Police
4 Minister at the time had kowtowed to the family? Do you
5 think that was supportive?
6 A. Well, yes.
7
8 Q. Do you think, in retrospect, that he might have
9 thought that it was a joke?
10 A. No.
11
12 Q. No?
13 A. No.
14
15 Q. Had you ever before heard any police officer on
16 national television criticising the Police Minister for
17 unduly favouring a family in a situation like that?
18 A. No, this is the first time.
19
20 Q. First time in your career?
21 A. In --
22
23 Q. Before or since?
24 A. Well, that I know of.
25
26 Q. It's a highly unusual thing for a police officer to
27 criticise the Police Minister, isn't it?
28 A. The Police Minister? Yes. But it was DCI Young's
29 opinion from the meeting that she had with the Police
30 Minister at the time and Mr Steve Johnson --
31
32 Q. I'm not suggesting that nobody thought that the
33 Minister was not kowtowing to the family. What I'm
34 suggesting to you is that if that was said by Chief
35 Inspector Young on the phone call, and if Mr Willing
36 responded by laughing, I want to ask you about whether it
37 seemed to you at the time that he was treating it as
38 a joke?
39 A. No.
40
41 Q. Is that a possibility?
42 A. No.
43
44 Q. In any event, going back to your statement, do you
45 agree that apart from your reference to this phone call,
46 there is nothing in your statement to indicate whether
47 Pamela Young had permission or no permission to go into the

1 studio on Lateline and do this on-the-record interview. Do
2 you agree?
3 A. Can you rephrase the question again?
4
5 Q. Sure. Do you agree that apart from what you have
6 written about this phone call in the car on the 13th, there
7 is nothing in your statement to indicate whether or not
8 Chief Inspector Young had permission to go into the studio
9 and do an on-the-record interview on Lateline? Do you
10 agree?
11 A. Well, I've got in my statement here that DCI Young was
12 a commissioned officer, who was cognisant of there being
13 a hierarchy to how decisions were determined. So she would
14 never have gone --
15
16 Q. No, that's not what I asked you. Do you agree that
17 there is not a word in this statement, apart from that
18 phone call, to indicate whether or not Chief Inspector
19 Young had permission to give that interview?
20 A. I agree there's nothing in this statement.
21
22 Q. So here you are, having known from a month out from
23 the interview that there was this major issue between Chief
24 Inspector Young saying she had permission and a number of
25 other people saying she didn't, knowing that she had been
26 taken off the case, she had left the Police Force - you
27 must have had contact with her after she left the Police
28 Force?
29 A. Yes.
30
31 Q. Would it be correct to say that she was extremely
32 bitter about the circumstances in which she had left the
33 Police Force?
34 A. She was extremely disappointed.
35
36 Q. Was she bitter against Mr Willing?
37 A. She was disappointed.
38
39 Q. Was she disappointed because she claimed that she had
40 been treated unfairly by Mr Willing?
41 A. Yes.
42
43 Q. Did she tell you, "I had permission, and he has said
44 that I didn't", or words to that effect?
45 A. Well, I knew that she - we had conversations --
46
47 Q. Did she say that to you after she left the Police

1 Force?
2 A. I have no recollection, but I knew she had permission.
3
4 Q. That's not something you discussed with her?
5 A. I can't remember.
6
7 Q. Have you had a lot of social contact with her since
8 she left the Police Force?
9 A. Yes.
10
11 Q. A lot?
12 A. Oh, some, not a lot.
13
14 Q. Are you friends?
15 A. Yes.
16
17 Q. And have you discussed the circumstances in which she
18 claims to have been dealt with unfairly?
19 A. Well, we don't need to discuss it, because I was
20 there, part of it.
21
22 Q. So I suggest to you that the absence of any reference
23 in your statement to her having permission to do this
24 interview is because she did not have permission either
25 from Mr Willing or from the Police Media Unit to do an
26 in-studio on-the-record interview in the way that she did?
27 A. No, it's my knowledge she had permission.
28
29 Q. Were you aware that her bosses were not aware of the
30 January 30th meeting with Emma Alberici?
31 A. No.
32
33 Q. Were you aware that they were not aware of the fact
34 that she had given Emma Alberici a copy of her statement in
35 February?
36 A. No.
37
38 Q. Were you aware that they were not aware that on
39 10 April she had given an in-studio interview that had been
40 recorded either by audio or by video?
41 A. No.
42
43 Q. The telephone call that you have told us about in the
44 car - were you seated in the front passenger seat?
45 A. On the way from the Coroners Court to the ABC studio?
46 Yes.
47

- 1 Q. And I take it that Chief Inspector Young was driving?
2 A. She was driving.
3
4 Q. Whose phone was it that was being used at the time?
5 A. DCI Young's.
6
7 Q. Was that call recorded?
8 A. I have no idea.
9
10 Q. Did you record it?
11 A. No.
12
13 Q. Did you see Chief Inspector Young do anything to
14 record it?
15 A. No.
16
17 Q. Did anybody say anything to you afterwards, including
18 Chief Inspector Young, about whether or not it was
19 recorded?
20 A. No.
21
22 Q. Did she at any time tell you, "I have that call
23 recorded"?
24 A. No.
25
26 Q. If it was recorded, it would be a particularly
27 important call, wouldn't it?
28 A. It would be.
29
30 Q. Could I take you to another entry in your diary, this
31 time for 21 April. You record on that day your meal break
32 was from 1 to 1.30, and then you say:
33
34 *Meet with Commander Willing & DCI Young Re:*
35 *media & [Strike Force] Macnamir, so*
36 *engaged. Off duty 3.30pm.*
37
38 A. Yes.
39
40 Q. Do you recall what that was about?
41 A. No. I'd have to look at e@gle.i, because there would
42 have been an entry made on e@gle.i.
43
44 Q. Do you recall anything about it?
45 A. No.
46
47 Q. And you have recorded in your diary that on the

1 following day - I think it is a non-work day; is that
2 right?
3 A. That's correct.
4
5 Q. Is that what "NWD" means?
6 A. Non-work day; that's correct.
7
8 Q.
9 *... received call from DCI Young @ home*
10 *advising of Direction from*
11 *Commander Willing re no contact with any*
12 *media reporter or otherwise.*
13
14 A. That's correct.
15
16 Q. Did you discuss on the phone with her why that might
17 have been?
18 A. I can't remember, but it was - obviously it would be
19 about Lateline, but I can't remember why.
20
21 MR TEDESCHI: Yes, thank you.
22
23 THE COMMISSIONER: Yes, Mr Thangaraj.
24
25 **<EXAMINATION BY MR THANGARAJ:**
26
27 MR THANGARAJ: Q. Sergeant, I just want to ask you some
28 questions about what you either told Police Media or
29 Mr Willing or what you understood had been told to Police
30 Media or Mr Willing.
31 A. (Witness nods).
32
33 Q. So when I use the word "them" in the next series of
34 questions, you will understand that's who I'm talking
35 about. All right? And if at any time your answer is
36 different from Mr Willing as opposed to Police Media, then
37 you let us know.
38 A. Okay.
39
40 Q. All right?
41 A. Yes.
42
43 Q. In January 2015, did you tell them that you and
44 Ms Young were canvassing for journalists?
45 A. No, because that's not my authority. I'm a Sergeant.
46 So anything with media is Inspector or above.
47

