

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

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

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

Thursday, 5 October 2023 at 9am

(Day 97)

Mr Peter Gray SC	(Senior Counsel Assisting)
Ms Claire Palmer	(Counsel Assisting)
Mr Enzo Camporeale	(Director Legal)
Ms Caitlin Healey-Nash	(Principal Solicitor)

Also Present:

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

1 THE COMMISSIONER: Yes.

2

3 MR GRAY: Commissioner, there are four documents to be
4 tendered this morning. The first is a document styled
5 "Evidentiary statement of Pamela Young" of 2 August 2019,
6 which I will tender as tab 521B. It has various
7 redactions, which are agreed. Secondly a document called
8 "NSW Police Force Media Policy", which I understand to have
9 been the one in force as at 2015, which I will tender as
10 tab 527; and, thirdly, some documents which I will tender
11 as tabs 528 and 529. They are a summons to produce to the
12 NSW Police Force for any review conducted by Mick Ashwood,
13 Gary Jubelin or Glen Richardson in relation to the death of
14 Scott Johnson and, secondly, the response of police
15 advising that no such documents had been identified. They
16 will be tabs 528 and 529. I understand they have already
17 been added physically to the tender bundle, and, as I say,
18 I'm told the parties have agreed non-publication orders
19 over these documents and I hand up a short minute of order
20 in relation to that.

21

22 THE COMMISSIONER: Thank you.

23

24 **EXHIBIT #6 SUPPLEMENTED BY THE ADDITION OF TAB 521B,**
25 **EVIDENTIARY STATEMENT OF PAMELA YOUNG OF 2 AUGUST 2019;**
26 **TAB 527, NSW POLICE FORCE MEDIA POLICY IN FORCE AS AT 2015;**
27 **TABS 528 AND 529, SUMMONS TO PRODUCE TO THE NSW POLICE**
28 **FORCE FOR ANY REVIEW CONDUCTED BY MICK ASHWOOD, GARY**
29 **JUBELIN OR GLEN RICHARDSON IN RELATION TO THE DEATH OF**
30 **SCOTT JOHNSON, AND THE RESPONSE OF POLICE ADVISING THAT NO**
31 **SUCH DOCUMENTS HAD BEEN IDENTIFIED**

32

33 THE COMMISSIONER: Very well, thank you. I have made
34 those orders.

35

36 MR GRAY: I call Pamela Young.

37

38 THE COMMISSIONER: Before you do that - Mr Glissan,
39 I understand that Ms Young has a hearing issue.

40

41 MR GLISSAN: Yes.

42

43 THE COMMISSIONER: And I just want everyone in this room
44 to understand that she does have a hearing issue. As
45 I understand it, she may or may not, from time to time,
46 need to adjust the volume on her aids with the use of her
47 telephone.

1
2 MR GLISSAN: That's correct.
3
4 THE COMMISSIONER: So, on that basis, I understand she
5 will take her telephone into the witness box and, if needs
6 be, use it for that purpose.
7
8 MR GLISSAN: Yes, and it will be limited to that purpose.
9 Can I also indicate, Commissioner, that today I appear
10 instructed by Mr Burns rather than Mr Keats.
11
12 THE COMMISSIONER: All right. Thank you very much. Yes,
13 Ms Young, would you come forward.
14
15 **<PAMELA YOUNG, affirmed: [9.03am]**
16
17 **<EXAMINATION BY MR GRAY:**
18
19 MR GRAY: Q. Ms Young, your name is Pamela Young?
20 A. Yes.
21
22 Q. And you have made a statement for the Inquiry dated
23 22 September 2023?
24 A. Yes.
25
26 Q. Are the contents of that statement true and correct?
27 A. Yes - there is one adjustment to it. At paragraph 85,
28 there is a reference to a tab number that is 28-something;
29 the tab reference starts with 28. It should be 38. So the
30 remaining numbers are the same, but it is actually
31 a reference to tab 38-whatever the number is.
32
33 Q. Very good, thank you. Firstly, in relation to that
34 statement, the one of 22 September, the genesis of that
35 statement, I think, is this right, is that on 24 August the
36 Inquiry wrote to you and served a summons to attend?
37 A. Yes.
38
39 Q. In that letter, the Inquiry referred you to various
40 submissions that had been filed by Counsel Assisting, by
41 the Commissioner of Police and by Mr Willing?
42 A. I'm sorry?
43
44 Q. In that letter of 24 August, you were referred in the
45 letter to various submissions that had been made on behalf
46 of Counsel Assisting, the Commissioner of Police and
47 Mr Willing?

1 A. Yes.
2
3 Q. And the letter drew your attention to parts of those
4 various submissions relevant to yourself?
5 A. Yes.
6
7 Q. Have you read those three sets of submissions by now?
8 A. Not in entirety, no.
9
10 Q. Have you read the parts of them to which your
11 attention was drawn?
12 A. I feel I have a strong sense of what they're getting
13 at.
14
15 Q. Well, there were particular paragraph numbers that
16 were pointed out to you in the letter. Did you go and have
17 a look at what those paragraphs said?
18 A. Yes.
19
20 Q. And have you prepared this statement of September so
21 as to respond to those parts of the submissions that you
22 considered it necessary or appropriate to respond to?
23 A. Yes.
24
25 Q. Thank you. Now, there is also in evidence a statement
26 that you prepared back in April this year, 17 April?
27 A. Yes.
28
29 Q. This is right, isn't it, that you provided that
30 statement to the Inquiry in the latter part of April this
31 year?
32 A. Yes.
33
34 Q. And you did so at the same time as you were producing
35 documents that you had been summonsed to produce?
36 A. Yes.
37
38 Q. And you did so - that is, you provided the statement -
39 of your own choosing, without having been asked for it?
40 A. Yes.
41
42 Q. Turning to the death of Scott Johnson, you commenced
43 at the Unsolved Homicide Team in January 2013?
44 A. Yes.
45
46 Q. And you were then one of two Detective Chief
47 Inspectors, the other one being John Lehmann?

1 A. Yes.

2

3 Q. From your statement, I understand that you were in
4 charge of all UHT reinvestigations, whereas he was in
5 charge of the review team?

6 A. Yes.

7

8 Q. So he was not in charge of any investigations at all,
9 you would say?

10 A. Not when I was there.

11

12 Q. Quite. Now, the very next month after you started in
13 January - namely, February 2013 - came Australian Story on
14 the ABC and the instigation of Strike Force Macnamir?

15 A. Yes.

16

17 Q. You deal with this in your statement at paragraphs 25
18 to 41. Among other things, you refer to some emails
19 involving Mr Olen and yourself on 7 February. Do you
20 remember that?

21 A. Yes.

22

23 Q. Could we have volume 14, please, and tab 312,
24 [NPL.3000.0016.0014]. That's the email chain in question,
25 I think; is that right?

26 A. Yes.

27

28 Q. So it starts at the back with one from Mr Olen to
29 Peter Cotter, copied to Michael Willing and yourself, in
30 which he refers to the Johnson family having written to
31 DCI Lehmann the previous month, January, expressing dismay
32 that John Lehmann's unit had rated the solvability as zero.
33 You remember that?

34 A. Yes.

35

36 Q. And then you responded - this one starts at the bottom
37 of the first page, in which you say, just towards the end
38 of the first line:

39

40 *... I want to put on the record that the*
41 *decision not to proceed with further active*
42 *investigation was based on two reviews*
43 *conducted by the likes of Mick Ashwood,*
44 *Gary Jubelin and Glen Richardson in*
45 *addition to John Lehmann.*

46

47 Do you see that?

1 A. Yes.

2

3 Q. Just two things about that. When you refer to the
4 "decision not to proceed with further active
5 investigation", that was your understanding, I take it, of
6 the decision that had been made by then?

7 A. Yes.

8

9 Q. I think it's based on a couple of documents that
10 I will show you in a moment. But the second thing is, you
11 refer to that decision having been based on "reviews
12 conducted by the likes of Mick Ashwood, Gary Jubelin and
13 Glen Richardson". Did you see reviews by any or all of
14 those three?

15 A. So, if I may explain, I had a short period of time to
16 put to Chris Olen my point of view, so I read some material
17 that had been provided by the Johnson family, plus, as
18 I remember, I went into Strike Force Palace, the tracking
19 file for all unsolved matters, and saw that those three
20 individuals at some stage over the life of the Johnson
21 family writing to the Unsolved Homicide Team had reviewed
22 material and not progressed it to an active investigation.
23 So I surmised, because it wasn't active, made active by
24 them, that their decision had been that it should remain
25 inactive.

26

27 Q. I see. When you say you saw reference to those
28 things, was that in something other than an actual review
29 per se?

30 A. Yes. I don't even think - I don't think the series of
31 forms that has been referred to here a few times - I don't
32 think they've always existed, certainly not from the
33 inception of Unsolved. So, yes, I'm not suggesting there
34 are detailed pages of review. Maybe a desktop assessment
35 or something like that might have been a more accurate way.
36 But those individual names have been entered against the
37 death of Scott Johnson and they have - they formed a view
38 of what should be done with it.

39

40 Q. And the view that you surmised was that nothing
41 further could be done with it?

42 A. Pardon?

43

44 Q. You surmised that the view that they formed was that
45 nothing further would be done with the case?

46 A. Or something would have been done with, yes.

47

1 Q. Do you mean, otherwise something would have been done?

2 A. Yes.

3

4 Q. Mr Olen replied to you, at the top of that page, and
5 in the third paragraph he said:

6

7 *What are you going to say to the Minister*
8 *and the family next week after John Lehmann*
9 *in his soon to be broadcast National and*
10 *(International USA) interview in which he*
11 *has indicated "the case is open and a team*
12 *is working on it".*

13

14 Now, I don't know that we have your response to that, but
15 when you saw that come to you from Mr Olen, what did you
16 take him to be saying in that third paragraph, that
17 Mr Lehmann was saying something that was going to be
18 awkward or what?

19 A. In specifically the third paragraph?

20

21 Q. Yes.

22 A. He was - he hadn't come up with a better approach than
23 to create an investigation. He does misquote or
24 misunderstand what John Lehmann had actually said in
25 Australian Story, and because of - I understood that
26 because of Chris Olen thinking that John had said something
27 more about it, you know, "Yes, it's active and we're
28 working on it right now", which John did not say, Chris
29 Olen thought we had no choice. That's how I read that.

30

31 Q. No choice but what?

32 A. But to take it to reinvestigation - take it away from
33 the review team into a reinvestigation team.

34

35 Q. Because he thought John Olen had - sorry, John Lehmann
36 had said something inaccurate on Australian Story?

37 A. Oh, it was one of the - he covers - Chris Olen covers
38 more than that aspect that had concerned him about what the
39 Minister might think of us if we didn't make it
40 a prioritised, quick reinvestigation. He refers to
41 Australian Story - it did loom large in some people's
42 minds, but that was just one aspect.

43

44 Q. At this point, 7 February, Australian Story hadn't yet
45 gone to air; it was going to go to air in a few days' time.
46 I don't know if you remember that, but that's the
47 chronology.

1 A. Oh, I know, it was - oh, yes, that's why Chris and
2 Mick Willing ultimately thought, "We have to be active
3 because there's going to be media."
4

5 Q. Briefly, could Ms Young - I want to come back to that
6 folder but for the meantime just show you briefly another
7 folder, namely, 17, and go to tab 399A. This is the case
8 screening form for the Scott Johnson case which Alicia
9 Taylor prepared in about October 2012. I think you have
10 been sitting in court a few times recently and you are
11 aware that various witnesses have been asked questions
12 about this document?
13

14 THE COMMISSIONER: Did you say tab 399?

15 MR GRAY: Tab 399A.

16 THE COMMISSIONER: Sorry, thank you.

17 MR GRAY: Q. You are aware of that document?

18 A. I'm aware of it, yes.
19

20 Q. You having started in Unsolved Homicide in January
21 2013 and this Johnson case having become an issue by
22 February, did you become aware of this document about then?
23

24 A. No. I'm just - if I may be just certain, because
25 I understand the Inquiry has looked at two of these by
26 different authors, both potentially unsigned. I just can't
27 quite figure which one this is, if that's important.
28

29 Q. This is the only one that the Inquiry has in relation
30 to the Johnson case.
31

32 A. Right.
33

34 Q. And it is unsigned, but there has been evidence from
35 various people that they expect that there would have been
36 a signed version, but we haven't been provided with one.
37

38 A. Right.
39

40 Q. So my question really is, did you become aware of this
41 in about January or February 2013?
42

43 A. No.
44

45 Q. Not until later?
46

47 A. Pardon?
48

49 Q. Not until later?
50

1 A. Not until the substance of it may have helped my
2 Strike Force Macnamir.
3
4 Q. So some time later in 2013, do we mean?
5 A. Oh, very - so certainly not January, for instance.
6 Shortly thereafter.
7
8 Q. And her recommendation, Alicia Taylor's
9 recommendation, included that consideration be given to
10 targeting persons of interest and the possibility of covert
11 activities. That's one of the things she talked about?
12 A. Mmm.
13
14 Q. You have seen that?
15 A. Yes.
16
17 Q. It is in the recommendation on the last main page,
18 towards the bottom. You have seen that?
19 A. Yes.
20
21 Q. Then if we turn to 399 itself, the tab in front of the
22 one you are looking at, [NPL.0209.0001.0087], that is
23 a form called "Review Prioritisation Form" and has a date
24 2 November 2012, and it's signed by Mr Lehmann, and it says
25 that the prioritisation assessment was conducted by
26 Mr Lehmann and Officers Richardson, Brown and Tse. Did you
27 see that form at some point in 2013?
28 A. No.
29
30 Q. Never saw it?
31 A. No.
32
33 Q. Was it of relevance to you, once you had been
34 appointed to Macnamir, to know what the priority had been?
35 A. No.
36
37 Q. It seems that this document, as the Inquiry
38 understands it, which actually talks about prioritisation
39 and actually gives the Johnson case something called "Nil
40 priority", is the document that is referred to in various
41 places as having given the Johnson case a rating of zero
42 solvability. There doesn't seem to be a separate document
43 about solvability. Can you shed any light on that?
44 A. The word "solvability" is a catch-all for the
45 categories of things that were considered that led to
46 a rating high, medium, low, negligible. So solvability
47 were the factors that fed into the rating.

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Q. For priority?

A. Yes.

Q. Now, on the form - and you have just said that you actually didn't see this - you will see on the last page, the priority as scored by those who scored it was 14 and that that meant, therefore, that it came in the category at the bottom of the page of "Nil priority". Do you see that?

A. Yes.

Q. Against the words "Nil priority", there appear in brackets the words "(close or suspend case)". Do you see that?

A. Yes.

Q. Did you understand at about that time, 2013, that if a case was given nil priority, the case would be closed or suspended?

A. Not closed. That word shouldn't even be there.

Q. What about the word "suspended"?

A. "Suspended" is appropriate.

Q. Because the effect of the outcome, as I understand it - tell me if this is right - is that while the case may not be literally closed, no work would be done on it unless and until some new piece of information came in?

A. That's correct, at any time, new information or something to do with the reward might evoke something, so, yes.

Q. That tab might come back, and if you go back to volume 14 and look at tab 319, this is the Australian Story program, the transcript of it. I just want to show you the words that John Lehmann actually spoke.

A. Mmm-hmm.

Q. They are on the last page, about 10 lines from the top. If you just read that to yourself, he starts off saying:

The case is with ...

That passage there. So you see that what he said on national television was that the case was "with the Unsolved Homicide Team", that he wouldn't comment on what

1 stage the investigation was at, that "we haven't closed the
2 books", and that it was an open case, and he added that
3 there had been a reward applied for. Now, when he said
4 that, in your view, was he giving an accurate picture of
5 the true position?

6 A. Yes, he was. May I say, if a killer or killers were
7 listening to anything said by police, but, sorry,
8 specifically John Lehmann here, the last thing we would
9 want to tell them is that it's closed, because they relax.
10 They must always think that we could knock on their door.
11 We don't give them the pleasure of relaxing by saying
12 a case is closed. It's also open to help the next of kin
13 sustain themselves for any fresh movement that might happen
14 on their case.

15
16 Q. So are you saying that it's desirable to give the
17 impression that something was happening, even though, in
18 fact, because it had been suspended, nothing was happening?

19 A. It's not nothing. Scott, as many others - his case
20 stays there ready for any information reports, calls to
21 Crime Stoppers, anything to entered and looked at new,
22 based on that new piece of something. So I think John
23 Lehmann described it perfectly.

24
25 Q. As I understand it, you think he described it
26 appropriately, for the reasons you have just given?

27 A. Yes.

28
29 Q. But to give the listening public the impression that
30 the team was actively working on it would not have been
31 right, would it? The team wasn't actively working on it?

32 A. Well, even a review - even a review that might end -
33 even conducting a review is work on it.

34
35 Q. But that had already happened?

36 A. Pardon?

37
38 Q. That was in the past. That had happened in October.

39 A. Oh, so - oh, I've got the dates around the wrong way.

40
41 Q. The review was in October.

42 A. I see.

43
44 Q. Here he is in February saying, "The case is open" --

45 A. Yes.

46
47 Q. -- thereby, I suggest, giving the impression that

1 something active was happening, when actually nothing
2 active was happening, apart from the reward?
3 A. Well, that's active and hopeful.
4
5 Q. The reward, you mean?
6 A. Yes. Well, the reward might provoke someone to give
7 information, so --
8
9 Q. So you'd say it was active in the sense that a reward
10 was being progressed?
11 A. Well, it's not - the reward's just the start of
12 hopefully another open door where someone might remember
13 something they've heard or - and if I may add, no case
14 would be described - so, that description that John Lehmann
15 has given for Scott is appropriate for any case in the same
16 situation, so it wasn't Scott-specific.
17
18 Q. I will move on. The very next day, 12 February, the
19 day after the Lateline program, there was the meeting that
20 you attended with the then Police Minister, Mr Gallacher.
21 Do you remember that?
22 A. Yes.
23
24 Q. Among those present was Steve Johnson and also
25 Mr Olen, with others.
26 A. And others, yes.
27
28 Q. That's the meeting where, in your view, the then
29 Police Minister, Mr Gallacher, kowtowed to the Johnson
30 family?
31 A. Yes.
32
33 Q. You say in your statement at paragraph 65
34 [SC0I.85816_0001] that thereafter - that is, from
35 12 February and following - you would, from time to time,
36 use that word "kowtowing" about then Minister Gallacher in
37 the Homicide office?
38 A. Yes.
39
40 Q. Including in the presence of Mr Willing?
41 A. Yes.
42
43 Q. Who else, to your knowledge, heard you use that
44 language?
45 A. Pardon?
46
47 Q. Who else, to your knowledge, heard you use that

1 language?

2 A. Well, definitely Mike Willing, anyone standing around,
3 Chris Olen as well. I was not - I didn't see I needed to
4 be courteous after what I'd seen.

5
6 Q. Did Mr Kaldas know that you were using that language,
7 as far as you know?

8 A. I - no, I don't think so. He's in an entirely
9 different building, kilometres away.

10
11 Q. Now, just fast-forwarding for the moment, two years
12 later, in May 2014, Minister Gallacher resigned as Police
13 Minister. You would recall that?

14 A. Yes.

15
16 Q. And that followed - that is, his resignation
17 followed - accusations at ICAC that he was involved in
18 corruption relating to political donations by property
19 developers. Do you remember that?

20 A. Yes.

21
22 Q. So from May 2014, for the next three years or so, he
23 sat on the cross benches in parliament. You would be aware
24 of that?

25 A. No. No idea.

26
27 Q. He was replaced as Police Minister, when he resigned,
28 by Stuart Ayres?

29 A. Pardon?

30
31 Q. He was replaced, when he resigned as Police Minister,
32 by Stuart Ayres?

33 A. Yes.

34
35 Q. And then, in due course, Stuart Ayres, in turn, was
36 replaced as Police Minister on about 1 April 2015 by Troy
37 Grant. Do you remember that?

38 A. Yes.

39
40 Q. That change to Troy Grant on or about 1 April followed
41 the re-election of the Baird government in late March 2015.
42 Do you remember that?

43 A. I'm an apolitical person. I'm not acutely aware of
44 those things, but I accept them if you say them.

45

46 Q. Well, would you say that, rightly or wrongly, fairly
47 or unfairly, from the time of his resignation in May 2014

1 because of the ICAC allegations, and for the next several
2 years, Mr Gallacher's reputation was adversely affected?

3 A. By what?

4
5 MR TEDESCHI: I object to the question.

6
7 THE COMMISSIONER: Why do you object to that? It is
8 pretty obvious, isn't it, that if there is an investigation
9 into a politician by ICAC and, as a result, the politician
10 leaves the political party and sits on the cross benches,
11 generally speaking that would lower someone's reputation in
12 the community as a matter of obvious inference, wouldn't
13 it? I will allow it. Thank you.

14
15 MR GRAY: Q. I will ask it again, Ms Young. Would you
16 agree that, rightly or wrongly, fairly or unfairly, from
17 the time of his resignation in May 2014 because of the ICAC
18 allegations about corruption, whether they were true or
19 false, and for the next several years, his reputation was
20 adversely affected?

21 A. By the ICAC revelations?

22
23 Q. The ICAC accusations.

24 A. Accusations?

25
26 Q. Yes.

27 A. I have no - sorry, I have no formed view one way or
28 another about him.

29
30 Q. Is it fair to say, in your view, that some senior
31 police officers had a low regard for Mr Gallacher at that
32 time?

33 A. I honestly had no idea. I was --

34
35 Q. Well, for your part, you reported to Deputy
36 Commissioner Kaldas a few months after the February
37 meeting, namely, in August 2013. Do you remember that?
38 You sent a report to Nick Kaldas about the meeting with --

39 A. Yes.

40
41 Q. -- then Minister Gallacher and Steve Johnson and
42 others?

43 A. When the Deputy Commissioner asked for it, yes.

44
45 Q. Do you have your statement with you?

46 A. I do.

47

- 1 Q. If we could go to your statement at paragraph 37,
2 [SC0I.85816_0001] - that folder can come back --
3 A. Paragraph 37, you said?
4
- 5 Q. Paragraph 37, yes. You say that you reported to
6 Deputy Commissioner Kaldas about the forming of Strike
7 Force Macnamir?
8 A. Yes.
9
- 10 Q. And that he had asked to be briefed about that after
11 he had been away for a while?
12 A. Yes.
13
- 14 Q. If we go to that report, it's your exhibit PY-7. Your
15 pages are numbered at the bottom right-hand of the page,
16 and it's at page 44. You send this email to Mr Kaldas on
17 18 September 2023, and you copy it to a Ms O'Mally and also
18 to Michael Willing. Do you see that?
19 A. Yes.
20
- 21 Q. Who was Ms O'Mally?
22 A. I understood she was a seconded staff officer to the
23 Deputy Commissioner. I'm not absolutely sure of that, but
24 she did act as his second at that time.
25
- 26 Q. So you give the Deputy Commissioner an account, which
27 I don't need to go through the detail of, of the meeting in
28 February in this email?
29 A. Yes.
30
- 31 Q. And you interpolate a few comments of your own. On
32 the second page, just below all the dot points, you express
33 the view that:
34
- 35 *The urgency with which the requirements of*
36 *the [next of kin] were attended to...*
37 *combined with the manner in which the*
38 *Minister conducted the meeting exulted the*
39 *expectations of the family, a family*
40 *already sure of their influence via Harvard*
41 *University and apparent Kennedy family*
42 *connections.*
43
- 44 Correct?
45 A. Am I reading the first paragraph after the dot points?
46
47 Q. You are. That's what you told him?

1 A. Pardon?
2
3 Q. That's what you told him?
4 A. Absolutely.
5
6 Q. That was your view?
7 A. Absolutely.
8
9 Q. Then in the next paragraph, you make some observations
10 about the next of kin, by which I take it you mean the
11 Johnson family; and it's fair to say that those remarks are
12 generally of a critical nature about the Johnson family;
13 would you agree?
14 A. What was your question, Mr Gray?
15
16 Q. Would you agree that those remarks are generally of
17 a critical nature about the Johnson family?
18 A. It's critical of their actions.
19
20 Q. Yes. So you would agree?
21 A. I agree that it's critical of their actions.
22
23 Q. And then in the next paragraph, which is the last main
24 paragraph, you express the view that:
25
26 *For the Homicide Squad and two of the most*
27 *experienced homicide investigators in the*
28 *State --*
29
30 and you're referring there to yourself and Mr Olen, I take
31 it --
32
33 *the meeting was humiliating and*
34 *disrespectful.*
35
36 That was your view?
37 A. Yes.
38
39 Q. And you told Nick Kaldas that it was your belief that
40 the:
41
42 *... manner in which the Minister conducted*
43 *the meeting and his office's continued and*
44 *direct interest in the progress of the*
45 *matter is, at least in part, to emphasise*
46 *a special status with which this family is*
47 *to be regarded.*

1
2 That's what you told Nick Kaldas?
3 A. Yes.
4
5 Q. And that was your view, I take it, at that time?
6 A. I believed it.
7
8 Q. Did he respond, Nick Kaldas?
9 A. No.
10
11 Q. Did he respond verbally? Did he tell you that he
12 agreed with you, that he didn't agree with you or, indeed,
13 anything?
14 A. I don't remember - I don't have a specific memory of
15 what he said. I don't believe I received anything in
16 writing, but nor did I understand from him that he felt
17 differently or rejected my belief that I had expressed.
18
19 THE COMMISSIONER: Q. Did he ever tell you - that is,
20 Mr Kaldas - that he thought it was entirely inappropriate
21 to express views of that kind?
22 A. Inappropriate?
23
24 Q. Inappropriate.
25 A. No, he didn't.
26
27 MR GRAY: Q. Could we turn to your annexure PY-11, which
28 starts at page 68 of your statement.
29 A. Page?
30
31 Q. 68.
32 A. Page 68.
33
34 Q. This is an email chain, which starts really on
35 page 71, going back to front, as they do, and the starting
36 email, which is to be found on the bottom of page 70, is an
37 email from someone called Malcolm Smith to Mick Willing,
38 forwarding an email that he, Malcolm Smith, had received
39 from another officer called Paula Dutton, about Steve
40 Johnson, and you can see that the topic that is being
41 discussed in Ms Dutton's email at the bottom of page 70 is
42 another letter from Steve Johnson that needed some
43 response. Do you see that's the topic?
44 A. Yes.
45
46 Q. So Mr Smith sends that to Mr Willing, and Mr Willing's
47 response starts towards the bottom of page 69, and he gives

1 Mr Smith some information about the Johnson case generally.

2 Do you see that one?

3 A. Yes.

4

5 Q. The chain then works its way up to the one halfway
6 down page 68, from Paul Pisanos to Deputy Commissioner
7 Kaldas, and Mr Pisanos, who is a Superintendent, says to
8 Mr Kaldas:

9

10 *Boss - may resonate with you. Email from*
11 *Mick Willing gives some history. Appears*
12 *to be an ongoing drama.*

13

14 Do you see that?

15 A. Yes.

16

17 Q. And then Mr Kaldas's response at the top of that page
18 to Mr Pisanos is also sent to Mick Willing and Mark
19 Jenkins, and it's copied to you and to someone else. Do
20 you see that?

21 A. Yes.

22

23 Q. What Nick Kaldas says is:

24

25 *Thanks Paul*
26 *Mick, Mark, please keep me posted regarding*
27 *this issue. It sounds like it is on track*
28 *with the Coroner finally assuming*
29 *responsibility, but I want to monitor what*
30 *happens next, and ensure we never go back*
31 *to the inappropriate behaviour condoned and*
32 *encouraged by previous minister. Ever.*

33

34 That's what he said?

35 A. Yes.

36

37 Q. Now, the previous Minister was Mr Gallacher; correct?

38 A. Yes.

39

40 Q. What was the inappropriate behaviour that Mr Gallacher
41 had condoned and encouraged, according to Mr Kaldas?

42 A. Well, I don't know what Mr Kaldas had in mind, but
43 I know what I thought when I read it.

44

45 Q. Which was?

46 A. That it related directly to the meeting the Minister
47 had called with the Johnson family and two lower-ranking

1 Inspectors from the Unsolved Homicide Team.

2

3 Q. Could we then have volume 17, please, and turn to
4 tab 393, [NPL.0138.0001.0044]. I'm jumping forward
5 slightly in time here. This is now April 2015, and it's
6 just in the couple of days after the Lateline interview.
7 The heading of this is "Texts from NK", and my
8 understanding - tell me if this is right - is that you have
9 sent an email to yourself recording the content of texts
10 passing between you and Mr Kaldas?

