

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

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

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

Friday, 6 October 2023 at 10.16am

(Day 98)

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 Mr Willing, if you wouldn't mind
2 just taking a seat for a moment.

3
4 Before we start this morning, can I just raise
5 something with Mr Thangaraj and Mr Glissan, and please
6 don't take this as me having a view either way, and I'm
7 agnostic, but it seems to me there are several ways that
8 the resumption of Ms Young's evidence could be dealt with.
9 You may have already discussed it, you may not have.
10 I don't want you to, if you haven't or you don't want to.

11
12 One way of dealing with it might be, given the form of
13 interrogatories administered, that Mr Glissan were given,
14 as it were, to lead the evidence by reference to the
15 transcript and because, I imagine, without me verballing
16 you, Mr Thangaraj, you're looking for negatives, so,
17 therefore, all you want to do is to see a sea of noes or
18 negatives.

19
20 MR THANGARAJ: Yes.

21
22 THE COMMISSIONER: That can be done that way. The other
23 way it can be done is in writing, where the witness is
24 shown a piece of paper and she simply says "yes".
25 Mr Glissan, I'm not expressing any view, I'm just trying to
26 short-circuit some time.

27
28 The last way is clearly the more conventional way,
29 where you ask her and simply say, "You've been given an
30 opportunity, what's your response." Can I just leave that
31 on the table.

32
33 MR THANGARAJ: Yes.

34
35 THE COMMISSIONER: As I say, I'm entirely agnostic, but
36 I'm just looking for a way by which we can save some time
37 and, if I may say so, without taking this the wrong way or
38 the right way, you don't mind how it is obtained, provided
39 you get what you want to see and what you expect to see,
40 namely, a sea of negatives.

41
42 On that basis, can I just ask you to both talk to each
43 other. Now, if that requires, before 2 o'clock, you to
44 have another 10 or 15 minutes to worry about it, then
45 that's fine.

46
47 MR THANGARAJ: Thank you.

1
2 THE COMMISSIONER: All right. Thank you.

3
4 Mr Willing, it's been a little while since you have
5 been here. I will get you to take either an oath or an
6 affirmation again before you are asked any questions.
7 Forgive me, I have forgotten, oath or affirmation.

8
9 <MICHAEL JOHN WILLING, resworn: [10.18am]

10
11 <EXAMINATION BY MR GRAY:

12
13 MR GRAY: Q. Could Mr Willing have volume 16, tab 347.
14 [NPL.0138.0001.0037]?

15 A. Yes.

16
17 Q. Mr Willing, you would probably remember this email, I
18 imagine. It's the one of 7 April, which essentially sets
19 out the media strategy that was then being developed and
20 used.

21 A. Yes.

22
23 Q. Just to refresh your memory, in the second paragraph,
24 there is reference to the fact that a non-publication order
25 had been sought over the Pamela Young statement?

26 A. Yes.

27
28 Q. But at this point it had not yet been either granted
29 or refused.

30 A. Yes.

31
32 Q. Then, in the third paragraph, there is basically
33 a summary of the proposed - or of the strategy. As you
34 see, it is that - and this is Ms Wells writing to
35 Mr Kerlatec and Mr Finch, with copies to you and Ms Young
36 and a man called Bradley Monk.

37 A. Yes.

38
39 Q. Just tell us, if you would, who Bradley Monk was at
40 that time?

41 A. He was a staff officer to one of the Deputy
42 Commissioners. I think it was Catherine Burn. He was
43 a long-term staff officer for her.

44
45 Q. So, in the third paragraph, Ms Wells says:

46
47 ... We would like to provide a background

1 *briefing to the ABC and The Australian*
2 *prior to Monday --*

3
4 ie prior to Monday the 13th when the Coroner was going to
5 make the decision?

6 A. Yes.

7
8 Q. And Ms Wells goes on --

9
10 *so they --*

11
12 that is, the two journalists --

13
14 *can take a look at the report and have*
15 *a chat to police about what's in it.*

16
17 A. Yes.

18
19 Q. You remember that? And then she goes on about some
20 additional features, namely, the briefing would be for
21 background information only and off the record. And, then,
22 after a couple more lines, this appears:

23
24 *If and when the statement is made public,*
25 *we would be happy to go on the record then,*
26 *plus address any media requests from all*
27 *media ...*

28
29 A. Yes.

30
31 Q. And, then, in the next paragraph, she adds:

32
33 *Additionally, Det Supt Mick Willing intends*
34 *to advise the Coroner that we will be*
35 *backgrounding a number of reporters on the*
36 *statement as a courtesy.*

37
38 So you're familiar with that?

39 A. Yes, I am.

40
41 Q. It is clear, isn't it, that so far as providing the
42 statement to the two journalists, that was a central part
43 of the strategy; that was part of the point?

44 A. Taking it - taking them through the statement, yes,
45 that's right.

46
47 Q. Giving it to them so that they could read it?

1 A. Yes.

2

3 Q. So once the strategy was in place, it was an essential
4 feature of the strategy that the statement be given to the
5 two journalists prior to the Coroner making the statement
6 public?

7 A. Take them through the statement and - bit by bit, yes,
8 that's correct.

9

10 Q. In May, when you were giving evidence here, you said
11 that it was completely inappropriate and wrong for Pamela
12 Young to provide the statement to Emma Alberici. Do you
13 remember that?

14 A. Back in - eight weeks prior, yes.

15

16 Q. Why? Why was it completely inappropriate and wrong?

17 A. Because we had - we were seeking a non-publication
18 order over a statement at that time, and that - nobody knew
19 or had approved the strategy to that point.

20

21 Q. You are quite right in terms of timing, in that the
22 first document seems to record the strategy is this
23 document, 7 April, and the evidence seems to be that
24 Ms Young had provided the statement to Ms Alberici well
25 before that.

26 A. Yes.

27

28 Q. But apart from the timing factor, to provide the
29 statement to one of the two journalists - namely, the ABC -
30 was what the very strategy involved doing, wasn't it?

31 A. It was taking them through the statement. Whether
32 they kept it or not I don't know.

33

34 Q. Just one other aspect of this email. It's sent, as we
35 see, from Georgina Wells to Mr Kerlatec and Mr Finch and
36 copied to others. As you understood it, was this email
37 sent in order to advise Mr Kerlatec and Mr Finch of what
38 the strategy was going to be?

39 A. Yes.

40

41 Q. And she says, Ms Wells says, in the last line of the
42 email, that she had discussed the strategy with Strath,
43 that's Strath Gordon of the Media Department?

44 A. Yes.

45

46 Q. And that he supports it and approves it. Now, she
47 doesn't say in the email anything to the effect that she's

1 asking for approval or permission from Mr Kerlatec or
2 Mr Finch, does she?
3 A. No.
4
5 Q. It reads - tell me if this is right - as though she is
6 effectively advising them as a matter of courtesy that this
7 is what is intended to happen.
8 A. Yes.
9
10 Q. Are you aware of there being any email reply to this
11 email from either Mr Kerlatec or Mr Finch?
12 A. No.
13
14 Q. In that same volume that you have in front of you, if
15 you turn to tab 380 [NPL.0138.0009.0185], these were some
16 handwritten notes of yours.
17 A. Yes.
18
19 Q. By the look of them contemporaneous, as in they look
20 as though they're probably written on the day; is that what
21 they were?
22 A. Yes.
23
24 Q. It is a bit hard to tell on my copy which days, at
25 which there are various times, but it is plain enough that
26 about 10 or 12 lines from the bottom of this first page,
27 the page that has number 91 in the top right --
28 A. Yes.
29
30 Q. -- these are entries for 8 April, one can work it out
31 from surrounding factors?
32 A. Yes.
33
34 Q. And the last two lines for 8 April, as I read it, at
35 12.30pm, it seems to be, you have written:
36
37 *With JK.*
38
39 That's Mr Kerlatec, I imagine?
40 A. Yes.
41
42 Q.
43 *Brief DCOP NK --*
44
45 that's Mr Kaldas?
46 A. Yes.
47

- 1 Q. I think it's:
2
3 *Re [Strike Force] Macnamir media strategy.*
4
5 Is that what it says?
6 A. Yes.
7
8 Q. And then:
9
10 *- approved backgrounding of select media -*
11 *briefing note required.*
12
13 A. Yes.
14
15 Q. And if we turn to 382A [NPL.2017.0001.0030], these
16 were your dot points that you prepared in advance of the
17 Ashurst interview?
18 A. Yes.
19
20 Q. Back in about April 2015?
21 A. Yes.
22
23 Q. And on the top of the second page the first three dot
24 points seem to relate to this matter that we just looked at
25 in your notes?
26 A. Yes.
27
28 Q. So you say that you briefed Mr Kerlatec re the
29 proposed strategy and he agreed that it was appropriate.
30 Then arrangements are made - we don't need to descend into
31 the detail of the net result which is that you and he,
32 Mr Kerlatec, have a discussion with Mr Kaldas?
33 A. Yes.
34
35 Q. And Mr Kaldas also agreed with the strategy and asked
36 for a briefing note.
37 A. Yes.
38
39 Q. So you've, it seems clearly enough, taken those two
40 dot points from the handwritten notes.
41 A. And my memory.
42
43 Q. And your memory. So can I ask you this: when you had
44 these discussions with Mr Kerlatec and then with
45 Mr Kerlatec and Mr Kaldas, were you talking about the
46 strategy in general terms, or did you actually look at the
47 7 April email as you were having this discussion?

- 1 A. I can't recall the 7 April email being part of the
2 discussion.
3
- 4 Q. Right. So it reads as though, realistically enough,
5 that you, in effect, told Mr Kerlatec what the proposed
6 strategy was.
7 A. Yes.
8
- 9 Q. And he agreed with it?
10 A. Yes.
11
- 12 Q. And ditto with Mr Kaldas - that the two of you told
13 him what the proposed strategy was, and he agreed with it?
14 A. Yes.
15
- 16 Q. Without there being a formal exchange of emails on the
17 topic?
18 A. That's right.
19
- 20 Q. So the strategy that was being agreed to, then, was
21 that two journalists would be given a backgrounding prior
22 to 13 April?
23 A. Yes.
24
- 25 Q. That the Pamela Young statement would be provided to
26 them as part of that backgrounding?
27 A. I can't recall a discussion about the provision of the
28 statement but certainly taking them through the contents of
29 it, because it was so large.
30
- 31 Q. Yes, but I'm talking about what you said with
32 Mr Kaldas and Mr Kerlatec.
33 A. Yes.
34
- 35 Q. Did they understand that the two journalists were
36 going to - or did you tell them that the two journalists
37 were going to be shown the statement?
38 A. Shown the statement. I can't recall the exact
39 conversation, but yes.
40
- 41 Q. And then the strategy also was, that they were
42 agreeing to, that if and when the statement was made
43 public, the police would be happy to go on the record?
44 A. I can't recall that being part of the conversation.
45
- 46 Q. You think you may not have mentioned that part?
47 A. I don't know, I can't recall.

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Q. By the way, nothing in the email, the 7 April email, referred to any requirement for further approval from anyone, if and when the statement was made public; you agree?

A. The contents of that email, yes, I do.

Q. Just moving now to the Lateline topic generally - I don't think I need to show you that folder anymore - several witnesses have given evidence in the last couple of weeks on this topic.

A. Yes.

Q. And I just need to put to you, for your response, some of the things that they have said. First of all, Emma Alberici has given evidence that she had several conversations with you about the proposed Lateline interview over a period of some months prior to 13 April. Do you agree that that is correct?

A. It's not true.

Q. I need to put some particular parts of her evidence to you. Did you have any conversations with Emma Alberici about what became the Lateline interview prior to the Lateline interview?

A. No.

Q. At 6231 to 6232, Ms Alberici said that she called you some time after about February - between February and April - and had discussions about your views on the matter?

A. No.

Q. She said at 6232 words to the effect that you were supportive of Pamela Young and encouraging of her appearing on Lateline?

A. I was supportive of Pamela Young but I didn't speak to Emma Alberici.

THE COMMISSIONER: Q. But were you supportive of her appearing on Lateline?

A. No.

MR GRAY: Q. Ms Alberici said, still at 6232, that in her conversations with you, that she says she had, prior to the Lateline interview, you knew that there was going to be a sit-down interview which would go to air and that the

1 discussions between you and her were on that basis.

2 A. No.

3

4 Q. At 6235, she said that prior to the Lateline
5 interview, you said to her something to the effect that
6 Ms Young, by giving the interview, was defending the police
7 and that you were in favour of it.

8 A. No.

9

10 Q. She gave evidence also of a conversation with you well
11 after the Lateline interview - namely, in 2017 --

12 A. Yes.

13

14 Q. -- at a coffee shop in North Sydney. Do you remember
15 that meeting?

16 A. I do.

17

18 Q. That meeting did happen?

19 A. Yes.

20

21 Q. She says in her evidence that at that meeting you said
22 to her words to this effect:

23

24 *I am so sorry about what happened to Pam.*
25 *I wanted her to do the interview so that*
26 *the general public could see that we were*
27 *not homophobic and not negligent and that*
28 *Johnson family were insufferable.*

29

30 A. I certainly - I did not say that. I certainly did say
31 that I felt sorry for Pam, the loss of her career.

32

33 Q. But is your evidence that you did not say that you
34 wanted her to do the interview?

35 A. That's correct.

36

37 Q. Ms Alberici also says in her evidence that you said at
38 this meeting in North Sydney something like this:

39

40 *I thought that once it was public, and the*
41 *scandalous misdirection of investigation*
42 *resources was exposed, the political*
43 *pressure would stop. ... I had no idea the*
44 *Commissioner would be as enraged as he was*
45 *about the interview and Pam got the blame,*
46 *unfortunately.*

47

1 A. That's absolute rubbish.
2
3 Q. Ms Penny Brown, Sergeant Penny Brown, I should say,
4 has also given evidence in this Inquiry in the last week or
5 two.
6 A. Yes.
7
8 Q. Her evidence includes that, according to her, by
9 13 April, you knew perfectly well that Pamela Young would
10 be going to Lateline that day to give an interview?
11 A. Which day? The 13th?
12
13 Q. Yes, the 13th.
14 A. On background. I didn't know - I thought it was the
15 10th that she was going to do the backgrounding.
16
17 Q. I'm just --
18 A. So my answer is no.
19
20 Q. I'm just trying to do this to be fair to you. Her
21 evidence is that by the 13th - that is, as at the 13th -
22 you knew that she was going to be going to Lateline that
23 day, the 13th, to give an interview.
24 A. No.
25
26 Q. She has said, Penny Brown has said, at 6501 of the
27 transcript [TRA.00095.00001] that she was present at
28 conversations between you and Pamela Young in the hallway
29 at work when that topic was discussed between you and
30 Pamela Young - namely, that she would be going to Lateline
31 to give an interview?
32 A. No.
33
34 Q. Ms Brown has given evidence that by 13 April, but
35 before the conversation at about 5 o'clock, which I will
36 come to --
37 A. Mmm.
38
39 Q. -- you knew that the interview with the ABC later that
40 day was going to happen.
41 A. I knew there was a backgrounding discussion was going
42 to happen.
43
44 Q. So you thought there was going to be a second
45 backgrounding discussion?
46 A. I didn't - I thought that the - I didn't know whether
47 or not the backgrounding discussion had finished on the

1 10th, because it was late in the afternoon, and I wasn't
2 aware, but I assumed, that the discussion would continue
3 after the decision was made by the Coroner to have a third
4 inquest.

5
6 Q. Ms Brown's evidence includes that there was no
7 suggestion, in these conversations that she says she was
8 privy to in the hallway, that the interview would be in
9 some way off the record or a backgrounder or the like. Do
10 you agree?

11 A. I don't agree.

12
13 Q. Ms Young has also given evidence - in fact, she is
14 part-way through her evidence.

15 A. Yes.

16
17 Q. Let me just put a couple of aspects of her evidence to
18 you.

19
20 THE COMMISSIONER: Mr Gray, before you leave Ms Brown, is
21 there one aspect of her matter that you want to put
22 expressly?

23
24 MR GRAY: I will be coming to that.

25
26 THE COMMISSIONER: Thank you.

27
28 MR GRAY: Q. At 6681 of the transcript
29 [TRA.00097.00001], Ms Young has given evidence that in
30 early 2015, seemingly about January or perhaps even late
31 2014, she spoke to you about an idea she had, by then,
32 about the police using the media in certain ways, given the
33 way the Johnsons were using the media. Do you remember her
34 raising that with you at about that time?

35 A. Not the date, but certainly we had discussions around
36 the need to correct the record and to - for the police to
37 have a voice about the extent and thoroughness of the
38 investigations that were being conducted, yes.

39
40 Q. The evidence that she gave yesterday included this at
41 6681, I asked her, well, what was the idea - which was her
42 word. She said she approached you with an idea. I asked
43 her what was the idea that she put to you. She said:

44
45 *... it was to talk to them --*

46
47 meaning the media --

1
2 A. Yes.