1 Q. Do I take it that - well, we'll go on. Was it ever
2 brought to the attention of Police Media or Mr Willing, to
3 your knowledge, that you knew Ms Alberici personally?
4 A. I can't remember. What do you mean?
5
6 Q. Well, was it ever raised with them that there was
7 a possibility of a conflict because you had this --
8 A. I knew of --
9
10 Q. -- personal relationship with her?
11 A. Well, I just knew of her through --
12
13 Q. No, no, we understand that you knew her.
14 A. Yes, but I wouldn't say --
15
16 Q. I'm just saying was there any --
17 A. No. There was no need.
18
19 Q. Did you tell Mr Willing or Police Media that you -
20 sorry, when I say did you tell them, I'm talking about did
21 you tell them at the time, right, so not spoken to them
22 years later - did you tell Mr Willing or Police Media that
23 you introduced Ms Young to Ms Alberici over lunch in
24 January 2015?
25 A. I have no memory, no.
26
27 Q. Now, you did not tell Police Media or Mr Willing that
28 you printed the Young statement in February 2015, did you?
29 A. No. No memory, no, not - I wouldn't have told Media.
30 Maybe Mr Willing, but I don't have any memory of that, no.
31
32 Q. You specifically addressed the issue of printing in
33 your statement at paragraphs 14 and 15?
34 A. Yes.
35
36 Q. And you specifically addressed the purpose of
37 printing?
38 A. Yes.
39
40 Q. By this stage, Ms Alberici had passed the first test
41 of Ms Young's approval, is that the case, at the lunch?
42 A. Yes.
43
44 Q. And that's why you were, at Ms Young's request or
45 direction, printing out the statement, so it could be
46 provided to Ms Alberici?
47 A. If - yes, if Ms Young chose to decide to give it to

1 her at the time that I was off work, that's why I was
2 printing - Ms Young asked me to print the statement out.

3
4 Q. You don't suggest there, do you, that Mr Willing had
5 any knowledge of the statement being provided to
6 Ms Alberici? You don't say that in your statement?

7 A. No.

8

9 Q. You have told us a number of times that Ms Young would
10 only do things with approval, and you have referred to
11 paragraph 3 of your statement?

12 A. Yes.

13

14 Q. Now, you have an understanding - you had an
15 understanding, did you, of who could approve certain
16 things?

17 A. I had an understanding it would have been from
18 Mr Willing.

19

20 Q. Sorry, I'm talking about - how did you know who within
21 the organisation could approve certain things? Did you not
22 know or did you know when you were specifically told or did
23 you know because Ms Young told you or something else?

24 A. Oh, no, you know because there's a media policy and -
25 yeah, and I knew my rank had no - I had no authority.

26

27 Q. I accept that. I'm not suggesting for one moment you
28 had authority to permit any of this activity?

29 A. Yes.

30

31 Q. I'm not saying that. And, of course, you are dealing
32 with someone who is your superior, Ms Young?

33 A. Yes.

34

35 Q. Don't worry, I'm not suggesting that. But you were
36 familiar - you understood the media policy at the time,
37 didn't you?

38 A. Yes.

39

40 Q. To your knowledge, was any approval sought for the
41 statement to be given to Ms Alberici?

42 A. To my knowledge?

43

44 Q. Yes.

45 A. No.

46

47 Q. And you accept that you and Ms Young could not give

1 that statement to journalists of your choosing without
2 approval - that is, you couldn't approve it yourself; you
3 agree with that?

4 A. I couldn't approve it, no.

5

6 Q. And because you knew the media policy, you knew that
7 Ms Young did not have authority to provide her coronial
8 statement to a journalist of her choosing, did she, by
9 herself?

10 A. I wasn't aware of that particular in relation to media
11 and journalists, because Inspectors at Homicide spoke to
12 journalists all the time, not just Pamela Young, but they
13 all did.

14

15 Q. Of course. But you will agree there is a difference
16 between speaking to a journalist and providing them with
17 this particular statement that was at that stage - sorry,
18 did you understand the police - you understood that the
19 police were seeking non-publication orders in relation to
20 that statement, didn't you?

21 A. Yes.

22

23 Q. And you knew that at the time that you printed the
24 document?

25 A. Yes, that's --

26

27 Q. So you knew, didn't you, that that meant that the two
28 of you could not hand over that statement to journalists of
29 your choosing without approval?

30 A. I don't understand the question.

31

32 Q. You knew that police were seeking non-publication
33 orders in relation to that statement?

34 A. Yes.

35

36 Q. And there were specific reasons and different reasons
37 why that was the case; right?

38 A. Yes, yes.

39

40 Q. Including safety issues for people?

41 A. Yes.

42

43 Q. You accept, don't you, that you and Pam Young did not
44 have authority within yourselves to provide that statement
45 to Ms Alberici in February 2015?

46 A. I can only speak for myself, that I didn't have
47 authority. I can't speak for DCI Young.

1
2 Q. Did you believe that she had the authority to do that?
3 A. Just from experience of other DCIs in the homicide
4 office, I know that they've provided statements on previous
5 occasions. But I didn't have authority.
6
7 Q. There are some statements which are uncontroversial,
8 aren't there; right?
9 A. Well, I would say all - all statements in homicides
10 could be controversial.
11
12 Q. Are you saying - I'm just asking you, are you saying
13 that Ms Young had authority in - sorry, that Ms Young could
14 decide for herself, in February 2015, whether or not that
15 statement could be given to a journalist of her choosing?
16 A. Not for herself, no. She would have had - management
17 would have had - would have had some knowledge of that.
18
19 Q. So you agree that someone above Ms Young or someone in
20 Police Media had to give that approval for the statement to
21 be provided to Ms Alberici?
22 A. I'm not sure about Police Media, but it would be
23 someone above Ms Young.
24
25 Q. So what role did you understand Police Media played
26 with respect to approvals?
27 A. That was - it's out of my - I was never part of any of
28 their discussions.
29
30 Q. I thought you told us a moment ago that you were
31 familiar with the media policy at that time?
32 A. I'm familiar with the media policy, but I was not
33 involved in any of the media discussions with DCI Young and
34 Mr Willing and the Media Unit. I wasn't involved in any of
35 those discussions at all.
36
37 Q. Did you have any understanding of what approval needed
38 to be signed off by Strath Gordon?
39 A. No.
40
41 Q. So if Ms Young told you that she had approval for
42 something, did you just accept it?
43 A. Yes.
44
45 Q. The printing of the statement was for the preparation
46 of the Lateline interview, wasn't it, even back as far
47 as February?