11 A. Yes.

12

13 Q. The first one, as I understand it, beginning "Wow", is
14 a text from you to Mr Kaldas?

15 A. Yes.

16

17 Q. Do you see in the second and third lines, you talk
18 about the Johnson family having written, asking you to be
19 taken off the case due to:

20

21 *... a comment I made on Lateline last night*
22 *(Mon).*

23

24 Do you see that?

25 A. Yes.

26

27 Q. And you say about the former Police Minister giving
28 them priority, and you say:

29

30 *Lateline followed up with Gallacher*
31 *tonight ...*

32

33 Now, we know that Lateline did have an interview with
34 Minister Gallacher on 14 April, in the evening?

35 A. Yes.

36

37 Q. So it looks as though this text from you to Mr Kaldas
38 is late on the evening of Tuesday, the 14th; would you
39 agree with that?

40 A. Yes.

41

42 Q. And he responds:

43

44 *Pam, you have my support 150%.*

45

46 He is there referring to your interview on Lateline, isn't
47 he?

- 1 A. That's how I understood it.
2
- 3 Q. And he says a couple of lines down:
4
5 *Love your work. Do not back down, you are*
6 *in the right, you're entitled to support.*
7 *Pls let me know if they attempt to move you*
8 *out.*
9
- 10 You interpreted that, I take it, as him backing you and
11 supporting what you had said on Lateline?
12 A. That's how I understood it.
13
- 14 Q. And when he says, "Please let me know if they attempt
15 to move you out", did you have an idea of who he meant by
16 "they"?
17 A. Not specifically.
18
- 19 Q. What did you surmise?
20 A. Any of my bosses.
21
- 22 Q. So that would be, among others, Mr Willing, but who
23 else?
24 A. Yes, just any of - so, I don't know what Mr Kaldas had
25 in mind, but I read that as "they" being any of my bosses.
26
- 27 Q. Then he goes on, Mr Kaldas does:
28
29 *This happened ...*
30
- 31 Did you understand him there to be referring to the
32 Lateline topic or something else when he says "This
33 happened"?
34 A. I interpreted that as acutely on topic but not
35 specifically which part of it.
36
- 37 Q. "On topic" meaning what?
38 A. Meaning Lateline, the Minister's meeting, maybe the
39 Johnson campaign.
40
- 41 Q. What he says is:
42
43 *This happened because of the cowardice*
44 *of --*
45
46 and then he names three people --
47

1 *Cath Burn, AS and Jenko ...*

2

3 Now, who was Cath Burn?

4 A. She was the other Deputy Commissioner of Police at
5 that time.

6

7 Q. Who was AS?

8 A. He was the Commissioner, Andrew Scipione.

9

10 Q. And Jenko?

11 A. Mark Jenkins was the Assistant Commissioner to the
12 State Crime Command.

13

14 Q. So Mr Kaldas's view was that this had happened because
15 of the cowardice of Deputy Commissioner Burn, Commissioner
16 Scipione and Assistant Commissioner Jenkins:

17

18 *... not going with you or supporting you as
19 they should have.*

20

21 Correct?

22 A. Yes.

23

24 Q. And he added, Nick Kaldas added:

25

26 *Gallacher has no morals whatsoever.*

27

28 Did you understand that was Mr Kaldas's view prior to that
29 text coming to you?

30 A. Are you referring to that last line?

31

32 Q. Yes.

33 A. No.

34

35 Q. But you understood it from then on, no doubt?

36 A. Yes.

37

38 Q. Just going back now, back in 2013, you are appointed
39 to be the investigating supervisor of Macnamir in February
40 2013?

41 A. Pardon?

42

43 Q. Investigation supervisor of Macnamir --

44 A. Yes.

45

46 Q. -- from 2013, February. That's right?

47 A. Yes.

1
2 Q. In the following month, March 2013, just weeks after
3 Australian Story, there was the 2013 Mardi Gras, you'd
4 remember --
5 A. Yes.
6
7 Q. -- which was a controversial one that year and there
8 was some violence; you would recall that?
9 A. Yes, it was written up in our internal police magazine
10 for us all to learn from it.
11
12 Q. And in the same month, March 2013, there were articles
13 in the Sydney Morning Herald by a journalist called Paul
14 Sheehan about gay hate crimes, and so on?
15 A. I am aware that he wrote an article, especially now
16 it's been mentioned a number of times. I wasn't - I don't
17 think I've ever read it, actually.
18
19 Q. There were two, actually.
20 A. Oh.
21
22 Q. You're aware of it now, but you don't think you were
23 aware of it then?
24 A. Not specifically.
25
26 Q. And then a few months later, in July 2013, there was
27 a series of articles in the Herald by a journalist called
28 Rick Feneley. Do you remember those?
29 A. Yes.
30
31 Q. One or two of them were in the Good Weekend and there
32 was a series of them concentrated in the space of three or
33 four days?
34 A. Yes.
35
36 Q. They were also suggesting that there had been 80 or
37 more gay hate deaths since the '70s and suggesting that up
38 to 30 of those were unsolved. Do you remember those
39 articles?
40 A. Yes.
41
42 Q. In the articles, it appeared that to some extent at
43 least, they were based on work done by Sue Thompson, the
44 former Gay and Lesbian Liaison Officer?
45 A. Yes.
46
47 Q. So, then, a couple of months after that, in September

- 1 2013, you and Mr Lehmann produced and issue paper
2 responding or referring to the claims by the media and/or
3 Sue Thompson about the 80 deaths and the 30 unsolved
4 deaths. Do you remember that issue paper?
5 A. Yes.
6
7 Q. I can take you to it if you need it, but I am assuming
8 you have seen it in recent times?
9 A. Yes. I didn't - well, sorry.
10
11 Q. It has, as you would know, Mr Lehmann's name only on
12 it, but there has been evidence that, in fact, you and he
13 produced it jointly; is that correct?
14 A. I contributed to the commentary on some of the deaths
15 that John Lehmann then constructed into the report you see
16 today. I did not write the report. I did not look over
17 his shoulder. I'm not even sure if I read it once it was
18 finished.
19
20 Q. The conclusion - and again I can put it in front of
21 you, by all means, if you need it - was that only eight of
22 the 30 said to be unsolved were probable or possible gay
23 hate cases. Do you remember that?
24 A. Yes.
25
26 Q. And I take it you agreed with that view?
27 A. Yes.
28
29 Q. You and he were the two Detective Chief Inspectors in
30 the UHT?
31 A. Yes.
32
33 Q. And presumably your views carried considerable weight
34 in the UHT?
35 A. My views?
36
37 Q. Yours and his, being the two senior officers?
38 A. In a general sense, you mean?
39
40 Q. Yes, generally.
41 A. Yes.
42
43 Q. And specifically, including in this respect?
44 A. So the issue paper carried some weight, because of us,
45 in the Unsolved Homicide Team?
46
47 Q. The views expressed by you and Mr Lehmann in the issue

1 paper - namely, that only eight of the 30 unsolved cases
2 were probable or possible gay hate crimes - carried some
3 weight with others in the Unsolved Homicide Team because of
4 your status, yours and Mr Lehmann's?

5 A. I doubt if anyone else in the Unsolved Homicide Team
6 read it. They may not even have known it was being
7 constructed.

8
9 Q. Did you or Mr Lehmann express those views orally at
10 the time, in the context that these articles had created
11 something of an impact?

12 A. No, because it had no direct relevance to the staff.
13 It was a report that was heading up the hill, mmm.

14
15 Q. Let me ask you this: in that issue paper, it was
16 stated that so far as the Scott Johnson case was concerned,
17 there was no evidence of gay hate and actually no evidence
18 that he was murdered at all; do you remember that?

19 A. At that time?

20

21 Q. Yes.

22 A. In 2013?

23

24 Q. In September 2013, yes.

25 A. September.

26

27 Q. That's right?

28 A. Yes.

29

30 Q. And so the Johnson case was not one of the eight that
31 you and Mr Lehmann said could be possible or probable gay
32 hate?

33 A. Because it was being investigated and could go either
34 way, so it was not able to be determined.

35

36 Q. Well, no, what you said was there was "no evidence of
37 gay hate and indeed no evidence that he was murdered", and
38 when you nominated the eight that were possible or
39 probable, his was not one of them; do you agree?

40 A. Yes, but I - I understood that we - Scott's - any
41 conclusion about Scott's death was just set aside because
42 Macnamir was fully active, so it didn't - we weren't in a
43 position to finalise anything.

44

45 Q. Well, it will speak for itself. The document as to
46 Mr Johnson refers to the fact that the Macnamir
47 investigation was still ongoing but uses an expression

1 something like "well advanced" or "nearing completion", or
2 words to that effect, and then, as I say, the Johnson case
3 is not one of the eight identified as possible or probable
4 gay hate crimes; were you aware of that?

5 A. I'm aware that that's in the report. I've come to be
6 aware. I'm not sure why John - he must have thought we
7 were quite well advanced because we'd been very active and
8 consistent for those months, but we weren't anywhere
9 finished.

10
11 Q. The paper also said, as an expression of opinion at
12 the end, that the suggestion in the media of up to 30
13 unsolved gay hate deaths was a gross exaggeration. Did you
14 share that view?

15 A. I would not have used the word "gross".

16

17 Q. Did you share that view?

18 A. Well, I don't share the view that it's a gross
19 exaggeration.

20

21 Q. How would you express it?

22 A. An exaggeration.

23

24 Q. You became aware, I take it, that Mr Willing, as
25 Commander Homicide, endorsed the views expressed in that
26 paper?

27 A. Yes.

28

29 Q. Were your views about the subject matter of that
30 paper, the 30 unsolved deaths, and those of Mr Lehmann and
31 Mr Willing as expressed in the paper and the endorsement,
32 the subject of discussion within the UHT?

33 A. With staff?

34

35 Q. With anybody - any of your fellow officers, colleagues
36 in the UHT.

37 A. No.

38

39 Q. Would this be right, that so far as the Johnson case
40 was concerned, your view up to April 2015 was that a third
41 inquest was unlikely to result in any different outcome
42 than the open finding of Coroner Forbes?

43 A. I may - I thought an open finding was most likely
44 where it would land.

45

46 Q. Yes, but my question was slightly different. Was your
47 view that, really, in the light of the work you had done,

1 a further inquest was unlikely to advance matters beyond
2 the bringing down of another open finding?

3 A. Yes.

4

5 Q. And did you think, therefore, that a third inquest
6 would be an unjustified use of resources, for that reason?

7 A. No.

8

9 Q. Did you think that the resources of the Unsolved
10 Homicide Team would have been better used on something else
11 other than the Johnson case?

12 A. I have to get over mentally that it was given priority
13 when I've considered it should not have been. But, putting
14 that aside, once it was active, it deserved every attention
15 that any other death deserved.

16

17 Q. The Johnson family was strongly against the suicide
18 theory and strongly arguing that Scott Johnson's death was
19 a homicide; correct?

20 A. Yes.

21

22 Q. Is it fair to say that your view was that a finding of
23 homicide by the Coroner, which the Johnsons were pressing
24 for, would amount to a win for the Johnsons?

25 A. I don't know - do I think they would have thought it
26 was a win?

27

28 Q. No. Was it your view that a finding of homicide by
29 the Coroner would amount to a win for the Johnsons? Was
30 that your view?

31 A. They would have been happy with that. I don't know
32 about a "win."

33

34 Q. You don't adopt the word "win"?

35 A. Not in answer to your question, Mr Gray.

36

37 Q. Is it fair to say that you wanted very much to ensure
38 that the Johnsons would not win?

39 A. Pardon?

40

41 Q. Is it fair to say that you wanted very much to ensure
42 that the Johnsons would not win?

43 A. I don't know what a win could possibly look like.

44

45 Q. Well, a finding of suicide or an open finding would
46 have meant that the Johnsons had not won, wouldn't it, in
47 your mind?

1 A. I'm - I just - my mind doesn't go in that direction at
2 all.
3
4 Q. You say that wasn't your view at all?
5 A. No.
6
7 Q. You say that was not what you were attempting to
8 achieve with Macnamir - to defeat the Johnsons' theory of
9 homicide?
10 A. No.
11
12 Q. Could we have volume 16, please, and go to tab 382A,
13 [NPL.2017.0001.0029]. Ms Young, these are some dot points
14 prepared by Mr Willing in the weeks following the Lateline
15 interview. I think you have seen them? You have referred
16 to them in your statement; is that right?
17 A. I've read them as part of this Inquiry exhibit, yes,
18 not necessarily --
19
20 Q. On the fourth page, he is talking about the events of
21 14 April, being the day after the Lateline program that you
22 were featured in. Could I take your attention to the
23 bullet point just below halfway on the page, beginning "At
24 5.04pm". Have you found that one?
25 A. What does it start with?
26
27 Q. "At 5.04pm". Have you found that one?
28 A. Yes.
29
30 Q. Could you read that one and the following one to
31 yourself, please? Do you see that in one of his texts to
32 you, he says:
33
34 *I want all the hard work you've done to*
35 *come out in court for what it is and show*
36 *the Johnsons for what they are. We need to*
37 *let that happen and can't jeopardise that*
38 *now by letting them win.*
39
40 Do you see that?
41 A. Yes.
42
43 Q. I suggest to you again that the reference to "letting
44 them win" would be a reference to them "winning" by
45 a finding of homicide; do you agree?
46 A. No, but you - I don't know what Mick Willing meant by
47 "win", by the way, but - so I've - so if you could - do you

1 want me to --

2

3 Q. If that's your answer, I will go to my next question,
4 if that's all you want to say. You answered by saying:

5

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

8

9 What did you mean by "win"?

10 A. So I mirrored his "win", but my intent was that my
11 "win" was that the Coroner would get a very full, detailed
12 look at our investigation and would feel differently to how
13 the Johnson family had campaigned about it in the media.
14 So the "win" was getting to the line of the third inquest
15 with good-quality work and that the Coroner would see it as
16 that.

17

18 THE COMMISSIONER: Q. And having your or the police
19 analysis approved over the analysis or the propositions
20 advanced by the Johnson family?

21 A. Yes.

22

23 MR GRAY: Q. You are aware, of course, that some years
24 later, a suspect was eventually arrested and charged with
25 the death of Scott Johnson?

26 A. Yes.

27

28 Q. And he eventually pleaded guilty, initially to murder
29 and finally to manslaughter?

30 A. Yes.

31

32 Q. And you know that he has now been convicted and
33 sentenced for manslaughter?

34 A. Yes.

35

36 Q. Do you accept, therefore, that the suicide theory was
37 wrong and that the death was, indeed, a homicide?

38

39 MR TEDESCHI: I object.

40

41 THE COMMISSIONER: Why?

42

43 MR TEDESCHI: Based upon the information then available or
44 based upon the information known now?

45

46 THE COMMISSIONER: Yes, I understand that, but I think
47 what Mr Gray is suggesting is as of now, and he can develop

1 it, so can you and so can others. So I will allow it.

2

3 MR GRAY: Q. Do you accept that as of now, it's clear
4 that the suicide theory was wrong and the death was,
5 indeed, a homicide?

6 A. The death was, indeed, a homicide.

7

8 THE COMMISSIONER: Q. And does it follow that you accept
9 that the suicide theory, in retrospect, was wrong?

10 A. It must be.

11

12 MR GRAY: Q. Do you have any regrets about the stance
13 taken by Macnamir in resisting the Johnson family's
14 attempts to establish that the death was a homicide?

15 A. No. Sorry, could you ask me that again?

16

17 Q. Do you have any regrets about the stance taken by
18 Macnamir in resisting the Johnson family's attempts to
19 establish that the death was a homicide?

20 A. No regrets. We were - Strike Force Macnamir did show
21 that it was not likely to be a marauding gang gay hate
22 crime, which is what the Johnson campaign mainly focused
23 on. So we - our body of work contributed to --

24

25 Q. To what?

26 A. Contributed to the result at the end of the day.

27

28 Q. How did it do that?

29 A. Oh, well, made every piece of information available,
30 I guess, so if perhaps there had been a trial, perhaps
31 Strike Force Macnamir material might have helped because it
32 had eliminated red herrings and things like that. So it's
33 not - it doesn't sit in opposition to what the result is
34 today.

35

36 Q. So I take it you don't accept that Macnamir and,
37 indeed, you were seeking to highlight factors which would
38 refute the homicide theory and highlight factors which
39 would support the suicide theory; you would say that's not
40 right, would you?

41 A. I say that's not right.

42

43 Q. Do you recall that one of the factors that Coroner
44 Forbes had relied upon in the second inquest, in 2012, as
45 to why the original suicide finding should be replaced by
46 an open finding was the work of Operation Taradale and
47 Coroner Milledge in relation to the three Bondi deaths?

1 A. Yes.

2

3 Q. As part of the work of Macnamir, you looked again at
4 the Taradale cases and the work of Detective Sergeant Page
5 and the findings of Coroner Milledge; correct?

6 A. Yes.

7

8 Q. Did you do that because you thought that what Page and
9 Milledge had uncovered about gay hate violence in the
10 Eastern Suburbs might also have applied to North Head and
11 the Johnson death?

12 A. It was part of the holdings we gathered to compare and
13 contrast with Scott's situation.

14

15 Q. I asked a slightly different question.

16 A. Oh.

17

18 Q. Did you do that work of looking again at the Taradale
19 cases and the work of Milledge and Page because you thought
20 that what they had uncovered about gay hate violence in the
21 Eastern Suburbs might have also applied to North Head and
22 Scott Johnson?

23 A. Yes.

24

25 Q. Or did you do it with a view to casting doubt on the
26 work and the findings of Taradale and Coroner Milledge?

27 A. No.

28

29 Q. You see, what you told Emma Alberici on the Friday
30 afternoon discussion or interview on 10 April 2015 was that
31 you "put to the test" the Taradale findings. Do you
32 remember saying that?

33 A. Yes.

34

35 Q. What you meant was, I take it, you were challenging
36 those findings; that's what you meant by "putting them to
37 the test"?

38 A. Not challenging. Gathering, analysing, testing
39 whether they're going to be of value to our investigation
40 on what had happened to Scott.

41

42 THE COMMISSIONER: Q. Yes, but "put to the test", did
43 you mean whether they could be, in the light of what you
44 had looked at, sustained - in other words, whether the
45 Taradale findings, given what you had looked at, could
46 indeed be sustained?

47 A. I'm sorry, I'm not certain of the question.

1
2 THE COMMISSIONER: Don't worry. You go on, Mr Gray.

3
4 THE WITNESS: Sorry.

5
6 THE COMMISSIONER: Q. When you said "put to the test",
7 you were wanting to understand, were you, whether you
8 thought the Taradale findings were appropriate in all the
9 circumstances?

10 A. Not appropriate to Taradale or Coroner Forbes'
11 inquest.

12
13 Q. What were you putting to the test?

14 A. It was an information-gathering element, amongst many
15 other areas we went to, to gather information, to look at,
16 to test, the relevance of the material to the death of
17 Scott Johnson.

18
19 Q. In other words, to see whether the gang theory as
20 applied in the Eastern Suburbs could have any application
21 to the Johnson analysis?

22 A. Exactly.

23
24 MR GRAY: Q. The expression you used was that you "put
25 to the test the findings", so what I want to suggest to you
26 is that you were putting them to the test - that is, the
27 findings - in the sense of challenging them, challenging
28 the findings of Coroner Milledge about the Bondi cases, but
29 you reject that, do you?

30 A. I do. It's a small "f" findings, not a capital "F"
31 findings.

32
33 Q. What do you mean by that?

34 A. Oh, well, coronial findings, I would just - it's an
35 official title for something. So it's what they found out.
36 So my - what I tried to say, maybe clumsily, it was what
37 Taradale found out, we were looking at what they found out,
38 to see if it could be of benefit to us looking at what
39 happened to Scott.

40
41 Q. Do you say that Coroner Milledge didn't make findings?

42 A. No. I'm saying when I used the word "test" what
43 Taradale found out, that's what my intent was in saying
44 that.

45
46 Q. So when you said, "We put to the test the Taradale
47 findings", you meant, "We put to the test what Taradale had

1 found out"?

2 A. Yes. If I had meant the coronial findings, I would
3 have said, "We put to the test the coronial findings",
4 whereas Taradale was actually a separate operation, that --

5

6 THE COMMISSIONER: Q. So does that mean that in that
7 context, you meant "put to the test Page's analysis"?

8 A. Yes, everything they had gathered - all their --

9

10 Q. I understand you were looking at all of that.

11 A. Sorry.

12

13 Q. Leaving Coroner Milledge to one side, do I understand
14 what you meant, you say, by "putting to the test" was
15 Mr Page's analysis?

16 A. The Taradale operational investigation holding - it
17 was not about a person; it was about their investigation.

18

19 Q. It may not have been about a person, but you knew that
20 Mr Page led the Taradale investigation?

21 A. Yes.

22

23 Q. And what you were looking at, were you - I don't
24 know - was whether Mr Page had barked up the wrong tree or
25 had got it right?

26 A. No. That was not my approach.

27

28 Q. Well, then, why were you bothering to worry about
29 Taradale at all? Why couldn't you have just accepted that
30 the Coroner had made findings and moved on from there? Why
31 was it necessary to go back and look at any aspect of
32 Taradale?

33 A. It would have been negligent not to look at the
34 holdings --

35

36 Q. That doesn't answer my question. I asked you, why was
37 it necessary - whether you thought it was negligent not to
38 have done so I'm happy for you to tell me in a minute, but
39 why was it necessary at all to go back to Taradale?

40 A. To compare and contrast what had been identified as
41 gay hate crimes with what had - the circumstances of
42 Scott's death.

43

44 Q. But why couldn't you have just accepted what Coroner
45 Milledge had found and moved on from there and saved a lot
46 of time in trying to second-guess whether Page had found
47 information about gay hate or not? Why would you need to

1 bother going beyond Coroner Milledge? That was a judicial
2 finding. So why would you bother looking at Taradale at
3 all, or its methodology, unless you wanted to work out
4 whether you thought he got it right?
5 A. It had nothing to do with who the Coroner was or who
6 the OIC was. It was about the behaviour of the individuals
7 and gangs and suspects and victim behaviour and all the
8 intelligence around how gay hate groups and individuals
9 operate. Taradale --
10
11 Q. All right. So why couldn't you have just accepted
12 Coroner Milledge's findings?
13 A. Because Coroner Milledge's findings were for the three
14 deaths.
15
16 Q. Therefore, what did that have to do with Scott
17 Johnson?
18 A. The findings - the findings as worded by her, so the
19 official findings, did not have anything to do directly
20 with Scott Johnson's death, but the body of work that had
21 led to that inquest was what I wanted and what I used.
22
23 Q. And so you wanted to challenge, did you, the very
24 notion that there were ever gangs involved in gay hate
25 assaults or homicides, whether it was on the north side or
26 on the east side; you wanted to challenge that proposition
27 or test that proposition?
28 A. I wanted to learn from that body of work.
29
30 Q. I will ask you again: did you want to test the
31 proposition, as found by Coroner Milledge, that gangs had
32 been involved in gay hate violence?
33 A. Not test the findings, no.
34
35 Q. Test the theory?
36 A. Not test the theory. I wanted the body of work,
37 I wanted the facts, the information, the intelligence.
38
39 Q. And is that because you doubted her findings?
40 A. I probably didn't give the findings much thought at
41 all. I wanted to learn about the gangs operating in Sydney
42 in a coastal area similar to where Scott had been found.
43
44 MR GRAY: Q. Let me put this to you directly, Ms Young:
45 what you were putting to the test were the conclusions of
46 Taradale that the deaths of Mr Russell and Mr Warren were
47 homicides probably by gay hate assailants; you were

- 1 challenging that, weren't you?
2 A. No.
3
4 Q. You were not accepting those findings; you were
5 looking to see if they stood up to testing by you?
6 A. No.
7
8 Q. And you were looking at the possibility of showing
9 that the Taradale view or findings might be wrong?
10 A. No.
11
12 Q. Now, you are aware - or maybe you aren't; I will ask
13 you: are you aware that in October 2015, which was a few
14 months after you went on sick leave, Mr Willing set up
15 Strike Force Neiwand?
16 A. I certainly wasn't aware of it at the time.
17
18 Q. When did you become aware - only years later or what?
19 A. It might have even been at the start of this Inquiry.
20
21 Q. So I take it, then, that you are not aware of the
22 reasons why Mr Willing set up Neiwand?
23 A. Only through what this Inquiry has put - made public.
24
25 Q. And are you aware, at least now, that what Neiwand
26 actually did was to criticise Taradale and Mr Page and
27 ultimately to contradict the findings of Coroner Milledge?
28 A. I understand that that's how it's being interpreted by
29 some people.
30
31 Q. Well, including the police. That's the accepted
32 account of what it actually did, putting aside what it
33 might have been intended by someone to do. Are you aware
34 that that's what it actually did?
35 A. I only have any knowledge of Neiwand because of words
36 that have come out of this hearing. I don't have any --
37
38 Q. Is your state of knowledge that what it actually did
39 was to criticise Taradale and Page and to contradict the
40 findings of Coroner Milledge?
41 A. I have no view. I don't know enough about all the
42 circumstances.
43
44 Q. Was that what Macnamir had been doing as well - that
45 is, setting out to criticise the work of Taradale with
46 a view to contradicting the findings of Coroner Milledge?
47 A. Not at all.

1
2 Q. Ms Brown has given some evidence that it was actually
3 Mr Willing who also set up Strike Force Parrabell. I don't
4 know if you were here when she gave that evidence. You may
5 have been. Are you aware that that's her evidence?
6 A. That she was aware of Parrabell?
7
8 Q. No. Are you aware that she has given evidence that it
9 was Mr Willing who set up Parrabell?
10 A. I accept that --
11
12 Q. You accept what?
13 A. What you said, yes.
14
15 Q. No. My question is, are you aware that she gave that
16 evidence?
17 A. I have some recollection.
18
19 Q. According to Ms Brown, he did so, Mr Willing did so,
20 in response to media attention on crimes involving
21 sexuality or gender bias. Did you hear her say that?
22 A. It sounds - rings a bell.
23
24 Q. Is that also your understanding about the setting up
25 of Parrabell?
26 A. My understanding of Parrabell for my purpose was more
27 simple than that, which was I understood that the larger
28 number of gay hate offences, alleged and otherwise, were to
29 be removed from the responsibility of the Unsolved Homicide
30 Team to an independent group away from us. That really is
31 as simple as my knowledge of it was. And I was grateful
32 for that.
33
34 Q. So you had that knowledge, did you - I'm just trying
35 to understand this - before you went on sick leave, in
36 about June 2015?
37 A. Yes, I had - I certainly had heard Parrabell, the
38 word, mentioned before I went off, yes.
39
40 Q. And what had you heard? What was your understanding?
41 A. Just --
42
43 Q. That somebody - if I'm picking you up properly, that
44 somebody had come to the view that a task looking at
45 a large number of cases - namely, the 80 or so in the press
46 articles - should be removed from Unsolved Homicide and
47 given to another group; is that right? Is that what you

1 are telling us?

2 A. We didn't have the capacity to look at --

3

4 Q. First of all, is that right, so far, what I've just
5 said?

6 A. I guess "removed" - I might have used it first, but
7 when you said it, it sounded dismissive.

8

9 Q. Tell us what your understanding was, in your words?

10 A. So when - with the - on the back of the publicity and
11 the gathering of the, may I call it, the list of 88, with
12 that looking like it might come to our Unsolved Homicide
13 Team, I was very concerned we had no capacity to look at
14 it. So when I heard that something called Parrabell were
15 keen and would look at that, that was all I needed to know
16 about it, because once it was taken elsewhere, once those
17 deaths and that responsibility was taken away from the
18 Unsolved Homicide Team, from my perspective that was a good
19 thing resource-wise.

20

21 Q. Let me just try to understand that. The list of
22 88 contained cases which were solved and cases which were
23 unsolved.

24 A. Yes.

25

26 Q. You understand that? According to the list and
27 according to most of the media articles, the number of
28 unsolved cases was about 30. Are you aware of that?

29 A. Yes.

30

31 Q. So presumably those 30 unsolved cases were already on
32 the UHT's books - the unsolved ones; would that be right?

33 A. Yes.

34

35 Q. Well, whatever Parrabell might have been going to do
36 wasn't going to take them off the UHT's books, was it?

37 A. I wasn't party to any meetings about Parrabell or saw
38 any documents about Parrabell. I don't know what the
39 arrangements were. I have to say my primary interest was
40 that Unsolved Homicide Team no longer had the entire
41 responsibility for what has become known as the list of 88.