3
4 Q.
5 *... to talk to them, to be interviewed by*
6 *them, to talk to them, to be asked*
7 *questions by them.*

8
9 And I asked:

10
11 Q. *For publication?*

12 A. *For publication.*

13
14 Q. *Not off the record or behind the*
15 *scenes but up-front; is that right?*

16
17 A. *Yes, that's what - that was my idea.*

18 Q. *And did you convey that idea to him*
19 *and, if so, what words did you use?*

20
21 And she said, as to the words that she used:

22
23 *Talk. Let them know the quality of the*
24 *work. Let them know - maybe point out some*
25 *factual differences than what the media had*
26 *published.*

27
28 I asked her what you had said, and that you said something
29 like "I like that idea. Let's see what we can make of
30 that." Now, does that account accord with your
31 recollection?

32 A. It doesn't, not in terms of going on the record.
33 Certainly providing them with information about the extent
34 of the inquiries that had been conducted. I don't know
35 when that was, but I accept that that was probably the end
36 of 2014, early 2015. I don't know when, though.

37
38 Q. When you said in the course of one of your last few
39 answers that you thought it was necessary for the police to
40 have a voice --

41 A. Yes.

42
43 Q. -- how would the police have a voice if everything was
44 off the record?

45 A. Because the context and the information about the
46 extent of the investigations conducted by Pam and Penny and
47 others would be something that journalists could explore

1 and use, conduct their own inquiries, and it would provide
2 them with information.

3

4 Q. At 6769, Ms Young gave this direct evidence in an
5 answer to a question from Mr Thangaraj.

6 A. Yes.

7

8 Q. The question was, to Ms Young:

9

10 *Do you say that there were conversations*
11 *between yourself, Penny Brown and*
12 *Mr Willing talking about the studio*
13 *interview --*

14

15 the studio interview --

16

17 *in advance of 13 April?*

18

19 And the answer was:

20

21 Yes.

22

23 Now, do you agree with that or not?

24

A. I do not agree with that.

25

26 Q. You gave some evidence previously about a telephone
27 call with Pamela Young at about 5 o'clock on the day of the
28 Lateline interview, the 13th?

29

A. Yes.

30

31 Q. The first time you were asked about this was
32 in February --

33

A. Mmm-hmm.

34

35 Q. -- at transcript 1720 [TRA.00023.00001]. Is it
36 adequate for you to see it on the screen, or do you need
37 the hard copy?

38

A. Oh, I know it anyway, but yes.

39

40 Q. We can give you the hard copy if it's --

41

A. No, it's fine.

42

43 Q. So the question started at about line 20 on this
44 topic.

45

A. Yes.

46

47 Q. You can see I asked whether Pamela Young had openly

1 used the term "kowtowing" to describe the Police Minister
2 to you in - it should be "the" - office on many occasions
3 between February 2013 and April 2015, and you said she
4 might have used that term talking to you privately once or
5 twice:

6
7 *... but I can't recall it being discussed*
8 *in those terms openly in the office.*
9

10 Do you see that?

11 A. That's right.

12
13 Q. Is that still your recollection?

14 A. Yes.

15
16 Q. At another point in your evidence - and if I can,
17 I will find it but I just don't have it at my fingertips
18 right now - you said that you had not heard Ms Young use
19 the word "kowtowing" about the Police Minister at all until
20 after the Lateline interview.

21 A. Yes. I - I can't recall Pam using the term
22 "kowtowing" beforehand, but she might have. I just can't
23 recall. But I certainly knew her view of the Police
24 Minister prior to that.

25
26 Q. Back on 1720, if that could come up again, please, at
27 line 29, could you just read from line 29 to line 44,
28 please, to yourself?

29 A. That's right, yes.

30
31 Q. So you said in those answers, among other things, that
32 she rang you on the way to the ABC?

33 A. Yes.

34
35 Q. And that she said, while on the way to the ABC - and
36 I'm looking at line 40:

37
38 *I'm about to go and speak to Emma Alberici.*
39

40 A. I think so, yes.

41
42 Q. When you gave evidence later, in May, you gave
43 a different account. I will take you to the transcript in
44 just a second. But in May you said that when she rang you
45 at about 5 o'clock, what she said was that she had recorded
46 an interview with the ABC.

47 A. Yes.

1
2 Q. Whereas, in February, you had said that what she said
3 was, "I'm about to go and speak to Emma Alberici."
4 A. I think she said both.
5
6 Q. Well, are you now saying she said both?
7 A. I - yes, I think she said "I've recorded an interview
8 with the ABC and I'm on my way to see Emma Alberici."
9
10 Q. You have never told us this before Mr Willing, this is
11 now the third version?
12 A. That's not right.
13
14 Q. It is right. You have never before said that you said
15 both of those things?
16 A. I believe I did.
17
18 Q. Well, let's have a look, if we could have volume 16
19 again. At your dot points at tab 382A [NPL.2017.0001.0030]
20 on the third page, just below halfway down the page, there
21 is a dot point that begins "Later that afternoon around
22 5pm"?
23 A. Mmm-hmm, yes.
24
25 Q. Do you see that one?
26 A. Yes.
27
28 Q. That's the dot point about this phone call, and on
29 this account you said:
30
31 *I was driving home when I received a call*
32 *from DCI Young. She stated that she had*
33 *recorded an interview with ABC and that her*
34 *interview, along with interviews with ...*
35 *Johnson and ... Glick would feature on that*
36 *night's Lateline program.*
37
38 A. Yes.
39
40 Q. No mention of her also saying, "I am on my way to the
41 ABC to speak to Emma Alberici" - that's not to be found
42 there, is it?
43 A. I think you put that to me, and I agreed to it.
44
45 Q. I put that to you --
46 A. Back in February.
47

1 Q. -- in February?

2 A. Yes, that's right.

3

4 Q. But this time you are saying that she said something
5 different. Indeed, you said in your evidence in May, at
6 transcript 3776 [TRA.00051.00001], these answers - do you
7 see at the top of the page I took you to this note?

8 A. Yes.

9

10 Q. And at line 10 I drew your attention to the difference
11 between "was going to" do an interview, as compared to "had
12 recorded an interview"; you saw that?

13 A. Yes.

14

15 Q. And I put to you that:

16

17 *... last time you were here, your evidence*
18 *was that she rang you on the way to the*
19 *ABC. This note says she rang you having*
20 *already recorded the interview with the*
21 *ABC.*

22

23 And you said:

24

25 *No, recorded an interview at the court is*
26 *the way I took that.*

27

28 A. Yes.

29

30 Q. You agreed that when you said in the note, "she stated
31 that she had recorded an interview with the ABC", you took
32 that to mean that she had recorded an interview outside the
33 court. That was your answer?

34 A. Yes.

35

36 Q. You are aware, I imagine, by now today, that Ms Young
37 and Ms Brown have given evidence about what she did
38 actually say to you in that phone call?

39 A. Yes.

40

41 Q. I assume you have been made aware of what their
42 evidence is on that point?

43 A. Yes.

44

45 Q. They have both given evidence, as you would be aware,
46 that what Pamela Young said on that phone call was that she
47 was on her way to the ABC to give the interview with Emma

1 Alberici. You are aware that they say that now?
2 A. Yes, I'm aware they said that, yes.
3
4 Q. And they say that you knew that the interview would
5 not be off the record but would be for broadcast.
6 A. No. I disagree with that.
7
8 Q. And what I want to suggest to you is that what they
9 have both said in that regard is correct - that is what
10 actually happened.
11 A. That's not right.
12
13 Q. And I suggest to you that you originally accepted,
14 back in February, that she rang you on the way to the ABC
15 and said "I'm about to go and speak to Emma Alberici"?
16 A. Yes, on background.
17
18 Q. You didn't say that in February?
19 A. That's my - that's what I believed it was.
20
21 Q. In your evidence in May, as I've just shown you, you
22 gave quite a different account; you claimed that she told
23 you that she had already recorded an interview.
24 A. At the court with the ABC.
25
26 Q. You said that that was your assumption. You haven't
27 said that that's what she said, or are you now saying that
28 she did say that?
29 A. I can't recall what she said about it, but that was my
30 assumption.
31
32 Q. And I must put it to you that your evidence in May in
33 that respect was not true?
34 A. That's not right.
35
36 Q. I must put it to you that your April 2015 dot point
37 that I just took you to --
38 A. Yes.
39
40 Q. -- is not true?
41 A. That's not right.
42
43 Q. And I must put to you that you gave that account, not
44 being true, in both the dot point in April 2015 and in your
45 evidence to this Inquiry so as to give yourself the
46 opportunity to suggest that you thought she was only
47 referring to a door-stop interview outside the court

1 earlier that day.
2 A. No.
3
4 Q. Now, both Ms Young and Ms Brown have given evidence
5 that in that very phone call, if asked, Ms Young might say
6 or might be tempted to say that the Minister, the former
7 Minister Gallacher, had kowtowed to the Johnson family.
8 A. Yes.
9
10 Q. Do you agree that she said that?
11 A. I can't recall it, but she could have.
12
13 THE COMMISSIONER: Q. So you don't deny it?
14 A. No, I don't deny it.
15
16 MR GRAY: Q. If she said that to you in the phone
17 call --
18 A. Yes.
19
20 Q. -- it would be a strange thing to say if all she was
21 going to be doing was giving a backgrounding interview off
22 the record, wouldn't it?
23 A. I don't believe it would be a strange thing to say.
24 If it was off the record, it wouldn't have mattered.
25
26 Q. Quite so. So why would she bother saying it to you?
27 A. I don't know.
28
29 Q. If it was going to be off the record?
30 A. I don't know.
31
32 Q. She said it to you, I suggest, precisely because it
33 was going to be on the record and she wanted you to know
34 that she might say that on the record.
35 A. I don't agree with that.
36
37 Q. When you watched Lateline later that night, what
38 Ms Young said did not come as a shock or a surprise to you
39 at all, did it?
40 A. What came as a shock or surprise was that she was
41 doing an in-studio interview.
42
43 Q. The next morning, 14 April, you rang Pamela Young at
44 about 9 o'clock, didn't you?
45 A. I think so.
46
47 Q. You have never told us that before?

1 A. I don't recall it, but I - it would make sense that
2 I would ring her, yes.
3
4 Q. It would make sense. But when I asked you whether you
5 had spoken to her in your previous evidence, you either
6 said you hadn't or you said you didn't recall doing so, one
7 or the other.
8 A. Again, I don't recall it.
9
10 THE COMMISSIONER: Q. But again, you don't deny?
11 A. That's right.
12
13 MR GRAY: Q. I need to put to you what Ms Young says you
14 said, which is at transcript page 6703 [TRA.00097.00001].
15 Perhaps that page could be brought up so you can see the
16 sequence of it. 6703, from yesterday. In fact, it starts
17 at the very bottom line of the page before, 6702, line 47.
18 If you can just read from there, the bottom of 6702, line
19 47, through to line 30 on 6703.
20 A. Can you scroll up? Yes.
21
22 Q. Do you agree that you said those things to Ms Young at
23 about 9 o'clock on the 14th?
24 A. I could have. The Commissioner, as far as I was
25 aware, was fairly relaxed about it.
26
27 Q. Did you say that you thought her participation in the
28 interview was good?
29 A. I can't recall that.
30
31 THE COMMISSIONER: Q. But you don't deny it?
32 A. I don't deny it.
33
34 MR GRAY: Q. Well, you had seen that she accused the
35 former Minister of kowtowing.
36 A. Yes.
37
38 Q. And you had seen that she accused the Johnson family
39 of using their influence to get undeserved priority in the
40 examination of Scott Johnson's case?
41 A. Yes.
42
43 Q. And you thought that was fine?
44 A. I can't remember the conversation.
45
46 THE COMMISSIONER: Q. But you don't deny saying it was
47 good?

1 A. That's right.

2

3 MR GRAY: Q. Doesn't that suggest that, indeed, you were
4 not shocked and surprised when you saw Lateline?

5 A. Again, I can't remember the conversation.

6

7 Q. It's a conversation, I understand from your evidence
8 this morning, that you were agreeing may well have
9 occurred.

10 A. It could have. I don't recall it.

11

12 Q. And if it did occur and you were telling Ms Young that
13 you thought what she said in the interview was good, that
14 would indicate that you weren't shocked or surprised by
15 what she said?

16 A. If that was what I said, but I don't recall saying it.

17

18 THE COMMISSIONER: Q. But you don't deny that you said
19 it?

20 A. That's right.

21

22 MR GRAY: Q. Just one last thing, Mr Willing. In
23 Ms Brown's evidence, on another topic, she said, and I'm
24 quoting:

25

26 *I'm aware that Mr Willing, with the*
27 *endorsement of Assistant Commissioner*
28 *Crandell, established [SF] Parrabell in*
29 *response to the media attention being*
30 *directed towards crimes involving sexuality*
31 *or gender bias.*

32

33 Do you agree that that's correct?

34 A. That is not correct. I did not establish Strike Force
35 Parrabell.

36

37 Q. What involvement did you have in relation to Strike
38 Force Parrabell at its formative stage?

39 A. I had nothing to do with Strike Force Parrabell until
40 I had a conversation with Assistant Commissioner Crandell,
41 I think I gave evidence, which is right, that Chris Olen
42 was with me, and there might have been somebody else from
43 his office, where he briefed me on what he wanted to do.

44

45 MR GRAY: Those are my questions, your Honour.

46

47 THE COMMISSIONER: All right. Thank you. Mr Tedeschi,

1 I will ask you if you have anything?

2

3 MR TEDESCHI: Just a few.

4

5 THE COMMISSIONER: Pardon me just interrupting, I am
6 sorry. What I plan to do is Mr Tedeschi, then Ms Barnes,
7 if she has any, Mr Glissan, Mr Thangaraj last, and Mr Gray
8 if anything arises out of all of that. Does that suit
9 everybody? All right. Yes, I'm sorry to interrupt you,
10 Mr Tedeschi.

11

12 <EXAMINATION BY MR TEDESCHI:

13

14 MR TEDESCHI: Could we have tab 347, please
15 [NPL.0138.0001.0037_0001].

16

17 THE COMMISSIONER: That's volume 16, again for the
18 witness's and the transcript's benefit.

19

20 THE WITNESS: Yes.

21

22 MR TEDESCHI: Q. Mr Willing, you were asked some
23 questions by Counsel Assisting about this email from
24 Georgina Wells dated 7 April 2015, and it was suggested to
25 you that this was not a request for approval. Could I take
26 you to the third paragraph, where it says:

27

28 *As such, we would like to provide*
29 *a background briefing to the ABC and The*
30 *Australian prior to Monday so they can take*
31 *a look at the report and have a chat to*
32 *police about what's in it.*

33

34 A. Yes.

35

36 Q. Bearing those words in mind, although the words are
37 not "We request approval", what do you say about whether or
38 not this was actually a request for approval?

39 A. Well, Ken Finch, as the Acting State Crime Commander,
40 and John Kerlatec, who was above me, could have said "No",
41 straightaway, if they didn't agree with it.

42

43 Q. And did Georgie Wells have approval to give that sort
44 of permission --

45

46 A. No.

47

47 Q. -- that's referred to?

1
2 THE COMMISSIONER: Q. But as I understand it from what
3 you said to Mr Gray - correct me if I'm wrong - you had
4 subsequent discussions with Mr Kerlatec and others in which
5 you got approval?
6 A. In which we got approval, yes.
7
8 Q. For this strategy?
9 A. That's right.
10
11 THE COMMISSIONER: Yes. Thank you, yes, Mr Tedeschi.
12
13 MR TEDESCHI: Q. Could I next ask for tab 527 to be
14 brought up, which is the Police Media Policy that was
15 relevant in April 2015.
16 A. Yes.
17
18 Q. It was suggested to you that you were aware that
19 Pamela Young had permission to do an in-studio interview.
20 Could I take you to paragraph 3.2.3 of that policy
21 [NPL.0226.0001.0001].
22
23 THE COMMISSIONER: Q. Is that Mr Scipione on the cover?
24 A. Yes, it is.
25
26 THE COMMISSIONER: Thank you.
27
28 MR TEDESCHI: Q. Do you see that 3.2.3 says this:
29
30 *Participation in live interviews on current*
31 *affairs style shows and major news*
32 *bulletins is restricted to the*
33 *Commissioner, Deputy Commissioners,*
34 *Corporate Spokespeople, Assistant*
35 *Commissioners, and personnel authorised and*
36 *appropriately trained for that environment.*
37
38 A. Yes.
39
40 Q. In your view, at that time in April 2015, was then
41 Detective Chief Inspector Pamela Young appropriately
42 trained for an in-studio interview on the Lateline program?
43 A. That's difficult to answer. I don't know what
44 training she had, if any, in relation to media. She was
45 experienced at media, without a doubt. However, my
46 understanding has always been that the only person or
47 people who could authorise anything like that were the

1 Director of Public Affairs and above.
2
3 Q. In fact, does it say in the next sentence:
4
5 *Any compelling case for an exception to*
6 *this provision should be referred to the*
7 *Director, Public Affairs Branch for*
8 *decision.*
9
10 A. Yes.
11
12 Q. Was that Strath Gordon?
13 A. Yes.
14
15 Q. And were you aware of any approval that Strath Gordon
16 had given for Pamela Young to do an in-studio interview?
17 A. None whatsoever.
18
19 Q. Had he given such approval, what sort of additional
20 steps would have been taken to facilitate such an in-studio
21 interview?
22 A. In my experience, having done a number of them, there
23 would be planning prior. A Media Liaison Officer, in my
24 experience, would always attend. There would - depending
25 on the topic, there may well be a run, like a dry run or at
26 least a practice. But given the profile and the type of
27 shows they are, a lot of preparation go into them.
28
29 Q. Of course, at this particular time, there had been
30 a lot of flak against the police from the Johnson family?
31 A. Yes.
32
33 Q. In your view, if permission had been given and if
34 a practice session had been set up, and if advice had been
35 given, would it be likely that there would have been some
36 advice about an approach to the family?
37 A. From police?
38
39 Q. Yes, from the media people to Pamela Young?
40 A. Perhaps, yes.
41
42 MR TEDESCHI: Yes, thank you.
43
44 THE COMMISSIONER: Ms Barnes, do you have any questions?
45
46 MS BARNES: No. What I was going to ask has been covered.
47

1 THE COMMISSIONER: All right. Mr Glissan?

2

3 <EXAMINATION BY MR GLISSAN:

4

5 MR GLISSAN: Q. Mr Willing, my name is Glissan and
6 I appear in the interests of Pamela Young.

7 A. Yes, sir.

8

9 Q. Let me begin by asking you some questions specifically
10 directed to Pamela Young and your role as the Commander of
11 Homicide in 2013, 2014?