1 A. No, not that I'm --

2

3 Q. Let's go to your statement [SCOI.85747_0001]. In
4 paragraph 20, you say:

5

6 *The only other involvement I had in the*
7 *preparation for the Lateline interview was*
8 *the printing of DCI Young's statement as*
9 *referred to above in paragraphs 11-13.*

10

11 So you agree, don't you, that the purpose of printing the
12 statement to be provided to Ms Alberici was preparation for
13 the Lateline interview?

14 A. It became - that's what it became when she got the
15 authority - the approval to go on Lateline.

16

17 Q. That's not what you say in paragraph 20, is it?

18 A. What do you mean? I don't understand.

19

20 Q. In paragraph 20, you are saying that the reason you
21 printed out the statement was for the preparation for the
22 Lateline interview?

23

24 MR GLISSAN: I object.

25

26 THE COMMISSIONER: I don't think that's what it says,
27 Mr Thangaraj, does it? I mean, there is an assumption.
28 I won't stop you putting it, but I'm not quite sure that's
29 what it does say.

30

31 MR THANGARAJ: Q. When you wrote in your statement
32 "preparation for the Lateline interview", what did you
33 mean?

34 A. Well, that's the - the preparation - that was the
35 question that was asked, "preparation for Lateline
36 interview", so I was addressing the question that the
37 Inquiry had asked of me.

38

39 Q. The statement was given to Ms Alberici so she could
40 read it?

41 A. That's correct.

42

43 Q. What do you mean when you say:

44

45 *The only other involvement I had in the*
46 *preparation for the Lateline interview was*
47 *the printing of [the] statement ...*

1
2 I'm particularly interested in the word "preparation".
3 A. I'm answering the question that was posed to me from
4 the Inquiry as to what was my --
5
6 Q. I appreciate that you are answering questions, but
7 what did you mean? It's your sentence. What did you mean
8 by --
9 A. That's the only involvement I had, was I printed up
10 the statement at the request of DCI Young on that
11 particular day.
12
13 Q. For what purpose?
14 A. For the purpose of - that particular day was to - for
15 her to give it to Emma Alberici.
16
17 Q. So are you saying that the purpose of printing the
18 statement had nothing to do with preparing for the Lateline
19 interview?
20 A. Well, it was to give it to Emma Alberici.
21
22 Q. Yes.
23 A. And then subsequently it became a Lateline interview.
24
25 Q. When was the agreement reached that Ms Young would go
26 on the record in this studio interview?
27 A. I don't know. I wasn't in - had any involvement in
28 that at all.
29
30 Q. On 10 April, when the two of you were with
31 Ms Alberici, what was the purpose of that?
32 A. It's my understanding the purpose of that was to
33 prepare for the Lateline interview to be conducted if the
34 third inquest was going to be granted.
35
36 Q. Did you regard that as backgrounding?
37 A. Well, I put it in there after learning about the
38 backgrounding from the information that I've received from
39 the Inquiry and - so that was the term that they were
40 referring to.
41
42 Q. But you wouldn't have used - you wouldn't have said
43 that, "On 30 January 2015 and 10 April 2015, I attended
44 backgrounding meetings with DCI Young and Ms Alberici",
45 unless you believed that?
46 A. Well, that's what the - the technical term it was
47 called.

- 1
2 Q. I understand that. But you are describing both the
3 30 January meeting and the 10 April 2015 meeting in the
4 same way, aren't you?
5 A. No.
6
7 Q. You are not? You say:
8
9 *On 30 January 2015 and 10 April 2015,*
10 *I attended backgrounding meetings with DCI*
11 *Young and [Ms] Alberici.*
12
13 A. No. Well, they're - 30 January was the initial
14 meeting for Pamela [sic] to meet with DCI Young [sic],
15 because with the media that was happening, we needed to -
16 as I said earlier, was to clarify and correct some of the
17 information that was in the media at the time, prior to the
18 Lateline interview, and also to reassure the community,
19 because there was a lot of fear that could have been
20 happening as a result in the community.
21
22 Q. Those objectives were also sought to be achieved with
23 Dan Box and The Australian, weren't they?
24 A. I wasn't - I --
25
26 Q. Well, you were there. You were at the Dan Box
27 meeting, weren't you?
28 A. On that - only on that Friday, yes. That's the first
29 time ever that I was --
30
31 Q. The objectives in relation to community fear --
32 A. Yes.
33
34 Q. -- and what else you have told us - the objectives
35 with Dan Box were the same as they were with Emma Alberici,
36 weren't they?
37 A. They were, but it's my understanding he chose not to
38 go ahead.
39
40 Q. But my point is that there was never an agreement made
41 with Dan Box for a sit-down on-the-record interview with
42 him, was there?
43 A. We sat down with him on the Friday.
44
45 Q. Yes. That's not the question. There was never an
46 agreement with Dan Box for an on-the-record interview with
47 Ms Young, was there?

1 A. I wasn't privy to that information. I can't answer.
2
3 Q. To your knowledge, there was never an agreement for an
4 on-the-record interview with Dan Box, was there?
5 A. Well, no, I wasn't --
6
7 Q. Well, you were there on the 10th?
8 A. We sat down and spoke with him.
9
10 Q. I know that. The whole purpose of sitting down and
11 speaking to him was to influence the way that he would
12 cover this issue; right?
13 A. No, not at all.
14
15 Q. I don't mean that in a --
16 A. But that's not true.
17
18 Q. I don't mean that in a dishonest way. The point of
19 seeking backgrounding, the point of balancing out coverage,
20 is you give a journalist background material so they have
21 a different perspective, they're fully informed; do you
22 agree with that?
23 A. He was given the same information - it's my
24 understanding he was given the same information as Emma
25 Alberici.
26
27 Q. Sorry, what do you mean, your understanding? You were
28 there.
29 A. But I'm - the statement.
30
31 Q. Okay. But was he told that the Minister was kowtowing
32 to the Johnson family?
33 A. In uncertain terms, he was, because Pamela didn't make
34 it a secret.
35
36 Q. Sorry, in what terms?
37 A. Well, I can't recall if she said exactly he
38 "kowtowed", but it was no secret. Pamela Young made it
39 quite - was - let everybody know. Like, it was - it wasn't
40 a secret. Her thoughts weren't a secret.
41
42 Q. So you're saying, are you - sorry, firstly, whether
43 her thoughts were a secret within police is not what I'm
44 asking about. I'm talking about the communications with
45 the journalists. Are you saying that she was not under any
46 obligation with Ms Alberici to keep things from Dan Box?
47 A. I didn't have any knowledge of that. I didn't have

1 any knowledge of that.

2

3 Q. After 10 April 2015, to your knowledge, neither Police
4 Media nor Mr Willing were told that Ms Young had recorded
5 an interview on 10 April; is that correct?