42

43 Q. Did you know or believe, by the time you went on sick
44 leave in about June 2015, that Parrabell was only going to
45 be a review on the papers, not a reinvestigation, and that
46 it was only going to look at the papers with a view to
47 considering whether or not gay hate bias had been a factor

1 in the deaths? Did you know that that was what Parrabell's
2 remit was?
3 A. I had no idea.
4
5 Q. So you just thought that it was going to be doing
6 something about the 30 unsolved cases?
7 A. Or more. I really had no idea. I had no interest.
8 I had interest in the jobs that the Unsolved Homicide Team
9 were directly responsible for.
10
11 Q. Turning to a different topic, as at 2015, were you
12 aware of the existence of a formal Police Media Policy?
13 A. As at what date, sorry?
14
15 Q. 2015, the first six months of 2015.
16 A. Oh, I know we've - there's definitely - got one.
17
18 Q. Have you ever looked at it?
19 A. Not in detail and not for ages.
20
21 Q. Let's have a look at it. It's volume 19, tab 527,
22 [NPL.0226.0001.0001]. This document has a date on the
23 front of it, as you can see, May 2013. On the very front
24 page, you can see the date.
25 A. Yes.
26
27 Q. If we turn to the immediate next page, on the
28 left-hand side, it says "Publication date May 2013" and
29 "Review date May 2016". Do you see that?
30 A. Mmm-hmm.
31
32 Q. So it would appear that this was the one in force in
33 2015; does that seem to be right?
34 A. After May, yes.
35
36 Q. Well, after May 2013.
37 A. '13, yes. Sorry, yes.
38
39 Q. So in 2015 --
40 A. Quite right.
41
42 Q. -- this was the one in force?
43 A. Yes.
44
45 Q. As at the first half of 2015, had you seen this, had
46 you read it?
47 A. I don't remember.

1
2 Q. If not, do you think you had seen a predecessor of it?
3 A. Yes, yes.

4
5 Q. It goes, among other things, to questions of
6 authority, and I'm going to be coming to Lateline in
7 a moment. Could we just turn to page 11. There is
8 a heading "3. Speaking to the media". Do you see that?
9 A. Yes.

10
11 Q. 3.1 is headed "Authority to Comment". 3.1.3 deals
12 with commenting on operational issues, and it says that
13 personnel authorised to do so may release information to
14 the media about various matters. Then on the top of the
15 next page, still part of 3.1.3, the second paragraph on the
16 left-hand column says:

17
18 *The authority to comment --*

19
20 A. Sorry, which number reference?

21
22 Q. I'm at the top of page 12, second paragraph from the
23 top.

24 A. 3.1.4?

25
26 Q. Second paragraph from the top. It says:

27
28 *The authority to comment on particular*
29 *types or aspects of police operations is*
30 *spelt out at Schedule 1 at the end of this*
31 *policy.*

32
33 And I will come to that in a second. Firstly, at the
34 bottom of that page, there is a heading "3.2 Interviews".
35 Do you see that at the bottom of that same page?

36 A. Yes.

37
38 Q. "3.2.1 Relationship with the Media" says:

39
40 *Information must be released to the media*
41 *on an equal basis. Do not favour one*
42 *organisation over another with exclusive or*
43 *special advantages. Any compelling case*
44 *for an exception, including targeted*
45 *placement to assist investigations, must be*
46 *approved by the Manager, Police Media Unit,*
47 *or the Director, Public Affairs Branch.*

1
2 Do you see that?

3 A. Yes.

4

5 Q. In the Lateline scenario in April 2015, which I'm
6 about to come to, two media organisations - namely, The
7 Australian, Mr Box; and the ABC, Ms Alberici - were being
8 given advantages or particular treatment that other media
9 outlets were not; correct?

10 A. Yes.

11

12 Q. Would you say that that, in your mind, was authorised,
13 as according to this it seems it had to be, by the Police
14 Media Unit or the Director, Public Affairs Branch?

15 A. Yes.

16

17 Q. And that's because of the matters that you have set
18 out in your statement, including, not limited to but
19 including, the email of 7 April?

20 A. And 8th, yes.

21

22 Q. Perhaps and 8th, but certainly the one of 7 April?

23 A. Yes.

24

25 Q. And then on the next page, 13, there is a heading
26 "3.2.3 Current Affairs Shows and Major News Bulletins". Do
27 you see that? 3.2.3. It's on page 13.

28

29 THE COMMISSIONER: It's to the right of where you were
30 just looking, I think. Do you have it?

31

32 THE WITNESS: "Current Affairs Shows"?

33

34 THE COMMISSIONER: Yes, that's it.

35

36 THE WITNESS: Yes. Thank you.

37

38 MR GRAY: Q. It says:

39

40 *Participation in live interviews on current*
41 *affairs style shows and major news*
42 *bulletins is restricted to the*
43 *Commissioner, Deputy Commissioners,*
44 *Corporate Spokespeople, Assistant*
45 *Commissioners and personnel authorised and*
46 *appropriately trained for that environment.*
47

1 Now, do you say, as I think I understand your evidence,
2 that you, indeed, were authorised to do that, in the case
3 of Lateline?

4 A. So I come under "personnel authorised and
5 appropriately trained".
6

7 Q. Do you say that you were such a person, namely,
8 authorised and appropriately trained?

9 A. Yes.
10

11 Q. And you were authorised by, among other things, the
12 email of 7 April and the other matters that you talk about
13 in your statement?

14 A. Yes.
15

16 Q. And you were appropriately trained for that
17 environment because?

18 A. Oh, I knew the case better than anybody else.
19

20 Q. Does that amount to training for the environment of
21 current affairs shows and major news bulletins?

22 A. "Trained for that environment". So the environment
23 I should read is the studio environment - is that what
24 I should read into there?
25

26 Q. You can read the sentence, Ms Young. It says:
27

28 *Participation in live interviews on current*
29 *affairs style shows and major news*
30 *bulletins is restricted to [various senior*
31 *people] and personnel authorised and*
32 *appropriately trained for that environment.*
33

34 Now, the environment, presumably, is live interviews on
35 current affairs style shows and major news bulletins. Is
36 that how you would read it?

37 A. I read that as the environment in which Scott
38 Johnson's death was to be talked about.
39

40 Q. This has nothing to do with Scott Johnson's death, has
41 it? This is a media policy generally.

42 A. Yes, I know. I'm --
43

44 Q. Let's go back a step.

45 A. No doubt there is more than one interpretation, but
46 that's my interpretation.
47

- 1 Q. Well, your interpretation of those words, with all due
2 respect, can't really have anything to do with Scott
3 Johnson, can it - those words on the page?
4 A. But that was the environment in which the interview
5 was to take place.
6
7 Q. I see. So you would read "that environment" as
8 meaning the environment of a current affairs style show or
9 a major news bulletin if it concerned a case that you were
10 the one most familiar with?
11 A. In this case, a case, yes.
12
13 Q. Not just in this case, in any case. Is that how you
14 read that?
15 A. I'm applying specifically Scott Johnson's case when
16 I'm thinking of an "environment", but it could - it's not -
17 it doesn't have to be just a case.
18
19 Q. Well, let's take Scott Johnson right away from it and
20 just read the words on the page. Nothing to do with Scott
21 Johnson, nothing necessarily to do with any particular
22 case. What the rule says is:
23
24 *Participation in live interviews on current*
25 *affairs style shows and major news*
26 *bulletins is restricted to --*
27
28 relevantly --
29
30 *[people] appropriately trained for that*
31 *environment.*
32
33 Isn't that a reference to a current affairs style show or
34 a major news bulletin?
35 A. It may be.
36
37 Q. That's the best you can do, "It may be"?
38 A. Yes.
39
40 Q. At any rate, would you say - and I think I understand
41 your evidence this way, but tell me if I'm wrong - you
42 would say you were authorised and you were appropriately
43 trained to do the Lateline interview about Scott Johnson to
44 the extent that that interview was covered by 3.2.3?
45 A. Yes.
46
47 Q. Now, if we go to schedule 1, which was referred to

1 earlier, it's to be found on page 47.

2 A. 47?

3

4 Q. Yes. It starts at 46, but I want to ask you about 47.
5 Have you found that?

6 A. Yes.

7

8 Q. There is a heading halfway down the page, "5. Coronial
9 matters". Do you see that?

10 A. Yes.

11

12 Q. In the right-hand column, it says:

13

14 *During investigations involving deaths, no*
15 *public comment should be made without the*
16 *authorisation of the relevant Region*
17 *Commander or specialist Commander*
18 *equivalent and the Coroner, following*
19 *consultation with the Police Media Unit.*

20

21 It refers back to section 10.3.3. So far as the Lateline
22 interview about Scott Johnson was concerned, did you have
23 the authorisation of a commander or of the Coroner or had
24 there been consultation with the Police Media Unit?

25 A. Yes, through the email of the 7th, which combined the
26 police hierarchy and the Public Affairs Branch.

27

28 Q. And the Coroner?

29 A. Well, that was left to Michael Willing to brief the
30 Coroner.

31

32 Q. I see, which is itself referred to in one or other of
33 those emails?

34 A. Yes.

35

36 Q. Then as to "Role of the Coroner's Office", this
37 appears:

38

39 *Police Media statements should never*
40 *speculate about cause of death.*

41

42 In your interview on Lateline, you did talk about possible
43 causes of death, did you not?

44 A. Well, there are - I talked about the three possible
45 causes. There are only three possible causes, and they
46 were public record by then.

47

1 Q. The rest of that, the balance of that column appears
2 on the next page, which is 49, and there is a note
3 "Suicide"; do you see that? It says:

4
5 *Suicide should never be stated or implied*
6 *by Police Media statements. It is for the*
7 *Coroner to decide if suicide has occurred.*

8
9 Do you consider that anything you said on the Lateline
10 interview was in conflict with that?

11 A. Well, the Coroner himself had said it was suicide.
12 This is --

13
14 Q. No, a different question. Do you think anything you
15 said on the Lateline interview was in conflict with what
16 appears there?

17 A. I think that's for fresh matters.

18
19 Q. So is the answer no?

20 A. Very unlike Scott Johnson's matter.

21
22 Q. Is the answer no, you don't think anything you said
23 would be in conflict?

24 A. I will just read it closely one more time.

25
26 Q. Good idea. Can you answer now?

27 A. And the question again, please?

28
29 Q. Was anything you said in Lateline in any way in
30 conflict with what appears there?

31 A. Not in the history of the Scott Johnson case, no,
32 I don't believe it's in conflict with that part of the
33 policy.

34
35 Q. Generally, though, I think I understand your evidence
36 as being that you had never actually seen this media policy
37 or read it?

38 A. Not - I don't remember Andrew Scipione's photo, which
39 is prominent, but I have had --

40
41 Q. Pardon?

42 A. I have seen media policies before. I just don't know
43 about this particular one.

44
45 Q. That folder can come back. In your statement, at
46 paragraphs 16, 17 and 18, [SC0I.85816_0001], you talk about
47 some experience that you had with doing media appearances

1 or media releases or door-stop interviews. Paragraphs 16,
2 17 and 18.

3 A. Yes.

4

5 Q. In paragraph 18, you say:

6

7 *... door-stop interviews at crime scenes*
8 *and courthouses ... is tacit to those*
9 *ranks.*

10

11 What does that mean, "tacit to those ranks"?

12 A. Well, "is required", "is provided naturally", "is to
13 be expected", "is to be prepared for".

14

15 Q. And your evidence is, is this right, that at least at
16 your rank, Detective Sergeant and then Detective Chief
17 Inspector, it was to be expected that you would do such
18 interviews without needing specific authorisation for every
19 one?

20 A. Yes.

21

22 Q. And then at paragraph 112 of your statement, you say
23 that you had done several short and long-form interviews
24 with journalists over the years and you had never been
25 offered the company of a media officer and there hadn't
26 been one present. You tell us that?

27 A. That's true.

28

29 Q. For all of those various interviews referred to there,
30 had you obtained specific authorisation, or were they
31 interviews that, to your understanding, you didn't need
32 specific authorisation for?

33 A. Authorisation came in the form only of, "You've been -
34 you're being asked to do", or, "You've been volunteered to
35 do a media interview. The journalist is A. You're going
36 to meet them at B. Off you go."

37

38 Q. How many times had that happened, roughly, for you?

39 A. Ten, 15.

40

41 Q. In that approximate number, was there a process of
42 preparation for the interview, either with the Media
43 Liaison Officer or with somebody else, whereby there was,
44 as it were, practice or preparation for it, or did you just
45 go off and do it?

46 A. No practice, no preparation. You just go off and do
47 it.

1
2 Q. Are we talking about, at least in some instances,
3 interviews that were broadcast on television?
4 A. Yes.
5
6 Q. In that paragraph there, 112?
7 A. Yes.
8
9 Q. And on programs such as what, if you can remember?
10 A. Pardon?
11
12 Q. On programs such as what, if you can remember?
13 A. Oh, so if you're talking long-form, like
14 documentaries, cases - forensic type of documentary cases,
15 they were all to camera, seated - seating, because I know
16 I've heard words like, you know, "sitting down to camera"
17 seems to be an important thing, but I was doing that often
18 without any Media Liaison Officer there, not even one
19 offered to be there; and then releases to camera when there
20 were larger-type incidents relating to the homicide work.
21
22 Q. Thank you. Turning now specifically to the Lateline
23 interview, can we go to your statement, paragraph 90, which
24 is talking about the topic of a non-publication order over
25 a statement.
26 A. Yes.
27
28 Q. So it's right, isn't it, that in this instance, the
29 Scott Johnson instance, as at April 2015, the police were
30 seeking a non-publication order over your statement, but it
31 had not yet been made; is that correct?
32 A. That's correct, and that police was me.
33
34 Q. Quite so. You were pressing for that?
35 A. Yes.
36
37 Q. Through your lawyers, but no such order had yet been
38 made?
39 A. Correct.
40
41 Q. Then if we look at your paragraph 93, the position was
42 that on 13 April, the Coroner was going to announce whether
43 or not there would be a non-publication order over the
44 statement; correct?
45 A. Yes, we understood that was likely to be - a decision
46 was likely to be made on that, yes.
47

1 Q. Halfway through paragraph 93, at the top of your
2 page 19, you say:

3
4 *Going into 2015, when I was told by Michael*
5 *Willing that the Johnson team were offering*
6 *themselves to the media ... I formed an*
7 *idea about having a media strategy of our*
8 *own.*

9
10 Do you see that?

11 A. Yes.

12
13 Q. So when we say "going into 2015", does that mean
14 early January 2015, in other words, before the lunch with
15 Emma Alberici, or what?

16 A. There were a number of court dates, that amounted to
17 nothing at the end of the day, through the end of 2014, and
18 then - yes, and then I think it's only in January we had
19 a confirmed date for 13 April, for a directions hearing,
20 yes.

21
22 Q. So was it in January that you formed this idea of
23 having a media strategy of your own?

24 A. It could have been even a bit before, but --

25
26 Q. Right. And so what you did, I gather, from your
27 paragraphs 93, 94 and 95, was that you took that idea to
28 Michael Willing?

29 A. Yes.

30
31 Q. And what did you say to him? What was - you have used
32 the expression "the idea". What was the idea that you put
33 to Michael Willing?

34 A. That if the request for a non-publication order was
35 unsuccessful and that we knew from experience, and what was
36 being told to us, that the Johnson family would be making
37 commentary either way, my idea was, why can't we also speak
38 on the statement if the Coroner made it public?

39
40 Q. Did you say any more than that, "Why can't we speak on
41 it"? Was there any fleshing out of that concept in this
42 early conversation with Mr Willing?

43 A. To show that we had done thorough work, that we were
44 open-minded, open-hearted and enthusiastic about our work
45 and hopefully what the Coroner would find in it.

46
47 Q. If the idea was to do something about the fact that

1 the Johnsons were going to be out there in public saying
2 things, was your idea that you would be out there in public
3 saying things, or was the idea different?
4 A. Oh, yes, the truth.
5
6 Q. No, no, "out there in public", I'm asking you about.
7 Was that what you discussed with Mr Willing?
8 A. Yes, or media - to use the media, if that's --
9
10 Q. By means of backgrounding or by means of saying things
11 for publication?
12 A. Well, see, I know the word "backgrounding" is used
13 a lot, has been used a lot here. It's not a term that
14 I understood. My understanding was different to the
15 definition given by, say, the media officer who gave
16 evidence, and I think I have read something by Strath
17 Gordon that defines it in a way. I was not familiar with
18 their definition of it.
19
20 Q. I will put it again. What was the idea that you put
21 to Mr Willing about how you would use the media? Was it an
22 idea that you would speak publicly to the media, or was it
23 an idea that had some other form?
24 A. Oh, it was to talk to them, to be interviewed by them,
25 to talk to them, to be asked questions by them.
26
27 Q. For publication?
28 A. For publication.
29
30 Q. Not off the record or behind the scenes but up-front;
31 is that right?
32 A. Yes, that's what - that was my idea.
33
34 Q. And did you convey that idea to him and, if so, what
35 words did you use?
36 A. "Talk. Let them know the quality of the work. Let
37 them know - maybe point out some factual differences than
38 what the media had published." Yes, all along --
39
40 Q. And what did he say?
41 A. He was open-minded to it --
42
43 Q. What did he say?
44 A. Well, "I like that idea. Let's see what we can make
45 of that."
46
47 Q. So is the next thing that happened --

1 A. Or words to that effect.

2

3 Q. Okay. Is the next thing that happened, relevantly,
4 that you became aware that Emma Alberici was someone that
5 you could perhaps think about as a journalist to be
6 involved in this idea and that was someone that Penny Brown
7 knew; is that how things then moved?

8 A. Well, Mick Willing initially was interested in
9 Laura [sic] Knowles from Four Corners, so I - I don't -
10 I had no relationships with journalists, by the way, so
11 I had to explore what - a fit for my idea. So when - once
12 Mick Willing had agreed to scope it, basically, that's what
13 we were doing, I mentioned to Penny, because she's my
14 Sergeant and she would help me with the planning of it, and
15 so she mentioned that she knew Emma Alberici from
16 a fundraising event or events, and I had not met Emma, but
17 I had watched her show a lot.

18

19 Q. Lateline?

20 A. Lateline, and I liked the style. So it was that
21 combination of factors.

22

23 Q. And did you tell Mick Willing that you were going to
24 talk to Emma Alberici and see if she might be suitable?

25 A. I certainly - yes, I certainly told him I had been
26 talking to Emma Alberici, yes.

27

28 Q. Well, you didn't talk to her until 30 January,
29 apparently, when you had lunch?

30 A. Yes.

31

32 Q. So do you mean that some time shortly after, or some
33 time after 30 January, and, if so, when, you told Mick
34 Willing that you had been speaking to Emma Alberici?

35 A. It certainly was after our first meeting. I can't
36 remember how long after.

37

38 Q. What did you say to Mick Willing about that?

39 A. Oh, he was --

40

41 Q. No, what did you say?

42 A. Pardon?

43

44 Q. What did you say to Mick Willing about Emma Alberici?

45 A. Well, "I've now met her. I'm impressed by her
46 enthusiasm to actually do some journalism on the whole
47 matter" - yes, it was along that line --

1
2 Q. And what did he respond?
3 A. "And that I think we should consider her part of what
4 might happen", yes.
5
6 Q. What did he say?
7 A. He was fine. He was fine.
8
9 Q. Now, it seems that within a few weeks - that is, later
10 in February - you provided Emma Alberici with your
11 statement?
12 A. Pardon?
13
14 Q. You provided Emma Alberici with your statement in
15 February?
16 A. I don't remember when, but I know I did.
17
18 Q. Well, it was printed out for you and put on your desk
19 on 17 February by Penny Brown. You have seen that?
20 A. Mmm.
21
22 Q. And does that indicate that shortly after 17 February,
23 you gave it to Emma Alberici?
24 A. Not necessarily. But that date was relevant to Penny
25 because she was going off for some weeks to have an
26 operation. So I had asked her to prepare I think the first
27 two statements and - so that date - she chose the date to
28 do it, because that was the last day she could do it.
29
30 Q. I'm asking you when do you think you gave it to Emma
31 Alberici, evidently after the 17th?
32 A. I cannot remember, but I didn't - that date didn't
33 compel me in any way to do anything.
34
35 Q. I'm not suggesting it did. I'm just trying to find
36 out when you did it?
37 A. I said I don't know when.
38
39 Q. You have seen - or I imagine you have seen - an email
40 from Emma Alberici in April where she says she has had it
41 for two months, I think, or eight weeks, which would take
42 it back to February. Do you think that might be right?
43 A. It might be. I've also seen some, what I might call
44 exaggerated language in some emails of hers, so whether she
45 was - that may well be true; that may well be her
46 impressing on her boss her access that she's had to it.
47 I just - I just don't remember when I gave it to her, but

1 I know I did.

2

3 Q. When you did so, did you physically take it to the ABC
4 yourself?

5 A. Very likely.

6

7 Q. In any event, when you provided it to Emma Alberici,
8 did you think that in some way you were in breach of any
9 policy or requirement?

10 A. No, because - well, Mick Willing was - had approved
11 the scoping of this idea, and I wanted to give Emma
12 a really good amount of time to get her head around it.
13 I believed her when she said she would read it cover to
14 cover and I wanted her to have the best chance, which would
15 give our media strategy the best chance of success, too.

16

17 Q. A couple of things about that. First of all, what was
18 the media strategy at that point - that is, at the moment
19 that you gave Emma Alberici the statement, what was the
20 media strategy, in your mind?

21 A. To find a journalist who would do actual journalism on
22 the whole matter, that would be open-minded to the police
23 position on things. I was impressed that Emma was -
24 already flagged that she would make an approach to Stephen
25 Johnson as well, because I didn't want a - one of the
26 journalists who might be spoon fed, I guess; I did want
27 a true journalist to consider the issues from both sides,
28 yes.

29

30 Q. Was it part of the strategy, as discussed with
31 Mr Willing, that the statement would be given to Emma
32 Alberici?

33 A. I think - I can't remember saying, "And I'm about to
34 deliver the statement to Emma Alberici", but it would be
35 necessary to progress our idea to let her read it.

36

37 Q. Did you tell him that you were going to do so; did you
38 tell him that you had done so?

39 A. I wouldn't have felt obliged to tell him either of
40 those things, though I may have.

41

42 Q. Did you tell anyone from the Media Department that you
43 were going to do so or had done so?

44 A. I - I can't remember if I did or --

45

46 Q. By the time you did give it to Emma Alberici, were you
47 in discussions of any sort with anyone from the media

1 section about this strategy?
2 A. At the time?
3
4 Q. That you gave her the statement, were you in
5 discussions --
6 A. We had - yes.
7
8 Q. -- with anyone from the Media Section about the
9 strategy?
10 A. The Media officers were brought in quite late - later
11 and closer to 13 April.
12
13 Q. So at the time you gave Emma Alberici the statement,
14 are you saying that you probably had not had any
15 discussions with the media people at all?
16 A. No, we had discussions just generally about the
17 idea --
18
19 Q. Who is "we"?
20 A. -- but nothing was formalised until closer by them.
21
22 Q. Who is "we" in that sentence?
23 A. So Mick Willing and myself.
24
25 Q. No, I'm asking about the Media Department.
26 A. So Mick Willing, myself and Georgie Wells or Siobhan
27 McMahon.
28
29 Q. Starting from about when?
30 A. Weeks out of 13 April.
31
32 Q. So some time in March?
33 A. Oh, I - I couldn't put a month on it.
34
35 Q. Well, when you had the first discussions that involved
36 Georgie Wells and/or Siobhan McMahon, was there mention
37 made of having given the statement to Emma Alberici?
38 A. I - I can't remember telling them, no. I think in
39 part, if I may say, because the whole idea might have - the
40 plug might have been pulled, it might have not proceeded -
41 there was always - as it progressed, it could have - the
42 strategy could have changed, it could have vanished,
43 depending on the circumstances in the media coming up to
44 the 13th.
45
46 Q. What circumstances?
47 A. Well, if the need for us to say publicly about the

1 quality of the investigation and about the efforts that we
2 had put in had become unnecessary because perhaps word was
3 that the Johnson team were not going to do any further
4 media, for instance, something like that I'm sure would
5 have influenced us to not see the idea as needed as it once
6 was.

7
8 Q. Let me ask you this. In terms of your interactions
9 with Ms Alberici herself, there's the lunch on 30 January?

10 A. Yes.

11
12 Q. There is the recorded discussion or interview on
13 Friday, 10 April?

14 A. Yes.

15
16 Q. And one or more phone calls; is that right?

17 A. Yes, pretty well.

18
19 Q. So those - the lunch, 10 April and some phone calls?

20 A. Yes.

21
22 Q. Just as to 10 April, what was the purpose of that
23 visit to the ABC and that interview?

24 A. Mmm, I do remember saying I was nervous about doing
25 a - doing it, so I would have appreciated, from Emma,
26 a run-through.

27
28 Q. So it was a kind of dummy run or a practice; is that
29 right?

30 A. Yes, off the record. Yes.

31
32 Q. Was that concept, off the record, in your mind or,
33 indeed, said at that time?

34 A. Pardon?

35
36 Q. You just used the expression "off the record". Was
37 that concept - namely, off the record - something that was
38 discussed between you and Emma Alberici in relation to the
39 10th?

40 A. Well, everything was off the record pending the
41 Coroner making my statements public.

42
43 Q. How many phone calls do you think there were between
44 you and Emma Alberici?

45 A. I do remember she rang closer to 13 April. She had
46 said she was reading it. But then if she asked me
47 something about it, it was something indicating to me she

1 hadn't read it cover to cover, which I had told her to, and
2 so I said, "Keep reading", and basically hung up on her.

3
4 Q. Could I just show you volume 16, tab 348,
5 [SCOI.82992_0001]. Now, this is not an email to or from
6 you, but it is an email from Emma Alberici to, seemingly,
7 some people at the ABC on 8 April. Do you see that?

8 A. Yes.

9
10 Q. Now, I just want to ask you a couple of questions
11 about what Emma Alberici says about what was going on with
12 you. She says - about 10 lines down, I suppose, eight or
13 10 lines down, do you see a sentence beginning - your name,
14 "Pamela", is at the far right of the line? It says:

15
16 *Pamela Young is prepared to say that this*
17 *family, given its wealth, has had too much*
18 *influence over the criminal justice system.*

19
20 Do you see that?

21 A. Yes.

22
23 Q. So had you told Emma Alberici, by the 8th, that that
24 was something you were prepared to say?

25 A. No.

26
27 Q. You had not?

28 A. I had - I made her no promises about anything.

29
30 Q. Well, putting the word - I didn't use the word
31 "promise". Had you told her that you would say, or were
32 prepared to say, what is written there?

33 A. I had told her my view of the influence, but that's
34 not telling her that I promised to say it on Lateline.

35
36 Q. So is this your evidence, that you had told her that
37 your view was that the family, given its wealth, had too
38 much influence over the criminal justice system but not
39 that you would necessarily say that?

40 A. The criminal justice system, that seems - that sits
41 oddly to me in what I had said to her and what was on my
42 mind.

43
44 Q. Well, what had you said to her on that topic about the
45 family and their influence?

46 A. That the - there was influence from the family on the
47 Police Minister or Police Ministry on the work of the

1 Unsolved Homicide Team.

2

3 Q. About three lines below that, she says:

4

5 *The document --*

6

7 meaning your statement --

8

9 *proves that the family has twisted facts*
10 *and made stuff up.*

11

12 Et cetera. Is that something that you had said anything
13 about to her?

14 A. That's her opinion of what she had read.

15

16 Q. My question is, had you said anything to that effect
17 to her?

18 A. I certainly would have said more than once that they
19 misrepresent facts.

20

21 Q. In the next sentence, she says:

22

23 *Police are still convinced it was*
24 *suicide ...*

25

26 Is that something that you had said to her?

27 A. I had, as the - is this on the 8th? So that's before
28 the 10th. I had mentioned suicide in with misadventure and
29 homicide in our talk.