12 A. Yes.

13

14 Q. Would it be right to say that as was revealed in
15 documents that you had seen that had been prepared by DCI
16 Young and DCI Lehmann at the time, and endorsed by you,
17 that Strike Force Macnamir, during the period of its
18 investigation up to the beginning of 2014, hadn't
19 discovered any evidence at all that Scott Johnson was the
20 victim of a homicide?

21 A. That's correct.

22

23 Q. Or let alone a gay hate murder?

24 A. Yes, that's correct.

25

26 Q. You knew at that stage DCI Young to be a very thorough
27 and detailed and hard-working investigator.

28 A. Yes.

29

30 Q. Experienced. She had been in Homicide for a long
31 time?

32 A. Yes.

33

34 Q. You had seen that 445-page first coronial statement
35 that she had written?

36 A. Yes.

37

38 Q. And it was clear from it, was it not - and I think you
39 say so in your interview with Ashurst - that she had not
40 formed a fixed view about Scott Johnson's cause of death?

41 A. At that point, yes.

42

43 Q. It was certainly the case up until the time of the
44 Lateline interview and afterwards that the evidence that
45 ultimately led to the conviction of Scott White for what
46 turned out to be a homicide was not able to be known to
47 Strike Force Macnamir, despite that investigation?

- 1 A. That's my understanding, yes.
2
- 3 Q. One of the things you did say to Ashurst was that you
4 formed the view that Ms Young had lost objectivity and
5 devised a media strategy with the ABC.
6 A. Yes, if that's in my notes.
7
- 8 Q. The reality is, though, is it not, that the media
9 strategy that was arrived at was one that was done in
10 conjunction with you and with the Media Liaison Office?
11 A. That's correct. That's from the beginning of April,
12 yes, you are quite right.
13
- 14 Q. But earlier than that, a number of things had
15 happened.
16 A. Yes.
17
- 18 Q. First of all, there had been the interview that had
19 taken place in the Minister's office, to which Ms Young had
20 gone?
21 A. Yes.
22
- 23 Q. Which had involved the Johnsons, as a result of which
24 she was very upset about that matter being given priority
25 over other matters which did not have a zero solvability
26 rating.
27 A. Yes.
28
- 29 Q. You understood and agreed with that?
30 A. I understood and agreed with? I am sorry?
31
- 32 Q. Her distress --
33 A. Oh, yes.
34
- 35 Q. -- as to that matter being given priority?
36 A. I understood that she was distressed. Whether
37 I agreed with it or not I can't recall.
38
- 39 Q. Well, you are a responsible officer, you are the
40 Commander of Homicide.
41 A. Yes.
42
- 43 Q. You've got limited resources. Surely your interest is
44 using or employing those resources --
45 A. Yes.
46
- 47 Q. -- on matters that can be solved rather than those

1 which appear not to be able to be?
2 A. That's right. However --
3
4 Q. So what was your --
5
6 MR TEDESCHI: I don't think he had finished his answer.
7
8 THE COMMISSIONER: I think it is for Mr Thangaraj to take
9 the objection, but I think it is fair, Mr Glissan. Let
10 this witness say what he wants to say, please.
11
12 MR GLISSAN: Surely.
13
14 THE WITNESS: However, Strike Force Macnamir was kicked
15 off whilst I was on annual leave.
16
17 MR GLISSAN: Q. Right.
18
19 THE COMMISSIONER: Can I just interrupt and ask this
20 question?
21
22 Q. Mr Willing, could you remind me, when was it that you
23 referred the matter to the Crime Commission - do you
24 recall? So that I can just fix it in my head, was it prior
25 to the 13 April interview?
26 A. Yes. I can give you the time if you like, sir.
27
28 Q. Please do.
29 A. October 2013.
30
31 Q. And you did that, I presume, in order to have some
32 independent review as to approach, methodology and so on?
33 A. That's exactly right, and whether or not the Crime
34 Commission had any - they could see if they could use any
35 of their powers to adduce further evidence and information.
36 So there were two things.
37
38 MR GLISSAN: Q. The Crime Commission examination had
39 determined that Ms Young's investigation was thorough and
40 detailed and, on the available material, complete?
41 A. Yes, it did.
42
43 Q. So that made it even more a problem for you, as the
44 Commander of Homicide, that your valuable resources were
45 being diverted into something that had little prospect of
46 achieving a result, away from those which did?
47 A. It was - that's the reality of it, yes.

- 1
2 Q. And the thing was that in that context, you were faced
3 with a hostile media, particularly the Sydney Morning
4 Herald at the time --
5 A. Yes.
6
7 Q. -- the agitation of a powerful and influential family?
8 A. Yes.
9
10 Q. And what you acknowledged privately with Ms Young as
11 political interference, which was quite inappropriate, from
12 the Minister?
13 A. I can't recall talking about political interference.
14 She certainly had the view that that was the case. The
15 Minister could not direct us to establish a strike force,
16 but --
17
18 Q. No, the Minister couldn't direct you to establish
19 a strike force, but he can make your life very difficult.
20 Let's just be realistic about that.
21 A. Yes, he could.
22
23 Q. A person as he was at the time, the Minister for
24 Police and Emergency Services --
25 A. Sure.
26
27 Q. -- had the capacity to make particularly your life, as
28 a commander of a squad, very difficult if he chose.
29 A. I don't want to speculate on that, sir.
30
31 Q. I don't think you need to speculate, do you,
32 Mr Willing? You know perfectly well that that's the fact.
33 At all events, she did use, from time to time, around the
34 Homicide Squad office, her view, exercise her view, that
35 the Minister kowtowed to the Johnson family?
36 A. She certainly expressed her view that the Minister was
37 aligned to the family; certainly pressure - whether the
38 word of "kowtow" was used, she might have, but I can't
39 recall it.
40
41 Q. Just dealing with the physical aspect of the Homicide
42 Squad office, it's an open-plan office?
43 A. Yes, it's divided into two parts, actually, actually,
44 three parts, but the Unsolved Homicide Team sat in another
45 part of the office.
46
47 Q. And just moving forward from that, there was only one

- 1 conference room that was used in the Homicide Squad at
2 police headquarters at Parramatta?
- 3 A. The main one, yes.
4
- 5 Q. I will come to ask you about this in a little more
6 detail, but that was the one that was used when Dan Box
7 turned up to record his interview with Ms Young on
8 10 April?
- 9 A. I only know that from reading an email provided to me
10 for these proceedings about the arrangements for it to
11 occur. So I --
12
- 13 Q. You were not there at that time?
14 A. No.
15
- 16 Q. I see. But what I want to get from you is that that
17 media plan that was brought into existence involved you,
18 Georgie Wells and Ms Young?
19 A. Yes.
20
- 21 Q. So it wasn't concealed from you in any way that what
22 the plan was was to engage journalists who would be
23 regarded as more responsible?
24 A. Yes, absolutely right.
25
- 26 Q. And perhaps more sympathetic to the police?
27 A. Yes.
28
- 29 Q. And to put a balance into what was being said and
30 done?
31 A. Yes.
32
- 33 Q. And it was always the case - and I'm not going to take
34 you to the emails unless you tell me you can't remember
35 them - but it was always the case from the first time that
36 the matter was sent up the line that it was intended that
37 should the Coroner release that 445-page statement, either
38 in redacted or unredacted form, police would go on the
39 record in relation to that?
40 A. It was a possibility. It was a possibility.
41
- 42 Q. All right. That's what you say. What I want to
43 suggest to you is that it was always agreed that if and
44 when the Coroner released the report, you would go public.
45 A. It was a possibility that that would occur.
46
- 47 Q. Now, in that context, that idea went up the line all

1 the way to the Deputy Commissioner of Police?
2 A. Yes. That's right.
3
4 Q. Initially, it may have not gone further than
5 Mr Kerlatec and Mr Finch, but after that, you and
6 Mr Kerlatec went to see Nick Kaldas?
7 A. That's correct.
8
9 Q. He approved it, and so that was actioned.
10 A. Yes.
11
12 Q. That was on or about 8 April?
13 A. It was on 8 April, yes.
14
15 Q. Prior to that, on 1 April, a week before, there had
16 been a discussion between you and Chief Inspector Young on
17 how to manage the media?
18 A. With Georgie Wells, yes.
19
20 Q. With Georgie Wells. And you had agreed on
21 backgrounders with The Australian?
22 A. Yes.
23
24 Q. That was Dan Box?
25 A. Mmm-hmm.
26
27 Q. And as you know from documents you have now seen, he
28 came to the Homicide Squad where he recorded his interview.
29 A. Well, he spoke to her on background, as far as I was
30 aware.
31
32 Q. You have told us - we will come to this in a little
33 bit more detail, perhaps.
34 A. Sure.
35
36 Q. You were the person, as the Commander, who was the
37 corporate spokesperson for Homicide?
38 A. Yes.
39
40 Q. So in the ordinary course of events, it's mainly you
41 speaking to the media?
42 A. Mainly, but --
43
44 Q. Mainly.
45 A. Mmm.
46
47 Q. You know that it's the fact that the rank of

1 Superintendent and above can undertake media interviews
2 without express approval?
3 A. With the exception of an in-studio interview.
4
5 Q. And you could authorise an Inspector to do the same
6 thing?
7 A. Conduct media interviews, but not an in-studio
8 interview.
9
10 Q. And indeed, you said, when you were interviewed by
11 Ashurst, that Inspectors had authority to speak to media
12 regarding their matters, as long as they let you know?
13 A. Yes.
14
15 Q. Anyone below that rank needed permission.
16 A. Yes.
17
18 Q. One of the other things you said to Ashurst, which
19 arises out of something that Mr Tedeschi asked you about
20 the media policy, was that no-one gets media law training.
21 A. At that time, that was right.
22
23 Q. So that there wasn't any training offered to people to
24 teach them how to manage expectations of media or manage --
25 A. I think I said to Ashurst that people at a lower level
26 may get some training but I certainly hadn't, to that point
27 in my career.
28
29 Q. And you didn't know whether or not Detective Chief
30 Inspector Young had?
31 A. No.
32
33 Q. Not only that, but one of the other things that you
34 were very clear about when you were interviewed by Ashurst
35 shortly after this --
36 A. Yes.
37
38 Q. -- was that in relation to what was able to be said
39 when an interview took place, there were no parameters.
40 You were asked this:
41
42 *Were there any parameters to what Pamela*
43 *could say?*
44
45 And you said:
46
47 *From me, no.*

1
2 A. Yes.
3
4 Q. So that she was left to speak to these journalists in
5 the way that had been agreed as part of the media strategy,
6 as she chose, subject to her own sense of responsibility
7 and her professionalism?
8 A. Yes. Can I qualify that?
9
10 Q. Now, you've already told us --
11 A. Can I qualify that?
12
13 THE COMMISSIONER: Q. Yes.
14 A. I didn't provide her with any parameters.
15
16 MR GLISSAN: Q. Thank you. No-one else spoke to her,
17 did they, about this?
18 A. Georgie Wells did.
19
20 Q. In your presence?
21 A. No.
22
23 Q. Then you don't know what Georgie Wells said, if
24 anything.
25 A. I don't, other than reading the documents.
26
27 Q. Thank you. Now, the next thing is this. As well as
28 being a thorough investigator, a careful and experienced
29 police officer, one of the other things you used to
30 describe Pamela Young was that she was very hierarchical.
31 A. Yes.
32
33 Q. By which I take you to mean, or to have meant, that
34 she was somebody who was acutely aware of and alive to the
35 chain of command?
36 A. Yes.
37
38 Q. And that she followed the chain of command?
39 A. Yes.
40
41 Q. And that she was a responsible and careful officer.
42 A. Yes.
43
44 Q. All right. Let us just move to, very briefly, the
45 conversation about which you have been asked a number of
46 times, in the car at 5pm.
47 A. Yes.

1
2 Q. I'm not going to ask you to repeat any of the
3 questions that have been asked of you by Counsel Assisting.
4 You don't have a clear recollection of that conversation?
5 A. That's correct.
6
7 Q. She may or may not have said "kowitz", or she might
8 have used the word "kowitz"?
9 A. Yes.
10
11 Q. Nowhere in that conversation did you say to her, "You
12 are not authorised to have an interview"?
13 A. No.
14
15 Q. That was at about 5 o'clock in the afternoon.
16 A. Yes.
17
18 Q. Lateline went to air at 9.30 or 10 or somewhere - it's
19 called Lateline because it went?
20 A. Yes.
21
22 Q. -- to air fairly late at night?
23 A. Yes.
24
25 Q. In the interim, you had conversations with many people
26 about that conversation you had had with DCI Young, didn't
27 you?
28 A. Sorry, from the time of 5 o'clock --
29
30 Q. Yes.
31 A. -- to the Lateline show?
32
33 Q. To the time Lateline went to air.
34 A. I had a conversation with Georgie Wells.
35
36 Q. You had a conversation with Georgie Wells; you had
37 a conversation with the Coroner?
38 A. I sent him a text, yes.
39
40 Q. All right. You sent a text. Nowhere in your
41 conversation with Georgie Wells did you suggest that Pamela
42 was doing anything that she was not authorised to do?
43 A. No, because I thought it was a backgrounding -
44 continuing the backgrounding.
45
46 Q. Nowhere did you raise any issue of concern?
47 A. That's right.

- 1
2 Q. About what might be said even though the word
3 "kowtowing" had been used?
4 A. That's right.
5
6 Q. Now, let's go back a step. When it was first proposed
7 that this media strategy would be followed, it wasn't Emma
8 Alberici who was proposed as the ABC journalist.
9 A. That's correct.
10
11 Q. There were two streams of media which were involved.
12 A. Yes.
13
14 Q. One was The Australian?
15 A. Yes.
16
17 Q. That's print media?
18 A. (Witness nods).
19
20 Q. Right?
21 A. Yes.
22
23 Q. Correct me if I'm wrong, but the ABC, to your
24 knowledge, does not have a newspaper?
25 A. Correct.
26
27 Q. It is not a print medium?
28 A. Correct.
29
30 Q. And the first journalist who was proposed for the ABC
31 was Lorna Knowles?
32 A. Yes.
33
34 Q. Television journalist?
35 A. Yes.
36
37 Q. Four Corners?
38 A. Yes.
39
40 Q. So that it was always in your contemplation that what
41 would be done was something which would appear on
42 a television program which required a live person to be
43 seen.
44 A. Yes. However --
45
46 Q. Yes.
47 A. -- it was contemplated, and the strategy was, to use

1 the background information for context for whatever the ABC
2 wanted it to do. If that was Lateline or if that was
3 something else, that was up to them.

4
5 Q. So you were aware that it was going to be a television
6 presentation.

7 A. That was a possibility, because it was the ABC and
8 Lorna Knowles and/or Emma Alberici were television
9 journalists.

10
11 Q. Well, it wasn't likely to be on the ABC jazz program
12 on TBL, was it?

13 A. Of course not. It could have been used for anything.

14
15 Q. You texted the Coroner to tell him that there was
16 going to be a story that night involving interviews with
17 Pam.

18 A. Yes.

19
20 Q. Well, that's an interview with Pam?

21 A. Yes.

22
23 Q. So you were drawing the distinction, without making it
24 clear when you talked to the Coroner, between a sit-down
25 interview and some other kind of interview?

26 A. I thought it was a door-stop.

27
28 Q. Yes, you have said that.

29 A. Yes.

30
31 Q. This strategy had been discussed and approved by the
32 PAB, hadn't it? It had gone up to Strath Gordon, or
33 whatever his name was.

34 A. Yes, the backgrounding, yes.

35
36 THE COMMISSIONER: Can I interrupt for a moment,
37 Mr Glissan.

38
39 Q. Why would it be important to tell the Coroner that
40 what she was doing was a mere door-stop?