6 A. Yes, not to my knowledge.

7

8 Q. Was there any discussion with Ms Young about having
9 a Media Liaison Officer present on 10 April?

10 A. I wasn't involved in any of those discussions, no.

11

12 Q. Did you understand that if a police officer was having
13 a recorded conversation with a journalist, a Media Liaison
14 Officer was expected to be there?

15 A. No.

16

17 Q. Did you tell Police Media or Mr Willing that Ms Young
18 would be having a studio interview if the statement was
19 released?

20 A. No.

21

22 Q. Did you understand that the purpose of meeting with
23 Mr Box and Ms Alberici was backgrounding? I see that you
24 say that you had never heard of that term before these
25 proceedings, but whether you knew that term or not, did you
26 understand the purpose for Ms Young to go and speak to
27 these journalists was to have them provide balanced
28 reporting and put another side to the story, in the face of
29 the media being generated by the Johnson family?

30 A. It was my understanding that the purpose was to
31 correct and clarify the information that was being
32 expressed in the media by the Johnson family and his team.

33

34 Q. Yes, that's right, and that could be done by the
35 journalist saying those sorts of things; right? It doesn't
36 require an interview for the journalist to say that. Do
37 you agree with that?

38 A. No, because this matter was very complex, and the
39 first statement was 400 or more pages, and it was a complex
40 investigation. So I don't understand your question.

41

42 Q. You're saying that you weren't involved in the media
43 strategy and the thinking behind the strategy?

44 A. No, but that was my understanding from discussions
45 with DCI Young and Mr Willing, that it was to correct and
46 clarify the information that was being reported in the
47 community and to reassure the public.

1
2 Q. Did you understand that a studio interview required
3 the presence of a Media Liaison Officer?
4 A. No, not at all.
5
6 Q. Did you know that approval for a studio interview
7 could only be given by Strath Gordon or above?
8 A. No.
9
10 Q. Did you know that approval for a studio interview
11 could not be granted by Mr Willing?
12 A. No.
13
14 Q. But you're saying if that was the policy, your
15 understanding is that Ms Young would have known that?
16 A. Yes. Ms Young was quite familiar with the media and
17 had done many, many interviews prior to this one.
18
19 Q. You were with Ms Young when she met with Mr Box on the
20 10th?
21 A. Yes.
22
23 Q. You were with her at the ABC studios on the 10th;
24 right?
25 A. When we went with Mr Box to the ABC studios?
26
27 Q. No, no, this is the second time - you were present
28 with Mr Box on the 10th?
29 A. Yes.
30
31 Q. You were present at Lateline on the 10th?
32 A. Yes.
33
34 Q. You were present at the Glebe Coroners Court?
35 A. Yes.
36
37 Q. You were present when she was interviewed there?
38 A. Yes.
39
40 Q. And you were present at Lateline on the 13th?
41 A. Yes.
42
43 Q. You never communicated with Police Media or Mr Willing
44 in relation to any of those interviews with Ms Alberici
45 prior to the phone call on the 13th; is that what you are
46 saying?
47 A. Yes, no, because it's not my authority.

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Q. You are agreeing with me?

A. Yes.

Q. Ms Young never told you, did she, that she had communicated with Police Media or Mr Willing in relation to any of those interviews before they took place?

A. I disagree. She would have told me.

Q. When you say she "would have", you don't - firstly, let's do it step by step. You don't have a memory of her telling you, "I have just spoken to Police Media" or "Mr Willing" about any of these interviews?

A. No, I don't have a memory.

Q. And you don't refer to - you don't suggest any such conversation in your statement?

A. No.

Q. Apart from the duty book entry, which I will come to, of the 13th, there is no duty book entry in relation to any such conversation with Ms Young?

A. No, but there would have been investigation logs recorded on e@gle.i.

Q. Sorry, there would have been what?

A. There should have - investigation logs recorded on e@gle.i. There would have been a log, an investigation log, that may have been prepared by Pamela Young, because she was very pedantic about how things were recorded. So there would have been an entry.

Q. So your expectation is that if Ms Young had approval from anyone in Police Media or anyone else in the Police Force for these interviews, she would have made a contemporaneous record in the database?

A. There would - she would - yes.

Q. And if she had not done that, do you agree that would suggest she did not have authority?

A. No.

Q. You have said that you weren't involved in the media strategies and the media appearances. You have a couple of entries in your duty book that you've been taken to about exactly that, don't you? You refer to the phrase "media strategy" and meetings about that?

1 A. Yes.

2

3 Q. Apart from recommending and facilitating the meeting
4 with Ms Alberici, you were present during the Lateline
5 interview on the 10th, but not only were you present, you
6 spoke during that interview on the 10th, didn't you?

7 A. Yes.

8

9 Q. You provided advice at times, didn't you?

10 A. I was the Investigator.

11

12 Q. Yes. You provided advice as to what Ms Young should
13 or should not say at times, didn't you?

14 A. You'd have to show me exactly where. I have no
15 recollection.

16

17 Q. Okay. You don't have a memory of - just assume from
18 me that there were times during the - and if the assumption
19 is not made out, it won't matter. But there were times -
20 just assume from me that there were times where you offered
21 your opinions and advices as to the way that Ms Young was
22 answering the question?

23

24 MS BARNES: Sorry to interrupt, if Detective Sergeant
25 Brown has said she doesn't recall, it might be more useful
26 to show her what it is said is termed as advice or --

27

28 THE COMMISSIONER: Mr Thangaraj, you can do, in a sense,
29 what you will, but it would assist me if these are here and
30 in fairness to the witness and time constraints. If they
31 exist, they exist. If they don't, they don't. And if they
32 don't, then you should cease and desist. If they are there
33 and you want her to acknowledge things that she has said,
34 I would be assisted and it would be in fairness to the
35 witness to give her an opportunity to try to deal with it.

36

37 MR THANGARAJ: I will come back to that.

38

39 Q. When you were with Mr Box, do you have a recollection
40 of Ms Young telling him about the Johnson family in the
41 terms that she expressed to Ms Alberici?