30

31 Q. A different question. Had you said to her that you
32 were convinced it was suicide?

33 A. No.

34

35 Q. So if she got that impression, she was wrong, was she?

36 A. Yes.

37

38 Q. Then in the sentence or two after that, she says:

39

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

46

47 Are you able to shed any light on what she is talking about

1 there? Were you involved in any such discussions?
2 A. No.
3
4 Q. She says, two or three lines from the bottom, the
5 interview with Pamela Young "will be explosive" and that
6 you would say that "millions have dollars have been wasted
7 by the State pursuing a case that could never be solved".
8 Was that something that you had indicated to her that you
9 would say?
10 A. No.
11
12 Q. On the Friday, 10 April - I'm moving away from that
13 now - you did the Dan Box interview at 12 noon?
14 A. The time was changed - was it a bit earlier than that
15 or --
16
17 Q. I'm just going from your statement. That's what you
18 tell us in your statement.
19 A. Oh, okay.
20
21 Q. Was that right?
22 A. Yes.
23
24 Q. And there was no Media Liaison Officer present?
25 A. No.
26
27 Q. And you have talked about that in your statement?
28 A. Yes.
29
30 Q. Did you give Dan Box your statement at that time?
31 A. Yes.
32
33 Q. What did you say to him as to what he was able to do
34 with it?
35 A. Pardon?
36
37 Q. What did you say to him as to what he was able to do
38 with it?
39 A. Well, he had received an email from Media Liaison
40 Officers saying about things being off the record until
41 such time as the Coroner made the statements public. So he
42 was given the rules of the exclusive, not in detail by me.
43
44 Q. Did you tell him in the background discussion that you
45 had with him orally that you regarded the Police Minister
46 as having kowtowed at that meeting back in February?
47 A. I didn't use that word. I don't think even I would

1 use that word with a journalist, even if it was off the
2 record, but I certainly emphasised the influence that the
3 family had on the Ministry, that had on the work of the
4 unsolved team.

5

6 Q. When you said you don't think that even you would use
7 that word, what are you telling us there? I mean, you did
8 use the word.

9 A. I know, but it's not - yeah, I just - I would have
10 thought it was inappropriate to use then. I was more
11 descriptive of the influence than just saying "kowtowing".

12

13 Q. So why did you use the word "kowtowing" in the
14 Lateline interview?

15 A. Because it's a word I strongly connected to that
16 meeting at the time it happened. So I strongly connected
17 that word to what I had seen at the meeting.

18

19 Q. So why not tell Dan Box that?

20 A. I - I guess - I'm probably saying I might have, but
21 I even - I would have thought, no, that might be a bit
22 inappropriate.

23

24 Q. Well, why did you think it was not inappropriate to
25 tell Lateline?

26 A. I can't - I can't --

27

28 Q. You can't?

29 A. I can't figure. It's a good question. I don't have
30 an answer for it.

31

32 Q. Did you tell him that the family had exerted too much
33 influence over the Police Minister in terms of getting
34 priority for their case?

35 A. Yes, and other things.

36

37 Q. Now, at about 2 o'clock, you tell us in your
38 statement, you went to the ABC with Penny Brown and had the
39 interview with Emma Alberici on the Friday?

40 A. Yes.

41

42 Q. In your statement, paragraph 115 [SC0I.85816_0001],
43 you refer to that, or you describe that occasion, as
44 "backgrounding" - that's your word in paragraph 115?

45 A. Yes.

46

47 Q. What did you mean by "backgrounding" in relation to

1 the Friday interview?
2 A. Going through the background of the matter, this
3 matter, that led us to where we are today.
4
5 Q. Well, if it was a backgrounding exercise and if the
6 strategy was that if the Coroner released the statement,
7 what had previously been off the record could now be on the
8 record, why didn't you just do one interview - namely, on
9 the Friday - on the basis that it wasn't to be used unless
10 the Coroner did do that?
11 A. Why didn't I do one?
12
13 Q. Yes, why have two? Why do one on Friday and another
14 one on Monday?
15 A. Friday was just for my benefit, to --
16
17 Q. Because of the nerves, because you were nervous?
18 A. Yes, because it was going to be a very long-form
19 interview on a very deeply journalistic program, and it was
20 a controversial case; it certainly was painted that way in
21 the media. So, yes, those - all those things led me to be
22 nervous, yes.
23
24 Q. In that Friday afternoon interview, you certainly
25 didn't use the word "kowtowing" or any similar language?
26 A. No.
27
28 Q. And you didn't in any direct way accuse the Johnson
29 family of using their wealth and power to achieve an unfair
30 priority or anything to that effect, on the Friday?
31 A. I can't remember precisely the - because that -
32 precisely what I said.
33
34 Q. I'm saying it's what you didn't say. You didn't say
35 those things on the Friday?
36 A. Is that because she didn't ask me about them?
37
38 Q. I'm asking you the questions, Ms Young.
39 A. Well, I would - I would see it and --
40
41 Q. My question is, why save the "kowtowing" point to the
42 Monday? Why not say it on the Friday to Emma Alberici?
43 A. Again, it's the same, it could have been Emma, it
44 could have been Dan Box, I just - something stopped me
45 using that word, because I was being more articulate about
46 what had happened, what I had seen, that in my mind I had
47 reduced to kowtowing.

1
2 Q. Once you had done the interview on the Friday
3 afternoon, or the practice, whatever word we use for it,
4 did you tell Mr Willing that you had done that, that you
5 had been out to the ABC on the Friday?
6 A. Yes.
7
8 Q. Did you tell him that before you did it or after you
9 had done it?
10 A. Oh, he just knew - so Friday was the backgrounding
11 day, so he just knew.
12
13 Q. No, did you tell him, is my question, on the Friday,
14 either that you were about to do it or that you had done
15 it?
16 A. I - we would have had some communication just
17 confirming that it - you know, it was progressing, yes.
18
19 Q. No, my question: did you tell him you had been to the
20 ABC on the Friday for a backgrounding interview with Emma
21 Alberici?
22 A. Yes, I did.
23
24 Q. By phone?
25 A. Oh, it must have been by phone.
26
27 Q. And soon after you finished at the ABC - that is, on
28 that same day, the 10th, or at some other time?
29 A. On the day, mmm.
30
31 Q. Now, coming to the Monday, the Coroner announces his
32 decision at about midday or so?
33 A. Yes.
34
35 Q. The decision has two parts: firstly, there would,
36 indeed, be a third inquest; and, secondly, your statement
37 was to be publicly available, I think with some redactions.
38 Correct?
39 A. Yes.
40
41 Q. At some point after that - and you may be able to tell
42 us when - you gave some oral answers to an ABC interviewer
43 on the street outside.
44 A. Yes.
45
46 Q. Referred to, as I'm sure you know, by various people
47 at various times as a door-stop?

1 A. Yes.
2
3 Q. On the news that night, there was film of you and
4 Ms Brown walking along the street outside the Coroners
5 Court?
6 A. Yes.
7
8 Q. And you saw that - you saw the news?
9 A. Yes.
10
11 Q. What can you tell us about the arrangements for that
12 door-stop and that filming - that is, about what time in
13 the day after the Coroner's decision did it happen, and so
14 on?
15 A. So we were - Penny Brown and I were retained by - in
16 court, in discussion with Sarah Pritchard, Senior Counsel
17 for the Commissioner of Police, on all the various
18 arrangements going forward, now we knew the direction that
19 we were going in, and - yes, so then when we left, there
20 was a camera there. I thought - my recollection was that
21 Emma Alberici was there too, but I have heard other things
22 said. But the bottom line is, when I did that door-stop,
23 I knew that that camera was an ABC camera. So it might
24 have been that the cameraman said, "I'm from the ABC", but
25 I knew it was an ABC camera, not another camera.
26
27 Q. I know you have said - and you have just referred to
28 this - in your statement that you gave the door-stop to
29 Emma Alberici, but are you now saying that, on reflection,
30 it may not have been Emma Alberici?
31 A. Yes, only because I've become - I guess I've taken on
32 board what I've heard here, so I - but I thought the main
33 point of interest might be did I know who I was giving the
34 door-stop to, and, yes, I was giving it to the ABC,
35 connected to Lateline, I assumed.
36
37 Q. You assumed or you knew that it was connected to
38 Lateline?
39 A. Oh, I - all of the above.
40
41 Q. Which? No, no, not "all of the above".
42 A. Sorry.
43
44 Q. Did you assume that the cameraman was from Lateline,
45 or did you know that the cameraman was from Lateline?
46 A. Well, I knew it was from the ABC.
47

- 1 Q. Was the cameraman the only press person present on the
2 street at that point when you emerged, or were there other
3 media people?
- 4 A. No, it was pretty empty.
- 5
- 6 Q. So what's the answer to my question: was he the only
7 one there, or were there other media still there?
- 8 A. No, I think that was the only one - only one there.
- 9
- 10 Q. And you had been given, so the evidence suggests,
11 authorisation by Mick Willing to do a door-stop. At least
12 that's what has been said in some of the evidence. Do you
13 agree with that, or is that not right?
- 14 A. I didn't need authorisation for a door-stop.
- 15
- 16 Q. Had you been given any, though, whether you needed it
17 or not?
- 18 A. If he had given me the authorisation, I would have
19 remembered it, because it would be very strange.
- 20
- 21 Q. So are we to understand that your recollection is that
22 there was no conversation with him about giving you
23 authorisation for a door-stop?
- 24 A. No, it - no.
- 25
- 26 Q. There wasn't?
- 27 A. No, not necessary.
- 28
- 29 Q. Now, although you did do a door-stop, as you've just
30 explained, is it correct that you rang Mr Willing and told
31 him that you had not done so and told him that all the
32 media had left by the time you came out?
- 33 A. I don't remember a conversation like that at all.
34 I have tried - and tell me if I'm going too far - I've
35 tried to figure how that - if that happened, how it came
36 about. So from inside - do stop me when you - if I go on
37 too much, but from inside the Coroners Court, you can see
38 through wide glass doors who is at the front. So the media
39 group stand right there. It's - when there was no-one
40 there and I'm still in court with Sarah Pritchard in that -
41 in the area, I might have thought they'd all gone, so that
42 might be a thought then, if that's when he thinks he spoke
43 to me. But I really - I don't remember the conversation.
- 44
- 45 Q. Well, there is evidence before the Inquiry both that
46 you telephoned Mr Willing and told him that and, unless I'm
47 mistaken, that you told Georgie Wells the same thing -

1 namely, that there had been no media present and so you
2 didn't do a door-stop. What do you say about that?
3 A. I don't remember saying that. It bore - bears out to
4 be untrue. I know I spoke to I think it was Georgie Wells
5 about the release, our release that was coming out at that
6 time, welcoming the inquest.
7
8 Q. Ms Wells has said in her evidence to the Inquiry that
9 you called her and confirmed that there were no media
10 present for a door-stop interview. Do you say that you did
11 do that or you didn't do that?
12 A. I - what would be the point of calling someone to say
13 something was not happening?
14
15 Q. Not my question. What is your recollection as to
16 whether you did call her and say that or whether you did
17 not call her and say that?
18 A. I don't remember talking to her on a door-stop topic
19 at all, but I would query needing to ring someone to say
20 something had not happened, as opposed to if something had
21 happened.
22
23 Q. What is your recollection as to whether you did or did
24 not tell Mr Willing that you had not done a door-stop
25 interview because the media had left?
26 A. I don't - I don't remember.
27
28 Q. One way or the other?
29 A. One way or the other.
30
31 THE COMMISSIONER: Q. Did you have any reason to tell
32 either Mr Willing or Ms Wells an untruth?
33 A. I'm sorry, Commissioner, could you repeat that?
34
35 Q. Yes. Did you have any reason at the time to tell
36 either Ms Wells or Mr Willing an untruth?
37 A. No.
38
39 MR GRAY: Q. In your statement, you tell us that you
40 travelled direct with Penny Brown from the Coroners Court
41 to the ABC studio at Ultimo. The Coroners Court is in
42 Glebe.
43 A. Which paragraph are you looking at?
44
45 Q. 118.
46 A. You did say the word "direct". "Direct" doesn't
47 appear in my paragraph. We drove from --

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Q. Is the word "direct" wrong? Did you go somewhere in between?

A. We had lunch.

Q. Yes, but did you drive from the Coroners Court directly to the ABC or not directly?

A. So - yes, so we had lunch around the corner from the Coroners Court. We returned, if I remember, to the police office in the Coroners Court, and then at the agreed time with the ABC - with the ABC, we then drove from the Coroners Court to the ABC.

Q. That's what I'm just trying to explore. If the decision was handed down about midday and the media release went out about 12.30 or 1 o'clock --

A. Mmm.

Q. -- and you don't get to the ABC until 5 o'clock, which appears to be the case --

A. Mmm.

Q. -- what were you doing for those four hours?

A. Filling in time at the police office at the Coroners Court, where we can access all our material, because there are police dedicated computers there.

Q. I'm sorry?

A. There were police dedicated computers at the Coroners Court.

Q. Could we go to 119 of your statement, which concerns your telephone call with Mick Willing while you are driving to the ABC.

A. Yes.

Q. Now, you say you had a three-way conversation on speaker phone, and then you say this:

I briefed him on what had happened at the coronial hearing, including that a non-publication order was not made, and that we were on our way to the ABC for the pre-recorded interview.

Just pausing there - I will come to the "kowtowing" point in a second, but just pausing there - what is your

1 recollection of what you actually said to Mr Willing? You
2 say you briefed him?

3 A. Yes.

4

5 Q. But what did you actually say? I'm sorry?

6 A. I'm sorry, I'm just trying to recall, recall it in my
7 head. Just the basics, which is, "We've been at the
8 Coroners Court." Sarah Pritchard was - I praised Sarah
9 Pritchard, Senior Counsel, "She did a good job." So,
10 "Sarah Pritchard represented us well. The Coroner" - well,
11 I mean, Mick Willing didn't need me to tell him what the
12 Coroner had decided, but - and that --

13

14 Q. Do you mean because he already knew?

15 A. Oh, he would have known from the media release,
16 because he's part of the media release approval, so he knew
17 what the Coroner had said.

18

19 Q. Okay, go on?

20 A. But then, "Now my statement's public, we're on our way
21 to the ABC."

22

23 Q. Well, in your statement, you say that what you told
24 him was, and I'm quoting from your statement:

25

26 *That we were on our way to the ABC for the*
27 *pre-recorded interview.*

28

29 A. Yes.

30

31 Q. Now, are those words that you actually used - namely,
32 the words "the pre-recorded interview" - or did you use
33 some other words?

34 A. I might have just said "interview."

35

36 Q. Well, did you say you were on the way to do the
37 interview that's been agreed or what?

38 A. I wouldn't have needed to add words. He knew - he
39 knew exactly what was happening. He knew the trigger was
40 the decision of the Coroner, and I was then just - I was
41 fulfilling the exclusive agreement that had been approved
42 by the hierarchy, by going to the ABC.

43

44 Q. This is all in your mind, but I'm asking you what you
45 said to him?

46 A. Well, it's in his mind, too.

47

1 Q. Good. But what did you say, please?
2 A. Well, I certainly didn't go through the process we'd
3 settled the weeks before.
4
5 Q. I don't want to know what you didn't say. I'd like to
6 know what you did say, please?
7 A. Well, "Now that my statement is public record, Penny
8 and I are on the way to the ABC to do the interview", or
9 "the pre-recorded interview."
10
11 Q. Right. And what did he say when you said that?
12 A. He's listening for more information. He's saying,
13 "Fine", he's --
14
15 Q. He said, "Fine"?
16 A. Well, he's - he's not expressing any surprise or --
17
18 Q. No, what did he say? What did he say, please?
19 A. Well, it's a long time ago.
20
21 Q. Yes.
22 A. I certainly would remember if he had expressed
23 surprise and if he had said, "Why are you going there?"
24 They are the things I would remember. So --
25
26 Q. But you are telling us that he didn't do that?
27 A. Pardon?
28
29 Q. You are telling us that he did not say anything like
30 that?
31 A. He did not say anything like that.
32
33 Q. What did he say?
34 A. "Fine. You're going - okay, thanks for telling me."
35
36 Q. Did you use any expression like "off the record" or
37 anything to that effect?
38 A. No.
39
40 Q. Did either of you say anything like, "the interview
41 that is going to be broadcast"? Was that language used?
42 A. I - again, I wouldn't need to, in that particular
43 phone call. It had all been settled.
44
45 Q. So you think you didn't say that?
46 A. It --
47

1 Q. I'm only asking what you said, you see.
2 A. Yes.
3
4 Q. So you think you did not say that, because you think
5 you didn't need to?
6 A. Could you repeat the whole --
7
8 Q. Did you say anything to the effect that the interview
9 was going to be broadcast?
10 A. He knew it was. I didn't need to tell him.
11
12 Q. So the answer is no, you didn't, because you didn't
13 need to?
14 A. During this particular phone call?
15
16 Q. Yes.
17 A. It's not likely I repeated the obvious.
18
19 Q. Okay. Now, you also said - this is in your statement:
20
21 *If I am asked, I will be tempted to use the*
22 *word "kowtowing" when describing the Police*
23 *Minister.*
24
25 So you have a recollection of saying that?
26 A. Very much.
27
28 Q. In your statement, you say Michael Willing's reaction
29 was to laugh?
30 A. No.
31
32 Q. Did he say anything in words --
33 A. No.
34
35 Q. -- or just laugh?
36 A. Laugh.
37
38 Q. How did you take the laugh? What did you understand
39 that reaction to indicate?
40 A. Encouragement.
41
42 Q. So by the end of that phone call - tell me if this is
43 right - the position was, earlier in the day you either had
44 told him or you may not have told him, you're not sure,
45 that you had not done a door-stop; is that correct?
46 A. Yes.
47

1 Q. But you did tell him in the telephone conversation in
2 the car that you were on your way to the ABC?
3 A. Yes.
4
5 Q. That you were going there to do an interview with Emma
6 Alberici of Lateline?
7 A. Yes.
8
9 Q. And that in the course of that interview, you might
10 use the word "kowtowing" about the former Police Minister?
11 A. If I was asked.
12
13 Q. Yes.
14 A. I was tempted. I hadn't made my mind up.
15
16 Q. And his reaction to the latter part of that, about the
17 kowtowing, was to laugh in a way that you took as
18 encouragement?
19 A. Yes.
20
21 Q. Do you say that you understood all of those
22 arrangements, as per the phone call in the car, to be in
23 accordance with the agreed media strategy?
24 A. To be?
25
26 Q. In accordance with the agreed media strategy?
27 A. Yes.
28
29 Q. Namely, for my present purposes, that if the statement
30 was released, then you were at liberty to give media
31 communications or interviews on the record?
32 A. Yes.
33
34 Q. What did you understand, as at 13 April, to be
35 Mr Willing 's view of former Police Minister Gallacher?
36 A. As at what date?
37
38 Q. That date, 13 April.
39 A. I had no - no idea. No idea. Never talked about it.
40
41 Q. Of course, in the interview, as we know, you did talk
42 about former Minister Gallacher having, in your view,
43 kowtowed?
44 A. Yes.
45
46 Q. And you said that, in your view, that was very wrong?
47 A. Yes.

1
2 Q. And you also did speak about the Johnson family having
3 used their influence to gain priority?
4 A. Yes.
5
6 Q. Now, neither of those two topics is actually in your
7 445-page statement, is it?
8 A. Yes, they are.
9
10 Q. Where?
11 A. Well, I mention the Minister in the first couple of
12 pages, that the strike force came about because of the
13 Minister --
14
15 Q. Not that he had kowtowed?
16 A. No. It was not the place.
17
18 Q. That's my point.
19 A. A coronial statement is not the place to --
20
21 Q. Quite so. Exactly my point. Since it is not in your
22 statement, what you said on Lateline about that was
23 something going beyond your statement, wasn't it?
24 A. Oh, the "kowtowing"?
25
26 Q. Yes.
27 A. The "kowtowing" word in particular?
28
29 Q. Yes.
30 A. Yes.
31
32 Q. That the Minister had kowtowed in a way that you
33 thought was very wrong?
34 A. Yes.
35
36 Q. That was not in your statement?
37 A. That word is not in my statement.
38
39 Q. No, or any such concept in your statement?
40 A. The concept is there in one of the early paragraphs,
41 where I even - I put in the word "the Minister", when
42 Strike Force Macnamir was created. So I've put a link
43 between the Minister and the creation of the strike force,
44 and that is as far as I thought was appropriate to go for
45 the purpose of that statement.
46
47 Q. No doubt. What I'm getting to is this: you've said

1 several times in your various communications, including
2 your statement, that once your statement was public by dint
3 of the Coroner's decision on that day, you were free to
4 speak on the record about what was in the statement?

5 A. Yes.

6

7 Q. And you have said several times, in various ways, that
8 that is all you did on the Lateline interview?

9 A. Yes.

10

11 Q. But it wasn't all you did, was it? You went beyond
12 the statement?

13 A. Only the word "kowtowing", with only that word, which
14 I said was my personal view.

15

16 Q. It's not just the "kowtowing", I'd suggest to you, not
17 just the word, but the concept of the Minister having
18 kowtowed, whatever word was used, is not in your statement?

19 A. The fact that the word "Minister" appears in any
20 coronial statement is irregular. I put it there as a sign
21 of the irregularity. I did not give more detail, because
22 the coronial statement's purpose was not that purpose.

23

24 Q. There's nothing in your statement, do you agree, about
25 the Johnsons using their wealth and influence to gain
26 undeserved priority?

27 A. Oh, all the - the creation of Strike Force Macnamir
28 does go to that.

29

30 Q. That's your answer to that?

31 A. In the coronial statement, yes.

32

33 Q. So if it were to be suggested to you that what you
34 said on Lateline was not confined to what's in your
35 statement but went well beyond it in those two ways, your
36 response would be the answers you have just been giving?

37 A. Correct.

38

39 Q. Did anyone contact you that night, after the Lateline
40 program had been broadcast - late on the Monday?

41 A. Pardon?

42

43 Q. Did anyone contact you that night about Lateline after
44 it had gone to air on that night, the Monday?

45 A. I don't - I don't think so.

46

47 Q. The next day, on the Tuesday, the 14th, at about

1 9 o'clock, did Mr Willing ring you?
2 A. Yes.
3
4 Q. In your statement, at paragraph 124, you say that what
5 he said to you was that Police Commissioner Scipione was
6 fairly relaxed about the Lateline interview?
7 A. Yes. As was he. He liked the interview.
8
9 Q. That's what I really wanted to ask you. What did he
10 say to you in that 9 o'clock phone call, in totality, as
11 you remember it?
12 A. Yes. So it wasn't a long phone call, but he said he
13 thought it was good, it did - it sent a message of
14 thoroughness and hope that the third inquest was - would
15 bear out our efforts, and he said that the - that about the
16 Commissioner.
17
18 Q. So did he say that he'd watched Lateline?
19 A. Yes.
20
21 Q. And he told you that he thought it was good?
22 A. Yes.
23
24 Q. Did he say that he thought your participation in it
25 was good?
26 A. Yes. It was the purpose of him calling me.
27
28 Q. And he also said that the Commissioner was fairly
29 relaxed about it?
30 A. Absolutely.
31
32 Q. A few hours later on the same day, he rang you again,
33 with a different position; is that right?
34 A. Yes.
35
36 Q. And that was what? What did he say when he rang you
37 again in about the middle of the day?
38 A. Mmm, I remember the word "panicked" in that call, that
39 the worm - the media worm had turned, and I said, "What's
40 a media worm?" And so he had to explain that it - whatever
41 they look at for how a story is trending didn't - wasn't -
42 the worm was not in the place they had hoped.
43
44 Q. The place they had?
45 A. Had hoped it would be.
46
47 Q. And I think at about that time or shortly afterwards,

1 a media release went out with the word "inopportune" in it
2 about yourself?
3 A. Was it the next day? Soon after.
4
5 Q. It was on that day, in fact.
6 A. Oh, was it?
7
8 Q. Anyway, you remember that media release?
9 A. Pardon?
10
11 Q. You remember that media release, no doubt?
12 A. Yes. Yes, I remember the "inopportune".
13
14 Q. Now, in paragraph 128 of your statement, you refer to
15 receiving a text from the Acting State Crime Commander,
16 Mr Finch, and you set out some of it there. Paragraph 128.
17 A. 128?
18
19 Q. Yes, 128.
20 A. 128, right. Yes.
21
22 Q. He's referring to the media statement that went out
23 using the word "inopportune"?
24 A. Yes.
25
26 Q. And he said:
27
28 *Don't let this get on top of you. You have*
29 *a lot of support and that has not*
30 *diminished.*
31
32 A. Yes.
33
34 Q. Did you respond to that and/or did you understand what
35 he meant by that, about having a lot of support?
36 A. Not - not in specific detail, not in specifics of
37 what - how that support was going to be delivered to me.
38
39 Q. Pardon?
40 A. Not in any specifics about how that support was going
41 to be provided.
42
43 Q. Then if we could have volume 17 again, please, you had
44 a couple of communications with Deputy Commissioner Kaldas
45 at this point in the immediate aftermath of Lateline.
46 Tab 393, please, [NPL.0138.0001.0044]. I took you to these
47 before, so I don't need to go over it again, but that was

- 1 an exchange with him, Mr Kaldas, starting with yours late
2 on the evening of the 14th?
3 A. Yes.
4
5 Q. And his response presumably shortly thereafter?
6 A. Pardon?
7
8 Q. His response was presumably shortly thereafter?
9 A. Yes.
10
11 Q. And then could I take you to 395,
12 [NPL.0138.0001.0129]. This was, it seems, your response to
13 him, this time in the form of an email, the next day,
14 15 April. Do you see that?
15 A. Yes.
16
17 Q. It is very early in the morning, and you refer to his
18 text and say:
19
20 *That's just what I needed to hear!*
21
22 Then you say:
23
24 *To be honest they've already backed away*
25 *from me (Mick Willing to CoP) with a public*
26 *statement that my comments (all of them)*
27 *were "inopportune" while in private they*
28 *tell me they support me.*
29
30 Now, who is "they" who were telling you that they supported
31 you in private?
32 A. Mick Willing and Ken Finch and perhaps John Kerlatec,
33 who was - John Kerlatec was Mick Willing's line manager.
34
35 Q. And when you say they had told you in private they
36 supported you, what did they tell you? In other words, did
37 they tell you they agreed with what you had said, or what
38 was it that they said?
39 A. Not - not - no, it was not a detailed, "This was good,
40 that was bad" discussion; just generally that I had their
41 support after - for my Lateline interview.
42
43 Q. Did they refer to anything that you had said in the
44 Lateline interview?
45 A. No.
46
47 Q. Is this right - I'm trying to understand - they just

- 1 used words like, "You have my support for what you did on
2 Lateline"?
- 3 A. Yes. Yes.
4
- 5 Q. And then you have told us in your statement about -
6 and you have given in your attachments some examples of the
7 various other communications from various officers, police
8 officers --
- 9 A. Yes.
10
- 11 Q. -- expressing support in various different ways?
12 A. Yes.
13
- 14 Q. Now, I just need to put to you finally some
15 submissions that have been made in this Inquiry.
16 A. And the Homicide Victim Support Group had sent
17 positive feedback about Lateline too.
18
- 19 Q. That's the HVSG?
20 A. Yes.
21
- 22 Q. In the police submissions to this Inquiry,
23 [SCOI.84211_0001], at paragraph 205(f), the submission is
24 made as follows:
25
- 26 *The evidence strongly suggests that*
27 *DCI Young deliberately deceived her*
28 *superiors, including Mr Willing, in*
29 *relation to her intentions in engaging with*
30 *the media in the context of the Johnson*
31 *matter and was conscious that her actions*
32 *would never have received approval from*
33 *NSW Police Force.*
34
- 35 What do you say to that?
36 A. Well, the evidence is the opposite of that.
37
- 38 Q. Did you deliberately deceive your superiors in such
39 ways?
40 A. No.
41
- 42 Q. In paragraph 215 of the submissions, the submission is
43 made - and it is consistent with Mr Willing's evidence -
44 that Mr Willing has said in this Inquiry that you had never
45 used the word "kowtowing" in his hearing about Minister
46 Gallacher until after the Lateline interview. What do you
47 say to that?

1 A. That's a lie.

2

3 Q. Now, in Mr Willing's submissions, [SCOI.84210_0001] it
4 is asserted that you and Ms Brown - this is at
5 paragraph 5 - deliberately concealed your plan of publicly
6 saying the things that you said on Lateline from everyone
7 at NSW Police, including Mr Willing. What do you say to
8 that?

9 A. That's not true.

10

11 Q. At paragraphs 43 to 45, the submission is made that
12 you knew that senior police would not support your
13 forthright positions, that you knew you were only
14 authorised to speak off the record for backgrounding
15 purposes, that you knew you were not permitted to say what
16 you wanted to say, that you knew the police hierarchy would
17 actively stop an on-the-record interview which adversely
18 questioned the conduct of the Police Minister, and that you
19 had to organise the interview discreetly. What do you say
20 to that?

21 A. That's not true, and the evidence of the hierarchy
22 being involved in the authority of the email on 7 April is
23 proof that that's not true.

24

25 Q. At paragraph 45, it's asserted on behalf of Mr Willing
26 that you devised a covert and sophisticated plan whereby,
27 among other things, you raised backgrounding media
28 conceptually but did not reveal that you had already well
29 and truly commenced the process. What do you say about
30 that?