41 A. I didn't tell him that. I thought - that's what
42 I thought it was.

43
44 Q. No, but what I'm saying to you is, even though you say
45 you thought it was, what I'm really asking is, if it was
46 going to be a mere door-stop, why did the Coroner need to
47 be alerted about anything? If it was going to be a plain,

1 vanilla, "We are pleased" or "We're not pleased with the
2 Coroner's outcome", why would the Coroner need to be
3 troubled late in the evening of the Lateline program, if it
4 was a mere door-stop?
5 A. That was the agreed action that I would take as part
6 of the approval process, that I'd let him --
7
8 Q. What, to tell him that nothing was happening, or to
9 tell him that something was happening?
10 A. No, to tell him that something was happening, that we
11 had backgrounded two journalists.
12
13 Q. And did you tell him that it was only a backgrounding,
14 for him not to stay up and watch?
15 A. I said - I used the term "interview".
16
17 THE COMMISSIONER: All right.
18
19 MR GLISSAN: Q. And you told him not only that there was
20 going to be an interview with Pamela, but there was going
21 to be an interview with Steve Glick?
22 A. Dan Glick.
23
24 Q. I'm sorry. Dan Glick.
25 A. And Steve Johnson.
26
27 Q. And Steve Johnson, yes.
28 A. Yes.
29
30 Q. And you also told him that it had been discussed
31 with - ie, approved by - the Director of Public Affairs?
32 A. The overall strategy, yes.
33
34 Q. You have just accepted from the Commissioner that you
35 didn't use the word - that you just said "interviews"?
36 A. Yes, that's right.
37
38 Q. The next day, you agree that you had had
39 a conversation where you spoke to Pamela and told her that
40 the Commissioner was "fairly relaxed"?
41 A. Yeah, I can't recall the conversation, but that was --
42
43 Q. Had you spoken to Mr Scipione yourself to determine
44 that he was relaxed?
45 A. No, his media adviser had rung me.
46
47 Q. And who was his media adviser?

1 A. Zdenka Vaughan.
2
3 Q. And she had indicated to you that it was all going to
4 be let go through to the keeper; no-one was concerned about
5 it?
6 A. She said that he was pretty relaxed about it; that he
7 supported Pam and - and no media comment should be made,
8 like no response.
9
10 Q. What you didn't say to Pam in that telephone
11 conversation the next morning was, "But, what you did was
12 not authorised", did you?
13 A. No, I can't recall saying that to her.
14
15 Q. No. And that's because you knew perfectly well that
16 what she had done had been precisely what had been agreed
17 and what was understood to be authorised --
18 A. That is not --
19
20 Q. -- by you?
21 A. That is not right.
22
23 Q. You agreed to Pamela Young doing the interview with
24 the ABC, despite the fact that in the ordinary course of
25 events, as Commander of Homicide, it was a job that fell to
26 you, because she had the greater knowledge and the more
27 precise understanding of what was involved in the matter?
28 A. Yes, not an in-studio interview.
29
30 THE COMMISSIONER: Q. But the Commissioner's media
31 representative, when the person spoke to you, did not say
32 anything to you, did they, or ask you, "Was Ms Young
33 authorised to give that interview and, if so, by whom?"
34 A. No, she didn't say that.
35
36 Q. The conversation, as far as you understood it, must
37 have been on the understanding that what went to air was
38 authorised, otherwise, wouldn't the Commissioner, via the
39 press person, ask the question if there was any doubt about
40 it?
41 A. I can't recall her asking it, sir.
42
43 Q. But you can't remember - you would remember something
44 like that, wouldn't you, if the Commissioner of Police's
45 media representative raised the question of authority to
46 give the statements? Surely you would remember that?
47 A. If she raised it, yes, I'd remember.

1
2 Q. Of course. And therefore, the conversation must have
3 proceeded upon the basis that the Commissioner was relaxed,
4 and your understanding was there was no question about her
5 authority to have done what she did?
6 A. No, I can't recall what the content of it was.
7
8 Q. The Commissioner's media representative, though,
9 didn't ask you or raise the question of authority, did she?
10 A. I don't know, sir.
11
12 Q. I'm sorry?
13 A. I don't know, I can't remember.
14
15 Q. You don't know?
16 A. I can't remember.
17
18 Q. But surely you would remember if the Commissioner's
19 representative had raised at that stage a question of the
20 authority of the police officer to have spoken and been
21 recorded in doing so?
22 A. I simply can't remember that.
23
24 MR GLISSAN: Q. See, even before you had spoken to the
25 Coroner, there were some texts that passed between you,
26 Ms Young and Georgie Wells about the ABC news coverage that
27 had previously occurred.
28 A. Yes.
29
30 Q. And that was, it was balanced, and it contained this -
31 it went to you from Pam:
32
33 *Mick and Georgie.*
34 *In case you missed it the ABC news coverage*
35 *was balanced with a reference to an*
36 *exclusive tonight on Lateline. I'm glad we*
37 *went with the ABC as they go with the*
38 *journalism not the ratings.*
39
40 A. Yes.
41
42 Q.
43 *Hair and lippy good too.*
44
45 A. Yes.
46
47 Q. Now, that suggests to an experienced old media man

1 like you that she had been to make-up, doesn't it?
2 A. No. She actually mentions Penny Brown as well.
3
4 Q. Well, now, yes, that's true. But when you do
5 a sit-down interview, you go to make-up?
6 A. Yes, of course.
7
8 Q. Even you?
9 A. Even me.
10
11 Q. Even you. So the reality is, this was an indication,
12 wasn't it, that this was more than - this wasn't the
13 door-stop outside the Coroners Court; this was exactly what
14 you had arranged as part of the media strategy. It was an
15 interview which would, if and when the Coroner released her
16 statement, become public and able to be broadcast?
17 A. No.
18
19 Q. That's the only possible reason that you could have
20 engaged the interests of a journalist, whether it was Lorna
21 Knowles for Four Corners or Emma Alberici for Lateline -
22 they are precisely those things that you were referred to
23 by Mr Tedeschi, that is to say, current affairs or news
24 programs.
25 A. No.
26
27 Q. Well, they are current affairs or news programs, are
28 they not?
29 A. Yes, yes.
30
31 Q. And they were the programs that were chosen by you and
32 by the Media Liaison Office to be the target to put the
33 police case about this investigation before the public in a
34 balanced way?
35 A. An ABC journalist and an Australian journalist.
36
37 Q. But not any ABC journalist - a current affairs
38 television journalist?
39 A. Yes.
40
41 Q. They were the only two choices, Four Corners or
42 Lateline?
43 A. Yes.
44
45 Q. That necessarily means, doesn't it, somebody giving
46 a sit-down interview about the matter?
47 A. No.

1
2 Q. And that person being the person with the greatest
3 knowledge of the case.
4 A. It doesn't necessarily mean a sit-down interview.
5
6 Q. Now, afterwards, when things got a little bit more
7 difficult in relation to this and the Commissioner's
8 relaxed attitude evaporated, we are told, because of the
9 worm --
10 A. I don't know what the worm is.
11
12 Q. No. I don't think we need trouble the Commissioner
13 about that.
14
15 THE COMMISSIONER: It certainly appeared to have turned.
16
17 THE WITNESS: Yes, it certainly did.
18
19 MR GLISSAN: It did indeed, Commissioner.
20
21 Q. You had a further correspondence with Ms Young about -
22 and offering her support?
23 A. Yes.
24
25 Q. And one of those things was, you said to her, "We
26 can't let the Johnsons win".
27 A. Yes.
28
29 Q. You were the person who first used the word "win" in
30 that context.
31 A. Yes.
32
33 Q. What did you mean by that?
34 A. I meant that if - after all the pressure and all the
35 criticism of Pam in particular, that if she went off sick,
36 all of that hard work would be undone. I was worried that
37 she would go off sick.
38
39 Q. And indeed, she did?
40 A. She did.
41
42 Q. When she responded to you, she said, "I won't let them
43 win, it's not in my DNA"?
44 A. Yes.
45
46 Q. That, again, was a response to your concern about her?
47 A. Yes.

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Q. And it was fair to say that she had always wanted everybody to know and understand that she had undertaken a fair and balanced and entirely proper investigation.

A. Yes.

Q. And that criticism, both of her and of Sergeant Brown and the other officers who had worked on Macnamir, to suggest that they were burying a gay hate crime or something of that kind, was misconceived and wrong?

A. Absolutely.

Q. And when she used the term "win", back to you, that is how you understood what she was saying?

A. Absolutely.

Q. It was not some sort of contest between the Johnson family and the NSW Police Force; it was to make sure that what was seen to have been done by the police was proper, fair and balanced.

A. I agree.

Q. I probably should put this to you. There was a further email I should have asked you about. It is at tab 567, Commissioner.

THE COMMISSIONER: Which volume?

MR GLISSAN: I am sorry, Commissioner, I labour under the difficulty of not having the index in front of me. Volume 19, I'm told.

THE COMMISSIONER: Thank you.

MR GLISSAN: Q. It is an email of 8 April, in the middle of the afternoon [NPL.2017.0001.0150]. This just goes back to the media strategy context.

A. Yes.

Q. Georgie writes to you - you're "Mick".

A. That's correct.

Q. And going to the three lines that form the body of the thing, she says:

Dan Box's story is on p3 today and reinforces to me that we need to fill him

1 *in on the statement.*
2
3 A. Yes.
4
5 Q. That's more than just providing him with the
6 statement; that's providing him with detailed information
7 about it.
8 A. Yes.
9
10 Q.
11 *Have a chat to Pam for her availability*
12 *this week and once Nick Kaldas has been*
13 *briefed I'm happy to organise those chats*
14 *with Dan as well as Lorna from ABC.*
15
16 Yes?
17 A. Yes.
18
19 Q. And she says:
20
21 *I'll organise for Siobhan to sit in.*
22
23 A. Yes.
24
25 Q. Now, there are only two things I want to ask you about
26 that. The first is you agree that it was intended, at all
27 times, that Pamela would provide more than just her
28 statement; she'd provide commentary on it and an
29 explanation of it?
30 A. Yes.
31
32 Q. You know, whether or not you saw it, that a package of
33 material was prepared in Homicide by police to be provided
34 to each journalist so they have the same material?
35 A. I didn't know that until I heard it yesterday.
36
37 Q. All right. Thank you. When the issue of Siobhan
38 sitting in was raised, there was some discussion with
39 you --
40 A. Yes.
41
42 Q. -- about why that was inappropriate? Yes?
43 A. Yes.
44
45 Q. And that related to what Pamela might want to say?
46 A. Yes.
47

1 Q. It touched partly on Mr Lehmann but also other things
2 she might want to say to the journalist and she didn't want
3 the MLO there?
4 A. Yes.
5
6 Q. And you approved of that course?
7 A. I agreed to it.
8
9 Q. You agreed. All right.
10 A. Yes.
11
12 Q. You agreed to that course. And as it went up the
13 line, that was, in fact, what was done.
14 A. That's correct.
15
16 Q. So that the absence of a Media Liaison Officer was not
17 something of which the hierarchy was unaware.
18 A. That's absolutely right.
19
20 Q. Because Strath Gordon was also conscious of that fact.
21 A. Yes. I spoke to him about it.
22
23 THE COMMISSIONER: Mr Glissan, I was going to take
24 a break --
25
26 MR GLISSAN: If that is convenient, I will just take some
27 short instruction.
28
29 THE COMMISSIONER: We're going to achieve the 1 o'clock
30 finish, obviously, it will happen.
31
32 MR THANGARAJ: I'm ready to go.
33
34 THE COMMISSIONER: I know you are.
35
36 THE WITNESS: I'm fine.
37
38 THE COMMISSIONER: I know you are. But I'm just going to
39 have a break anyway because I need to do something else for
40 a moment. We will just take a break of 10 minutes. All
41 right. Thank you.
42
43 **SHORT ADJOURNMENT**
44
45 THE COMMISSIONER: Yes, Mr Thangaraj.
46
47 MR GLISSAN: No further questions.

1
2 MR THANGARAJ: I am sorry, I was told that.
3
4 THE COMMISSIONER: I do apologise. I didn't mean to
5 interrupt. Yes, Mr Thangaraj.
6
7 <EXAMINATION BY MR THANGARAJ:
8
9 MR THANGARAJ: Could the text message from Mr Willing to
10 the Coroner be brought up, please?
11
12 THE COMMISSIONER: Yes, I gather it is tab 366 of volume
13 16 [SCOI.47469_0001].
14
15 MR THANGARAJ: Q. You see that you write to the Coroner
16 as a courtesy and say that Pam has been interviewed. Do
17 you see that?
18 A. Yes.
19
20 Q. And you don't limit it to the ABC but you say the ABC
21 and The Australian?
22 A. Yes.
23
24 Q. In your text to the Coroner you have not
25 differentiated between Mr Box and Ms Alberici?
26 A. No.
27
28 Q. And the interview with The Australian was not on the
29 record, was it?
30 A. No.
31
32 Q. It was backgrounding?
33 A. Yes.
34
35 Q. And have you differentiated that from the ABC
36 interview?
37 A. No.
38
39 Q. Do you see the next sentence? You talk about the
40 likelihood of her appearance on Lateline. You say that
41 that was a reference to the door-stop.
42 A. Yes.
43
44 Q. You also used the same word "interview" to describe
45 the family.
46 A. Yes.
47

1 Q. There were no family interviews in-studio on the
2 Lateline program that night, were there?
3 A. No.
4
5 Q. But there were door-stop interviews with Mr Johnson.
6 A. Yes.
7
8 Q. So you have not differentiated the Lateline appearance
9 of Ms Young from Mr Johnson?
10 A. No.
11
12 Q. Sorry, you are agreeing?
13 A. I'm agreeing; that's correct.
14
15 THE COMMISSIONER: Q. Before you leave that note, can
16 I just ask you this, Mr Willing: you used the term "most
17 likely".
18 A. Yes.
19
20 Q. Were you seriously in doubt, as at 8.11pm that
21 evening, as to whether or not Ms Young would or would not
22 be on Lateline in some form or other?
23 A. I didn't know what - whether that would happen or
24 not --
25
26 Q. So to answer my question directly, you were doubtful,
27 or rather, there was some doubt in your mind as to whether
28 she would or would not even appear on Lateline that
29 evening?
30 A. Yes.
31
32 Q. Is that your evidence?
33 A. I didn't know.
34
35 Q. So when you said "most likely", you were intending to
36 convey to the Coroner that you didn't know one way or the
37 other but it was most likely?
38 A. Yes.
39
40 THE COMMISSIONER: Thank you.
41
42 MR THANGARAJ: Q. And it was most likely because there
43 had been a door-stop, but whether or not it would actually
44 make it to the Lateline program was a matter for them?
45 A. Yes.
46
47 Q. But as that was the only on-the-record footage, it was

- 1 most likely they were going to use it?
2 A. Yes.
3
4 Q. After the 5pm phone call, you called Ms Wells
5 immediately?
6 A. Yes.
7
8 Q. And why was that - not what the conversation was, but
9 why did you have to call her immediately?
10 A. Because I was aware that, by then, that an interview
11 had been recorded at the court, and as a courtesy, I always
12 let Georgie Wells know anything that came in in relation to
13 media. We had that sort of a relationship.
14
15 Q. Now, if you knew about a studio interview before the
16 13th, would you have called Georgie Wells?
17 A. Yes.
18
19 Q. And why?
20 A. Because only Strath Gordon could organise - could
21 approve that, and they needed to be prepared for it.
22
23 Q. We know that prior to 13 April, this had gone up to
24 Mr Kaldas.
25 A. Yes.
26
27 Q. And we saw an email, tab 526
28 [NPL.2017.0001.0150_0001], of once he was briefed --
29 A. Yes.
30
31 Q. -- that was once Nick Kaldas was briefed. So as of
32 13 April, he had been told about the backgrounding
33 strategy?
34 A. Yes.
35
36 Q. If you had any reason to believe there would be
37 something different - that is, a studio interview - would
38 you have been compelled to tell Mr Kaldas?
39 A. Yes.
40
41 Q. Now, he's the Deputy Commissioner?
42 A. Yes.
43
44 Q. You have told him there is a backgrounding?
45 A. Yes.
46
47 Q. If you fail to tell him that this had now changed and

1 there was a studio interview, there would have been
2 significant consequences for you, wouldn't there?
3 A. Yes.
4
5 Q. Was it your understanding that to move from
6 backgrounding to a studio interview would need further
7 approval?
8 A. Yes.
9
10 Q. If the 5pm call was about backgrounding, was there any
11 reason to contact Mr Kaldas?
12 A. No.
13
14 Q. Was there any reason to say, "Don't say so-and-so
15 things on the record"?
16 A. No.
17
18 Q. The day after --
19
20 THE COMMISSIONER: Can I interrupt you again - and I do
21 apologise, Mr Thangaraj.
22
23 MR THANGARAJ: That's all right.
24
25 THE COMMISSIONER: Q. Can I just take you back again to
26 this note to Mr Barnes. You say:
27
28 *There was something that we discussed up to*
29 *our Deputy Commissioner.*
30
31 Et cetera, et cetera:
32
33 *Our new Minister has also been briefed.*
34
35 Why on earth for?
36 A. Sorry, sir?
37
38 Q. Why would the new Minister need to be briefed? About
39 what?
40 A. I don't know why, but it was something that Mr Kaldas
41 said that he wanted to do.
42
43 Q. No, but you're telling Mr Barnes that the new Minister
44 has also been briefed?
45 A. Yes.
46
47 Q. About what?