42 A. Are you asking me if I specifically remember?

43

44 Q. Yes.

45 A. I don't specifically remember, but I know there was
46 references made to the difficulties we - and mainly Pamela,
47 because she was dealing with the family, and not myself -

1 had experienced with them.
2
3 Q. The comments that might be described as "explosive",
4 were they being saved for Emma Alberici?
5 A. No.
6
7 Q. Was there an agreement that the only journalist that
8 Ms Young would speak to on the record was Ms Alberici?
9 A. No.
10
11 Q. So it was not the case that your friend was getting an
12 exclusive - that is, your friend Ms Alberici? It's not the
13 case that she was getting an exclusive with Ms Young; is
14 that right?
15 A. What do you mean by my "friend"?
16
17 Q. I withdraw that. It is not the case, is it, that
18 Ms Alberici was getting an exclusive interview with
19 Ms Young?
20 A. No.
21
22 Q. Were there any boundaries for what you understood
23 Ms Young could say to Ms Alberici? Were there any
24 constraints? Was Ms Alberici able to ask anything she
25 wanted in relation to the Johnson case and was --
26 A. I'm not sure. I can't answer that.
27
28 Q. So it's your understanding, is it, that there were no
29 constraints - I'm just asking: is it your understanding
30 that there were no constraints on what Ms Young could say?
31 A. There was non-disclosure orders, so there was
32 restraints.
33
34 Q. Yes, so there was a constraint on publication before
35 the Coroner made his ruling in relation to - right?
36 A. (Witness nods).
37
38 Q. Sorry, you are nodding. You just need to say "yes"
39 for the transcript.
40 A. Oh, sorry, yes.
41
42 Q. That's all right. But apart from that, were there any
43 constraints on what Ms Young could say, as far as you
44 understood?
45 A. I don't understand what you're trying to say - your
46 question, sorry.
47

1 Q. Was Ms Young required to limit what she told
2 Ms Alberici? Was she required to limit it to what was in
3 her statement?

4 A. Well, yes.

5
6 Q. How did you know that she was limited to what was in
7 her statement?

8 A. Because that's what was going to be discussed, was
9 what was in her statement.

10
11 Q. Do you agree that when she gave the interview on the
12 13th, what she said about the Johnson family, what she said
13 about kowtowing, the Minister kowtowing to the family, was
14 outside her statement?

15 A. I'll have to re-read DCI Young's statement to answer
16 that with clarity.

17
18 Q. But you say - did you, at the time, have any thoughts
19 of, "Oh, no, this is not part of her statement"? When you
20 were watching the interview on the 13th, did you think,
21 "She's not allowed to say this"?

22 A. No, not at all, because Pamela was quite - I mean, was
23 quite vocal. If she was asked, she would say that.

24
25 Q. So your position is that if Ms Young told Ms Alberici
26 something, as far as you're concerned, Ms Young was able to
27 say it - that is, was able, under the media policy, to say
28 it?

29 A. I don't understand the question.

30
31 Q. It was poorly put. I will put it again. Your belief
32 was, on 13 April, that if Ms Young - Ms Young would never
33 have said something she wasn't allowed to say. Is that an
34 easier way to put it?

35 A. Yes. Well, knowing DCI Young as I do, I would say
36 that, yes.

37
38 Q. So, given that you have told us that she was limited
39 to what was in her statement, and given what you have just
40 told us about her wanting to comply with the rules, you're
41 saying, then, that anything that she told Ms Alberici was
42 in fact limited to her statement?

43 A. I'd have to read the statement.

44
45 Q. Now, did you have any discussions - I might ask you
46 this about the 10th. Were there any discussions about
47 a Media Liaison Officer for the 13th being needed?

- 1 A. Oh, I wasn't aware of any - I wasn't involved in any
2 discussions about that.
3
- 4 Q. I know you weren't involved in any discussions, but
5 you told us earlier about your knowledge of the media
6 policy. Was it your belief that a police officer could go
7 on the national broadcaster for an on-the-record interview
8 without the presence of a Media Liaison Officer?
9 A. Was it my knowledge?
10
- 11 Q. Yes.
12 A. Can you ask the question again?
13
- 14 Q. Yes. There was no Media Liaison Officer there on the
15 13th?
16 A. That's correct.
17
- 18 Q. You thought that was okay, did you?
19 A. Well, it was an agreement between DCI Young and
20 Mr Willing and the Media Unit.
21
- 22 Q. And the Media Unit?
23 A. Well, that was my understanding, and I had no --
24
- 25 Q. And where did you --
26 A. I have no authority to question that.
27
- 28 Q. No, I accept that.
29 A. And I don't - didn't think otherwise.
30
- 31 Q. Okay. Where did you get the understanding that the
32 Media Unit had approved this - was that from Ms Young as
33 well?
34 A. There would - Ms Young and it could be Mr Willing, but
35 I can't recall. I can't recall.
36
- 37 Q. Now, Ms Young gave an interview to Ms Alberici at
38 Glebe?
39 A. I have no recollection of that. I don't think - no,
40 I don't - I don't remember that.
41
- 42 Q. So if Pam Young has put in her statement that she had
43 a door-stop interview with Emma Alberici at Glebe, would
44 you agree with it?
45 A. No.
46
- 47 Q. Did you see her answering any questions at all at

- 1 Glebe, to the media?
- 2 A. There - I - from memory, there was a - there was maybe
3 one - there was a camera and maybe one or two media people,
4 but that's all I can remember. But Emma Alberici wasn't
5 there.
6
- 7 Q. She wasn't even at Glebe, are you saying?
- 8 A. She wasn't there when Pam - when they had - there was
9 a camera and there was two media, maybe. I can't remember.
10 But Emma wasn't there, Emma Alberici wasn't there, no.
11
- 12 Q. Do you remember Ms Young speaking on the record - that
13 is, with a camera and a journalist - at Glebe?
- 14 A. I - well, from the footage that refreshed my memory,
15 but I - at the time, I couldn't - didn't remember. But
16 then when I saw the footage, yes.
17
- 18 Q. When you finished at the ABC on the 13th, you went
19 home from the ABC studios?
- 20 A. I would have, yes.
21
- 22 Q. And so because you say you were off duty at 8.30, we
23 know that you left the ABC studios some time - 7.30, 8?
- 24 A. I can't remember.
25
- 26 Q. But I'm working back off your duty book entry, which
27 says 8.30?
- 28 A. Yes, well, I - yeah, I would have finished in the
29 field. I would have got home at 8.30.
30
- 31 Q. You knew in advance of 8 April, didn't you, that
32 Ms Young had given undertakings about what she would say to
33 Ms Alberici on the record?
- 34 A. No. On 8 April, no.
35
- 36 Q. When did you first become aware of what Ms Young was
37 prepared to say on the record?
- 38 A. On the 10th.
39
- 40 Q. By the time of the call to Mr Willing on the way to
41 the ABC on the 13th, Ms Young had spoken on the record to
42 a journalist at Glebe; you knew that?
- 43 A. Yes.
44
- 45 Q. And there was no reason to keep that secret from
46 Mr Willing, was there?
- 47 A. No.