31 A. Could you read that one?

32

33 Q. Yes. This is the submission:

34

35 *This is why she devised a covert and*
36 *sophisticated plan. She raised*
37 *backgrounding media conceptually but did*
38 *not reveal that she had already well and*
39 *truly commenced the process.*

40

41 A. That's not true.

42

43 Q. Finally, in oral submissions on behalf of Mr Willing,
44 at 4373, [TRA.00063.00001_0001], it is asserted that you
45 and Ms Brown deliberately concealed your plan from everyone
46 in the NSW Police?

47

A. It's a lie.

1
2 Q. At 4376, this was said:
3
4 *Ms Young's strategy, therefore, required*
5 *that no-one in police know that she would*
6 *record a studio interview. Her strategy*
7 *required that no-one in police knew that*
8 *she had recorded a studio interview. ...*
9 *It was imperative that no-one knew about*
10 *the studio interview until the program went*
11 *to air.*

12
13 What do you say about that?

14 A. That's not true, and there is evidence that it's not
15 true.

16
17 Q. It was further asserted that Ms Brown was in on that
18 strategy that I've just described. What do you say about
19 that?

20 A. Well, if the strategy - if we weren't doing any
21 covert, then Detective Sergeant Brown wasn't in on it,
22 either, because it didn't exist.

23
24 Q. At 4425, the submission was made that in relation to
25 the phone call in the car on the way to the ABC:

26
27 *... she continued --*

28
29 that's you --

30
31 *her strategy which she had employed for*
32 *months of not telling anyone about the*
33 *studio interview, and the only reference to*
34 *"recorded interview", was Glebe.*

35
36 Meaning the door-stop. What do you say about that?

37 A. Well, it's - the conversation could not possibly have
38 been interpreted as just a door-stop.

39
40 Q. At 4436, it was submitted that you had:

41
42 *... been engaging in deliberately deceptive*
43 *conduct, flouting police rules, for months,*
44 *leading into this moment, the interview.*

45
46 What do you say about that?

47 A. It's untrue and offensive.

1
2 MR GRAY: And at 4439 to 4440 - no, I don't need to put
3 any more. Those are my questions.
4
5 THE COMMISSIONER: All right. Mr Glissan and others, I'm
6 going to take a short break because it has been two and
7 three-quarter hours since they started this morning.
8 Mr Glissan, would you just check with your witness in the
9 break. I would like to complete all of this today.
10 Mr Nagle, do you have any questions?
11
12 MR NAGLE: No more than five minutes.
13
14 THE COMMISSIONER: All right. Now, I'm not going to ask
15 for the moment you, Mr Tedeschi or Mr Thangaraj. Would you
16 please discuss among yourselves how best to divide up the
17 time. I will sit beyond 4, subject again, Mr Glissan, to
18 your telling me that that's acceptable to Ms Young. I will
19 sit beyond 4 this afternoon in order to complete this
20 witness. I'm sorry, Mr Thangaraj?
21
22 MR THANGARAJ: I have a number of questions that I need to
23 ask this witness, of course. Originally, I understood she
24 was set down for two days. I do not see how I could
25 properly ask the questions that I need of her after
26 Mr Tedeschi asks his questions and complete that today.
27 I also would like to read the transcript of today before
28 I finish. I understand that Mr Willing will be in the
29 morning tomorrow. I would certainly finish by 4 o'clock
30 tomorrow afternoon, but --
31
32 THE COMMISSIONER: Well, that's you. But what about
33 Mr Tedeschi?
34
35 MR THANGARAJ: Sorry, after Mr Tedeschi --
36
37 THE COMMISSIONER: All right. In the break, I will have
38 a look at our diary and see if we can accommodate that and
39 I will discuss that. I will take a slightly longer break,
40 10 or 15 minutes, to discuss that issue.
41
42 Mr Willing, I have indicated, I think, 10 until 1
43 tomorrow. It may be that he doesn't need all of that time.
44 I just don't know. I will adjourn for the moment.
45 Everyone can have a break for a quarter of an hour. When
46 we come back, we will sort out programming.
47

1 **SHORT ADJOURNMENT**

2
3 THE COMMISSIONER: Just stay there for the moment,
4 Ms Young, please.

5
6 I will sit today until 4.30. I will resume tomorrow
7 at 2 o'clock, and we will conclude Ms Young tomorrow, if
8 needs be.

9
10 Can I just say this, though. Mr Tedeschi, you don't
11 appear for Mr Willing because of some conflict of interest,
12 which I don't need to inquire into, but I'm not going to
13 permit two cross-examinations along the same lines. I'm
14 not going to permit any witness - this is not adversarial
15 litigation; it is an Inquiry. Given the nature of the
16 questions already asked by Counsel Assisting, I'm not going
17 to make any observations beyond that, but I'm not going to
18 permit either of you or both of you to duplicate each
19 other's work.

20
21 So if you would like another few minutes to talk to
22 each other to have a precise understanding of who is going
23 to ask what about what, then I'm happy to go off the bench
24 to enable you to refine the position.

25
26 I will do Mr Nagle in a moment. He says he will be
27 short. Mr Tedeschi will follow. Mr Thangaraj will follow.
28 I will then do Ms Barnes, if she is here, or not, and then
29 Mr Glissan, and then, if there are any questions, Mr Gray.
30 As I said - I am just going to repeat myself, but I will do
31 so for the sake of emphasis - I am not going to sit here
32 and allow either of you to just duplicate each other's work
33 or either of you show each other how you can apply your
34 minds to particularly the same facts.

35
36 I'm assuming because of your conflict, Mr Tedeschi,
37 there are areas that you obviously won't go to.
38 I understand there are areas which are of direct concern
39 and of general concern to the police. There are also
40 matters which are quite peculiar to Mr Willing. So would
41 you like me to go off the bench to give you another few
42 minutes to have a further discussion about refining those
43 activities? I don't want to interrupt either of you
44 unnecessarily. Equally, I don't want this to become an
45 oppressive exercise so far as this witness is concerned,
46 first of all because of the nature of the issue we're
47 dealing with, and, secondly, because, as I say, it's not

1 adversarial and Counsel Assisting has already canvassed
2 a great deal of activity.

3
4 Now, would you like some extra time or have you
5 already done that?

6
7 MR THANGARAJ: It would be helpful, I think, to have
8 a chat, Commissioner. Could I just say one thing, though:
9 we have to canvass the same topics because our interests
10 are different but on the same topics. For example --

11
12 THE COMMISSIONER: Yes, but I'm not going to permit two
13 cross-examinations, do you understand? If you are actually
14 in the same interest, that's the very reason why you are
15 not having two goes. If you are in the same interest,
16 there is no reason, as a matter of fairness, why you should
17 have two goes. You have to divide this up. If this was
18 adversarial litigation, it may well be I would let one of
19 you go first and stop the other one from asking any
20 questions at all, because if you are in the same interest,
21 it's not a question of you having a try and Mr Tedeschi
22 following on, or vice versa. It's not going to happen. So
23 you tell me why you should both ask the same questions on
24 the same topics of this witness?

25
26 MR THANGARAJ: Because what this witness relies heavily on
27 is the 7 April email, and that is an email which she
28 says --

29
30 THE COMMISSIONER: You don't need to tell me your
31 strategy. What I'm saying to you, Mr Thangaraj, is simply
32 this: I do not want to officiate over a process which
33 permits both of you to ask the same sorts of questions just
34 to see how each of you might go on the same topic.

35
36 Now, if you want to have another discussion between
37 yourselves, I have no problem. If you make any headway
38 with this witness, Mr Tedeschi can take advantage of that
39 in submissions, and vice versa. I'm not going to permit
40 a process which has a tendency to be oppressive. Now, true
41 this is inquisitorial; it's not adversarial. If it were
42 adversarial, I would take quite a strict view about who
43 went first and, indeed, what you were permitted to ask
44 questions about.

45
46 If you have a conflict of interest, take that on
47 board. I accept all of that. As I said, I don't want to

1 unduly restrict either of you, but, equally, I'm not going
2 to let Mr Tedeschi ask questions and you to get up and ask
3 the same sorts of questions on the same topic.
4

5 MR THANGARAJ: I understand. May I just say one thing:
6 with Ms Brown, there was also some commonality. I excluded
7 some questions I otherwise would have asked her because
8 they had been covered by Mr Tedeschi, but there are also
9 some things that you have to cover. That's not because you
10 might have an extra question or a different emphasis --
11

12 THE COMMISSIONER: Well, you tell me, You tell me. As
13 I currently perceive it, because Mr Tedeschi has
14 a conflict, should you go first?
15

16 MR THANGARAJ: Well, it has been decided and agreed --
17

18 THE COMMISSIONER: No, it hasn't been decided.
19

20 MR THANGARAJ: -- between us.
21

22 THE COMMISSIONER: I'm in the process of talking. If it
23 has been decided between you, that's one thing. But all
24 I'm saying to you now is I don't want to unduly interrupt,
25 but I will not permit duplication just for the sake of it,
26 because if you ask a question of this witness, given what
27 Counsel Assisting has already said and done, then I don't
28 really see the point of you asking the same questions or
29 Mr Tedeschi asking the same questions.
30

31 MR THANGARAJ: We would prefer if Mr Tedeschi went first,
32 and I would also like to read the transcript before
33 I finish.
34

35 THE COMMISSIONER: Why do you want to read the transcript?
36 If this were a jury transcript, Mr Thangaraj, you wouldn't
37 have the benefit of the transcript. You would get on your
38 feet. You wouldn't ask the jury to go outside for a day or
39 two while you had the luxury of the transcript. I will
40 expect you to get to your feet whenever Mr Tedeschi
41 finishes today.
42

43 MR THANGARAJ: Oh, I propose to do that. Sorry, I wasn't
44 suggesting I wouldn't start today. I wasn't suggesting
45 that at all.
46

47 THE COMMISSIONER: You will make good use of whatever time

1 is available.

2

3 MR THANGARAJ: Yes, I will. I certainly will.

4

5 THE COMMISSIONER: All right, I accept that. Would you
6 like me to go off the bench for another few minutes for you
7 to refine your positions, or is that not helpful?

8

9 MR THANGARAJ: I think it would be helpful to have a quick
10 discussion, Commissioner.

11

12 THE COMMISSIONER: All right. Well, I want to facilitate
13 the efficient ending of this equally in fairness to
14 everyone concerned, most importantly the current witness.

15

16 Mr Glissan, is there anything you want to say at the
17 moment?

18

19 MR GLISSAN: Just, your Honour, starting at 9 o'clock,
20 I wouldn't want your Honour to sit beyond 4.30.

21

22 THE COMMISSIONER: No, today will not go beyond 4.30,
23 number one. Number two, we will resume Ms Young at 2pm
24 tomorrow, and she will finish by the end of tomorrow.
25 Mr Willing will come in the morning, 10 until 1, or
26 whatever time in that morning session is needed.

27

28 MR GLISSAN: Thank you.

29

30 THE COMMISSIONER: I will go off the bench. Why don't you
31 let me know when you are ready. Thank you.

32

33 **SHORT ADJOURNMENT**

34

35 THE COMMISSIONER: Yes, Mr Thangaraj?

36

37 MR THANGARAJ: Thank you for that time. That was helpful.
38 We've actually both trimmed some things that we were
39 overlapping, and so that was --

40

41 THE COMMISSIONER: All right. Thank you both very much
42 for that. Mr Nagle?

43

44 **<EXAMINATION BY MR NAGLE:**

45

46 MR NAGLE: Q. My name is Nagle, and I represent John
47 Lehmann. You are already aware of that, though?

- 1 A. Yes.
2
- 3 Q. You were present when John Lehmann gave his evidence
4 last week, weren't you?
5 A. Yes.
6
- 7 Q. You heard what he said about Unsolved Homicide often
8 having members poached to go and do critical incidents
9 because sometimes the work was seen as not being as
10 pressing as current homicide investigations?
11 A. Yes.
12
- 13 Q. Do you agree with what he said, that it was often the
14 case that members of your team would be taken to go and do
15 on-call duties for critical incidents?
16 A. Yes.
17
- 18 Q. And that that would slow up your ability to
19 investigate unsolved homicide?
20 A. Yes, and other things.
21
- 22 Q. Thank you. In relation to the ranking forms that you
23 have seen, and specifically the Johnson form that gave
24 a ranking of 14 out of 60 - you know that document that I'm
25 referring to?
26 A. Yes.
27
- 28 Q. Is it the case that the usual process in Unsolved was
29 that you would take an unsolved case that had one of the
30 highest rankings, the highest numbers, as the next one to
31 either reinvestigate or reopen or to go through rather than
32 maybe one that has a number of, say, 14?
33 A. Correct, that is exactly why that system exists.
34
- 35 Q. And there was a spreadsheet that had the numbers on
36 them after the desk review was done, with the ranking
37 prioritisation given to each case?
38 A. Yes.
39
- 40 Q. So it would be highly unusual to elevate a case that
41 had a ranking of 14 out of 60 to the top of the pile and
42 create a strike force for it, obviously?
43 A. Absolutely.
44
- 45 Q. On a similar note, the families - sorry, I'll go back
46 a step. You had somewhere around 700 unsolved homicides
47 that had been identified and were part of the cases to be

1 looked at as part of the UHT undertaking?

2 A. Unsolved homicides and missing persons presumed dead.

3

4 Q. Thank you. And it was often the case that family
5 members, next of kin or interested parties would contact
6 the Unsolved Homicide Team hoping that their loved one's
7 case would be elevated or reinvestigated; is that right?

8 A. Yes. We were available to speak with them. We didn't
9 necessarily initiate calls to them, but they did know where
10 to find us.

11

12 Q. So it is fair to say that the Johnson family wasn't
13 the only family that had anguish about what had happened to
14 their loved one and wanted to find answers?

15 A. Oh, not at all, no.

16

17 Q. And that was actually part of the pressure and part of
18 the stress of working in Unsolved Homicide, was that there
19 were so many previously unsolved cases that loved ones
20 would be wanting you to look at and to solve - yes?

21 A. Yes, but it's not just on who asks. We are the voice
22 for dead people. There are dead people who have no-one to
23 speak for them. That's our job, to prioritise and hope we
24 can solve it, whether or not they have next of kin. That's
25 an important principle too.

26

27 Q. Thank you. Just on that, despite the fact that it
28 might have had a high ranking, is reopened or
29 reinvestigated, having a successful conviction out of an
30 unsolved homicide was still something that was difficult to
31 achieve?

32 A. Yes, it was.

33

34 Q. Because usually it had already gone through the hands
35 of Homicide and they couldn't get anywhere with it?

36 A. Pardon?

37

38 Q. Because the case had usually already gone through the
39 hands of Homicide and they hadn't been able to get anywhere
40 with it in terms of a final result?

41 A. Not just - if you're saying Homicide Squad, Unsolved
42 Homicide Team took on suspicious deaths from local area
43 commands, for instance. It wasn't - so across the State,
44 so across the State, unsolved homicides and missing persons
45 presumed dead, from wherever they were in the State, came
46 to the Unsolved Homicide Team.

47

1 Q. Thank you for that. Final question: once you had
2 moved into the Unsolved Homicide Team, John Lehmann took
3 a different role in relation to the reviews; is that right?
4 A. Yes. We did - we worked in silos, basically.

5
6 MR NAGLE: Thank you.

7
8 THE COMMISSIONER: Yes, Mr Tedeschi.

9
10 **<EXAMINATION BY MR TEDESCHI:**

11
12 MR TEDESCHI: Q. Ms Young, I'm sure you know,
13 I represent the Commissioner of Police and certain named
14 police officers.

15 A. Yes.

16
17 Q. I would like to begin by asking you some questions
18 about your work in Task Force Macnamir and some of the
19 aspects that you have already given evidence about. Would
20 you agree that by the time it came to the coronial hearing,
21 your 445-page statement contained what in retrospect you
22 would categorise as an exemplary investigation of the death
23 of Scott Johnson as at that time, according to the evidence
24 that was available at that time?

25 A. Did I think it was exemplary?

26
27 Q. Yes.

28 A. Yes.

29
30 Q. In retrospect, do you still consider that it was
31 exemplary?

32 A. Then and now.

33
34 Q. Yes. In retrospect, based upon the evidence that you
35 had available at that time --

36 A. Yes.

37
38 Q. -- do you still consider that it was an exemplary
39 investigation?

40 A. Yes, I do.

41
42 Q. You describe in your statement before this Inquiry
43 that in your statement to the Coroner, you explored all
44 three options - homicide, suicide and misadventure?

45 A. Yes.

46
47 Q. And you describe in your statement to the Inquiry that

1 there was considerably more detail in your statement to the
2 Coroner about homicide than there was about the other two
3 options?

4 A. Yes.

5

6 Q. Are you of the view, in retrospect, that you fully
7 considered all of the available evidence at that time that
8 was available in support of homicide?

9 A. Yes.

10

11 Q. Did anybody, during the course of your investigation
12 of the death of Scott Johnson, place any pressure on you
13 whatsoever to point you in the direction away from
14 homicide?

15 A. No.

16

17 Q. Did anybody place the slightest pressure on you to
18 steer away from any finding of a gay hate murder?

19 A. No.

20

21 Q. You were asked some questions both by Counsel
22 Assisting and by the Commissioner concerning the use that
23 you made of the Taradale file in relation to the three
24 deaths, and you explained that you were interested in
25 comparing the information that was available in that file
26 with what you had in relation to the death of Scott
27 Johnson?

28 A. Yes.

29

30 Q. Could you explain a little bit more precisely what
31 aspect of the Taradale material was of use to you in the
32 investigation of Scott Johnson's death?

33 A. Mmm. Well, it's in two parts. When I took on those
34 holdings, I wasn't sure that it would have any value, but
35 I knew that it also contained material about investigations
36 and intelligence and arrests made by the former Major Crime
37 Squad South region, which those eastern areas cover, so
38 Operation Taradale holdings was a very - for me,
39 a convenient package of all that history from that side of
40 Sydney.

41

42 So, with the gay beat at North Head, with the
43 possibility of maybe - oh, sorry, with the proliferation of
44 violence towards gay men particularly in Manly Corso area
45 and Balgowlah and Reef Beach and Narrabeen, there were - it
46 sort of leapt out as a worthwhile comparison. So Taradale
47 had a lot - Taradale, on the back of the work by the Major

1 Crime Squad South, had collected a lot of suspect names,
2 and so just one basic thing was: do any of those suspects
3 have any links to Manly or - Manly or the environment of -
4 you know, the environment generally on the north side.

5
6 The interactions of the gang members, I found that
7 very useful to - a very useful insight about how they
8 relate, talk, the language that they use, the level of hate
9 and aggression, and I guess teenage confusion maybe in
10 their own feelings - you can sort of pick up on that a bit.
11 So that's the type of value, so direct value, did any of
12 them live at Manly, as just a simple example, and then a
13 sort of more oblique value is the conduct amongst
14 themselves. So that could have been of use to how we might
15 set up our own operations around Strike Force Macnamir.

16
17 Q. Did that evidence from Taradale actually result in any
18 lines of inquiry that you pursued in relation to Scott
19 Johnson's death?

20 A. There was one man charged in relation to the death of
21 the Thai national - I do apologise to him, I could not
22 possibly pronounce his name properly. One of the - who was
23 a youth at the time, was charged with that murder. I think
24 two or three were charged.

25
26 Q. Sorry, if I could just repeat my question, did any of
27 the material that you have identified from Strike Force
28 Taradale --

29 A. Yes.

30
31 Q. -- did any of that lead to actual lines of inquiry
32 that you and your team initiated in relation to the death
33 of Scott Johnson?

34 A. Yes. So I'm getting to, one of the Taradale named
35 people - actually, it was Crime Squad South named people
36 had said that he surfs in areas including on the north
37 side. Just from that mention of his, we thought, well,
38 that might be Manly, he might surf at Manly, and he had
39 been convicted of a gay hate murder. So, yes, that's
40 a direct link, so we - yes, we interviewed him.

41
42 Q. Did you read the decision by Coroner Milledge?

43 A. Yes.

44
45 Q. Did that provide you with any additional leads that
46 weren't in the material in the police brief relating to
47 Taradale?

- 1 A. Her written findings?
2
- 3 Q. Yes.
4 A. No. I'm saying I can't - sitting here, I don't
5 remember precisely. But the benefit came from all the
6 holdings relied upon to make her findings, so that's - am
7 I understanding the question?
8
- 9 Q. Yes. Did you yourself have any particular reason to
10 lean towards one cause of death for Scott Johnson rather
11 than another?
12 A. No reason. No reason independent of the information
13 and evidence, that is.
14
- 15 Q. Moving on to a different topic, really directed more
16 towards the Lateline interview, do you recall in your first
17 statement saying that you didn't favour a suicide theory?
18 A. Yes.
19
- 20 Q. In fact, in your first statement, you go to some
21 trouble to say that you kept your mind open in relation to
22 every one of those three possibilities?
23 A. Yes. Sorry, which statement are you referring to?
24
- 25 Q. Your first statement, the one from April of this year.
26 A. Oh, to the Inquiry?
27
- 28 Q. Yes.
29 A. Mmm-hmm.
30
- 31 Q. Now, in fact, in your interview with Emma Alberici on
32 10 April, you did in fact express your own personal view
33 about what was more likely to be the cause of death of
34 Scott Johnson?
35 A. Not "more likely". I do know that's - Emma Alberici
36 used the term "most likely". I talked in the realms of
37 "possible", "possibility", "not impossible" - that's my
38 distinct wording. I believe there is a difference between
39 the words she chose to use, "most likely", and my word,
40 "possibility".
41
- 42 Q. Did you tell Emma Alberici during that interview that
43 you had a preference or that there was a likelihood of
44 suicide as opposed to the other two?
45 A. Pardon?
46
- 47 Q. Did you express during that interview to Emma Alberici

1 that your personal view was that it's most likely to be
2 suicide, based upon the evidence?

3 A. I don't - I don't believe I did. I would like to see
4 it. I don't - it's not my - because "most likely" gives it
5 a status above other options. My - I was definitely - it's
6 a "possibility", maybe even a "distinct possibility",
7 meaning it's not impossible.

8

9 Q. Could I take you, please, to tab 342, which is the
10 transcript of that interview.

11

12 THE COMMISSIONER: What volume is that?

13

14 MR TEDESCHI: I'm sorry, I don't have a volume number. It
15 is tab 342.

16

17 THE COMMISSIONER: It is volume 16, tab 342. Thank you.
18 [NPL.2017.0004.0549].

19

20 MR TEDESCHI: Q. Could I take you, please, to page 2, at
21 the bottom of the page. At the third line of the last
22 entry, you say this:

23

24 *But my personal view, on the amount of*
25 *additional information we've been able to*
26 *gather about Scott - Scott's personality,*
27 *that Scott mentioned to his partner of the*
28 *time about an attempted suicide, and that*
29 *that information has some corroboration as*
30 *well - that it's feasible that Scott could*
31 *have, was in - in the place where the*
32 *suicide could have taken place - there's*
33 *some real veracity around that - so I'm*
34 *swayed personally that the current finding,*
35 *the open finding, could move a bit more*
36 *towards suicide again.*

37

38 And then further down that page 3, line 40, Ms Alberici
39 says:

40

41 *But I want the detail that you think it*
42 *was --*

43

44 You:

45

46 *We would sway more towards homicide -*
47 *suicide.*

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Line 46:

*I think that - I think that - I think that
you might just want to say that - that your
personal view is that it's most likely to
be suicide based on dah, dah, and dah.*

You:

Mmm.

Ms Alberici:

Based on whatever it is based on.

You say:

*That is - just let me - that is such
a controversial statement. I want to say
I believe, it's my true belief, but it's
going to be so controversial, once it gets
out there.*

Then at page 7, line 14:

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

Answer:

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

Then Ms Alberici again talks to you about your answer. And
then at page 10, line 26, Ms Alberici:

*"He told his partner. His partner told
a couple of friends. This happened a few
years ago."*

You:

*... yeah. I'm inclined to just - to
actually shorten the answer.*

1 Ms Alberici:

2

3 *Or you can shorten that.*

4

5 You:

6

7 *I'll just say "suicide", but I'll say - I*
8 *want to say about caring about Scott,*
9 *because we do.*

10

11 Then at line 46, Emma Alberici:

12

13 *Yeah, but you also have to say why you've*
14 *arrived at that view, otherwise it will*
15 *just sound like you just want to get it*
16 *over with - you know what I mean?*

17

18 Page 11, line 39:

19

20 *So let's try that again.*

21

22 Line 44:

23

24 *I believe that Scott may well have*
25 *suicided. We have a lot more information*
26 *and evidence that supports that, that*
27 *hasn't been available before, including*
28 *some corroboration of a prior suicide*
29 *attempt ...*

30

31 And there are other parts. So do you agree that you
32 advanced the suicide theory during that interview?

33

34 MR GLISSAN: I object to that, unless the balance of
35 what --

36

37 THE COMMISSIONER: I understand that. I'm going to allow
38 Mr Tedeschi to ask the questions he wants to ask, as I have
39 others. You can ask her about other bits of this if you
40 wish to do so.

41

42 MR GLISSAN: Yes.

43

44 THE COMMISSIONER: I will read it all, as I have read it
45 many times before.

46

47 MR GLISSAN: Of course. It is only because it is part of

1 the same answer and it finishes by saying "suicide is
2 a distinct possibility."

3

4 THE COMMISSIONER: I understand. Yes, you go on,
5 Mr Tedeschi.

6

7 MR TEDESCHI: Q. Do you agree that you advanced or
8 propounded the suicide theory during that interview?

9 A. That it was a possibility.

10

11 Q. You went further than that, didn't you? You advanced
12 it as a likelihood?

13 A. No. "A distinct possibility", at the end of the last
14 paragraph that you started to read but didn't finish, "I am
15 swayed that suicide is a distinct possibility." It was
16 feasible that it was a possibility. It's my true belief
17 that it's a possibility and not impossible. That's how -
18 whenever Emma Alberici has returned for her grab, I have
19 stayed in the realms of "possibility".

20

21 Q. So what I'm suggesting to you is that in this
22 interview, you did advance the likelihood of the suicide
23 theory and that it's incorrect when you say in your
24 statement that you didn't advance one theory any more than
25 the others?

26 A. Well, that's not true. She was asking about that
27 aspect, I guess, so that's why the topic is being spoken
28 of, but I didn't advance one over another.

29

30 Q. Can I take you, again, to your statement to this
31 Inquiry, your first statement, [SCOI.85815_0001]. Can
32 I take you to paragraph 59.

33

34 THE COMMISSIONER: Mr Tedeschi, when you say the "first" -
35 not for my purposes necessarily - do you mean the April --

36

37 MR TEDESCHI: The April statement.

38

39 THE COMMISSIONER: Thank you. Just for the transcript,
40 and for the witness, when you are saying that, it's helpful
41 to say which one it is. So it's the April --

42

43 MR TEDESCHI: Q. Could I take you to the April 2023
44 statement, paragraph 59.

45 A. I don't have a copy of that, so that would be handy.

46

47 Q. It should come up on the screen. Paragraph 59, second

1 sentence. You say in the interview with Emma Alberici -
2 this is the one that went to air:

3
4 *In the interview I spoke to the information*
5 *and evidence in my, now public, coronial*
6 *statements.*

7
8 Do you see that?

9 A. Yes.

10
11 Q. And in paragraph 50 of the same statement, the second
12 full statement, in about the middle of that paragraph,
13 "Equally" - do you see that? Do you see the word
14 "Equally"?

15 A. Yes.

16
17 Q.

18 *Equally, I knew that backgrounding and*
19 *further public comment must be limited to*
20 *the information and evidence within my*
21 *coronial statements.*

22
23 Do you see that?

24 A. Yes.

25
26 Q. Do I take it from that that you knew all along that
27 whether you were backgrounding or whether you were making
28 public comment about the case, that you knew that you were
29 limited in what you could say to the information and the
30 evidence that was referred to in your coronial statements?

31 A. Yes.

32
33 Q. And is this the case, that your assertion today in
34 answer to questions by Counsel Assisting is that you think
35 that you did restrict yourself during your interviews with
36 Emma Alberici to what was in your coronial statements?

37 A. Yes.

38
39 Q. What I want to suggest to you is that that's just not
40 right, that there were a number of respects in which you
41 did not limit yourself to your coronial statements. Do you
42 understand?

43 A. I am waiting to hear what they are.

44
45 Q. What I'm suggesting to you is that in your coronial
46 statements, there was no explicit criticism of Minister
47 Gallacher for the way in which he had, in effect, favoured

1 the family?