1 A. About the briefing note that I provided up to
2 Mr Kaldas. He asked for that in order to brief the
3 Minister.
4
5 Q. So not briefed about the Lateline interview or briefed
6 about the interview?
7 A. No, I thought it was about the actual investigation
8 itself because he was only new, and that was the purpose of
9 me preparing a briefing note as requested by Mr Kaldas.
10
11 THE COMMISSIONER: All right. Yes, thank you.
12
13 MR THANGARAJ: Q. Just on that, at the end of that
14 sentence, it says "I am told". You are relaying something
15 someone else has told you?
16 A. Yes.
17
18 Q. Just finally, on the 14th, the day after the
19 interview, were there any welfare issues with respect to
20 Ms Young? I'm not asking what they were, but was it
21 a situation that required welfare issues?
22 A. Yes, absolutely.
23
24 Q. Were you the person that had welfare responsibilities
25 in relation to her?
26 A. One of a number of people.
27
28 MR THANGARAJ: All right. Nothing further.
29
30 THE COMMISSIONER: Yes, Mr Gray?
31
32 **<EXAMINATION BY MR GRAY:**
33
34 MR GRAY: Q. Just one matter, Mr Willing. It was just
35 put to you a moment ago that if you hadn't told Mr Kaldas
36 about the fact that there was a studio interview, that
37 would have had serious consequences for you and --
38 A. Consequences, yes.
39
40 Q. And you agreed?
41 A. Yes.
42
43 Q. And it was put that a studio interview would have had
44 to have been further authorised by Mr Kerlatec and/or above
45 him, Mr Kaldas?
46 A. Strath Gordon was the person, and/or above Strath
47 Gordon, so yes.

1
2 Q. Such as Mr Kerlatec or Mr Kaldas?
3 A. No, it was - it would have to have been the Deputy.
4
5 Q. Mr Kaldas?
6 A. Or Commissioner - yes.
7
8 Q. I take it you know now, today, sitting here, that
9 within 24 or 48 hours of the broadcast, both - certainly
10 Mr Kaldas had put in writing his support of what Ms Young
11 had done?
12 A. Yes.
13
14 Q. So that would suggest that he didn't see a problem
15 with the studio interview having been given.
16
17 MR THANGARAJ: I object to that.
18
19 THE COMMISSIONER: Why?
20
21 MR THANGARAJ: Because that's after the fact.
22
23 THE COMMISSIONER: Of course it is. Obviously. There's
24 no suggestion at the moment, in your case - but after the
25 event might be very significant about state of mind if -
26 I won't say any more. I will allow it.
27
28 MR GRAY: Q. That's what that suggests, doesn't it?
29 A. I took it - it could, yes. I took it to be supportive
30 of her as a human being, as a person as well, when I read
31 it.
32
33 Q. I will just get it out. Could Mr Willing have
34 tab 393, please [NPL.0138.0001.0044].
35
36 THE COMMISSIONER: That must be volume 17.
37
38 MR GRAY: Volume 17, yes.
39
40 THE WITNESS: I can see it.
41
42 MR GRAY: Q. Ms Young texts him, in the first
43 paragraph beginning "Wow", and it seems that that was very
44 late on the Tuesday night after the second Lateline program
45 which Mr Gallacher was on, and she refers to what she had
46 said on Lateline --
47 A. Yes.

1
2 Q. -- about the former Police Minister, and Mr Kaldas
3 writes back:

4
5 *Pam, you have my support 150%.*

6
7 A. Yes.

8
9 Q.
10 *I will talk to Frank ...*

11
12 Who was Frank?

13 A. Frank Minnelli, the Acting Deputy.

14
15 Q.
16 *I will talk to Frank who is doing my job*
17 *ASAP to shore up support in my absence.*

18
19 And he goes on another sentence or two later:

20
21 *Love your work. Do not back down, you are*
22 *in the right, you're entitled to support.*

23
24 A. Yes.

25
26 Q.
27 *This happened because of the cowardice of*
28 *Cath Burn, AS --*

29
30 that's Mr Scipione --

31
32 *and Jenko --*

33
34 that's Mr Jenkins --

35
36 *not going with [you] or supporting [you] as*
37 *they should have.*

38
39 That makes it pretty clear that he had not the slightest
40 problem, at least as at the 14th or 15th, with Ms Young
41 having given the studio interview, doesn't it?

42 A. That's correct, yes, that does indicate.

43
44 Q. Doesn't that indicate that if he had known that that's
45 what she was going to do, as was put to you by
46 Mr Thangaraj, it would not have had serious consequences
47 for you at all?

1 A. I don't agree. I think if I had had information that
2 something was going to happen and I didn't tell him about
3 it, that would be misleading to him and, therefore, I would
4 have consequences --

5
6 THE COMMISSIONER: Q. Yes, but the tone of his email --
7 A. Sure.

8
9 Q. -- certainly suggests not only that he liked what he
10 saw, but he was certainly not shocked and surprised at what
11 he saw.

12 A. Sure.

13
14 MR GRAY: Thank you.

15
16 THE COMMISSIONER: Mr Willing, thank you very much. I can
17 now excuse you from further attendance and by all means
18 leave immediately if you'd like to.

19
20 THE WITNESS: Thank you.

21
22 <THE WITNESS WITHDREW

23
24 THE COMMISSIONER: Mr Thangaraj, Mr Glissan, it's midday.
25 You tell me what you have agreed to do. I don't mind
26 either way, but all I want to make sure is that at 1 minute
27 or 30 seconds to 4 o'clock this afternoon, we can all wave
28 each other goodbye. I'm in your hands about it, but I do
29 not want to run the risk, so you tell me what you would
30 like to do.

31
32 MR GLISSAN: We have reached a position, I think, that
33 would satisfy Mr Thangaraj's needs.

34
35 THE COMMISSIONER: All right.

36
37 MR GLISSAN: Commissioner, we can resume with Ms Young's
38 evidence as soon as the Commissioner is ready.

39
40 THE COMMISSIONER: I'm ready. Are you ready?

41
42 MR THANGARAJ: I'm ready. Can I just tell you,
43 Commissioner, what we're doing.

44
45 THE COMMISSIONER: Yes.

46
47 MR THANGARAJ: I will put the proposition, and Ms Young,

1 I understand, will agree with some and not agree with
2 others. I'm not going to ask her --

3
4 THE COMMISSIONER: No, no.

5
6 MR THANGARAJ: What we've agreed, because it is important
7 it goes on the record before the submissions are done, what
8 we have agreed is that Mr Glissan can lead, when he asks,
9 where she says the relevant parts have been referred to in
10 her statement, and then I can deal with that in written
11 submissions.

12
13 THE COMMISSIONER: Fine. That's fine. I understand that.
14 And Mr Glissan, that's a matter of consensus between you?

15
16 MR GLISSAN: Indeed.

17
18 THE COMMISSIONER: All right. If Ms Young can come back,
19 then, into the witness box, please.

20
21 <PAMELA YOUNG, on former oath: [12.03pm]

22
23 <EXAMINATION BY MR THANGARAJ CONTINUING:

24
25 MR THANGARAJ: Q. Could we go back, please, to where we
26 finished yesterday, paragraph 52 of the April statement
27 [SCOI.85815_0001]. I'll just ask you a couple of questions
28 I asked you yesterday to put the context, once you have got
29 that. You agree that you placed this meeting in sequence
30 between 7 and 8 April 2015?

31 A. The paragraph sits between those other two dates, yes.

32
33 Q. And you give the reader the impression, don't you,
34 that you and Ms Brown first met with Ms Alberici in April?

35 A. No. There's a lot in that paragraph. It couldn't
36 have all happened at the --

37
38 Q. The last sentence of that paragraph reads:

39
40 *I had not met with or had dealings with*
41 *either journalist prior to this.*

42
43 A. Prior to the idea. Prior to the media - prior to the
44 media strategy.

45
46 Q. What you are saying is, whenever the reader thinks the
47 lunch is, you had not met with the dealings - you had not

- 1 met with or had dealings with either journalist prior to
2 those named periods - named meetings?
- 3 A. No, no, that's not my - that wasn't my intent in
4 expressing that paragraph that way.
5
- 6 Q. The sequence that I've put to you - and you have
7 agreed it's put in between those paragraphs - that
8 coincides with the time that the Police Media was actually
9 told about Ms Alberici, doesn't it?
- 10 A. Probably the Police Media, but Michael Willing knew
11 prior to that.
12
- 13 Q. If you can just answer my question, please. I didn't
14 ask if anyone knew. I asked you in the sequence of your
15 statement where you have put in your first meeting with
16 Ms Alberici coincides with when Police Media were told
17 about Emma Alberici, doesn't it?
- 18 A. I know Georgie Wells and Michael Willing and I had our
19 first sit-down discussion on 1 April, and Emma Alberici and
20 Dan Box would have been part of that. But that was - you
21 know, other discussions had led into, then, that sit-down
22 on the 1st.
23
- 24 Q. So you don't agree that Ms Wells, until 7 April,
25 believed that the relevant person at the ABC was Lorna
26 Knowles?
- 27 A. I'm - she may have believed that. Maybe I was sitting
28 there believing it was Emma Alberici. Maybe there was --
29
- 30 Q. You did not - I will come to the emails later, but you
31 did not tell the Police Media that it was in fact Emma
32 Alberici not Lorna Knowles until late in the first week
33 of April?
- 34 A. I disagree.
35
- 36 Q. You also agree, don't you, that this statement,
37 the April statement, has no mention of meeting with
38 Ms Brown and Ms Alberici in January?
- 39 A. It - so that's my first statement to the Inquiry. It
40 does have a reference to a lunch with Emma Alberici.
41
- 42 Q. Yes. It does not say that that lunch took place
43 in January, does it?
- 44 A. No, because the Inquiry knew that already, and so
45 I just said "the lunch."
46
- 47 Q. How do you say that the Inquiry knew that already?

- 1 A. I - there's receipts about the payment for the lunch.
2
- 3 Q. Are you saying that the Commission had looked at - you
4 knew that the Commission had looked at receipts of the
5 lunch with Ms Alberici as of April, your April statement?
6 A. I'm pretty sure about that.
7
- 8 Q. So that's your explanation, is it, for why there is no
9 reference in your chronological sequence to the lunch being
10 in January?
11 A. Yes.
12
- 13 Q. There is also no mention in your statement of
14 providing Ms Alberici with the statement before 10 April,
15 is there?
16 A. It's there that I know I provided it to her but
17 I wasn't sure when.
18
- 19 Q. In your September statement, you say "I'm not sure
20 when I gave it to her"; correct?
21 A. Yes.
22
- 23 Q. But you don't say that in the April statement, do you?
24 You give the reader the impression that it was provided
25 after 7 April.
26 A. I don't - I didn't - I don't think I particularly put
27 my mind to being very specific on that particular point for
28 the purpose of that first statement to the Inquiry.
29
- 30 Q. Were you deliberately hiding your strategy, such that
31 no-one would realise that you in fact had met with Ms Brown
32 and Ms Alberici well in advance of April?
33 A. No, I was not covering it up and I didn't feel
34 I needed to.
35
- 36 Q. Can we bring up your civil statement, please,
37 paragraph 111. [SC0I.85912_0001]. You have had a chance
38 to read the relevant pages overnight, I take it? You have
39 read the relevant pages overnight, have you?
40 A. I - yes, I did, once.
41
- 42 Q. And you agree that that statement was also written in
43 chronological terms, wasn't it?
44 A. As far as matters relating to my hurt on duty injury
45 it was chronological, yes.
46
- 47 Q. And so let's look at what you have done at

1 paragraph 111. You say - you talk about the media
2 strategy, the 7 April media strategy; right?
3 A. Yes.
4
5 Q. And then you continue to talk about that at 112 and
6 113; right?
7 A. Yes.
8
9 Q. And you do so again at 114.
10 A. Yes.
11
12 Q. And 114 is the first reference to Mr Box and
13 Ms Alberici?
14 A. In those set of paragraphs, yes.
15
16 Q. And you again have that sentence:
17
18 *I had not met with or had any dealings with*
19 *either of them before.*
20
21 Then, in your next paragraph, you say that you were
22 interviewed - and I will come back to the use of that
23 word - off the record by Mr Box and Ms Alberici on
24 10 April; do you see that?
25 A. Yes.
26
27 Q. So again, you slot in Ms Alberici in April, don't you?
28 A. Pardon?
29
30 Q. Again, you slot in Ms Alberici in April?
31 A. Well, I did see her on 10 April.
32
33 Q. Yes, I know that. But you do not mention Ms Alberici
34 in January or February or March, do you?
35 A. This was a statement - the context of this entire
36 document is my hurt on duty injury. I was not proving
37 a point on any aspect of Emma Alberici.
38
39 Q. And in relation to Emma Alberici, though, you do talk
40 about her and you do talk about the Lateline interview.
41 A. Yes.
42
43 Q. Where you have introduced Ms Alberici is the same in
44 both your civil statement and your April statement; do you
45 agree with that?
46 A. They are --
47

1 Q. Where you have introduced her in time, in the civil
2 statement, is the same as the April statement, isn't it?

3 A. They reflect each other, yes.
4

5 Q. And they are both in April 2015?

6 A. Because I did meet her in April 2015.
7

8 Q. And in neither statement do you say that this was the
9 second time that you had met her?

10 A. There was no context to make such a reference.
11

12 Q. Well, you did introduce context, however, in both
13 statements, when you specifically said you had not had
14 prior dealings with either of them.

15 A. I hadn't prior to the media strategy as a whole.
16

17 Q. But that's not what you were talking about; you were
18 talking about - sorry. You did not say in either statement
19 that you had provided your coronial statement to
20 Ms Alberici prior to April 2015; you agree with that?

21 A. In my civil statement? I can't answer the question
22 until you just let me know which statement or statements
23 you are referring to.
24

25 Q. So what are we going to do to make it easier and to
26 save time is I will put propositions like that, and
27 Mr Glissan will take you to any relevant part that may be
28 different with my question. Do you understand? So if
29 I say "This has never been referred to elsewhere in your
30 statement", I will put that, and if Mr Glissan thinks
31 that's wrong, when he asks questions, he will direct you to
32 a particular part of the statement, all right?
33

34 THE COMMISSIONER: Mr Glissan, do you need a moment?
35

36 MR GLISSAN: I'm sorry?
37

38 THE COMMISSIONER: Mr Glissan, the witness appears to be
39 slightly confused about what is going to happen. She has
40 just said something to me to the effect, or something which
41 indicates to me that she is confused. Now, it is
42 important, given what she is about to be asked about, that
43 she not be confused. Equally, it is important Mr Thangaraj
44 does not proceed upon a basis which is in any way
45 ambiguous. Would it be helpful if I go off the bench for
46 a few moments to enable you to talk to your client, to
47 explain what it is that is going to happen, to allay any

1 concerns that she may have in either making concessions in
2 circumstances where she might be anxious about the
3 importance or consequence of doing so - I think it would be
4 helpful both in terms of time frame, for you to have had
5 that discussion. It is no criticism of anyone, but as the
6 point has arisen, I think it will be desirable that you
7 speak to her so that she is not confused, because my
8 perception is she is a little confused.

9
10 MR GLISSAN: I think that's eminently sensible,
11 Commissioner. I respectfully adopt that suggestion.

12
13 THE COMMISSIONER: I will go off the bench. Don't feel
14 under any particular pressure, but just let me know when
15 you have had that discussion and, then, please let
16 Mr Thangaraj know what is going on, so that there is no
17 mystery. I will go off the bench for a short time.

18
19 **SHORT ADJOURNMENT**

20
21 THE COMMISSIONER: Thank you, Ms Young, if you'd take your
22 seat again, thank you.

23
24 MR THANGARAJ: Q. Ms Young, when you decided to give the
25 coronial statement to Ms Alberici, you did not discuss that
26 with Mr Willing, did you?

27 A. No.

28
29 Q. And nor did you discuss it with anyone at Police
30 Media, before April 2015?

31 A. No.

32
33 Q. Sorry, and when you say "no", are you disagreeing with
34 me or agreeing with me? Are you agreeing with - I asked --

35 A. I see what you mean.

36
37 Q. So do you agree that you did not discuss with
38 Mr Willing or with Police Media your intention to provide
39 the statement to Ms Alberici?

40 A. The earlier provision of the statement to Emma
41 Alberici, I agree.

42
43 Q. You agree that you did not tell Mr Willing or Police
44 Media that you had given the statement to Ms Alberici prior
45 to 7 April - do you agree with that?

46 A. I - sorry. I'm getting lost again.

47

1 Q. Maybe I will put it a different way.

2 A. Yes.

3

4 Q. You did not tell either Mr Willing or Police Media
5 that you had provided a statement to Ms Alberici until at
6 least 7 April?

7 A. Definitely not the Media Liaison Officers, but I'm
8 pretty sure I mentioned it to Michael Willing.

9

10 Q. You do not - and this is one of the things we've just
11 adjourned for. You do not say in your civil statement or
12 your April statement here or your September statement that
13 Mr Willing knew about the statement being given to
14 Ms Alberici prior to April 2015. Do you agree with that?

15 A. I agree with that.

16

17 Q. And if you had given Mr Willing a heads-up about
18 having provided the statement to Ms Alberici prior
19 to April, you would have put that in one or more of your
20 statements, wouldn't you?

21 A. Not necessarily.

22

23 Q. When you prepared the April statement, the emails
24 which showed that you and Ms Brown had met with Ms Alberici
25 as early as January were not known to the parties, were
26 they?