1
2 Q. So a little while later, when you were in the car,
3 driving to the ABC --
4 A. Yes.
5
6 Q. -- one or both of you would have - one of you would
7 have said - sorry, I withdraw that. Ms Young was doing the
8 talking, not you?
9 A. Yes, always.
10
11 Q. So Ms Young would have said to Mr Willing, "Oh, look,
12 I've answered a few questions at a door-stop in Glebe"?
13 Firstly, there is no reason not to tell him that?
14 A. Oh, no, she would have said that.
15
16 Q. It did happen?
17 A. It did happen, yes.
18
19 Q. It did happen?
20 A. Yes.
21
22 Q. And there was no reason not to tell him?
23 A. Yes.
24
25 Q. So do you have a recollection of Ms Young - sorry,
26 before I ask that, it would be proper of Ms Young to inform
27 him of that, wouldn't it?
28 A. Yes, and she would have.
29
30 Q. Now, when you were on your way to the ABC, by now the
31 inquest had been announced and the Johnson family had
32 already made it clear that they were doing media that day?
33 A. Yes, they always did.
34
35 Q. And the efforts that the police had made with
36 backgrounding with select journalists hadn't finished on
37 the 12th, had they? The backgrounding had to continue,
38 because there was going to be more media from the Johnson
39 family; the police had to have balanced media coverage on
40 the 13th and 14th as well, didn't they?
41 A. But, yes, what do you mean, backgrounding hadn't
42 finished by the 12th?
43
44 Q. I will put it differently. The purpose of speaking to
45 the two journalists - that is, to balance out the
46 reporting --
47 A. Yes.

- 1
2 Q. -- that continued after the inquest was announced on
3 the morning of the 13th; correct?
4 A. Yes.
5
6 Q. Because the purpose, as you understood it, of getting
7 balanced coverage --
8 A. Yes, to correct and clarify the information that was
9 out there in the community.
10
11 Q. Yes. And what Mr Willing was told on the phone call
12 on the 13th, when you were on the way to the ABC, was
13 that - Ms Young told him, "I'm going to be talking" - I'm
14 paraphrasing this; I don't mean - but this is the message
15 that she got across - "I'm going back to speak with the
16 person with whom I've already been speaking", that is,
17 Ms Alberici? You agree that the Police Media and police
18 knew before 13 April that Ms Young had been speaking with
19 Ms Alberici?
20 A. Yes, that's my understanding, yes.
21
22 Q. And the message that was going across is, "I'm going
23 to speak to that same person. I'm about to go and speak to
24 that same person again"?
25 A. Or to give the interview.
26
27 Q. I will come to that. But that's the person. It's the
28 same person, isn't it?
29 A. Yes.
30
31 Q. And at a time when the backgrounding message had to
32 continue; do you agree with that?
33 A. What do you mean by "the backgrounding message had to
34 continue"? I don't understand.
35
36 Q. That's all right. You told us earlier that what you
37 observed Ms Young saying during the interview on the 13th
38 was not at all unexpected, or you might have said it was
39 expected.
40 A. Well, it wasn't unexpected.
41
42 Q. It was what you expected, because all of those things
43 that she said were things that she had already told
44 Ms Alberici?
45 A. Yes.
46
47 Q. Told her, in fact, on the - okay. She had decided

1 before the 13th - that is, Ms Young had decided before the
2 13th - that she would be highly critical of the Johnson
3 family on the record; correct?

4 A. I can't answer that. That's --

5

6 Q. Well, is that your understanding? You were there on
7 the 10th?

8 A. Yes.

9

10 Q. You had spoken to Ms Young about what she was doing?

11 A. Yes.

12

13 Q. To your knowledge, she had decided before the 13th
14 that she would be highly critical of the Johnson family on
15 the record?

16 A. Critical of their influence.

17

18 Q. Yes.

19 A. Not critical of them personally.

20

21 Q. No, no. She would say - she had decided that she
22 would say that they had too much of an influence in the
23 criminal justice system?

24 A. Yes.

25

26 Q. Including through government?

27 A. Yes.

28

29 Q. And she had already decided before the 13th that she
30 would say on the record that the Police Minister was
31 kowtowing to the Johnson family?

32 A. If she was asked the question. She said she would say
33 that, to Mr Willing.

34

35 Q. My point is, she had not decided to say these things
36 during that car trip; right? She had already decided she
37 was going to say these things, maybe if asked, or volunteer
38 them, but this wasn't a decision made on the 13th, was it?

39 A. I can't answer that.

40

41 Q. I know what you have said today in evidence, but
42 according to your statement, that was the first time she
43 told Mr Willing that there would be an interview with
44 Ms Alberici that day?

45 A. No.

46

47 Q. I'm saying according to what you have written in your

1 statement. Forget about what you have told us today.
2 A. But, no, that's not according to what I've written in
3 my statement.
4
5 Q. Mr Willing was not told during that phone call that
6 there was about to be an on-the-record interview with
7 Ms Alberici?
8 A. That's incorrect.
9
10 Q. You don't record anywhere in your statement such
11 a suggestion having been made to Mr Willing in your
12 presence or relayed through Ms Young, except for 13 April,
13 do you?
14 A. I don't say what? What are you implying?
15
16 Q. The discussion that you had - any discussion you had
17 on that call with Mr Willing was limited to backgrounding -
18 that is, off the record?
19 A. What call that I had with Mr Willing?
20
21 Q. The call that you put in your statement on the
22 afternoon of the 13th, on the way to the ABC. Any
23 discussion on that call was about what was to happen was
24 limited to backgrounding?
25 A. No, it wasn't, because Mr Willing was aware it was an
26 interview.
27
28 Q. Can we just bring up the entry in the duty book of
29 13 April, please, [SC0I.85747]. The word "interview" is
30 a word that you used interchangeably with - sorry. If you
31 use the word "interview", that doesn't mean necessarily an
32 on-the-record interview, does it? I mean, if a journalist
33 is meeting Pam Young off the record, would you describe
34 that as an interview?
35 A. No. More a discussion, and I think I recorded --
36
37 Q. Beg your pardon?
38
39 THE COMMISSIONER: The witness said she would refer to it
40 as a discussion, I think.
41
42 THE WITNESS: Discussion.
43
44 MR THANGARAJ: Q. In your entry on 10 April, you
45 describe meeting with the journalist Emma Alberici.
46 A. Yes.
47

1 Q. Would you regard what happened on the 10th as an
2 interview?
3 A. 10 April?
4
5 Q. Yes, 10 April.
6 A. No.
7
8 Q. Sorry?
9 A. No.
10
11 Q. Even though it was recorded?
12 A. But this is me? This is my --
13
14 Q. Yes.
15 A. No, I wouldn't regard that as, like, the interview for
16 Lateline, because it wasn't.
17
18 Q. The entry on the 13th - you do not record there your
19 meeting with Dr Pritchard, which you describe as a long
20 meeting?
21 A. No, because it's just - that's just things that would
22 have happened. Like, it's all part of "court duties".
23
24 Q. I understand, but you do use in your duty book - you
25 do use your duty book as an opportunity to describe who you
26 have met with. You have been taken to the ones on the 10th
27 with Dan Box and Emma Alberici, for example?
28 A. Yes.
29
30 Q. Is it fair to say that because you did not record the
31 meeting with Dr Pritchard, it's now - you agree it's more
32 likely that you made the entry on the 16th?
33 A. I don't understand what - the meeting with
34 Dr Pritchard would have been recorded on e@gle.i.
35
36 Q. No, no. In your duty book, you have described the
37 various things you did that day?
38 A. Yes.
39
40 Q. You don't record that you met with Dr Pritchard?
41 A. No.
42
43 Q. Even though you have told us it was a long meeting?
44 A. Yes, and it would have been recorded on e@gle.i.
45
46 Q. I understand that. But you don't refer to any detail
47 of what the court duties were, either?