2 A. To include the mention of a Minister in a coronial
3 statement is for the sole purpose of pointing out to anyone
4 who was remotely interested that he had had a role, direct,
5 in setting up Strike Force Macnamir.

6

7 Q. You had not explicitly criticised the Minister in your
8 coronial statements, had you?

9 A. It would be entirely inappropriate to do it in that
10 coronial statement, which is about Scott, for Scott, about
11 Scott.

12

13 Q. So is it inappropriate to do it in a coronial
14 statement, but it's appropriate to do it on national
15 television on the day that the Coroner decides to hold an
16 inquest? Is that what you're saying?

17 A. It was a valid criticism that I was very specific
18 about on Lateline that was not relevant to the purpose of
19 my coronial statement for the Coroner.

20

21 Q. You said it would be inappropriate to include it in
22 your coronial statement --

23 A. Because --

24

25 Q. Are you saying that it is inappropriate to do it in
26 a coronial statement but appropriate to do it on national
27 television?

28 A. The purpose of the coronial statement, or any coronial
29 statement, is to assist the Coroner determining the manner
30 and cause of death.

31

32 Q. Please answer my question. Please answer my question.

33 A. That is my answer.

34

35 Q. Is it appropriate to do it on national television if
36 it's not appropriate to do it in your statement to the
37 Coroner?

38 A. It was entirely appropriate, in my view, to tell the
39 public that one next of kin was getting favouritism over
40 700 other next of kin. That is appropriate.

41

42 Q. Was it appropriate to criticise the family for having
43 used their wealth to advance the investigation of the Scott
44 Johnson case?

45 A. It's not really about how wealthy the family are.
46 It's that the Minister was allowing whatever that status
47 was of that family to direct the work of the Unsolved

1 Homicide Team. That's inappropriate.

2

3 Q. There was nothing in your coronial statements, was
4 there, which referred to the fact that the family had used
5 their wealth to get some priority over the other cases that
6 were being reviewed by the Unsolved Homicide Team?

7 A. The fact that a family's wealthy or not is not
8 relevant to the manner and cause of death of Scott.

9

10 Q. Please answer my question. There was nothing in your
11 coronial statements about that, was there?

12 A. Therefore, it is not in my coronial statements.

13

14 Q. So would it be inappropriate to put something like
15 that in your coronial statement?

16 A. It was not relevant to the purpose of the coronial
17 statement.

18

19 Q. Would it be inappropriate?

20 A. Anything not relevant could be regarded as
21 inappropriate.

22

23 Q. Do you agree that that was something that you said on
24 national television about the family of Scott Johnson that
25 had not been included in your coronial statement?

26 A. I would quite like to be reminded, what did I actually
27 say about the Johnson family?

28

29 Q. In your coronial statement?

30 A. In Lateline.

31

32 Q. Well, in your interview on the 10th, you certainly
33 advanced to Emma Alberici your view that they were using
34 their wealth to get priority for their case, didn't you?

35 A. Well, again, I would like to - honestly, these things
36 aren't in black and white at the front of my mind. I will
37 look at the material.

38

39 Q. Do you agree that it would be - if you mentioned to
40 Emma Alberici during either of your interviews with her
41 that the family had used their wealth to gain priority for
42 the investigation of Scott Johnson's death, do you agree
43 that that was not something that was contained in your
44 coronial statements?

45 A. I even - I'm not even sure if wealth figured much in
46 my mind. "Influence", I would often - influence is
47 something that --

- 1
2 Q. Do you agree that that was not included in your
3 coronial statements - criticism of the Johnson family for
4 having used their wealth and/or their influence to gain
5 priority for the investigation of Scott Johnson?
6 A. It's entirely through my coronial statement by the
7 inclusion of them publishing new information or a suspect's
8 name that they wanted us to investigate - they would
9 publish it first. So there is an influence there. Not
10 every family have journalists willing to publish their
11 lines of inquiry. So it is clear, through what is included
12 in my coronial statement, that the Johnson family had an
13 unusual level of influence.
14
15 Q. There was no criticism of the family in your coronial
16 statements, was there?
17 A. It would not be appropriate to criticise - because
18 it's not relevant to the manner and cause of death of
19 Scott.
20
21 Q. So it's not appropriate in your coronial statement,
22 but it is appropriate to put it on national television; is
23 that what you're saying?
24 A. Well, again, I don't remember exactly what I said
25 about the Johnson family on Lateline.
26
27 Q. Ms Young, between 2013 and April 2015, you had
28 conducted this very thorough investigation into the death
29 of Scott Johnson. However, would it be fair to say that
30 associated with that investigation predominantly by you and
31 Penny Brown, you felt a real degree of frustration and
32 disquiet about a number of things that had happened between
33 2013 and 2015?
34 A. Yes. I'll just qualify that. Did you include
35 Detective Sergeant Penny Brown in that question?
36
37 Q. Yes - well, no, no, I said the investigation was
38 predominantly by you and her. I'm asking you about your
39 frustration and your disquiet. Do you understand?
40 A. Yes.
41
42 Q. Now, your first concern and disquiet was about the
43 interview that the family had with the Minister, in which
44 the Minister had, in effect, said, "There will be
45 a reinvestigation", and the family had got priority for
46 their case; that was your first concern?
47 A. Oh, and a lot more that the Minister said during that

- 1 meeting, but, yes, that's a simple version.
2
- 3 Q. You felt that it had gained an unfair advantage over
4 all the other cases?
5 A. It had. I didn't feel it. It had.
6
- 7 Q. That was your view? That was your view?
8 A. That was the fact.
9
- 10 Q. Despite that, you embarked upon a very extensive
11 investigation?
12 A. Yes.
13
- 14 Q. As a professional?
15 A. Yes.
16
- 17 Q. Now, the next thing that caused you some disquiet was
18 the fact that you found out that Superintendent Willing had
19 sent your investigation to the New South Wales Crime
20 Commission for them to review the investigation - that
21 caused you some consternation, didn't it?
22 A. Yes.
23
- 24 Q. You knew that that was the only time that had ever
25 been done in the course of a major investigation like that?
26 A. Yes.
27
- 28 Q. And despite your concerns, the New South Wales Crime
29 Commission came back and said, in effect, it was an
30 exemplary investigation?
31 A. Yes.
32
- 33 Q. But you were concerned that he had asked the Crime
34 Commission to do that review, weren't you?
35 A. For two reasons - yes, that he had asked, and,
36 secondly, he didn't have the guts to tell me himself that
37 he had asked.
38
- 39 Q. You only found out about it after the event?
40 A. I had to find out about it from the Crime Commission
41 themselves.
42
- 43 Q. And that caused you frustration and annoyance?
44 A. And?
45
- 46 Q. Annoyance.
47 A. Yes.

1
2 Q. During the course of your investigation, up until
3 April 2015, you had also been subjected to complaints from
4 the Johnson family?
5 A. Yes.
6
7 Q. Requests that you be taken off the investigation?
8 A. Sorry, is this subsequent to the 13th?
9
10 Q. No, before 13 April, there had been requests that you
11 and Detective Lehmann be taken off the investigation?
12 A. I don't - no, I don't think they had - I don't think
13 they'd asked that.
14
15 Q. But there had been complaints by them about the course
16 of the investigation?
17 A. The lack of - they wanted to know intimate detail of
18 what we were doing, and they complained that they were not
19 getting that, repeatedly.
20
21 Q. And there had been newspaper articles, emanating, you
22 thought, from the family, critical of the police?
23 A. Yes, and I knew they were from the family because some
24 were private conversations that appeared in the paper - it
25 could only have been from the family.
26
27 Q. And there were criticisms of you personally that
28 appeared in the media?
29 A. Yes.
30
31 Q. That you thought had come from the family?
32 A. Yes.
33
34 Q. And then you found out, did you not, that
35 Superintendent Willing had, in effect, suggested to Coroner
36 Barnes that there might be another inquest - a third
37 inquest. You found that out after the request had been
38 made by Mr Willing?
39 A. Not after, no.
40
41 Q. Did you disagree with him requesting that of the
42 Coroner?
43 A. Not at all. Not at all.
44
45 Q. Did you think that there was no point in that, because
46 you hadn't unearthed any fresh evidence that would warrant
47 a further inquest?

1 A. Well, I didn't - I didn't object or - I wasn't
2 concerned that he had approached the Coroner.

3
4 Q. But did you feel that it was a waste of time and
5 public money for there to be a fresh inquest, when there
6 was, in effect, no new evidence pointing to any suspect?

7 A. No. No, I didn't have a strong - I did not have
8 a strong view against it at all.

9
10 Q. As at April of 2015, did you think that a further
11 inquest was probably going to be a waste of time?

12 A. No.

13
14 THE COMMISSIONER: Is that a convenient time, Mr Tedeschi?

15
16 MR TEDESCHI: Yes, it is a convenient time.

17
18 THE COMMISSIONER: All right. I will adjourn now,
19 thank you. 2 o'clock.

20
21 **LUNCHEON ADJOURNMENT**

22
23 THE COMMISSIONER: Yes, Ms Young, would you be kind enough
24 just to come back into the witness box, thank you.

25
26 MR NAGLE: Commissioner, with your leave, I will move away
27 at 3 o'clock and Mr Willis will take over for the remainder
28 of the day.

29
30 THE COMMISSIONER: Yes, certainly. Thank you for telling
31 me, Mr Nagle. Yes, Mr Tedeschi.

32
33 MR TEDESCHI: Q. Ms Young, before the luncheon
34 adjournment, I was asking you questions about your
35 concerns, your frustrations, your annoyance and the various
36 things that had happened between 2013 and 2015, up until
37 13 April. Can I ask you this: in the context of all of
38 those factors that I mentioned, was that what prompted you
39 to initiate the idea of a media strategy in advance of the
40 Coroner's ruling on whether or not there would be an
41 inquest on 13 April?

42 A. I'm sorry, could you repeat that question?

43
44 Q. Yes. Was it in the context of all of those concerns
45 and annoyances and other factors that I asked you about
46 before lunch - was it in that context that you were the one
47 to come up with the idea of a media strategy to deal with

1 the events on 13 April 2015?

2 A. No. My idea formed - it would be an opportunity that
3 we hadn't had previously to speak on the thoroughness of
4 the investigation. So that's --

5

6 Q. What I want to ask you is, was it a situation where
7 you had had so much frustration and annoyance and
8 complaints, and the like, in the period prior to early 2015
9 that you came up with this idea that, in effect, you would
10 be on the front foot when an order was made by the Coroner
11 about whether or not there would be an inquest?

12 A. No.

13

14 Q. But you agree that it was your idea to have a media
15 strategy?

16 A. Yes.

17

18 Q. According to your April statement, this year,
19 [SCOI.85815_0001], you say this, paragraph 46:

20

21 *... I approached Michael Willing with an*
22 *idea that we too should be ready to do*
23 *a media release if the State Coroner does*
24 *not place a non-publication order over my*
25 *coronial statements. In discussion I had*
26 *with Michael Willing and the SCC Media*
27 *Liaison, a media strategy was developed in*
28 *the weeks before 13 April 2015.*

29

30 Correct?

31 A. Just - paragraph number again?

32

33 Q. Paragraph 46. I've just read from paragraph 46. Is
34 what you have got there correct?

35 A. Yes.

36

37 Q. So it was your idea, and Mick Willing agreed to it; is
38 that right?

39 A. Yes.

40

41 Q. Sorry?

42 A. Yes.

43

44 Q. Was this the case, that you briefed Superintendent
45 Willing with the suggestion that if your statement was made
46 public by the Coroner, that you would get on the front foot
47 and be prepared to speak to the statement?

- 1 A. Yes.
- 2
- 3 Q. So that was contingent upon the statement being made
4 public by the Coroner?
- 5 A. Yes.
- 6
- 7 Q. And what you proposed is that you would get on the
8 front foot and be prepared to speak to the statement;
9 correct?
- 10 A. Yes. At the early time, we weren't clear on which one
11 of us would speak to the statement, but then when it was
12 clear that I had the greater knowledge, then it had to fall
13 to me.
- 14
- 15 Q. But the discussion between you was to get on the front
16 foot and speak about, or speak to, the statement; correct?
- 17 A. Yes.
- 18
- 19 Q. Is it correct that on 7 April, there was a long-term
20 media strategy devised by the NSW Police Force?
- 21 A. That's the day when it - where the lead discussions
22 were crystallised in an email.
- 23
- 24 Q. That's the date of the email that you rely upon for
25 permission to go on the record?
- 26 A. Yes. There is a follow-up email on the 8th that
27 reflects similar instructions.
- 28
- 29 Q. I will come to that.
- 30 A. Mmm.
- 31
- 32 Q. But is it correct that that media strategy is what you
33 rely upon for your assertion that you had approval to go on
34 the record?
- 35 A. The email is what I rely on.
- 36
- 37 Q. And is this the case, that there was a briefing on
38 that day to provide background information only that was to
39 be off the record, pending the Coroner's determination in
40 relation to the non-publication order?
- 41 A. That's - is that the wording from the email?
- 42
- 43 Q. No. I'm asking you --
- 44 A. No, it didn't sound familiar.
- 45
- 46 Q. -- as a fact, your understanding of what was agreed to
47 that day was that you were to provide background

1 information only, which was to be off the record, pending
2 the Coroner's determination in relation to the
3 non-publication order?
4 A. I'm just - you've introduced the word "pending". So
5 if he had put a non-publication order on the statement, the
6 media strategy would not have proceeded.
7
8 Q. Yes.
9 A. If he didn't, then the media strategy proceeded.
10
11 Q. Is this the case, that you were very specific in
12 understanding the briefing, the media briefing, that there
13 were only three areas that you were to speak about -
14 namely, Scott Johnson's death, gay hate crime in that area,
15 and the political priority that had been given to the case?
16 A. That - they were the - that's what I was clear on,
17 that I was prepared to speak on.
18
19 Q. So is this the case, that your understanding was that
20 you were - initially it was to be a backgrounding, and then
21 if the Coroner released your statement, the backgrounding
22 would become public?
23 A. Would be on the record.
24
25 Q. Would be on the record?
26 A. Would be on the record.
27
28 Q. So there was an off-the-record backgrounding, but if
29 the Coroner was to allow your statement to be made public,
30 then you could go with the same material on the record
31 concerning your statement?
32 A. Yes.
33
34 Q. Do you now acknowledge that the Police Media policy
35 required you to get permission in order to go on the record
36 and do an in-studio interview on national television?
37 A. That the media policy requires it?
38
39 Q. Yes.
40 A. Yes.
41
42 Q. Did you know it then?
43 A. Well, I guess I deferred the - whatever permissions or
44 authority was required to Mick Willing, who - he clearly
45 did, because he sent it up the line to everyone, including
46 the Deputy Commissioner, and then Georgina Wells looked
47 after the Public Affairs Branch permission side.

1 I understood at least that both branches were required.
2
3 Q. But your understanding was that whether it was on the
4 record or off the record, all you could do was speak to
5 your statement?
6 A. Yes. Yes.
7
8 Q. Do you understand now that the reason why there was
9 such a reaction after the event was because you did not
10 comply with that?
11 A. Really, it's - it's really never been explained to me.
12 I've been left to guess. I've - right from the start,
13 I guessed it was the word "kowtowing".
14
15 Q. But do you understand, firstly, there is a dispute
16 about whether you were authorised to do a sit-down
17 interview on national television without the consent of
18 either the Commissioner or a Deputy Commissioner?
19 A. I only know that through this Inquiry primarily and in
20 detail.
21
22 Q. You understand that now?
23 A. That there's a difference of opinion about it, yes.
24
25 Q. And do you understand now that the reason why there
26 was such a reaction after your interview was because you
27 went, in effect, off script and went way past what you had
28 in your coronial statements?
29 A. I used the word "kowtowing".
30
31 Q. So in that sense, you went over and above what was in
32 your statement?
33 A. Not the - the word's not in the statement. The
34 sentiment is, and also I had run the word "kowtowing" past
35 Michael Willing on the way to the ABC studio.
36
37 Q. Please answer my question. In that respect, you went
38 over and above what you had been permitted to do; is that
39 right?
40 A. Well, I don't - I don't believe I would have received
41 written authority to use the word "kowtowing".
42
43 Q. You would never have been given permission to do that,
44 would you?
45 A. I would not have been given written permission to use
46 the word "kowtowing."
47

1 Q. Do you agree that you would never have been given
2 permission to criticise either a present or a past Police
3 Minister; do you agree with that?

4 A. I don't - I can't answer that.

5

6 Q. Do you agree that you would never have been given
7 permission to criticise the family in the way that you did?

8 A. What way did I?

9

10 Q. Criticise the family for using their influence and
11 their wealth --

12

13 THE COMMISSIONER: Mr Tedeschi, are you talking about the
14 interview as published? If you are, then I think it's only
15 fair that you take her to the words she used. She has
16 raised this question a few times. It would seem to me that
17 if you want to assert that she put that on national
18 television, then I would be assisted, and I'm sure she
19 would be, by pointing to where she said it.

20

21 MR TEDESCHI: Q. In your interview of 10 April, you
22 criticised the family for using their influence and their
23 wealth, didn't you?

24 A. I would like to see the words to answer that question.

25

26 Q. We will come to that. Could I take you now to the
27 email exchanges that you have relied upon. The first one
28 is at tab 347, [NPL.0138.0001.07037]. It is an email from
29 Georgina Wells --

30

31 THE COMMISSIONER: Volume 16.

32

33 MR TEDESCHI: Q. This is the email that you rely upon
34 for permission to go and do an in-studio interview, isn't
35 it?

36 A. One of two.

37

38 Q. Now, you see about the middle of the second paragraph,
39 it says:

40

41 *The concern is that media, in lieu of not*
42 *being able to adequately review such*
43 *a large document in a short time frame in*
44 *order to compile a full report, may instead*
45 *rely on commentary from the Johnson family*
46 *for any media reporting.*

47

- 1 Do you see that?
2 A. Yes.
3
4 Q. This, of course, is an email from Georgina Wells to
5 various senior police officers and to you as well?
6 A. Yes.
7
8 Q. Do you agree that that was the concern, that the media
9 might rely upon a press release or statements from the
10 Johnson family because your statement was so long, so the
11 aim of the exercise was to adequately ensure that they were
12 aware of what was in your statement?
13 A. Yes, that reflects the idea when it first came up.
14
15 Q. And then it goes on and says:
16
17 *As such, we would like to provide*
18 *a background briefing to the ABC and The*
19 *Australian prior to Monday so they can take*
20 *a look at the report and have a chat to*
21 *police about what's in it.*
22
23 Correct?
24 A. Yes.
25
26 Q. Now, there's nothing there, is there, about the ABC
27 being given anything more than The Australian?
28 A. Correct.
29
30 Q. At this stage Dan Box didn't have a copy of your
31 statement, did he?
32 A. No.
33
34 Q. Did you alert anybody to the fact that the ABC had
35 been given vastly more by this time, in terms of
36 information from you and a copy of your statement, that
37 The Australian hadn't been given?
38 A. No.
39
40 Q. Was it your understanding that the purpose of contact
41 with those two media organisations was to give them at this
42 stage a background briefing?
43 A. A background briefing the way I understood it.
44
45 Q. What do you understand to be the meaning of
46 a background briefing?
47 A. Explaining the background of the issue or case, so

1 that they know why we are where we are today and that it
2 would be attributed to me.

3

4 Q. Well, if it was off the record, it wouldn't be
5 attributed to you, would it?

6 A. Off the record is not anything to do with attribution,
7 in my - yes.

8

9 Q. Did you understand with a background briefing that the
10 journalist could go on the record and say, "Chief Inspector
11 Pamela Young has said", and then quote you?

12 A. Yes.

13

14 Q. I want to suggest to you that that's just completely
15 wrong, that a background briefing off the record does not
16 allow for attribution?

17 A. Well, I'm not a - I had no media background. I've
18 never been given an instruction about - which I understand
19 now is some media jargon for a process, no-one has
20 explained that to me for other matters I've been involved
21 in, and I haven't - I don't remember ever seeing it in
22 a media policy defined in any way by that word or just by
23 general description.

24

25 Q. So when it says in this email:

26

27 *The briefing would be for background*
28 *information only and off the record.*

29

30 What does "off the record" mean?

31 A. "Off the record" is not published.

32

33 Q. Not published. So how could there be a quote from you
34 if it was not published?

35 A. Well, because the exclusive agreement made with Dan
36 Box and Emma Alberici was that giving them the background
37 was off the record until such time, if and when, the
38 Coroner made my coronial statement public.

39

40 Q. But what did you understand by "off the record" - what
41 did that mean?

42 A. Not published.

43

44 Q. What, nothing would be published about what you had
45 said?

46 A. Unless the trigger of the Coroner had made my coronial
47 statements public, and then the off-the-record statements

1 become on the record.

2

3 Q. So your understanding was that they couldn't use any
4 of the information that you had given them to assist them
5 in any way to publish anything unless the statement was
6 made public and it was on the record?

7 A. Yes.

8

9 Q. What I want to suggest to you is that a background
10 briefing is to assist a journalist to understand something
11 and is off the record because there can't be any
12 attribution or quotation from the person doing the
13 briefing. What do you say to that?

14 A. Well, I have heard that definition used through the
15 Inquiry, so I've learnt something. Whenever - whenever
16 I have read an article or anything that says, you know,
17 "Police source has said" this or that, I've always thought,
18 "Goodness, someone's spoken secretly to a journalist."
19 I didn't realise there was actually an unwritten ability
20 for police to sit down with a journalist and then not be
21 attributed for their comments.

22

23 Q. So if we take Dan Box, for example, you spoke to Dan
24 Box, I can't remember which day it was, but one of those
25 days before the 13th?

26 A. On the 10th.

27

28 Q. On the 10th. That's right, it was around midday on
29 the 10th.

30 A. And there were probably a couple of phone calls just
31 before that, but not long before that.

32

33 Q. All right. So your understanding was that what you
34 said to him couldn't be used by him unless there was an
35 order by the Coroner to release your statement?

36 A. Correct.

37

38 Q. And if your statement was released and it went on the
39 record, then he could use the information that you had
40 given him and publish it?

41 A. And attribute it to me.

42

43 Q. And attribute it. And was it the same with Emma
44 Alberici, that you understood that what you did on the
45 10th, in the afternoon - 10 April in the afternoon - was
46 off the record?

47 A. Yes.

1
2 Q. Because, of course, at that stage the Coroner hadn't
3 made a decision, had he?
4 A. That's correct.
5
6 Q. So you didn't know whether it was going to be off the
7 record or on the record?
8 A. That's correct. Well, it was off the record at that
9 time, pending the trigger of the Coroner, and that was
10 explained to both the journalists. They knew that well.
11 I was confident that they knew that bit well.
12
13 Q. So there's nothing in any of that that entitled you to
14 do an in-studio interview, is there?
15 A. Well, the - in part, and maybe it's why Emma Alberici
16 got a bit more of my time, was because a television
17 interview is so much bigger, more immediate, more - well --
18
19 Q. It has more impact, doesn't it?
20 A. -- that realm, than a written newspaper article, that
21 I sat down with Dan Box within the Homicide Squad
22 conference room and gave him the background off the record.
23
24 Q. There is a lot more impact, isn't there, appearing in
25 studio on national television?
26 A. Yes.
27
28 Q. Now, when you did the interview with Emma Alberici on
29 the 10th, you had every intention of doing an in-studio
30 interview, didn't you?
31 A. If the trigger - if I could call it that, the trigger
32 of the Coroner - yes, I would have felt - I felt obliged to
33 do it because of the exclusive arrangement, as I - as with
34 Dan Box.
35
36 Q. Because it was really a practice session for an
37 in-studio interview, wasn't it?
38 A. No, it was a practice for me to just get a sense of
39 the flow, the feel of a studio and - yes.
40
41 Q. A practice for what?
42 A. For potentially - so it was part of the off-the-record
43 background for Emma Alberici to potentially, yes, use, if
44 the trigger of the Coroner made my coronial statements
45 public.
46
47 Q. Did you know that she was recording it?

1 A. All journalists do. In fact, Dan Box recorded.
2
3 Q. On the 10th, did you know that Emma Alberici was
4 recording it?
5 A. Just like Dan Box did. They all do it.
6
7 Q. Was she recording it just in audio, or in video?
8 A. Well, I don't have a clear recollection, but I've
9 learnt, of course, through the Inquiry and the transcript,
10 that it was in a studio, and at one stage I think she says
11 she did something with my hair, so I imagine - so through
12 that, I've concluded that there must have been a camera
13 there.
14
15 Q. You ran a terrible risk doing that, didn't you, that
16 if the Coroner decided not to release your statement to the
17 public, the channel, the station, might decide to broadcast
18 what you had done, what you had said?
19 A. I had all faith that Emma Alberici would not breach
20 the agreement with the Police Force.
21
22 Q. I want to suggest to you that nobody in the Police
23 Force, not Mick Willing, not any other officer, and nobody
24 in the Police Media Unit, knew about the fact that you were
25 going to do this practice interview with Emma Alberici on
26 10 April?
27 A. I'm - I would have, though I don't have clear
28 recollection of exchanging words with Mick Willing about it
29 specifically, but he knew that we were - leading up to the
30 13th, certain information and interactions were going to be
31 had with Dan Box and Emma Alberici. He should not have
32 been shocked that one of them was with Emma Alberici, as
33 a television host at the ABC, perhaps.
34
35 Q. I suggest to you that you had never told anybody in
36 the Police Force, including anybody in Police Media, that
37 you were intending to go and do a practice interview on
38 10 April?
39 A. I seem to recall Michael Willing saying that we
40 exchanged texts about how the backgrounder was going and -
41 so we've had some contact on that day about providing the
42 background to the case.
43
44 Q. I will put it more precisely. I suggest that nobody
45 in the police, including the Police Media Unit, knew that
46 you were doing a sit-down, recorded interview with Emma
47 Alberici on that day? Is there any email in which you have

1 disclosed that to anybody?

2 A. No. No, not an email.

3

4 Q. Is there any email in which anybody in the Police
5 Force, including the Police Media Unit, has sent you any
6 sort of email to suggest that they were aware of it, that
7 you were about to give it?

8 A. No, no, there is nothing, nothing like that.

9

10 Q. Did you think that if you had disclosed that to the
11 Police Media Unit, that they might have cautioned you not
12 to do it?

13 A. Well, I'd been authorised to do a television program,
14 so it shouldn't surprise them that in preparation, and in
15 backgrounding, and in settling my nerves - I'm not a great
16 public speaker - in settling my nerves, that that might all
17 have been part of my needs building up to the 13th.

18

19 Q. On the morning of the 10th, you asked the Police Media
20 Unit not to send Siobhan McMahon to accompany you to the
21 meeting with Dan Box; correct?

22 A. Yes.

23

24 Q. And the reason that you gave was that you wanted to
25 protect Siobhan McMahon from criticism; correct?

26 A. I wanted to protect her - you said "from criticism" --

27

28 Q. You said in one of your --

29 A. I definitely - the "protect", yes. I'm just trying to
30 remember specifically what I wanted to protect her from, if
31 that's your question. So is that your question?

32

33 Q. No, my question is this: what did you want to protect
34 Siobhan McMahon from?

35 A. Hmm. I was going to tell Dan Box about my thoughts of
36 the influence of - that the Minister was - had been
37 susceptible to from the Johnson family and the impact on
38 the Unsolved Homicide Team. I was also going to point out
39 some journalists and articles that contained false and
40 misleading statements, or I might even call some of them
41 lies, and with Siobhan, I thought those two topics would
42 make her uncomfortable, and yes, yes, maybe if she had been
43 there and I had continued, it may have - it may have
44 brought criticism on her.

45

46 Q. By whom?

47 A. By her bosses. The media area.

1
2 Q. So you knew even on that day that there might be
3 criticism from the Police Media Unit about some of the
4 topics that you were planning to discuss with Dan Box; is
5 that right?
6 A. I don't know if I would have received criticism from
7 them, but I think - I may have, but I'm not --
8
9 Q. You thought that Siobhan McMahon might have been
10 criticised for allowing you to say those things; is that
11 what you're saying?
12 A. Yes, that's more the point.
13
14 Q. So you thought that she might pull you up and tell you
15 not to say those things?
16 A. She may have attempted to give me advice.
17
18 Q. And you didn't want that advice, did you?
19 A. The advice would not have changed my mind.
20
21 Q. You didn't want that advice, because you would have
22 ignored it if she had given it?
23 A. And so I thought --
24
25 Q. Is that right? You didn't want that advice, because
26 you would have ignored it if she had given it?
27 A. Perhaps.
28
29 Q. And you thought that if you went ahead and discussed
30 those topics, she might be criticised; correct?
31 A. Perhaps.
32
33 Q. And there was also the possibility that if she had
34 been there and you had discussed those topics, and she'd
35 been criticised, there might be some action taken to stop
36 you from saying those things to Emma Alberici; is that
37 right?
38 A. No. And it was the first time I'd had a Media Liaison
39 Officer with me during any interview, so maybe I didn't
40 fully understand what --
41
42 Q. Please answer my question.
43 A. -- the role of the officer was to be.
44
45 THE COMMISSIONER: Mr Tedeschi, just let her finish.
46
47 Q. Just finish your answer, finish what you were saying?