27 A. Pardon?

28

29 Q. You have been following the Commission for some time?
30 You have been following the Commission for some time?

31 A. Oh, not - intermittently, I would call it.

32

33 Q. The ABC material which revealed that you had met with
34 Ms Brown and Ms Alberici in January, that sort of material,
35 was not known to the parties until May of this year. You
36 know that, don't you?

37 A. I don't know that.

38

39 Q. At the time you prepared the April statement, you knew
40 that the parties did not know about the fact that you had
41 met with Ms Alberici and Ms Brown in January.

42

43 MR GLISSAN: I object.

44

45 THE COMMISSIONER: How would she be able to answer that?
46 You are asking her to speculate about the state of
47 knowledge of a whole series of people without specifying

1 who you are talking about. You say "the parties". Do you
2 mean the witnesses, do you mean every one of the Inquiry's
3 staff? I just don't understand that, and it is of no use
4 to have her speculate, I think, as to her state of
5 knowledge, frankly.

6
7 MR THANGARAJ: Q. You were prepared to put in your April
8 statement - you were prepared to slot in Emma Alberici
9 coming on to the scene in April 2015 for the first time
10 because, to your knowledge, no-one knew anything to the
11 contrary?

12 A. My - I didn't have a deceptive purpose when I did
13 mention that I met with her on 10 April 2015, and --

14
15 Q. Well, that wasn't answering my question.

16 A. I --

17
18 Q. You knew, when you prepared your April statement --

19
20 THE COMMISSIONER: Mr Thangaraj, I don't wish to
21 interrupt, but it was actually answering the point of your
22 question. The point of your question was to suggest that
23 she hid, in some way, or held back information which she
24 thought no-one else had but she had peculiarly.

25
26 MR THANGARAJ: Yes.

27
28 THE COMMISSIONER: She said "I wasn't deceptive" so
29 frankly it is an answer to the substance of your question,
30 the point of your question.

31
32 MR THANGARAJ: But the real question is --

33
34 THE COMMISSIONER: I understand. I'm not going to stop
35 you, but it is not accurate to say she is not responding.
36 She's responding to the barb, which she interpreted and so
37 did other people, I suspect, that you were putting to her
38 that she held something back and she, as it were in a
39 composite fashion, answered that. Please go on.

40
41 MR THANGARAJ: Q. What I was putting in the question
42 was, when you prepared your April statement, to your
43 knowledge, no-one knew that you had met with Ms Alberici
44 in January of 2015?

45 A. No-one at all in the world, you mean? I'm not --

46
47 Q. When you prepared the April statement, to your

- 1 knowledge, the only people that knew about the January
2 meeting with Ms Alberici was Ms Brown.
- 3 A. No.
- 4
- 5 Q. And to your knowledge, who else knew about the January
6 meeting with Ms Alberici and Ms Brown?
- 7 A. Just - Emma Alberici and again, you mean for me to say
8 something like "I think the Inquiry knew" - is that
9 relevant to your question?
- 10
- 11 Q. That's what I'm asking, yes.
- 12 A. Oh, well, I think the Inquiry knew.
- 13
- 14 Q. And how did you come to that conclusion?
- 15 A. From something I saw or heard from the Inquiry.
- 16
- 17 Q. Well, that's a very convenient response, with respect,
18 Ms Young. What might it have been that gave you some
19 belief that in April, the Inquiry knew that you had in fact
20 met with Ms Alberici in January?
- 21 A. I do know I've seen a receipt where Emma Alberici has
22 claimed a lunch with I think it's senior police, so -
23 I think the Inquiry is the only source of information like
24 that I could have had.
- 25
- 26 Q. So you're talking about when it was released publicly
27 that - the Emma Alberici email to others at the ABC looking
28 for her expenses to be covered?
- 29 A. Yes, there might be a difference between my
30 acknowledging that we had lunch and my understanding the
31 date of the lunch. That might be --
- 32
- 33 Q. Okay. Nor was it known to you when you prepared
34 the April statement that anybody - sorry. When you - to
35 your knowledge, when you prepared the April statement,
36 nobody else knew that Ms Brown had printed the coronial
37 statement of yours in February?
- 38 A. Again, I'm - no-one else as in who?
- 39
- 40 Q. No-one besides you and Ms Brown?
- 41 A. Well, Detective Sergeant Brown printed it in the
42 office, so people, other staff, might have known she was
43 printing it, and she sent me a message to say it had - she
44 had done it, because I had requested that she do it. So
45 there might be other people who know that.
- 46
- 47 Q. By the time of the September statement, you knew that

1 the Inquiry knew that there had been this lunch in January,
2 didn't you?

3 A. Yes.

4

5 Q. And if we go to paragraph 95 of the September
6 statement [SCOI.85816_0001], it has page 19 at the bottom.

7 A. In which paragraph?

8

9 Q. In paragraph 95 you talk about - this is where you now
10 say that the lunch was in January. It is on page 19. It
11 may or may not be the same. Then you say in paragraph 96
12 that you do not know when you gave Ms Alberici the coronial
13 statement. Do you see that? And, then, if you go to
14 paragraph 115, please, you will see that that is identical
15 to - apart from the last sentence, which was the exhibit -
16 paragraph 115, apart from the last sentence, which I will
17 come to, that's identical to the paragraph I took you to
18 before, paragraph 55 in your first statement, if you just
19 accept that from me. Did you put in the last sentence of
20 what the transcript exhibit is, or did someone else?

21 A. I didn't.

22

23 Q. So what you had at 115 is identical to what is at 55.
24 I just want - so is this correct, when you prepared
25 the September statement, you used the April statement as
26 a starting point and then you added things to it or changed
27 things to it?

28 A. Yes.

29

30 Q. I'm not saying there is anything wrong with that, I'm
31 just confirming. Do you agree that the first time you told
32 anyone at Police Media about Ms Alberici was some time
33 between - and I'm giving you times, you will have no
34 recollection of these times but I'm going to take you to
35 some emails - the first time you told anyone at Police
36 Media about Ms Alberici was some time between 8.21am on the
37 8th and 3.17pm on the 9th. Does that rough time frame make
38 sense?

39 A. No.

40

41 Q. Do you say you told someone at Police Media prior to
42 8 April about Ms Alberici?

43 A. I know I told Police Media, I know I told Michael
44 Willing.

45

46 Q. I'm only asking about Police Media.

47 A. Okay. It seems like so late in the plan to mention

1 it, and I had been assisting her to understand the coronial
2 statement for a while, so I believe I'd mentioned Emma
3 Alberici a reasonable period prior to 8 April.
4

5 Q. You see, it was in fact very late, because you and
6 Ms Brown had kept it from Police Media until then.

7 A. No.

8
9 MR GLISSAN: Commissioner, I'm sorry, I have to object.
10 I don't mean to interrupt my friend, but perhaps if you
11 would be kind enough to look at exhibit 6, tab 372
12 [NPL.0138.0002.3306_0001] you will understand the thrust
13 of the objection.
14

15 THE COMMISSIONER: All right. Let me just have a look.
16

17 MR GLISSAN: I didn't mean for it to be brought up for the
18 witness to see.
19

20 THE COMMISSIONER: No, no, that's all right. Just assist
21 me.
22

23 MR GLISSAN: I don't want to put the date, but there are
24 two dates mentioned.
25

26 MR THANGARAJ: I'm happy for this to come up on the
27 screen. I'm happy for the witness to see it.
28

29 MR GLISSAN: Thursday, 2 April. There is a note that
30 starts:
31

32 *DCI Young ...*
33

34 THE COMMISSIONER: Yes. That would appear to be true.
35 Mr Thangaraj obviously has no difficulty with it. So the
36 matter can be put to the witness. That's from Ms Wells.
37

38 MR THANGARAJ: Yes.
39

40 THE COMMISSIONER: So that would appear to fix 2 April as
41 the time when Ms Alberici was mentioned to Ms Wells in that
42 context.
43

44 MR THANGARAJ: I will be going to a couple of exhibits,
45 but at the moment --
46

47 THE COMMISSIONER: Yes, but I think Mr Glissan's point is

1 that --

2

3 MR THANGARAJ: No, I understand.

4

5 THE COMMISSIONER: Yes.

6

7 MR THANGARAJ: Q. You agree that you provided a copy of
8 your coronial statement to Ms Alberici well before
9 10 April?

10 A. Yes.

11

12 Q. Do you agree that you did not seek authorisation from
13 anyone to do that?

14 A. I had Michael Willing's agreement and interest in the
15 media strategy and scoping it and so I approached it in a
16 way that I wanted to give it the best chance of success.
17 It's a huge statement, and I did assist Emma Alberici
18 because I trusted her to be a true journalist in the matter
19 and I wanted her to have ample time to read it.

20

21 Q. All right. So you agree that you did not tell anyone,
22 Mr Willing or Police Media, that you had given her that
23 statement at the time you did, because you say you didn't
24 need to?

25 A. I don't believe I would have said to anyone, "I'm
26 about to go and deliver the statement to Emma Alberici".
27 I'm not accountable for every movement in my working day.
28 I do believe I mentioned it to Michael Willing. I doubt
29 I mentioned it to Media Liaison, and I'm not saying either
30 of those would have been immediately, like when I got back
31 and would have said "I've just delivered it to Emma
32 Alberici", but in the series of conversations we were
33 having formally and informally coming up to that day, I do
34 believe I mentioned it to Michael Willing.

35

36 Q. You agree that this is - when you're talking about
37 giving a sensitive document to a journalist, that that's
38 something that is a Police Media issue not an issue for
39 Mr Willing?

40 A. No, I don't believe that.

41

42 Q. You don't suggest, do you, that Mr Willing was
43 authorised to permit you to give the coronial statement to
44 a journalist?

45 A. It was a practical step for the media strategy that
46 Michael Willing and I were in agreement on and wanted it to
47 work. So him agreeing with the media strategy and the

- 1 scoping, I perhaps assumed that he did authorise providing
2 the statement, but I don't - I'm not saying I said to him,
3 you know, specifically, "Will you please authorise me" - it
4 wasn't like that. It was just part of the making it
5 happen. It was just part of the practical approach to it.
6
- 7 Q. It might have been practical, but you have told us,
8 and questions have been asked of others about your belief
9 in the hierarchy and a strong belief in authority and
10 authorisations; is that true?
11 A. That I've been described like that, or that it is
12 true?
13
- 14 Q. No, that is true? Is it true?
15 A. Could you ask me the question again?
16
- 17 Q. Yes. Do you have a strong belief about the hierarchy
18 within the police system?
19 A. Yes, when it's functioning.
20
- 21 Q. Beg your pardon?
22 A. When it's functioning.
23
- 24 Q. When it's functioning. And do you believe that if
25 authority needs to be obtained, then you would obtain the
26 authority, or does functioning need to - do practical
27 considerations come into play at times?
28 A. Just generally or --
29
- 30 Q. Yes, just generally.
31 A. I would never and have never done anything directly
32 against an instruction or request from any boss I've ever
33 had.
34
- 35 Q. So does that mean that when you need authority, you
36 will obtain that authority?
37 A. Yes.
38
- 39 Q. So what authority did you have to provide Ms Alberici
40 with the coronial statement?
41 A. The approval of Michael Willing to - and our joint
42 approach to the media strategy. His approval and
43 enthusiasm for it was, to me, approval to give it the best
44 chance of success.
45
- 46 Q. But you told us that you didn't tell him in advance
47 that you were going to give it to her?

- 1 A. No, I'm not accountable for every movement I make in a
2 working day.
3
- 4 Q. No. So, therefore, firstly, he was not - he did not
5 have the rank or - he did not have the authorisation to
6 permit that in any case; you agree with that, don't you?
7 A. No.
8
- 9 Q. But you didn't obtain his authority to provide her
10 with the statement, because you didn't tell him about it
11 before you did it?
12 A. I had his authority just to put the media strategy in
13 place, and that was part of putting it in place. That's
14 how I interpreted it.
15
- 16 Q. So you say that because he had a general agreement
17 that the police needed to balance out the reporting, you
18 could then provide your sensitive coronial statement to any
19 journalist you chose to?
20 A. Not at all.
21
- 22 Q. Well, what authority do you say he gave you for you to
23 provide the statement to Ms Alberici?
24 A. Well, I had mentioned Emma Alberici; I had met with
25 Emma Alberici; I was confident in her; I have mentioned
26 that in discussions with Michael Willing as we approach our
27 media strategy together. And so, to give it the best
28 chance of success --
29
- 30 Q. Firstly --
31 A. To that --
32
- 33 Q. Sorry, I thought you had finished.
34 A. -- to her, not any journalist but to the one nominated
35 and that was acceptable. But we're still being scoped; we
36 could have pulled the pin any time. But up until that
37 point, I was putting the plan in place.
38
- 39 Q. If you had a media strategy, then you were obliged to
40 share it with Police Media, weren't you?
41 A. Yes.
42
- 43 Q. Your media strategy stretched far back as January?
44 A. Scoping whether one could be useful and productive,
45 yes.
46
- 47 Q. You saw the 7 April email that came from Police Media

1 to others - we have been through that, I'm not taking you
2 to it?
3 A. Yes.
4
5 Q. You have always relied on that email as confirming
6 authority on you pursuant to a media strategy; right?
7 A. The - the final stage, the most effective stage,
8 putting it in place, yes.
9
10 Q. And Police Media were not alerted, nor did they put
11 out an email like that, earlier in the year?
12 A. Pardon? What was the last --
13
14 Q. Police Media did not put together a strategy earlier
15 in the year in the terms that you have told us.
16 A. They - nothing in writing, I agree.
17
18 Q. Can we go to the September statement, please, back to
19 page 19, paragraph 95 [SCOI.85816_0001], and can you just
20 look quickly to yourself from paragraphs 95 to 99, please?
21 A. Of which statement?
22
23 Q. The September statement, the third statement.
24 A. The September statement. Is that this one?
25 Paragraph, sorry?
26
27 Q. Paragraphs 95 to 99. So you see that at the beginning
28 of 95 you say that Mr Willing was open to the idea of the
29 scoping. Then you describe all of Ms Alberici, and then
30 you say you approached him with the idea that "we should be
31 ready to do a media release"?
32 A. Which paragraph is that last reference?
33
34 Q. Paragraph 99. Do you see that?
35 A. Mmm-hmm.
36
37 Q. So the proposal that you gave Mr Willing after you had
38 backgrounded Ms Alberici, as you have described in 98,
39 after you had met her on the 10th, was that there should be
40 a media release if the Coroner does not place
41 a non-publication order - right? Do you see that?
42 A. So what's the question?
43
44 Q. What you proposed to Mr Willing, if the Coroner did
45 not place a non-publication order over the statements, was
46 a media release.
47 A. The strategy, yes.

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Q. And that approach to him was after 10 April, wasn't it?

A. No.

Q. Or was it?

A. No. You will see the second paragraph of 99 that you took me to, it does say - let me just - so the media strategy "was developed in the weeks before 13 April 2015."

Q. Yes. But you see that in paragraph 98 you talk about the times you had had backgrounding with Ms Alberici, which included 10 April? Do you see that? And so what you say you did is clear in the beginning of paragraph 99, of proposing the media release, but only if the Coroner did not place a restriction over your coronial statement; right?

A. Yes.

Q. And you don't mention in those dealings from paragraphs 95 through to 98, or even 99 - you don't say that you told Mr Willing about any of these interactions with Ms Alberici; do you agree with that?

A. For Michael Willing to even know that Emma Alberici was part of the plan, I must have mentioned her to him.

Q. That wasn't the question. The question was in paragraphs 95 through to 98, when you are talking about Ms Alberici, you don't say that you told Mr Willing about any of that, in your statement. Do you agree?

A. I agree, it doesn't appear in those paragraphs.

Q. You do not say in the April statement that Mr Willing knew about the 13 April studio interview before 13 April; do you agree with that?

A. That I do include it?

Q. Do you agree - and if this is something that you need Mr Glissan to speak to you about over lunch, there is no problem --

THE COMMISSIONER: Mr Thangaraj, I'm going to ask for this to be done yet again. This is taking a lot of time up. Now, either instructions can be obtained - the witness obviously is wary, that is plain and obvious. Most people are when they are being cross-examined, especially because, sometimes, they think the cross-examiner is not acting in

1 their interests, and so they are wary about the answers
2 they might give. That is human nature. You and I have
3 seen it many, many times over.
4

5 Mr Glissan, could you please take a few more minutes
6 to obtain instructions in a calm, composed environment, so
7 the witness does not feel that she is in the process of
8 falling into a trap of some sort. It's obvious what is
9 going on here. I want to avoid histrionics but I also want
10 to give everyone a fair go and I don't want controversies
11 to arise when they shouldn't be arising at all. I know
12 what's going on, I think everyone else knows what's going
13 on. Would you clear the air with your client? This is no
14 criticism of her, nor of Mr Thangaraj, nor of you, but I'm
15 just trying to cut through some of the process so that we
16 don't have a cat-and-mouse exercise unnecessarily. All
17 right. I will adjourn until 2. Luncheon adjournment.
18

19 **LUNCHEON ADJOURNMENT**

20
21 MR GLISSAN: Commissioner, before we resume, I assume
22 pursuant to your invitation, over the adjournment I've been
23 able to obtain instructions, and I've been instructed to
24 make the following, for want of a better term, admissions
25 in relation to matters raised by Mr Thangaraj. May I read
26 those on to the transcript.
27

28 THE COMMISSIONER: Certainly.
29

30 MR GLISSAN: Ms Young acknowledges that she does not say
31 in the April statement that Mr Willing knew about the
32 studio interview before 13 April. Ms Young acknowledges
33 that she does not say in any of the three statements that
34 she spoke to Mr Willing about Ms Alberici at the time that
35 she was scoping or at the time she provided the statement,
36 and she does not say in any of the statements that she
37 spoke to Mr Willing about Emma Alberici before 1 April
38 2015.
39

40 She does not say in any of the statements that
41 Mr Willing knew about the statement being provided to
42 Ms Alberici in February, nor that Police Media knew that.
43 She has not suggested in the statement that she told anyone
44 from Police Media about the studio interview in advance of
45 it being aired. And, finally, she did not put in any of
46 the three statements that she had told Mr Willing in
47 advance of 13 April that the 13 April interview would be

1 broadcast.