- 1 A. No, because they would have been recorded on a sit rep
2 and then in e@gle.i.
3
- 4 Q. So would anything else that has been recorded there
5 have been recorded on a sit rep or e@gle.i?
6 A. All the duties in relation to the court would have
7 been recorded on e@gle.i and in the sit rep.
8
- 9 Q. So the fact that something is recorded on a sit rep or
10 e@gle.i is irrelevant to whether or not you would also
11 record it in your duty book; correct?
12 A. Well, I wouldn't record it in my duty book.
13
- 14 Q. So if you had a long meeting with Dr Pritchard about
15 what had happened at the Coroners Court, that is not
16 something that - you would deliberately not record that in
17 your duty book; is that what you are saying?
18 A. Well, I wouldn't need to record it in my duty book,
19 because I would just make a note of what court duties and
20 it would be recorded in a sit rep or on e@gle.i, the
21 investigation of or --
22
- 23 Q. All right, can we just scroll down - sorry.
24 A. -- an investigation note.
25
- 26 Q. Can we just scroll down a little bit on that page.
27 You see that you've crossed out - on the Tuesday and
28 Wednesday entries, you have crossed out the dates
29 originally and you have corrected them?
30 A. Yes, which I used to do a lot, because I work
31 part time, so I would always misrecord.
32
- 33 Q. That's consistent with it not being written on the
34 day, isn't it?
35 A. No, because I would always make mistakes with the
36 dates.
37
- 38 Q. But then you're saying that they were written on
39 separate days or at the same time?
40 A. I can't remember.
41
- 42 Q. Now, you told us why you made - you had a specific
43 reason to make the entry in relation to the phone call.
44 I'm not going to ask you, though, because you've already
45 told us about that. The telephone call that you say you
46 had with Mr Willing after this, about kowtowing, that would
47 be a conversation which was inconsistent with what you say

1 the call was on the 13th, right?
2
3 THE COMMISSIONER: I don't follow that.
4
5 THE WITNESS: I don't follow.
6
7 THE COMMISSIONER: The witness won't. I think if you are
8 going to put --
9
10 MR THANGARAJ: I will put it better.
11
12 THE COMMISSIONER: Yes.
13
14 MR THANGARAJ: Q. On the 13th, you addressed a particular
15 issue about that phone call?
16 A. Yes.
17
18 Q. And you said you deliberately recorded it --
19 A. Yes.
20
21 Q. -- because it was controversial?
22 A. It was controversial, and from past experience.
23
24 Q. And so you had a reason why you needed to make sure
25 there was something in writing?
26 A. Yes.
27
28 Q. And you say that you then had a subsequent call with
29 Mr Willing about that exact topic --
30 A. Yes.
31
32 Q. -- where you challenged him about the kowtowing;
33 right? Correct?
34 A. What do you mean? I just - what do you mean,
35 "challenged him"?
36
37 Q. Well, you said that he said, "I didn't know she was
38 going to say 'kowtowing'"?
39 A. Well, he obviously didn't realise I was in the car and
40 heard that conversation.
41
42 Q. Don't worry about what you think he may or may not
43 have known. You say that he said, "I didn't know she was
44 going to say 'kowtowing'"?
45 A. Yes.
46
47 Q. And you say, "But, sir, I was - I heard you tell -

1 I heard you say that"?

2 A. Yes. I would have said "Boss".

3

4 Q. Beg your pardon?

5 A. I would have called him "Boss".

6

7 Q. That conversation, if it was true, would be highly

8 relevant to the conversation which you deliberately

9 recorded in your duty book on the 13th, wouldn't it?

10 A. No, because it refers back to that conversation on the

11 13th.

12

13 Q. Did you make a duty book entry of the phone call

14 conversation which you say you had with Mr Willing where he

15 denied knowledge of kowtowing?

16 A. No. But it was weeks after.

17

18 Q. Well, it doesn't matter when it is.

19 A. And there were a few things happening at the time.

20 But I recall it. I recall it distinctively, because I was

21 very, very disappointed.

22

23 Q. And can you just go to that part of your statement

24 where you have told us about this distinct memory because

25 you were so disappointed? Where is that in your statement?

26 A. That's not in my statement.

27

28 Q. Because it didn't happen?

29 A. It did happen.

30

31 Q. If it happened, it would be in your statement?

32 A. But it's not relevant to what I was asked, and it did

33 happen.

34

35 MR THANGARAJ: With respect to the issue that,

36 Commissioner, you raised earlier about the Lateline

37 interview of the 10th, there are a number of references.

38 They speak for themselves. I would be doing no more than

39 saying, "You said this, you said this." It's clear that

40 that's the case.

41

42 THE COMMISSIONER: Well, why don't we do it this way:

43 I have read it myself. I have seen, however, two

44 references - one to "Penny" expressly and one to a person

45 otherwise described. We're not quite sure who it is, so

46 I don't know.

47

1 MR THANGARAJ: Yes.

2

3 THE COMMISSIONER: I would accept that certainly where
4 phrases or statements are attributed to Ms Brown, I would
5 take "Penny" to be Ms Brown on the 10th of April, and you
6 can make such submissions about that as you wish.

7

8 MR THANGARAJ: All right. Thank you.

9

10 THE COMMISSIONER: I don't certainly expect you to put it
11 to her, because it appears to be a contemporaneous record.

12

13 MR THANGARAJ: Yes, thank you.

14

15 Q. Just finally, you say at paragraph 27 of your
16 statement - after referring to the duty book entries, you
17 say that, "Detective Chief Inspector Lehmann signed off on
18 all the entries I had recorded in my duty book"?

19

A. Yes.

20

21 Q. You are not seriously saying, are you, that
22 a Detective Chief Inspector reads the entries of all police
23 officers whose duty books they look at? They don't read
24 those entries; you are not saying that, are you?