1 A. So perhaps I didn't fully understand what the role of
2 the Media officer was to be, because I had not had one with
3 me at any other time.

4
5 MR TEDESCHI: Q. If she had come and you had said those
6 things, if she was criticised, then there was always the
7 possibility that you would be prevented from saying those
8 same things to Emma Alberici; is that right?

9 A. Perhaps.

10
11 Q. Did you in fact say those things to Dan Box?

12 A. Yes.

13
14 Q. Did you tell him about your criticisms of the former
15 Police Minister?

16 A. Yes.

17
18 Q. Did you tell him about your criticisms of the family
19 using their wealth and influence to prioritise the
20 investigation?

21 A. Their influence.

22
23 Q. You told him about that?

24 A. Yes.

25
26 Q. And he decided there was not enough interest in that
27 to publish?

28 A. I don't know what his - was on his mind.

29
30 Q. You know that he didn't publish on the 13th or even
31 prior to that?

32 A. I don't have a particular memory.

33
34 Q. Are you aware that he notified the Police Media Unit
35 that he was not going to publish the story?

36 A. I - that rings a bell, mmm.

37
38 Q. Is there any possibility that you didn't tell Dan Box
39 those criticisms of the Minister and the family?

40 A. No way at all that they were not included in the
41 Dan Box briefing.

42
43 Q. Now, going back to tab 347, [NPL.0138.0001.07037], the
44 email of 7 April, after some comment about Rick Feneley, it
45 says this:

46
47 *If and when the statement is made public,*

1 *we would be happy to go on the record then,*
2 *plus address any media requests for all*
3 *media (including [Mr] Feneley).*

4

5 Right? Do you see that?

6 A. Yes.

7

8 Q. It's that, isn't it, that you rely upon for what you
9 say was the permission of your superiors to go on the
10 record; right? Isn't that what you rely upon for your
11 authority?

12 A. Yes, I just - sorry, I was just finding the particular
13 sentence. The "If and when", yes.

14

15 Q.

16 *If and when the statement is made public,*
17 *we would be happy to go on the record*
18 *then ...*

19

20 A. "We would be happy to go on the record then".

21

22 Q. That's what you rely upon, isn't it?

23 A. Yes.

24

25 Q. And you heard nothing between then and when you did
26 the interview on the 13th, and you assumed that that
27 silence was approval?

28 A. The silence above Mick, Michael Willing, but Michael
29 Willing and I kept talking about what was about to happen,
30 so it was still an active conversation with Michael
31 Willing, just not all the bosses above him that he had
32 notified about it.

33

34 Q. This email was sent by Georgina Wells on the 7th to
35 some very senior police officers, wasn't it?

36 A. Yes.

37

38 Q. John Kerlatec was - what role did he have?

39 A. One of the two directors, Chief Superintendent
40 position, above Michael Willing.

41

42 Q. And Ken Finch - what position did he have?

43 A. He - his substantive role was as the second director,
44 but let me just - whether he was the - he may have been.
45 For instance, I don't see the name Mark Jenkins there - he
46 was the substantive Assistant Commissioner. Potentially
47 John Kerlatec or Ken Finch were acting in the Assistant

1 Commissioner role. But it's every level from me to the
2 Deputy Commissioner's office.
3
4 Q. And who in the Deputy Commissioner's office - is it
5 Bradley Monk?
6 A. Brad Monk. Brad Monk.
7
8 Q. I think you said that he was the Chief of Staff to the
9 Deputy Commissioner Kaldas?
10 A. I believe so, yes.
11
12 Q. So, in your view, this is an application to the upper
13 echelons of the Police Force, up to Deputy Commissioner
14 level, seeking permission for this media strategy; right?
15 A. It's - yes, it's laying it out and sending it off and
16 seeing what comes back.
17
18 Q. And you heard nothing about it?
19 A. Pardon?
20
21 Q. You heard nothing further about whether it had been
22 approved or not?
23 A. Nothing at all.
24
25 Q. This was a really important matter that was going to
26 be in the public arena, perhaps one of the most
27 controversial investigations of its time; correct?
28 A. Oh, there's a lot of --
29
30 Q. At the time, this was --
31 A. There's a lot of high-profile --
32
33 Q. -- this was the most controversial matter --
34 A. Oh, at this time.
35
36 Q. -- in New South Wales, perhaps?
37 A. We had the Lindt Cafe matter, didn't we? I just
38 can't - there were - but, yes, it would be one of them.
39
40 Q. One of the most controversial?
41 A. I might not say "the one".
42
43 Q. And here was an application to the senior echelons of
44 the Police Force seeking approval for a media strategy, and
45 you heard nothing?
46 A. Which is business as usual, yes.
47

1 Q. Did you inquire of anybody, "Has there been any
2 response to this email"?
3 A. I wasn't obliged to.
4
5 Q. No, but did you?
6 A. I wasn't obliged to.
7
8 Q. Did you?
9 A. I was not obliged to.
10
11 Q. Could you please answer my question: did you --
12 A. Well, that is the answer.
13
14 Q. No, it's not the answer. I didn't ask whether you
15 were required to or not. I asked you whether you did or
16 not.
17 A. I only do what I'm obliged to do, so --
18
19 Q. I take it from that that your answer is, no, you did
20 not; is that correct?
21 A. That's correct.
22
23 Q. So you just left it in the ether and made the
24 assumption that this had all been approved; is that what
25 you're saying?
26 A. So it was Michael Willing's responsibility to attend
27 to the authority of every boss above him, and it was
28 Georgina Wells' responsibility to attend to the authority
29 of everyone above her. I was the functionary for the
30 backgrounding of the journalists.
31
32 Q. Do you agree that in this email, there's nothing about
33 whether or not any further approval or any other steps
34 would be required before going on to the record?
35 A. Correct.
36
37 Q. It doesn't say whether there are any steps that need
38 to be taken or not, does it?
39 A. A total absence of steps.
40
41 Q. Did you inquire, "Is anything further required, if the
42 statement is made public, before I can go on the record"?
43 Did you ask anybody that?
44 A. No, because it would have been explained to me if it
45 was necessary.
46
47 Q. What do you say to this: were you determined to give

- 1 an in-studio interview, no matter what?
2 A. No.
3
4 Q. Do you now accept that you were in error in assuming
5 that the email gave you permission, without any other
6 steps, to convert an off-the-record backgrounder into an
7 on-the-record in-studio interview?
8 A. No.
9
10 Q. Do you agree that this email did not give you
11 authority or permission to criticise the Minister of Police
12 or a former Minister of Police?
13 A. Yes.
14
15 Q. Do you agree that this email did not give you
16 permission or authority to criticise the actions or the
17 approach of the Johnson family?
18 A. No.
19
20 Q. Do you agree that --
21 A. I disagree - do you understand, I disagreed with that
22 last proposal.
23
24 Q. You disagree with that?
25 A. (Witness nods).
26
27 Q. Do you agree or disagree that this email did not give
28 you permission to express your own view in public about the
29 circumstances of death of Scott Johnson?
30 A. I disagree.
31
32 Q. You have been shown this morning by Counsel Assisting
33 the Police Media policy which says that, in effect, when
34 a matter is before the Coroner, one is not to pre-empt the
35 Coroner's decision by expressing any views about the cause
36 of death; you have seen that?
37 A. Yes.
38
39 Q. Do you agree that this email did not give you
40 permission to express a view, either on the record or off
41 the record, about the more likely cause of death of Scott
42 Johnson?
43 A. I object to you using the words "more likely". Is
44 that your term or meant to be my term? What is it?
45
46 Q. I will rephrase the question.
47 A. Thank you.

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Q. Do you agree that this email did not give you permission to express a view about what might have been the cause of death of Scott Johnson in public or on the record or off the record?

A. I disagree.

THE COMMISSIONER: Mr Tedeschi, only because of certain answers that are given, you may want to go back to the first question you asked in that series of questions, because I wouldn't want there to be any inconsistency. Just for your benefit.

MR TEDESCHI: I'm sorry, I don't remember what the first question was.

THE COMMISSIONER: Well, because of a series of - it seemed to me that there might have been some confusion. Then there was a series of answers which were consistent. I just want to make sure that there is no misunderstanding, that's all.

MR TEDESCHI: Was it the reference to the Police Minister?

THE COMMISSIONER: Yes.

MR TEDESCHI: Q. Ms Young, do you agree that this email did not give you permission or authority to criticise the former Police Minister?

A. I agree.

Q. Could I take you, please, to paragraph 50 of your April statement, [SCOI.85815_0001]. Do you have that in front of you?

A. Yes.

Q. Paragraph 50 of your April 2023 statement says this:

From discussions with Michael Willing and SCC Media Liaison together with the email of 7 April 2015, I understood that the off the record backgrounding of the two journalists would be on the record at the time and if the State Coroner does not proceed with a non-publication order over my statements.

1 Do I understand that to mean that if the Coroner allowed
2 your statement to be public, you thought that your
3 off-the-record interview could then become on the record?
4 A. Yes.
5
6 Q. But do you agree that your off-the-record interview on
7 the 10th was not fit to be broadcast as it was?
8 A. Yes, and it was not going - it was not intended that
9 way.
10
11 Q. So what was it that, in your view, was going to go on
12 the record, having been previously off the record, as far
13 as the ABC was concerned?
14 A. For the one on the 10th?
15
16 Q. If the one on the 10th was not meant to be the
17 "off-the-record" --
18 A. Yes, I see what you mean.
19
20 Q. -- but it was going to become the "on-the-record",
21 what was it that was going to become on the record, in your
22 view?
23 A. I guess that would have all been down to what - once
24 the Coroner had made my coronial statements public, I guess
25 that decision was up to Emma Alberici and Lateline.
26
27 Q. It wasn't up to you and the police?
28 A. What had happened on the 10th?
29
30 Q. No, what should be made on the record that had
31 previously been off the record?
32 A. Sorry, I'm a little bit - what --
33
34 Q. See, what you have said in this first sentence in
35 paragraph 50 is that you understood that if your statement
36 was made public, the off-the-record backgrounding of the
37 two journalists would be on the record?
38 A. Mmm.
39
40 Q. Correct?
41 A. Mmm.
42
43 Q. What was there, in terms of the ABC, that was off the
44 record that was then going to become on the record, if what
45 was on the 10th was just a dummy run?
46 A. Yes, yes, so I guess technically Emma Alberici could
47 have used any of it. I might not have been fully conscious

1 of that at the time, because it was like a practice for me,
2 but ultimately --
3
4 Q. I thought you told us that you had been assured by --
5
6 THE COMMISSIONER: Mr Tedeschi, please don't talk over the
7 top of the witness. Just let her finish. I'm not going to
8 stop you, but just let her finish.
9
10 Q. Please go on?
11 A. But ultimately, strictly speaking, short of the trust
12 I had in her, I guess technically she could have used any
13 of that on the 10th.
14
15 MR TEDESCHI: Q. But you've told us that you trusted her
16 that she wouldn't use that, because it was just a practice
17 session?
18 A. Yes, I --
19
20 Q. So what was she going to put on the record?
21 A. Yes - well, I'm reflecting now on what potentially
22 that was. So, to me, it was primarily a practice run.
23 Clearly, though, her questions and my comments way beyond
24 that I made, anything about the possibility of suicide -
25 that's all there as well - I guess technically, yes, she
26 could have chosen to use any of that. But under the
27 agreement, under the exclusive off-the-record then
28 on-the-record agreement, yes.
29
30 Q. Did Emma Alberici let it be known to you that unless
31 you were prepared to give an in-studio interview, she
32 really wasn't interested, because she couldn't do anything
33 with it?
34 A. Because - pardon?
35
36 Q. She couldn't do anything with it?
37 A. Sorry, just say that question again?
38
39 Q. Did Emma Alberici tell you or convey to you, in some
40 form or another, that unless you were willing to do an
41 in-studio interview, she wasn't interested?
42 A. She never said it, but --
43
44 Q. Was that your understanding?
45 A. If you - if Lateline, a television program, is given
46 the green light, then an interview on camera is just
47 logical.

1
2 Q. Because it's a television program, and unless you've
3 got a camera in front of you when you're speaking, there's
4 no point?
5 A. That's right. Much the same as the Lorna Knowles of
6 Four Corners suggestion that Michael Willing and Georgina
7 Wells made, that was also a television program, but we
8 didn't end up going with that one.
9
10 Q. So you knew that if you were to get any mileage from
11 Emma Alberici, you would have to do an in-studio interview?
12 A. Well, it wasn't just me; clearly, all the others who
13 thought it was a good idea and approved it approved
14 potentially a written article and a television interview.
15 It wasn't just me.
16
17 Q. Siobhan McMahon knew that you were going to do the
18 interview with Dan Box, and you requested that she not
19 attend and eventually there was agreement that you could
20 see Dan Box without a Media Liaison Officer; correct?
21 A. Yes. I would have thought that would be a big red
22 flag.
23
24 Q. Well, in a sense, there was a big red flag, because
25 Strath Gordon was very concerned about it. Did you give
26 Siobhan McMahon the same opportunity to get permission for
27 her not to attend the interview with Emma Alberici on the
28 afternoon of 10 April?
29 A. It never - it just never came up.
30
31 Q. You knew that she wanted to come to the Dan Box
32 interview, because that was her role; correct?
33 A. I knew she offered to, yes.
34
35 Q. She wanted to come, didn't she, to protect you and to
36 help you and to advise you?
37 A. I had - I really had no idea what her role was to be,
38 which - as opposed to what it's been described as being
39 through this Inquiry.
40
41 Q. You didn't give her the same opportunity in relation
42 to the Emma Alberici interview on that same day, did you?
43 A. I don't - it didn't come up, it wasn't offered, and
44 nor did I invite her.
45
46 Q. Is that because you hadn't told anybody that you were
47 going to do that interview on that day?

- 1 A. Oh, we start in the office, Detective Sergeant Penny
2 Brown and I, and we do the first background briefing of Dan
3 Box in the conference room of the Homicide Squad, which is
4 all open, and then we head off for the equivalent briefing
5 of Emma Alberici.
6
- 7 Q. Have you got any explanation for why the Police Media
8 Unit knew nothing, on 10 April, about your interview with
9 Emma Alberici?
10 A. Pardon?
11
- 12 Q. Have you got any explanation for why the Police Media
13 Unit knew nothing about your interview with Emma Alberici
14 on 10 April?
15 A. No idea.
16
- 17 Q. Could I take you to paragraph 53 of your April
18 statement. That refers to an email that was sent to you by
19 Police Media?
20 A. Yes.
21
- 22 Q. On 8 April, in the afternoon, at 3.59?
23 A. Yes.
24
- 25 Q. And that was in relation to your forthcoming interview
26 with Dan Box on the 10th?
27 A. Yes.
28
- 29 Q. And it includes, and I quote from your paragraph 53:
30
31 *He (Dan Box) has agreed ... any background*
32 *information (will be) used only if/when*
33 *(your) statement is made public by the*
34 *Coroner.*
35
- 36 That seems to assume, does it not, that whatever you would
37 say to Dan Box by way of background information would only
38 be made public if the Coroner published your statement?
39 A. Yes.
40
- 41 Q. Is this the case, Ms Young, that your reference to the
42 single email of 7 April has been used by you as
43 a convenient excuse to give an in-studio interview because
44 you were frustrated with the course of the Johnson matter
45 and, in particular, the Minister's actions and the actions
46 of the family since 2013?
47 A. No.

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Q. Could I take you, please, to tab 354, [SCOI.82991_0001]. This was an email from Emma Alberici to two people in the ABC. You have that in front of you?

A. Yes.

Q. Could I take you to the second full paragraph. Emma Alberici wrote on 11 April - this is after her interview on the 10th but before the interview on the 13th:

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

Did you say that to Emma Alberici?

A. So the word "explosive" is not a word I used. The word "judiciary", I never - I don't remember ever saying "effect on judiciary".

Q. Apart from that, was the information conveyed by you?

A. Pardon?

Q. Apart from those two aspects, was the information conveyed by you to Emma Alberici that's contained in that sentence?

A. Oh, again, I'm not - I don't - "wealth" keeps popping up there. "Influence" is my belief.

Q. Did that come from you?

A. So do you want me to pick out the words that are not mine, Mr Tedeschi? What would you like?

Q. I'm not asking you for the actual words, but did the information come from you?

A. Well, not "explosive"; I doubt if I used "wealth" as much as everyone else seems to; "position" might suggest influence, which is more my belief; and not the "NSW judiciary".

Q. And a couple of lines further down:

Pamela Young is frustrated by the multimillions of dollars likely to be spent

1 *on a third coronial inquest ...*

2

3 Did you convey that view to Emma Alberici?

4 A. Not as a focal point. I might have said they're very
5 expensive to put on, or something like that, but not as a -
6 not with the focus she, Emma Alberici, expresses here, no.

7

8 Q. It then goes on to say:

9

10 *... when there is unequivocally no new*
11 *evidence to uncover.*

12

13 Did you say that?

14 A. Where am I now?

15

16 Q. The same sentence:

17

18 *... when there is unequivocally no new*
19 *evidence to uncover.*

20

21 A. Just let me find it. Not "unequivocally". There were
22 some - there were some new - there were some new things,
23 so I - yes, I wouldn't write off my own work.

24

25 Q. I want to suggest to you, Ms Young, that you failed to
26 disclose to any of your bosses or to the Police Media Unit
27 your meeting with Emma Alberici on 30 January. What do you
28 say to that?

29 A. That I intentionally didn't?

30

31 Q. No, I didn't say "intentionally". I just said you
32 failed to disclose to any of your bosses or the Police
33 Media Unit your meeting on 30 January. Do you agree with
34 that?

35 A. Very likely, yes.

36

37 Q. Did you also fail to disclose to your bosses and the
38 Police Media Unit the fact that you had given Ms Alberici
39 a copy of your 445-page statement, which the evidence
40 discloses was handed over some time in February?

41 A. I don't remember specifically saying, say, to Michael
42 Willing, "Today I have delivered" something. But with
43 Michael Willing's interest and open-mindedness and
44 agreement about the idea, I did take it upon myself to
45 allow Emma Alberici a good amount of time to read the
46 material, yes.

47

1 Q. So is this the case, that you are agreeing that you
2 failed to disclose it to your bosses and the Police Media
3 Unit?

4 A. I can't - I may have.

5

6 Q. Do you agree that you failed to disclose to your
7 bosses and the Police Media Unit your interview on
8 10 April?

9 A. I think - so, probably I could answer, I would agree
10 I didn't make special contact with the Media Unit, but
11 anything I did, I would have - I go to Michael Willing for
12 that, to report. So I guess - sorry, I'm just backtracking
13 on, because you have grouped them both together with each
14 question. So the last question was?

15

16 Q. Do you agree that you failed to disclose to your
17 bosses and the Police Media Unit your meeting with Emma
18 Alberici on 10 April?

19 A. I'm pretty sure Michael Willing and I exchanged texts
20 about that very thing and also the Dan Box one.

21

22 Q. Do you agree that you failed to disclose to your
23 bosses and the Police Media Unit your intention to do
24 a studio interview on 13 April?

25 A. I disclosed that very clearly.

26

27 MR TEDESCHI: Yes, thank you.

28

29 THE COMMISSIONER: Thank you. Yes, Mr Thangaraj. Before
30 you start, Ms Young, would you like a short break before
31 the next --

32

33 THE WITNESS: No, I'm fine, thank you.

34

35 THE COMMISSIONER: Mr Thangaraj, as you probably know,
36 appears for Mr Willing.

37

38 **<EXAMINATION BY MR THANGARAJ:**

39

40 MR THANGARAJ: Q. Ms Young, within 48 hours of the
41 13 April interview, this became a huge problem for
42 NSW Police and yourself, didn't it?

43 A. Sorry, could you just ask me that - because I'm
44 clearly using it - could you ask me one more time?

45

46 Q. Sorry, 13 April, I mean the Lateline interview, the
47 broadcast. Within 48 hours of the broadcast, that

1 broadcast became a huge problem for NSW Police and for you?
2 A. That it was going to be?
3
4 Q. No, no. Within 48 hours of the broadcast --
5 A. Oh.
6
7 Q. -- so over the next two days, that became
8 a significant issue for NSW Police and for you?
9 A. It did, yes.
10
11 Q. You were extremely distressed in that period - it
12 started in that period, because of what was happening?
13 A. Yes.
14
15 Q. Penny Brown was obviously with you throughout this
16 process, she was your Sergeant, she had been to all the
17 interviews, she was there on the 13th - she was sharing
18 your distress or could see your distress?
19 A. No.
20
21 Q. So for, what, that 48 hours, she had - you had no
22 contact with her?
23 A. I don't believe we did, and I was at home.
24
25 Q. You may well have been at home, but are you saying
26 that for the 48 hours after the broadcast on 13 April, you
27 did not share any of your emotions or concerns or anger or
28 frustration with the person that had been with you through
29 this entire process?
30 A. I don't believe I did, and I wouldn't do that type of
31 thing, because I would see it as unprofessional for an
32 Inspector to lean on - emotional support from a Sergeant.
33
34 Q. I'm not asking you whether you lent on her for
35 emotional support. I'm asking whether she was aware of
36 your situation, either by observation or by you speaking to
37 her or you expressing dissatisfaction with someone, or
38 people?
39 A. I - no.
40
41 Q. She didn't say - she didn't contact you to say, "How
42 are you going, Pam?", nothing like that?
43 A. No, I don't --
44
45 Q. Just complete silence?
46 A. I don't believe so, no.
47

1 Q. So your memory is, within the 48 hours after the
2 broadcast, you had no communications whatever with Penny
3 Brown?
4 A. I'm pretty sure that's right, yes.
5
6 Q. Now, you have seen - and I'm not going to take you
7 through the emails that you have been taken through this
8 morning, but I just need to ask a couple of further
9 questions off the back of some of them. You have seen
10 internal Police Media emails up to 8 April. You've been
11 shown some today?
12 A. Yes.
13
14 Q. You are familiar with them because you have been here
15 for many days, you have read transcript, et cetera; you are
16 aware of the internal Police Media emails from 2015
17 relevant to this issue, up to 8 April, aren't you?
18 A. Not every word, but the gist.
19
20 Q. I'm not going to test your memory. I don't mean it
21 like that, but you have seen them come up. And you were
22 part of them, you were actually involved, you were cc-ed in
23 or wrote some of those emails? I'm just asking you
24 generally. I will get to the specifics.
25 A. Sorry, after the 13th?
26
27 Q. No, up to 8 April.
28 A. Sorry, just let me --
29
30 Q. That's okay, that's okay.
31 A. Up to 8 April.
32
33 Q. Up to 8 April, there were internal police emails about
34 the media strategy?
35 A. Yes.
36
37 Q. Including the critical one of 7 April, of course?
38 A. Yes.
39
40 Q. I'm just saying that you were part of some of those
41 emails, including the 7 April email; right?
42 A. I received it.
43
44 Q. Yes. That's what I mean by "part of". And police, by
45 this stage, had chosen Dan Box and Lorna Knowles as part of
46 the media strategy?
47 A. No. The - I don't think Lorna Knowles rated - like,

1 got that close to the actual - like, that's a very close
2 time frame to the 13th. She had dropped off our list some
3 time previously. Dan Box was my suggestion, by the way, if
4 you - it's not that he was suggested to me. I suggested
5 him, just like I suggested Emma Alberici.

6
7 Q. When you said that Lorna Knowles had dropped off "our
8 list", when you say "our", who do you mean by "our"? Is
9 that you and --

10 A. Michael Willing and Media Liaison Officers.

11
12 Q. And how long before 8 April do you think you had
13 dropped her off?

14 A. I can't - I can't remember.

15
16 Q. Was she dropped off before you gave - well, tell us,
17 if you can remember, where did she drop off vis-a-vis
18 Ms Alberici? Was there an overlap? Was it only Ms Knowles
19 and then straight into Ms Alberici?

20 A. I'm unaware, because I was not told, of any practical
21 steps that had been taken to brief Lorna Knowles about
22 anything to do with the case. I wasn't told by anyone,
23 "Oh, we've made contact with her", "Oh, we've sent her an
24 email", "Oh, she'd like to talk to you and this is the
25 proposed date." So --

26
27 Q. Yes. So my question - perhaps I didn't read out what
28 I've written, but I think I did - was that the Police Media
29 had chosen Dan Box and Lorna Knowles. I'm not saying that
30 contact was ever made with Lorna Knowles; I'm not asking
31 that. But the police had chosen, whether it was your idea
32 or their idea, Police Media, but ultimately the choice from
33 the ABC was Lorna Knowles - sorry, the first choice was
34 Lorna Knowles; right?

35 A. That name was proposed.

36
37 Q. I'm going to come to those emails shortly. I just
38 want to quickly ask a couple of questions just to confirm
39 a couple of things. I'm not going to take you back to the
40 7 April email, but that's what I want to ask you about.
41 You know what it is. That proposal was being sent to
42 Kerlatec and Finch; you understood that? Perhaps it could
43 just be brought up on the screen?

44 A. The one on the 7th?

45
46 Q. Yes.

47 A. And others.

1
2 Q. The others are cc-ed in. Do you see that?
3 A. Yes.
4
5 Q. And it has been sent to Kerlatec and Finch; right?
6 A. Yes.
7
8 Q. Both of whom are more senior than Mr Willing?
9 A. Yes.
10
11 Q. And it ultimately went to Mr Kaldas, who is more
12 senior than all of them?
13 A. It went to Mr Kaldas's staff officer, Chief of Staff.
14
15 Q. Yes, and you have told us about Mr Willing informing
16 Mr Kaldas prior to the 13th of this proposal, and we've
17 seen that email?
18 A. Yes.
19
20 Q. You've referred to it?
21 A. Yes.
22
23 Q. And the proposal on 7 April noted that Mr Gordon,
24 Strath Gordon, had approved the strategy. We saw that?
25 A. Yes.
26
27 Q. And then it was being sent to officers more senior
28 than Mr Willing for approval; do you accept that?
29 A. Yes.
30
31 Q. And it was their call as to whether the strategy would
32 be approved; right?
33 A. Yes.
34
35 Q. Not Mr Willing's; do you agree with that?
36 A. I guess it's in Michael Willing's interest to get the
37 approval of the bosses above him. It's in my interest to
38 get the approval of Michael Willing to get the approval of
39 the bosses above him. It's just a fine line, but I think
40 it's an important one.
41
42 Q. But that's not what I'm asking. What I'm saying is,
43 for this media strategy to go ahead, it had to be approved;
44 you accept that?
45 A. Yes.
46
47 Q. And the people that had the power, the people who were

1 deciding that issue, were Kerlatec and Finch and above?

2 A. Mike Willing and above.

3

4 MR TEDESCHI: Commissioner, I'm sorry to interrupt my
5 friend, but I've been asked to correct a factual error.
6 Apparently, Mr Brad Monk was the staff officer to Deputy
7 Commissioner Cath Burns, not Deputy Commissioner Nick
8 Kaldas.

9

10 THE COMMISSIONER: Thank you.

11

12 MR THANGARAJ: Q. So now we know that both Deputy
13 Commissioners were in the loop, because Mr Kaldas received
14 the proposed media strategy - you have told us about that
15 email; right? Not this one. The one that went to
16 Mr Kaldas was a separate email, and you have referred to
17 that email in your evidence?

18 A. Sorry, which email? Sorry.

19

20 Q. It has been a long day, I can understand that.

21 Mr Willing forwarded or sent to Mr Kaldas --

22 A. Yes.

23

24 Q. -- saying, "This is what's being proposed" as far as
25 the media strategy was concerned?

26 A. As I remember - and I again would ask to see the
27 document - I understand Michael Willing sent a briefing
28 note updating Deputy Commissioner Kaldas about the case
29 generally and touching on the media strategy and the
30 information we had that the Johnson family would speak
31 either way. Not - now I'm learning that Deputy
32 Commissioner Kaldas didn't get the email of the 8th, it
33 seems.

34

35 Q. Yes, but the other Deputy Commissioner did?

36 A. We've all just learnt that.

37

38 Q. Yes. What this email shows is, isn't it, that the
39 decision-makers were Kerlatec, Finch and above? That's why
40 it was being sent to them?