2

3 THE COMMISSIONER: Thank you.

4

5 MR THANGARAJ: I thank my friend, Commissioner. Just so
6 it is understood, there will be, at times, where I need to
7 put one of those propositions to lead into a question, but
8 we have now saved --

9

10 THE COMMISSIONER: You have saved a bit of time by that.

11

12 MR THANGARAJ: Yes.

13

14 Q. Ms Young, do you agree that you do not say in your
15 civil statement or the April statement or the September
16 statement that Mr Willing knew about the 13 April studio
17 interview before 13 April?

18 A. I did not say those words in those statements.

19

20 Q. And you do not say in any of the three statements that
21 Ms Alberici had any involvement with Police Media or
22 Mr Willing before 2 April 2015?

23 A. I did not say those words in those statements.

24

25 Q. I just want to ask you a few questions now about the
26 10 April meeting with Mr Box. By this stage, you had
27 already organised an exclusive with Ms Alberici?

28 A. Yes.

29

30 Q. Sorry, you had agreed to give one in the event that
31 the Coroner did not make a non-publication order in
32 relation to your statement?

33 A. Yes.

34

35 Q. The meeting that you had with Mr Box was the first
36 time that you met him?

37 A. Yes.

38

39 Q. But by this stage, you had a trusting attitude towards
40 Ms Alberici?

41 A. Yes.

42

43 Q. Mr Box had not been given your coronial statement
44 until 10 April; correct?

45 A. Correct.

46

47 Q. And so he was not in a position to pass the test of

- 1 thoroughly reading, digesting that statement in the way
2 that you had asked Ms Alberici?
3 A. Just the question one more time?
4
5 Q. You told us that you wanted Ms Alberici to thoroughly
6 digest the statement --
7 A. Yes.
8
9 Q. -- before you would speak to her; right?
10 A. Yes.
11
12 Q. But that wasn't the way that you dealt with Mr Box.
13 A. Correct.
14
15 Q. And so that meant, didn't it, that you didn't, at that
16 stage, have the ability to form a trusting relationship
17 with Mr Box?
18 A. That's correct, though I had made inquiries about him.
19
20 Q. Sure. But you had made inquiries about Ms Alberici,
21 too?
22 A. In person.
23
24 Q. And in fact had met her as well?
25 A. Yes.
26
27 Q. As part of your own due diligence?
28 A. Yes.
29
30 Q. So you hadn't met Mr Box, unlike Ms Alberici, and you
31 hadn't given him the opportunity to read the statement in
32 comparison to Ms Alberici. So by 10 April, they are in
33 very different spheres, aren't they, with respect to your
34 relationship with each of them? You had a neutral
35 relationship with Mr Box and you had a trusting
36 relationship with Ms Alberici?
37 A. What did you say about Mr --
38
39 Q. By 10 April --
40 A. Yes.
41
42 Q. -- you had a neutral relationship with Mr Box? You
43 hadn't given him the statement, you hadn't met him before.
44 But with Ms Alberici you had a trusting relationship?
45 A. I wasn't neutral towards Dan Box.
46
47 Q. You hadn't done the things that I had said - you

- 1 hadn't met him and you hadn't given him the statement and
2 you hadn't given him time to read it in the way you wanted
3 Ms Alberici to?
4 A. Yes.
5
6 Q. So that meant, didn't it, that you were never going to
7 speak as freely with him as you had with Ms Alberici?
8 A. No.
9
10 Q. Did it mean that you were never going to give him an
11 on-the-record interview, because you had not established
12 the relationship with him that you required Ms Alberici to
13 have with you before you went further with her?
14 A. I did give him an off-the-record interview.
15
16 Q. Sorry, what did you say, off the record?
17 A. I did give him an off-the-record interview.
18
19 Q. Yes. What I was asking was, had you decided - is it
20 the case that as of 10 April, you were never going to give
21 him an on-the-record interview in those couple of days?
22 A. The on-the-record interview was not down to me; it was
23 down to what the Coroner decided.
24
25 Q. Yes, subject to that?
26 A. If the Coroner had not put a - if the Coroner didn't
27 put a non-publication order on my coronial statement and
28 Dan Box had wanted to interview me ad nauseam about it,
29 I would have done that because I would have been obliged to
30 follow through with the exclusive agreement with him.
31
32 Q. You did not tell Police Media or Mr Willing that you
33 had had a video-recorded interview on 10 April; is that
34 true?
35 A. Yes, that's probable.
36
37 Q. You did say before you weren't sure if it was videoed,
38 so I will ask the supplementary. You did not tell Police
39 Media or Mr Willing that you had had an audio-recorded
40 interview on 10 April either? I'm just covering both
41 bases. You did not tell Police Media or Mr Willing that
42 you had an interview on 10 April with Ms Alberici that was
43 recorded in some way?
44 A. That's likely. Nor did I mention the recorded one
45 that Dan Box did.
46
47 Q. Sure. And therefore, you had not told either of them

1 that the interview that you had recorded with Ms Alberici
2 on the 10th might be used to promote another interview on
3 the record?
4 A. I didn't know the purpose of that 10th recorded
5 interview, on-camera interview, as far as what Emma
6 Alberici intended to do with it. I knew what I was doing
7 with it, but I did not know what she intended to do with
8 it.
9
10 Q. But you knew that she was going to - you knew she
11 might use it to promote a studio interview? You knew that?
12 A. I worked that out with her returning to the question
13 about my views around suicide. I do - I got a sense that
14 she was looking for, I think they call it, a "grab", so
15 I had a sense that that was what she was after, but I don't
16 remember her explaining to me what she had in mind
17 particularly.
18
19 Q. I don't need to take you to it, but she told you - it
20 is recorded in the transcript of the 10th - that she might
21 use that interview, the 10th, to promote a later matter on
22 the PM program with Mark Colvin, I think it was.
23 A. Yes, that's --
24
25 Q. That's what I want to ask you?
26 A. That rings a bell, yes.
27
28 Q. After she said that, you did not tell Police Media or
29 Mr Willing that you had recorded what could be a promotion
30 of a forthcoming studio interview?
31 A. No, but it was covered by the agreement that it all be
32 off the record until such time as there was a trigger from
33 the Coroner. So it fell under that protection.
34
35 Q. I want to now go to 13 April. At Glebe, you deny, do
36 you, telling Ms Wells that the media pack had gone?
37 A. I don't remember telling her that. I don't know why
38 I would need to.
39
40 Q. The reason why you might need to is because there was
41 clearly going to be a lot of media interest and media
42 presence on the 13th. That was anticipated?
43 A. Yes.
44
45 Q. And proven to be correct, of course.
46 A. Pardon?
47

1 Q. And proven to be correct: there was a lot of media at
2 the Coroners Court?
3 A. Yes.
4
5 Q. It was obvious - you say you didn't need Mr Willing's
6 authority, but it was obvious that the police would have
7 a door-stop conducted because the police wanted to get the
8 message out that they welcomed the inquest? Right?
9 A. The door-stop wasn't essential to anything because the
10 release can go out without a voice saying it.
11
12 Q. Of course. But you know, as well as anyone, that if
13 you give a door-stop to a media pack, that message will be
14 on the news that night, as opposed to a media release,
15 which does not have anywhere near the impact; do you agree?
16 A. Yes, that's the purpose of a door-stop.
17
18 Q. So it was always anticipated, wasn't it, that on
19 13 April you would conduct a door-stop to at least say "The
20 police welcome an inquest"?
21 A. Not - if there had been no door-stop, it would have
22 made no difference whatsoever to the overall plan. It
23 was - it's a by-product, a peripheral, optional thing.
24
25 Q. But what the police did not want the public to believe
26 or feel was that they had resisted a third inquest;
27 correct?
28 A. That's correct, yes.
29
30 Q. So it was important to get the message out that, in
31 fact, the police supported a third inquest.
32 A. And we did get that out.
33
34 Q. Yes. And the best way to do that is through
35 a door-stop on the day, which can be on the news that
36 night.
37 A. It may well be.
38
39 Q. Well, is there a better way?
40 A. Pardon.
41
42 Q. Is there a better way to get that message out that
43 day, before the 6 o'clock broadcasts?
44 A. It's - it would be a good way to do it.
45
46 Q. And much better than people receiving - than
47 organisations receiving a media release. No-one's going to

- 1 stand on TV, are they, a journalist, and read out a media
2 release?
3 A. They often do.
4
5 Q. That's why it was important for you to speak to
6 Ms Wells and let her know that, in fact, there was no
7 door-stop, because that meant a media release now had to go
8 out?
9 A. That meant?
10
11 Q. A media release had to go out?
12 A. The media release would have gone out regardless.
13
14 Q. The media release went out after you called Ms Wells
15 to say that the media pack had gone.
16 A. The media release --
17
18 Q. Do you remember that now?
19 A. -- goes out after the decision was made by the Coroner
20 to confirm the decision was acknowledged by the Police
21 Force and that the Police Force welcomed the third inquest.
22
23 Q. After you did the door-stop later, did you call her
24 and say, "I've done the door-stop", "I've done
25 a door-stop"?
26 A. I wouldn't have felt a need to.
27
28 Q. The door-stop was with Ms Alberici, wasn't it?
29 A. It was either - I thought it was with her there in
30 person, but I may be wrong in that, but I do know, when
31 I spoke to camera, that it was an ABC camera, as the
32 door-stop.
33
34 Q. In your September statement - I won't take you to it -
35 you were very clear that it was with Ms Alberici, the
36 door-stop at Glebe.
37 A. I did think so, yes.
38
39 Q. You didn't say you think, you said it was with her.
40 A. Because I thought it was. Yes.
41
42 Q. And you were the one being asked questions, and you
43 had seen the footage, et cetera. You were the one being
44 asked questions, just to --
45 A. At the door-stop?
46
47 Q. Yes. You only now say that may not be correct because

1 of evidence you have heard from other people.
2 A. Yes. So I, through information that has come out
3 through the Inquiry - there has been speculation on whether
4 Emma Alberici was physically there or not. So I - my
5 evidence is, she may have been; she may not have been.
6 I would have said exactly those words to that ABC camera
7 either way.
8
9 Q. But her evidence is she was at Glebe that day?
10 A. Yes, she was.
11
12 Q. You're not saying - you understand her evidence is she
13 was at Glebe --
14 A. At the court process, during the court process, yes.
15
16 Q. Have you seen internal Police Media, which I will come
17 to, which talks about you having done a door-stop with
18 Ms Alberici? Have you seen those emails?
19 A. Broadly speaking here, yes. I don't have a detailed
20 recollection of it.
21
22 Q. Those April emails, the only information, as you
23 understood it, that they had as to with whom the door-stop
24 was conducted was with you - was you?
25 A. I will just have to take that --
26
27 Q. I'm asking you: is there anyone else that could have
28 told Police Media who the door-stop was with, other than
29 you or Ms Brown?
30 A. May I see the email you are referring to?
31
32 Q. Yes, I will show it to you --
33 A. Thank you.
34
35 Q. -- when we get to that topic. I'm just asking you
36 now, if there is a police email referring to a door-stop
37 with you, is there anyone else from whom that information
38 could have come, other than you or Ms Brown?
39 A. Not - no, not likely.
40
41 Q. You told us why you had the interview on the 10th.
42 You knew that if the Coroner ruled or decided not to have
43 a non-publication order, that the interview on the 13th
44 would have to be promoted; that a studio interview on
45 Lateline would be promoted because you could now go ahead
46 with it?
47 A. Did I know that?

1
2 Q. Yes.
3 A. Be promoted by the ABC?
4
5 Q. Yes.
6 A. You mean promoted on television do you mean?
7
8 Q. Beg your pardon?
9 A. Could you ask the question again, please?
10
11 Q. If the studio interview was going to go ahead, you
12 knew it would be promoted by the ABC in advance of the
13 studio interview.
14 A. I didn't know what they would - their plan was.
15
16 Q. Well, they told you on the 10th that they might use
17 what was being recorded on the 10th as promotion itself?
18 A. Yes, that they might. They might. I wasn't across
19 their internal arrangement for how they were going to go
20 about it.
21
22 Q. And for the purposes that the police needed of getting
23 messages across, talking to a large media pack is better
24 than speaking to one person at a door-stop, isn't it?
25 A. Better for what?
26
27 Q. For getting a message out.
28 A. Yes, if we're talking about volume, yes.
29
30 Q. Multiple networks of different media - print, TV,
31 perhaps online. You saw - you actually saw while were you
32 there the large media pack, right?
33 A. Going into the court, yes, but once in the court,
34 I wasn't particularly aware who stayed or who left.
35
36 Q. It wasn't the case that you didn't know how many
37 people were outside the court until the moment you walked
38 out of the building, was it?
39 A. I don't know how I would know otherwise.
40
41 Q. Because you told us that you can see outside from
42 inside.
43 A. Oh, you can, but that's just as you approach the glass
44 doors. You can see who is standing in front on the outside
45 of the glass doors.
46
47 Q. Yes, from the inside?

1 A. From the inside, yes.

2

3 Q. And you knew that if you walked out after the decision
4 was formally announced, that you could have had a door-stop
5 with a large media pack.

6 A. I didn't get an option because I was with Sarah
7 Pritchard, Senior Counsel, for some time after the Coroner
8 had left the Bench. So when I left, there was no pack.

9

10 Q. Are you seriously saying that if you said to
11 Dr Pritchard, "Just give me two minutes. I'll go and do
12 a door-stop while the media is here and I'll be there in a
13 moment", that that couldn't have happened?

14 A. I wasn't motivated to do it. I didn't - I didn't see
15 it as an essential part of the day. It wasn't the most
16 important part of the day.

17

18 Q. If the transcript of that could be brought up, please,
19 the Glebe interview, as it is described.

20 [NPL.2017.0004.0588], you will see that on the screen,
21 Ms Young.

22 A. Mmm-hmm.

23

24 Q. You will see, if we can just go to the first page of
25 the transcript, that it starts with a predictable question
26 of reaction, and you get across the message that the police
27 are pleased with the decision and are looking forward to
28 having an inquest, right?

29 A. Yes.

30

31 Q. That's part of - that is the message that the police
32 wanted out there, isn't it?

33 A. Yes.

34

35 Q. And then you explain why it was good and why it was
36 that you wanted to, including facts being scrutinised - do
37 you see that?