25

A. Well, when I check my staff's duty books, I read their
26 entries, but I can't answer for Mr Lehmann.

27

28 Q. No. But there are issues such as overtime that do
29 need to be looked at by a superior, aren't there?

30

A. Yes.

31

32 MR THANGARAJ: They are the questions.

33

34 THE COMMISSIONER: All right. Thank you. First of all,
35 Mr Glissan. Ms Barnes can go last.

36

37 MR GLISSAN: Thank you. I won't be very long.

38

39 **<EXAMINATION BY MR GLISSAN:**

40

41 MR GLISSAN: Q. You know I act for Pamela Brown [sic]?

42

A. Pamela Young.

43

44 Q. Pamela Young. I never get the names right, Ms Brown,
45 I'm so sorry. I just want to ask you this: you told us
46 that there were a number of discussions you had with
47 Ms Young and Mr Willing about the interview, before it took

1 place?
2 A. Yes.
3
4 Q. Those took place at headquarters?
5 A. Yes, they - yes.
6
7 Q. Then, on the day after you had spoken to or been with
8 Ms Young when she had spoken to a cameraman or a newspaper
9 reporter, you went with her in the car to the ABC?
10 A. Yes.
11
12 Q. You recorded a telephone conversation in your duty
13 book --
14 A. Yes.
15
16 Q. -- that you had had or had overheard --
17 A. Heard, yes.
18
19 Q. -- between Ms Young and Mr Willing. One of the things
20 that you told us he said was - that she said was that she
21 was going to use that expression "kowitz" about the Police
22 Minister?
23 A. If she was asked.
24
25 Q. If she was asked?
26 A. If she was asked.
27
28 Q. When she said that, it was put to you that one of the
29 responses - or the response of Mr Willing was that he
30 laughed. You don't recall that?
31 A. I don't recall that, no.
32
33 Q. You said that his response was supportive?
34 A. Yes.
35
36 Q. You don't recall the words he said?
37 A. No.
38
39 Q. It's right, though, isn't it, that he did not say to
40 her, "Don't do that"?
41 A. No, he did not say that to her.
42
43 Q. He didn't say, "Don't say that"?
44 A. He did not say that to --
45
46 Q. And he didn't say to her, while you were on your way
47 to the interview at the ABC, "Don't go there. You are not

1 to do the interview"?

2 A. No, he did not say that.

3

4 Q. Your awareness had been that prior to the time you
5 went on leave, you were asked to make, for Ms Young to
6 provide to Ms Alberici, a copy of her very long statement?

7 A. Yes, that's correct.

8

9 Q. You don't know when that was provided, but it was done
10 at some time before you returned to work --

11 A. Yes.

12

13 Q. -- at the beginning of April?

14 A. That's correct.

15

16 Q. Your understanding was, was it not, that it had been
17 the position of the police that the record needed to be
18 corrected from the kind of irresponsible reporting that had
19 been taking place in relation to the Scott Johnson matter?

20 A. That's correct.

21

22 Q. That the police position needed to be put clearly,
23 properly and fairly?

24 A. Correct.

25

26 Q. And that when the Coroner released Ms Young's
27 statement, that interview was to take place?

28 A. Correct.

29

30 Q. And that had been what you had understood in your
31 conversations with Mr Willing and Ms Young?

32 A. That's correct.

33

34 MR GLISSAN: I think that's all.

35

36 THE COMMISSIONER: All right. Ms Barnes, are there any
37 questions?

38

39 MS BARNES: Just a couple of questions, your Honour.

40

41 **<EXAMINATION BY MS BARNES:**

42

43 MS BARNES: Q. I just wanted to ask you a couple of
44 questions about your duty book. If that could be brought
45 back up on the screen with the entries for 16 February and
46 17 February, [SCOI.85747_0001]. Now, you can see there on
47 the left, 16 February, you have an entry outlining what you

1 had been doing - that was your last day of work?

2 A. Yes.

3

4 Q. Now, the entries that follow under the 17th - they
5 were all the days that you were on leave up until returning
6 on 8 April; is that correct?

7 A. That's correct.

8

9 Q. In that period of those days listed there, did you
10 have any involvement with the media or anyone in Police
11 Media in relation to the Scott Johnson or inquest matter?

12 A. No.

13

14 Q. You just answered a question in relation to the
15 strike-throughs on the notebook?

16 A. Yes.

17

18 Q. You indicated you - did you say you read the entries
19 in your staff's duty books?

20 A. Yes.

21

22 Q. Is that a practice you learned somewhere or how did
23 you come to, on each occasion, read the entries of each of
24 your staff members?

25 A. It's just a practice that I've learnt and I've come -
26 when a staff member has something, a conflict or - with
27 somebody in the office and they don't like to really raise
28 it, you make notes in your notebook, so I've learnt to
29 read, just for the welfare for other staff members.

30

31 Q. In relation to, in your duty book, you referred to -
32 well, you said you had recorded about that conversation
33 because you thought it was controversial and just from past
34 experience?

35 A. Yes.

36

37 Q. How did you determine what you put in the duty book
38 and what you put elsewhere, for example, in e@gle.i?

39 A. All the investigative decisions and duties, anything
40 to do in relation to - say for Strike Force Macnamir, would
41 all go on e@gle.i. Everything - recording, every decision,
42 every person you spoke to, even all your progress reports,
43 everything in relation to your investigation is recorded on
44 e@gle.i. And then things that aren't necessarily needed to
45 go into e@gle.i or nowhere else really to put it,
46 controversial, I've learnt to put in my duty book.

47

1 Q. Just in relation to your evidence about people getting
2 permission or having authority in relation to media
3 decisions, if we're just talking about that period in the
4 first half of 2015, at your rank, did you have any
5 authority to make decisions about media or communications
6 with media?

7 A. No authority whatsoever.

8

9 Q. At your rank, would it be normal course for you to
10 have any involvement in any media decisions on, for
11 example, Strike Force Macnamir or the Johnson inquest?

12 A. Media decisions as in what's recorded?

13

14 Q. What things were to occur or were going to occur in
15 terms of media?

16 A. Media? No.

17

18 Q. Was there any requirement for Ms Young to update -
19 I will do it in two parts - to update you on anything that
20 may have been occurring with media or the Police Media
21 Unit?

22 A. No, no.

23

24 Q. If I can just ask you this last question: between -
25 or after these events occurred in April 2015 with respect
26 to the Lateline interview, was Mr Willing promoted?

27 A. Yes.

28

29 Q. Are you aware of what promotion or promotions he had
30 subsequent to April 2015?

31 A. I don't know specifically, but I think he went from -
32 he got to Assistant Commissioner rank, from memory.

33

34 Q. At any time when he was in that role - prior to or at
35 the time he was in that role, were you ever reprimanded or
36 disciplined in relation to this Lateline matter?

37 A. No, not at all.

38

39 MS BARNES: Nothing further, your Honour.

40

41 THE COMMISSIONER: Thank you. Mr Gray, anything arising?

42

43 MR GRAY: No.

44

45 THE COMMISSIONER: Ms Brown, thank you very much for
46 today. I can excuse you from further attendance.

47 Thank you very much.

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<THE WITNESS WITHDREW

THE COMMISSIONER: I take it Mr Wood is due at about 4.30, is he?

MR THANGARAJ: He is coming at 4.30 now.

THE COMMISSIONER: I won't inconvenience him any further, so I will adjourn and deal with the application at 4.30. Those persons who have indicated they have an interest, obviously please come back at 4.30. All right. I will adjourn until then. Thank you.

AT 3.53PM THE SPECIAL COMMISSION OF INQUIRY WAS ADJOURNED ACCORDINGLY

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