41 A. I agree those people are part of the decision-making,
42 but if Michael Willing had objected to the idea that then
43 had some form, then he would not have sought authority, and
44 it would have stopped.

45

46 Q. I'm not asking what Mr Willing's position was. I'm
47 asking who had authority within the Police Force to approve

- 1 the media strategy, and it's clear, isn't it, from this
2 email that you were courtesy copied in, weren't you?
3 A. Yes.
4
5 Q. No-one was asking you for permission or authority to
6 proceed with the proposed strategy, were they?
7 A. That's right.
8
9 Q. And no-one was asking Mr Willing for that, either,
10 were they?
11 A. Most probably.
12
13 Q. Most probably what? You're agreeing that --
14 A. All I'm - I would have to know absolutely that the
15 author, Georgina Wells, did her cc and her bcc correctly.
16 Like, it certainly appears that way. But it - I don't
17 know. It might have been - she might have wanted us all on
18 the "To" line and she has mistaken and put us all on the -
19 a few of us on the "cc" line, which seems to include
20 Bradley Monk, who would potentially have been part of
21 passing on the authorisation to the relevant DCom.
22
23 Q. Who is the email addressed to in the body of the
24 email?
25 A. Pardon?
26
27 Q. Who is the email --
28 A. Oh, yes, you're quite right, yes. The first line -
29 sorry. So the first line above "Georgie Wells at State
30 Crime" are the two Superintendents, yes, Ken Finch and John
31 Kerlatec, yes.
32
33 Q. But look at the email itself, "Ken and John" - can you
34 see that?
35 A. Yes.
36
37 Q. So Georgie Wells hasn't accidentally put the wrong
38 people in the "cc" section of the email, has she?
39 A. I just - I didn't write - I'm not the author of the
40 email. I just read it as it is.
41
42 Q. Okay, so let's read it as it is. You agree, don't
43 you, that this was an email from Police Media to John
44 Kerlatec and Ken Finch; right?
45 A. Yes.
46
47 Q. Seeking approval, as you have yourself said, for the

- 1 media strategy?
2 A. Yes.
3
4 Q. Police Media were not seeking permission from Michael
5 Willing, were they?
6 A. Who, sorry?
7
8 Q. Look at this email. Police Media are not seeking
9 permission from Michael Willing for the media strategy, are
10 they?
11 A. No, because he had already given it the nod.
12
13 Q. Ms Young, it doesn't matter who has given it the nod.
14 It still needs approval, doesn't it? Strath Gordon is
15 being noted in that document as approving the strategy,
16 isn't he?
17 A. Yes.
18
19 Q. And yet an underling of Strath Gordon is seeking
20 approval from very senior members of NSW Police; correct?
21 A. Yes.
22
23 Q. And those two people were Kerlatec and Finch?
24 A. That's - they're the people who the email is directly
25 addressed to, yes.
26
27 Q. You knew at the time, as you well know now, that the
28 people who had the authority to approve the 7 April media
29 strategy were Kerlatec, Finch and above; correct?
30 A. I just - I don't think I was fully conscious of
31 precisely who needed to approve it, but I knew Michael
32 Willing would attend to that for both of us, and I knew
33 Georgina Wells would attend to the Public Affairs Branch
34 approval for all of us. So --
35
36 Q. Who were the managers on that email?
37 A. Pardon?
38
39 Q. On the 7 April email, who were the managers that that
40 was sent to?
41 A. For the 7th?
42
43 Q. Yes, on that 7th - who were the managers there?
44 A. Who were the managers?
45
46 Q. Yes.
47 A. Well, they're all - who are the managers? We're all

1 managers. We're all managers.

2

3 Q. What I'm suggesting to you is Police Media, with
4 Strath Gordon's approval, were seeking approval for the
5 7 April media strategy, and they were seeking that approval
6 from Kerlatec and Finch, and not Mr Willing. Do you agree
7 with that or not?

8 A. I have no - I don't have an answer for that question.

9

10 Q. The times when you have said that Mr Willing
11 authorised the media strategy, what you mean by that is he
12 approved or supported the 7 April media strategy, isn't it?

13 A. And also the lead-in discussions. He was in agreement
14 and approved it and liked the idea.

15

16 Q. If Mr Willing is in agreement with you about
17 something, that doesn't mean that it's approved by the
18 NSW Police Force, does it?

19 A. That's true.

20

21 Q. And you have never claimed that Mr Willing has more
22 authority in relation to this media strategy than Kerlatec,
23 Finch, Kaldas, the CoP; do you agree?

24 A. That's right, I have not.

25

26 Q. So Mr Willing had no authority for you to do anything
27 that was not approved by the 7 April email; you agree with
28 that, don't you? He may have wanted to, you can say, he
29 may have agreed with what you had to say, but he had no
30 authority to do anything over and above the strategy that
31 had been signed off by Kerlatec and Finch, did he?

32 A. Did he have the authority?

33

34 Q. Yes.

35 A. His authority was the same as my authority.

36

37 Q. Which was none, wasn't it? You couldn't approve the
38 7 April email, could you?

39 A. I'm terribly sorry, I'm getting a bit lost here, what
40 your question actually is.

41

42 Q. You could not approve the 7 April media strategy of
43 your own volition, could you?

44 A. Correct.

45

46 Q. And you have just said that Mr Willing's authority was
47 the same as yours when it comes to the media strategy;

1 that's correct as well, isn't it?
2 A. The authority applied equally to him and me.
3
4 Q. Yes, that's right. Now, I'm going to ask a few more
5 questions about this later, but as a starting point, can
6 you agree that you do not say in your April statement that
7 Mr Willing knew about the studio interview before 13 April?
8 Why don't we do this: can you please, overnight, just
9 re-read your - because I'm going to ask you a couple of
10 questions about things that are not there, if you could, if
11 you are able to, read overnight just your two statements to
12 this Commission - you don't need to read any annexures;
13 please do if you want to - but just the body of them?
14 A. Both statements?
15
16 Q. Both statements of yours and your civil statement -
17 the statement you filed in the Supreme Court civil case?
18 A. You want me to read it all now?
19
20 Q. No, overnight.
21 A. Oh.
22
23 Q. And with the civil case, I only want you to read - you
24 read anything you want, but I'm asking you to read, please,
25 pages 28 --
26 A. Let me note these things down.
27
28 Q. I'm sure your lawyers will.
29 A. Oh.
30
31 Q. Pages 28 through to 34. So if you could just read
32 those overnight, I will just ask you some questions. What
33 I'm interested in is - and your lawyers will make a note of
34 this, so you can specifically check this - you do not say
35 in the April statement that Mr Willing knew about the
36 studio interview before 13 April. You do not say in your
37 civil statement that Mr Willing knew about the studio
38 interview before 13 April. You have heard conversation -
39 this is another list of things. I'm just going to quickly
40 summarise it now. You heard Ms Brown give evidence
41 yesterday, or the other day, about conversations she says
42 you and Mr Willing and her had about the forthcoming studio
43 interview. You remember she gave that evidence?
44 A. Yes, the strategy generally.
45
46 Q. Yes. I want you to confirm that you have not referred
47 to any such conversations in your civil statement,

1 your April statement or your September statement - any
2 conversations about Mr Willing discussing with you and/or
3 Ms Brown about the studio interview in advance of the 13th.
4 That's another thing I'd like you to check, with your
5 lawyers.

6
7 THE COMMISSIONER: So is that an implicit way of saying
8 you have no objection to her having a conference with
9 Mr Glissan for that purpose?

10
11 MR THANGARAJ: Certainly not.

12
13 THE COMMISSIONER: All right. Thank you.

14
15 MR THANGARAJ: I should have said that.

16
17 THE COMMISSIONER: No, it is implicit in what you are
18 saying, but I just wanted to clarify.

19
20 MR THANGARAJ: Yes.

21
22 Q. You never say in any of these three statements that
23 you spoke to Mr Willing about Ms Alberici at the time that
24 you were scoping or at the time that you provided the
25 statement. You do not say in any of those statements that
26 you even spoke to Mr Willing about Emma Alberici before
27 8 April 2015. You do not say in any of those statements
28 that Mr Willing knew about the statement being provided to
29 Ms Alberici in February. Nor do you say that Police Media
30 knew that - you don't say that in any of your statements.

31
32 You gave some evidence in relation to this
33 proposition, and so you did not seek approval - you did not
34 tell Mr Willing in any of those three statements - sorry,
35 I might have said this already - that you provided a copy
36 of your statement to Ms Alberici in February. In those
37 statements, the only person that you have suggested you
38 were asked questions at Glebe about [sic] was Ms Alberici.
39 You've never suggested that you told anyone from Police
40 Media about the studio interview in advance of it being
41 aired.

42
43 THE COMMISSIONER: So every one of these questions is
44 predicated upon it not being in the written statements?

45
46 MR THANGARAJ: Yes.

47

1 THE COMMISSIONER: Thank you.

2

3 MR THANGARAJ: Q. You gave some evidence today that
4 Mr Willing and you discussed what was going to happen on
5 the 13th at the ABC and you said that he was told by you
6 that it would be public - remember that word was used? As
7 opposed to being backgrounding or off the record, it was
8 going to be public, that is, published? Do you remember
9 saying that today?

10 A. Sorry, am I answering questions now or this is
11 homework?

12

13 Q. Yes, I'm asking you --

14

15 THE COMMISSIONER: No, you're not answering questions now.
16 What you're listening to is what the lawyers call a series
17 of interrogatories, which are being administered in a very
18 strange fashion, for the purposes of you having
19 a conference after today's hearing with your lawyer. So
20 you're not being asked, as I understand it, to answer any
21 questions now. These are, in effect, questions on notice,
22 so you will take that up with Mr Glissan at some time
23 later.

24

25 MR THANGARAJ: This is one question I'm asking now, in
26 order to put the proposition.

27

28 THE COMMISSIONER: I'm so sorry. Okay, yes.

29

30 MR THANGARAJ: Q. In evidence today, when Mr Gray asked
31 you some questions about what you and Mr Willing discussed
32 would happen at the ABC on 13 April, he asked you whether
33 it was backgrounding, off the record or would be "public".
34 Do you remember that word being used?

35 A. By whom?

36

37 Q. In the conversation that you had with Mr Willing in
38 advance of the studio interview. And you gave evidence
39 that the discussion that you had with Mr Willing was - you
40 made it clear, or you said, that it would be public, that
41 what was going to happen on the 13th would be broadcast.
42 Do you remember giving that --

43 A. And I said that today?

44

45 Q. Yes.

46 A. And it actually happened?

47

1 Q. That's what I'm saying - do you remember that - I'm
2 asking you about that topic, you gave that evidence. You
3 said that the discussion in advance of 13 April with
4 Mr Willing was that you told him that what was going to
5 happen at the ABC on the 13th was a public interview, that
6 it was being broadcast; right?

7 A. In terms of television, the Lateline program?
8

9 Q. Yes, yes. That's what you said, it would be
10 broadcast. So I just want you to look overnight and
11 confirm --
12

13 THE COMMISSIONER: I'm sorry, I thought you wanted her to
14 answer that now. Now it's something she can look at
15 overnight. I'm not following this, Mr Thangaraj.
16

17 MR THANGARAJ: I'm identifying the topics that are not in
18 those statements so that it's easy for --
19

20 THE COMMISSIONER: That's what I thought you were doing,
21 but then you said you wanted a particular question answered
22 now, and I'm not now cognisant of which it is you want
23 answered now - that she simply gave evidence about
24 something?
25

26 MR THANGARAJ: Yes.
27

28 Q. What you did not put in any of the three statements
29 was that you had told Mr Willing, in advance of 13 April,
30 that the 13 April interview would be broadcast?
31

32 THE COMMISSIONER: Let me understand that. There is
33 nothing in the statement to that effect, or statements to
34 that effect?
35

36 MR THANGARAJ: Yes - no - well, yes.
37

38 THE COMMISSIONER: Well, yes. But yes. Not no, but no,
39 but yes, but no; it's yes, but yes, isn't it? You want to
40 assert, or rather, get her to concede, having reviewed her
41 statements, that there is no statement in any of those
42 statements of the kind you have just suggested, that she
43 told Mr Willing in advance there was going to be
44 a broadcast on the ABC?
45

46 MR THANGARAJ: Yes, I'm specifically referring to that
47 conversation, not the sentiment. That conversation.

1
2 THE COMMISSIONER: When you say "the sentiment" - okay,
3 you go on, Mr Thangaraj, but it not only is entirely
4 disjointed, but it may border on incomprehensibility in
5 a moment.
6
7 MR THANGARAJ: I was trying to assist.
8
9 THE COMMISSIONER: You say you're trying to save time, and
10 I accept that, but a conventional process often saves a lot
11 of time, because you are assuming, rightly or wrongly,
12 there is only one answer or there is only a "yes" or "no"
13 answer to these questions, and that may be an assumption
14 which may or may not be correct. So the process won't
15 necessarily work if there are qualifications. That's your
16 problem.
17
18 MR THANGARAJ: I accept that.
19
20 THE COMMISSIONER: So you may not be saving time at all.
21 But tomorrow, you will finish.
22
23 MR THANGARAJ: Yes. There is no doubt about that,
24 your Honour. Can I withdraw the last proposition --
25
26 THE COMMISSIONER: Yes.
27
28 MR THANGARAJ: -- and limit it to - well, I will just ask
29 the questions tomorrow in relation to that conversation.
30
31 THE COMMISSIONER: All right. That's fair. And the other
32 problem is this: is it anticipated tomorrow that
33 Mr Glissan will stand up and read out the questions, and
34 you will have the benefit of her answers before you ask
35 further questions? Or are you going to ask her tomorrow,
36 perhaps with a checklist in front of her, what are her
37 answers to the multitude of questions you have been posing
38 in the last 10 or 15 minutes? What do you propose happens
39 tomorrow? Just tell me what would be the fairest way to
40 proceed, do you think?
41
42 MR THANGARAJ: I thought that the fairest way would be to
43 give her an opportunity to look at those questions
44 overnight with her team, and tomorrow I propose to put to
45 her, "You have never said this in these statements."
46
47 THE COMMISSIONER: All right. And that's predicated upon

1 her either having a memory, a conference, obviously,
2 a piece of paper in front of her, perhaps, the transcript,
3 perhaps?
4

5 MR THANGARAJ: Well, with respect, I am entitled to put to
6 a witness, "What you're telling us" --
7

8 THE COMMISSIONER: You're adopting a procedure, which, if
9 I may say so, I think you think is saving time, and
10 I understand the sentiment, but I'm not quite sure it will,
11 and I think it will - anyway, we will do the best we can to
12 accommodate your eccentricity, Mr Thangaraj.
13

14 MR THANGARAJ: Q. Do you say that there were
15 conversations between yourself, Penny Brown and Mr Willing
16 talking about the studio interview in advance of 13 April?
17 A. So this is a question, now?
18

19 Q. Yes.

20 A. Yes.
21

22 Q. If that was the case, wouldn't you have confronted
23 Mr Willing about this immediately after the problems began?
24 A. About what?
25

26 Q. Wouldn't you have said, "You knew about this"?

27 A. I was being told that the issues were potentially
28 contempt of court, potentially defaming the Minister,
29 potentially breach of the media policy. Authority - the
30 authority for Lateline was never - I was never told it was
31 not authorised, never told verbally or in writing that it
32 was not authorised. So, therefore, I don't address it
33 spontaneously, as you suggest, because I don't understand
34 that it's an issue, because I've not been told, and I was
35 very confident that it had been authorised.
36

37 Q. Well, you certainly came to understand that there was
38 a dispute about authorisation, didn't you?
39 A. Yes.
40

41 Q. You do not put these conversations between you and
42 Ms Brown and Mr Willing - you do not refer to those
43 conversations in your civil statement, do you?
44

45 A. I didn't find out that authority was walked away from
46 and then denied entirely for - it might have been a couple
47 of years, and that was not a source that I entirely could
rely on. And the source I entirely rely on now as to the

1 challenge to the authority has been this Inquiry.

2

3 Q. Well, you certainly knew by April this year, when you
4 put your first statement together, didn't you?

5 A. Yes.

6

7 Q. And you don't refer in your first statement to this
8 Commission to any conversation with Mr Willing as I've just
9 said, do you?

10 A. That's because when I volunteered that statement, it
11 was to put the documents that had been summonsed from me in
12 context. It was limited to that. So that's a reason why
13 that, and no doubt other things, aren't in that statement
14 too, because it was volunteered to put the documents that
15 had been summonsed from me in context.

16

17 Q. You cover many topics in your April statement, don't
18 you? It goes for 12 pages.

19 A. You tell me what the many topics are, and I might
20 agree.

21

22 Q. Well, you talk about leading in to Lateline?

23 A. Pardon?

24

25 Q. You talk about leading in to Lateline?

26 A. Yes, because that was a topic - that topic had - so
27 the documents that were summonsed from me were on that
28 topic.

29

30 Q. Yes. What about the 5pm phone call with Mr Willing,
31 did that have any bearing on the documents that you
32 provided?

33 A. Is that in - is that in or - is that in that
34 statement?

35

36 Q. Yes, it is. That's why I'm asking.

37 A. It is. Well, I would be helped by reading the words
38 of the summonses, because I received more than one. If
39 that 5pm topic is in there, without the benefit of the
40 wording of the summonses, I will say it's there because it
41 was in context of the documents that were being summonsed
42 from me.

43

44 Q. And the conversations that you say you had with
45 Mr Willing about his knowledge in advance of the studio
46 interview, they must be relevant, if the 5pm phone call is
47 relevant, mustn't they?

- 1 A. One more time, please?
2
- 3 Q. Yes. If the 5pm phone call is relevant for the
4 statement, the conversations with Mr Willing would be
5 relevant, wouldn't they?
6 A. Not necessarily. And, again, I think with the 5pm
7 "kowtowing", you know, "If I'm asked, I'd be tempted to use
8 the word 'kowtowing'" - that, to me, even shows there that
9 I still thought that "kowtowing" was the big controversial
10 thing. So - yes, so that's - that's probably why I put
11 that there.
12
- 13 Q. But you say - and I will come to this when I explore
14 it properly - that he was supportive and encouraging of you
15 using the word "kowtowing"?
16 A. Yes.
17
- 18 Q. So if that's relevant to put in your statement, why
19 wouldn't you talk about these supposed conversations in
20 advance of the 13th, when he's encouraging you or is aware
21 of the studio interview?
22 A. If you were still referring to conversations regarding
23 the authority, that is different to my running past him my
24 temptation to use the word "kowtowing" in relation to the
25 Minister.
26
- 27 Q. Can transcript 6551 be brought up, please,
28 [TRA.00095.00001_0001]. Can you just read lines 32 to 36
29 and anything before that that you need, please?
30 A. I have read, just clarify again the reference
31 numbers - 32 to?
32
- 33 Q. Thirty six.
34 A. Thirty six, yes.
35
- 36 Q. Are there any such logs, to your knowledge?
37 A. Pardon?
38
- 39 Q. Are there any such logs, to your knowledge?
40 A. I just want to clarify - you mentioned it by tab
41 number. This looks like the transcript of Detective
42 Sergeant Penny Brown's evidence; is that right?
43
- 44 Q. Yes, it is, yes.
45 A. Thank you.
46
- 47 Q. You were here when she gave this evidence?

1 A. Pardon?
2
3 Q. You were here when she gave this evidence, weren't
4 you?
5 A. Yes. Yes, that's why it looks familiar.
6
7 Q. So the logs that she talks about - are there any such
8 logs?
9 A. No. Penny - Detective Sergeant Penny Brown was not
10 aware of the emails of the 7th and the 8th, because I was
11 the only one who needed to know that the authority was
12 given. So I will just, if I may, just suggest, if there
13 was no written authority, which there is, of course, but if
14 there was not and it was a verbal approval, I would have
15 made a note in e@gle.i, because it's the only other
16 appropriate place to make such a note. So if I may just
17 suggest that if Detective Sergeant Penny Brown had known
18 that there was an email - emails existing, she might see
19 that the entry - you know, a free-form entry on e@gle.i is
20 not necessary in that case.
21
22 Q. I want to ask you one question about MLOs. I will
23 take you to Mr Gordon's statement if I need to, but do you
24 agree that the issue of the Media Liaison Officers was his
25 authority, and not Mr Willing's?
26 A. I'm sorry, just one more time?
27
28 Q. Do you agree that Media Liaison Officers - the
29 decision about whether they are used, whether they are not
30 used is ultimately a matter for him, as the head of the
31 Police Media Unit, in his role, and not Mr Willing?
32 A. And by "him", you mean Strath Gordon?
33
34 Q. Strath Gordon. You agree with that?
35 A. Yes.
36
37 Q. I just want to take you to parts of the April
38 statement. If we could start at paragraph 43, please,
39 [SC0I.85815_0001], do you see on the next page, page 8, you
40 end paragraph 43 with the first mention of 2015?
41 A. So I have read paragraph 43, and what was the --
42
43 Q. I will start with this, it might make it easier: you
44 dealt with things chronologically in this statement, didn't
45 you?
46 A. Oh --
47

1 Q. You understand what I mean? You started at the
2 beginning and worked your way through in a time sequence
3 for this statement?

4 A. I would have to look at the whole thing to agree with
5 you. I may have. It's not something I'd avoid. But
6 whether it made sense in this context I don't know.

7
8 Q. Just have a quick look. Starting at paragraph 12, the
9 first parts are your experience, and then you talk about -
10 you go through from - you continue to go through the
11 dates, November 2011, then you are up to January 2013; go
12 over the page, the tasks that you were asked to do in 2013;
13 paragraph 19, on 7 February 2013, you're talking about
14 Macnamir; that continues over the page, for a couple of
15 pages, and then paragraph 30 has the heading "The Lateline
16 interview", and you're starting with your coronial
17 statement, November 2013, and that continues, early
18 '14, February, then March, then July '14, paragraph 36, and
19 that continues, and then we get to paragraph 44, where
20 we're up to the fact that the Coroner had listed the matter
21 for 13 April. Do you see that?

22 A. Yes.

23
24 Q. So you have dealt with it in time sequence, haven't
25 you?

26 A. Again, I just - I'm just the type - I would want to
27 check everything myself before I agree with that.

28
29 Q. All right. Well, I'm suggesting to you that you have
30 dealt with it in time sequence, and now I want to take you
31 from paragraph 44 onwards; all right?

32 A. Okay.

33
34 Q. From paragraph 44 to paragraph 46, you're dealing with
35 the weeks leading into - the weeks before 13 April. Just
36 look at paragraph 45, that's exactly what you say. At 47
37 through to 51, you are dealing with the 7 April email. At
38 53 to 54, you are dealing with 8 to 10 April with Mr Box,
39 and 52 is the first time that you raise Ms Alberici. Do
40 you see that?

41 A. It doesn't mean it happened at that precise moment
42 between those other two paragraphs or chronologies you
43 suggest.

44
45 Q. That's what I'm asking you. Paragraph 52 is the first
46 time you raise her, isn't it? And in that paragraph, you
47 describe the first meeting with her and what the purpose of

1 the meeting was?

2 A. It looks like it might be the first time, in this
3 statement, yes.

4

5 Q. You place this meeting with Ms Alberici between 7 and
6 8 April in your statement, don't you?

7 A. I agree that in a paragraph above 52, there is a date
8 in it for 7 April 2015; and below paragraph 52, there is
9 a date in it which is 8 April 2015. But that is -
10 I wouldn't take that as a guide to everything else that
11 happened - that I have said in between those two dates.

12

13 Q. What about paragraph 55, then - you say that on
14 10 April, you provided Ms Alberici with redacted copies of
15 your first three coronial statements?

16 A. Yes, I do.

17

18 Q. And you don't say in your statement, even though we
19 know it's true, that in fact you had provided Ms Alberici
20 a redacted copy of your statement months earlier?

21 A. I do say in my - one or both statements to the Inquiry
22 that I can't remember when, but I did provide her with the
23 coronial statement.

24

25 Q. Yes. In your September statement, you said that you
26 don't remember when, but in the September statement, you
27 also said that it was provided on 10 April. I will come to
28 that later, but what I'm asking you about is paragraph 55.
29 Firstly, you have placed the first meeting with Ms Alberici
30 between 7 and 8 April, in paragraph 52; and then in
31 paragraph 55, you tell the reader that you provided copies
32 of your statement to her - the first three statements on
33 10 April?

34 A. And I did.

35

36 Q. What, you provided the first coronial statement to her
37 after she told you she had already read it?

38 A. I just - so I - have I been asked two questions there,
39 which is about the placement of 52 in between those dates
40 and then the 55?

41

42 Q. I'm making the observation that I have about
43 paragraph 52, but now I'm asking you about paragraph 55.

44 A. Okay.

45

46 Q. You do not say in this statement that you met with
47 Ms Alberici in January; do you agree with that?

1 A. Yes.
2
3 Q. You do not say in the statement that you met with her
4 again in February, do you?
5 A. I'm not - I'm not sure I met with her again in
6 February.
7
8 Q. Beg your pardon?
9 A. I'm not sure I did meet with her again in February.
10
11 Q. Well, you do not say that you provided your statement
12 to Ms Alberici at any time before 10 April, do you?
13 A. In the statement about the summonses?
14
15 Q. In paragraph 55, you make a specific - forget about
16 whether it relates to documents or not. You make
17 a specific statement in paragraph 55 that on 10 April, you
18 provided redacted copies of your first three coronial
19 statements; right?
20 A. That's --
21
22 Q. You've written that there?
23 A. That's because I did.
24
25 Q. You do not say that you provided the coronial
26 statement at a time before 10 April, do you?
27 A. You - you may be right.
28
29 Q. Are you seriously saying you gave her a copy of your
30 445-page statement for a second time on 10 April?
31 A. There were two identical packages made up for Dan Box
32 and Emma Alberici, and they got the identical package.
33
34 Q. When you wrote this statement, you knew that you had
35 insisted that Ms Alberici not only read your statement
36 before you would meet with her again but that she
37 thoroughly digest it and understand it; correct?
38 A. Yes.
39
40 Q. You told us that was a criteria for you before you
41 would go ahead with her?
42 A. Yes.
43
44 Q. It was so memorable that she gave the same evidence,
45 and you were here for that. She rang you, and you wouldn't
46 speak - you hung up on her because she had not yet read the
47 statement; right? That's true, isn't it?

1 A. Yes.

2

3 Q. So you knew full well that for you to speak with her
4 on 10 April would only happen if she had digested and
5 thoroughly understood your 445-page statement; right?

6 A. Yes.

7

8 Q. And yet why have you then put in your statement that
9 the only time you provided her with a copy of your first
10 coronial statement was on 10 April?

11

12 MR GLISSAN: I object to that. It doesn't say "the only
13 time". It says --

14

15 MR THANGARAJ: Okay, I withdraw it.

16

17 MR GLISSAN: I just notice the witness is getting tired.
18 I know your Honour wants to go on, but --

19

20 THE COMMISSIONER: Ms Young, this is not a test of
21 stamina, so if you would like to call it quits for the day,
22 that's fine by me. So do not feel under any obligation to
23 continue to engage in the process.

24

25 MR GLISSAN: I have to say, I have to go back now and deal
26 with these other matters.

27

28 THE COMMISSIONER: Well, that's another issue. That's
29 your time, not hers.

30

31 Q. Would you like to call it quits for the day?

32 A. May I just answer the last question and then I would
33 quite like to call it quits.

34

35 THE COMMISSIONER: Answer the question and then I will
36 adjourn. All right.

37

38 THE WITNESS: I don't say at 55 - I think you phrased the
39 question "the only time" I gave the statements?

40

41 MR THANGARAJ: Q. I withdraw that question. I'm going
42 to ask the same question but in a better format. The only
43 time you refer to providing Ms Alberici a copy of your
44 first coronial statement is 10 April 2015?

45 A. Just say it one more time for me, please? The only --

46

47 MR THANGARAJ: Commissioner, if I come back at 2 o'clock

1 tomorrow, I will finish by 4. Can we just start this topic
2 again tomorrow, when she has had a bit more --

3
4 THE COMMISSIONER: A matter for you, but - that's fine.
5 I think the witness needs a break. We started early and it
6 has been a whole day.

7
8 All right. I will adjourn to Mr Willing at 10 o'clock
9 in the morning. Ms Young, Mr Glissan will make whatever
10 arrangements he needs to make with you, but your next time
11 is 2 o'clock tomorrow. Thank you. I will adjourn.

12
13 **AT 4.01PM THE SPECIAL COMMISSION OF INQUIRY WAS ADJOURNED**
14 **ACCORDINGLY**

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