38 A. Yes.

39

40 Q. And then what then happens is you are asked some
41 specific questions, starting with:

42

43 *Counsel Assisting the Johnson family,*
44 *John Agius, suggested in court today that*
45 *police had been resisting a third inquest*
46 *and were actually calling for the court to*
47 *reject the application.*

1
2 You didn't say "Look, that's all we're saying", or "It's
3 not appropriate to talk about arguments in court". You
4 chose to respond; right?
5 A. Yes.
6
7 Q. And you started off with:
8
9 *I found that quite amusing. It's certainly*
10 *not based in any fact, so I'm not sure why*
11 *he used that line. Maybe he thought it*
12 *might be interesting to the waiting media.*
13
14 Right? So what you were doing was saying that he'd said
15 something that wasn't accurate, and that perhaps he said it
16 for the benefit of publicising his client's interests to
17 the media? That's what you've said there, isn't it
18 A. I've said those words that appear there. They're my
19 words, yes.
20
21 Q. And you were taking an opportunity to say something
22 quite inappropriate.
23 A. Really?
24
25 Q. Your reaction to that question is what you have there
26 said about Mr Agius was entirely appropriate?
27 A. Yes, because he misrepresented the facts about the
28 police position resisting the third inquest.
29
30 Q. And not only did you say that, you said that he was
31 doing it because the media was there.
32 A. The whole time of the two years on Strike Force
33 Macnamir, everything from the Johnson team and which
34 Mr Agius had joined was played out in the media.
35
36 Q. And so what you were doing there was taking the
37 opportunity to denigrate the lawyer for the Johnson family.
38 A. No.
39
40 Q. You are then asked:
41
42 *Are you actually saying that you [meaning*
43 *the police] called for a third inquest?*
44
45 And you give an answer. The second paragraph, you say:
46
47 *In fact, the first reaction from Scott's*

1 *family was to be quite cross at us for*
2 *having approached the Coroner without*
3 *consulting them first, and I got the*
4 *impression from their first responses that*
5 *they weren't ready to have an inquest*
6 *considered at that stage, without ... their*
7 *go-ahead ...*

8

9 Do you think that was an appropriate thing to say at
10 a door-stop on the record?

11 A. It's factual.

12

13 Q. That's not what I asked. Was that appropriate to say
14 at a door-stop on the record?

15 A. Yes.

16

17 Q. And the question:

18

19 *We also hear in court that after your*
20 *two-year investigation - that you have*
21 *suggested that a new inquest will deliver*
22 *no different finding to that which was*
23 *established in 2012 by [the] Deputy State*
24 *Coroner ... Can you tell us how you have*
25 *arrived at that conclusion, given we*
26 *haven't had another inquest?*

27

28 Before I get to the answer, the State Coroner has now
29 decided that he will conduct an inquest?

30 A. I would like to see what you just read out on the
31 screen.

32

33 Q. Sorry, if that could be scrolled up. Please read your
34 answer to yourself before I ask --

35 A. Which - give me lines, please.

36

37 Q. It's the final - from the bottom of page 2 at line 44
38 to the end of the interview.

39 A. To?

40

41 Q. The end of the interview. It's only one more
42 question.

43 A. I just lost 44. Thank you.

44

45 Q. Now, the Coroner by this stage had decided that he
46 would conduct that inquest; right?

47 A. Yes.

- 1
2 Q. So the determination about whether it would be an open
3 finding or a homicide finding or a suicide or misadventure
4 or - perhaps there is another option - was a matter now for
5 the Coroner, wasn't it?
6 A. Yes.
7
8 Q. Before I go to your answer, do you agree that it was
9 completely inappropriate that you talk about the conclusion
10 that you had reached, given that the matter was now
11 formally before the Coroner?
12 A. It's --
13
14 Q. To talk about it on the record?
15 A. It's consistent with commentary throughout my coronial
16 statement, it's within the meaning and content and purpose
17 of the coronial statement, so I think that's appropriate.
18
19 Q. So you're saying that anything that was in your
20 statement was something that you could comment on on the
21 record the day the Coroner - even after the Coroner had
22 announced the inquest?
23 A. And made my coronial statement public.
24
25 Q. Yes.
26 A. Yes.
27
28 Q. Okay. And if we look at what you are saying, you are
29 saying that this is consistent with your coronial
30 statement. So let's see what it is that you actually said:
31
32 *[There]... is potentially some evidence*
33 *that the Coroner could be interested in,*
34 *but, nonetheless, none of it is direct -*
35 *directly relates to Scott being murdered.*
36
37 Right?
38 A. Because we hadn't been able to identify anyone at that
39 stage.
40
41 Q. I agree that it's factually correct as far as you were
42 concerned, but what you were doing there is saying - you
43 are ruling out homicide, aren't you?
44 A. Pardon?
45
46 Q. You are ruling out homicide --
47 A. No.

1
2 Q. -- when you say "none of it directly relates to Scott
3 being murdered"?
4 A. No.
5
6 Q. Then when you say:
7
8 *... I have that position of an open finding*
9 *is potentially the most appropriate*
10 *finding.*
11
12 How is it your place to say on the record, after the
13 Coroner has announced that he will conduct an inquest - how
14 is it appropriate that you say what you think the most
15 appropriate finding would be?
16 A. It had already been said in court by Sarah Pritchard.
17
18 Q. So what?
19 A. Well --
20
21 Q. That doesn't mean that you can conduct a door-stop,
22 does it, and say what you think on the record?
23 A. I think it does.
24
25 Q. And what you then say is:
26
27 *... an open finding is [what I think is]*
28 *the most appropriate ... But, of course,*
29 *that's up to the Coroner. It's not*
30 *impossible --*
31
32 so you're saying the Coroner may not think it's - he may
33 not agree that it's an open finding but it's not impossible
34 that it might be something else - right? That's what you
35 are saying there.
36 A. Yes, it could come under the three heads.
37
38 Q. Which are the three heads?
39 A. Homicide, suicide, misadventure.
40
41 Q. So where do you say - when you are saying it's not
42 impossible, where do you say "homicide"?
43 A. Well, I have used the - I have used the word "murder",
44 so the coronial evidence at that stage was - hadn't
45 identified anyone who had murdered Scott. So that just
46 leaves homicide, misadventure, suicide, and they are all
47 there.

1
2 Q. Where are you saying "murder"? Is that from the bit
3 that says "none of it directly relates to Scott being
4 murdered"?
5 A. Meaning there is no direct evidence that we are able
6 to find that Scott had been murdered by a person.
7
8 Q. Yes. And then after that, when you say it's not
9 impossible, you say:
10
11 *It's not impossible that it [might] be ...*
12 *suicide, either, or misadventure.*
13
14 Right?
15 A. This is true.
16
17 Q. I know that's what you believe. That's not what I'm
18 asking. When you said "most appropriate is an open
19 finding, but it's not impossible", and you gave other
20 options, one of them was not murder, was it?
21 A. Do you mean murder or homicide?
22
23 Q. Okay, homicide.
24 A. So you do mean homicide?
25
26 Q. Ms Young, I'm not asking - it is not for you to ask me
27 the questions. Look at what your words are. I'm talking
28 about your words.
29 A. Yes.
30
31 Q. Let's look at it. "It's not impossible"; do you see
32 that? You have said:
33
34 *It's not impossible ... perhaps go back*
35 *towards suicide ...*
36
37 A. Yes.
38
39 Q. Making the point that someone else had found suicide,
40 so "go back towards suicide, either, or misadventure"?
41 A. Yes.
42
43 Q. You don't say that one of the possibilities is
44 homicide, do you?
45 A. I do - I do believe that whole paragraph, as a whole,
46 does suggest my comment is along the line of that I thought
47 open finding was most appropriate, which had been said in

1 court earlier, and that the three heads were still all
2 possibilities and that the Coroner was going to decide.
3 That was my intention in those - in that, when I said those
4 words. If that hasn't been conveyed to everyone, well
5 that's unfortunate, but that was my intention.
6

7 Q. Do you agree that some of the things you have said
8 there have got some controversy attached to them?

9 A. No.

10
11 Q. You see, you only spoke to the ABC about this on that
12 day; right? We have established that.

13 A. They were the only ones there.

14
15 Q. And you deliberately waited for the media pack to
16 finish so that you could make these controversial
17 statements only to the ABC?

18 A. No.

19
20 Q. You're not seriously suggesting, are you, that
21 a cameraman asked these questions?

22 A. I - I don't know.

23
24 Q. You said yesterday that when you came out, only the
25 cameraman was there. That's my - you're not seriously
26 saying that these questions that are asked, pointed
27 questions, were asked by a cameraman who had been waiting
28 outside the courtroom?

29 A. My evidence has been that when I got out of the court,
30 I - my recollection was that Emma Alberici was there, but,
31 having heard evidence from the Inquiry, I was also willing
32 to accept that potentially my memory about Emma Alberici
33 physically being there was not all that clear. But either
34 way, whether she was there or was not there, I conducted
35 a door-stop and I said those things that are recorded
36 there.

37
38 Q. Is it the case that you're - I'm sorry, had you not
39 finished?

40 A. So there is nothing denied.

41
42 Q. Are you adopting the possibility that it was
43 a cameraman because you were here when Ms Alberici and
44 said, "Maybe it was a cameraman that asked the question"?

45 A. Yes, so that would have been why - which was being all
46 inclusive. So whether it was Emma Alberici and a cameraman
47 or woman - I wouldn't even know what gender the camera

1 person was - or just the camera person, I did what I did as
2 recorded there, knowing it was the ABC.

3

4 Q. And what you are suggesting as to Ms Alberici is that
5 a cameraman, male or female, with a camera over their
6 shoulder, is at the same time asking you these questions?

7 A. I explained to the best of my ability what I remember
8 and what I did. And there's evidence of it.

9

10 Q. You are not suggesting, are you, that you told anyone
11 in Police Media about the studio interview in advance of it
12 being aired?

13 A. Just repeat the question again? You keep going back
14 to that one. I'm just trying to --

15

16 Q. This is a different question. You are not suggesting
17 that you told anyone in Police Media about the studio
18 interview in advance of it being aired.

19 A. On the day?

20

21 Q. Any time in advance of it being aired. You never told
22 anyone in Police Media of the studio interview in advance
23 of it being aired.

24 A. No, other than I guess my texts after the 7pm news to
25 Georgie Wells and Michael Willing saying that the news
26 had - was promoting it, the exclusive, and that the
27 interview would be later tonight. I guess that's letting
28 the Media Unit know.

29

30 Q. So are you saying the purpose of that message was to
31 tell the Police Media Unit that you were about to conduct
32 a studio interview; is that the case?

33 A. They knew the trigger had occurred, through the
34 Coroner.

35

36 Q. Yes.

37 A. They knew that. I was just confirming spontaneously
38 what I had seen on the news to them and a short briefing of
39 what the 7pm ABC news had said was happening later.

40

41 Q. Even if your evidence about the trigger is correct,
42 that doesn't mean that Police Media knew you were
43 conducting a studio interview that night, does it? All
44 that you said had happened was there had been a trigger.

45 A. Yes.

46

47 Q. That doesn't mean that Police Media were told or knew

1 that there would be a studio interview that night?

2 A. At the time, if and when the Coroner did what he did,
3 the off-the-record comments would become useable on the
4 record. With Lateline, being a television show, it's just
5 logical that a television interview would need to be
6 conducted, and I would take part in that.

7

8 Q. Programs like Lateline and like programs are able to
9 run stories without live interviews, aren't they?

10 A. Pardon?

11

12 Q. Lateline is able to run a story without a live
13 interview, isn't it?

14 A. I have no idea.

15

16 Q. So if you have no idea, then it can't be logical that
17 Lateline was definitely having a studio interview with you;
18 correct?

19 A. Sorry. Every time I'd ever watched Lateline, which
20 was frequently and often, it was only television interview
21 format material - visual, format material that they used.
22 I doubt if I was the only one who knew that.

23

24 Q. It didn't mean that there had to be a police interview
25 with you that night, did it - the trigger, even if it was
26 Lateline?

27 A. So it's the timing, so it was - that was the day when
28 the decisions were made and the dynamic was happening
29 around it.

30

31 Q. Yes.

32 A. So it's part of the exclusive agreement that you would
33 provide timely, useable information for the ABC Lateline
34 television at the time it was most marketable, I guess, for
35 them, which was the day of the big decisions. I just -
36 I was fulfilling the authorised media strategy by taking
37 part in an interview with them at the time they asked.

38

39 Q. And when were the arrangements actually made to go
40 into the studio that evening?

41 A. Around - in that little group of days, because it was
42 having the two options. So what if the Coroner made - did
43 place a non-publication order --

44

45 Q. Yes.

46 A. -- over my statement, it was - everything was a dead
47 deal, including with Dan Box. And, then, if the Coroner

1 made my coronial statement public, then it was to - yes, so
2 the arrangement was to arrive at the ABC studios for the
3 purpose of that?
4

5 Q. I understand that --

6 A. It was both - both scenarios were covered, depending
7 on what was actually going to happen on the day.
8

9 Q. I'm sure that's perfectly correct, but you are saying
10 that that arrangement, was it made on the 10th or the 11th?
11 You met with her on the 10th. There were two options on
12 the 10th. Was the arrangement made on the 10th that if the
13 Coroner did as expected, there would be a studio interview
14 that night?

15 A. It could have been any - any time over that - that
16 short period of time coming up to the 13th, yes.
17

18 Q. So just so I understand, the 10th or 11th or 12th; is
19 that what you are saying?

20 A. Yes.
21

22 Q. So even though you expected the Coroner to trigger the
23 studio interview, you conducted the 10th on the basis that
24 there was going to be a studio interview, you are saying
25 you did not tell anyone in Police Media until after the 7pm
26 news on the day of the studio interview itself.

27 A. I didn't expect the Coroner to trigger anything,
28 because we were waiting to learn what his decision was, so
29 I didn't expect one thing or another. But I was ready for
30 both.
31

32 Q. I can be corrected on this in submissions or
33 otherwise, but haven't you given evidence that the
34 expectation was that the Coroner would order a third
35 inquest? The email from Ms Alberici that we have seen of
36 8 April, she expected that to happen, presumably she got
37 that from you.

38 A. What did she expect to happen?
39

40 Q. That there would be a third inquest ordered?

41 A. That's a separate - that's not a trigger for anything,
42 if that's what you mean.
43

44 Q. I'm not suggesting that her expectation was a trigger.
45 I'm saying the expectation she had about the third inquest
46 being ordered had come from you, and it was an expectation
47 that that would happen.

1 A. So you are asking me if Emma got that from me?
2 I could answer you what I thought, does that help?
3

4 Q. Did you tell Ms Alberici that you expected the third
5 inquest to be ordered?
6 A. I'm not sure if I told her, but I was - I was thinking
7 it was most likely. But I don't know if I told her that.
8

9 Q. Whether or not you expected it, it was one of only two
10 options, and contingencies were made in both eventualities;
11 correct?
12 A. There were - you are joining together both decisions -
13 two decisions that the Coroner was going to make, only one
14 of which was a trigger for anything to do with Emma
15 Alberici.
16

17 Q. Of course.
18 A. And you have not mentioned - you are talking about the
19 third inquest.
20

21 Q. You spoke to Ms Alberici in the days before 13 April,
22 and what was said was "There are two possibilities, but if
23 the third inquest is ordered, we're having a studio
24 interview that night".
25 A. No.
26

27 Q. But whenever - you never told Police Media that there
28 was a possibility that you'll be conducting a studio
29 interview on the night of the 13th?
30 A. I didn't have to tell them because they knew
31 themselves through the days and the emails and the
32 discussions.
33

34 Q. Do you agree that you did not say in your civil
35 statement, the April statement or the September statement,
36 that you told anyone about the studio interview of the 13th
37 in advance of the 13th?
38 A. I agree that those words do not appear in those
39 statements.
40

41 Q. You knew, when you called Mr Willing on the 13th, on
42 the way to the ABC studios, that he would immediately
43 contact the Police Media Unit.
44 A. I didn't know what he would do.
45

46 Q. I'm suggesting to you that him calling Ms Wells
47 immediately to tell her of the conversation he'd had with

1 you was entirely what you expected - that is, that he would
2 tell the relevant people, Police Media?
3 A. I gave no thought to what Michael Willing would do
4 with the briefing I gave him on the way to the ABC studio.
5
6 Q. And that's why you could never tell him in advance of
7 the 13th of the studio interview, because you knew he would
8 immediately tell Police Media?
9 A. He knew - he knew, based on the trigger, based on the
10 strategy, based on the authority for the strategy, that an
11 ABC television program called Lateline would want an
12 interview of a person speaking, and that person was me.
13
14 Q. In all of your police communications straight after
15 13 April, you never told anyone that Mr Willing knew about
16 the studio interview in advance of the 13th; correct?
17 A. I didn't need to because everybody knew.
18
19 Q. The call at around 5pm was a three-way conversation on
20 speaker phone, wasn't it?
21 A. On the 13th of April?
22
23 Q. Yes, the 5pm phone call when you called Mr Willing?
24 A. Yes.
25
26 Q. Ms Brown was speaking at times?
27 A. I - I think so.
28
29 Q. Well, that's why you've described it as a three-way
30 conversation.
31 A. Probably.
32
33 Q. You updated him as to what had happened in court?
34 A. Yes.
35
36 Q. And on that call, you told him about the Glebe
37 door-stop. There was no reason not to tell him, was there?
38
39 MR GRAY: Well, perhaps one question at a time.
40
41 THE COMMISSIONER: Yes.
42
43 MR THANGARAJ: That's fair. I withdraw that.
44
45 Q. There was no reason not to tell him about the Glebe
46 door-stop, was there?
47 A. No reason not to tell him.

- 1
2 Q. And as part of updating what had happened at court,
3 you told him about the fact that you had had a door-stop,
4 didn't you?
5 A. I may have.
6
7 Q. To your knowledge, Mr Willing did not know about the
8 door-stop in advance of the 5pm phone call.
9 A. Probably.
10
11 Q. Could we go to your civil statement, please, at 115.
12
13 THE COMMISSIONER: While that's happening, can I just ask
14 which volume and tab, if there is such a thing. Do we have
15 a transcript of the Juanita Phillips news segment?
16
17 MR THANGARAJ: I'm sure there is. I don't know where, I'm
18 sorry, Commissioner.
19
20 THE COMMISSIONER: No, no, that's fine.
21
22 MR GRAY: 362B [NPL.0138.0002.3238_0001].
23
24 THE COMMISSIONER: Sorry. Thank you, Mr Thangaraj.
25
26 MR THANGARAJ: That's perfectly fine.
27
28 Q. Do you have that there, paragraph 115 of the civil
29 statement? It is page 30 [SCOI.85912_0001]?
30 A. Page 30?
31
32 Q. Yes. Do you see paragraph 115, you say:
33
34 *On 10 April 2015 I was interviewed off the*
35 *record by Dan Box of The Australian and by*
36 *Emma Alberici at the ABC studios Ultimo.*
37
38 A. Yes.
39
40 Q. Firstly, you acknowledge that the 10 April was off the
41 record; right?
42 A. Yes.
43
44 Q. And you use the word "interviewed" don't you?
45 A. Yes.
46
47 Q. Because, for you, and we've seen from other

1 communications, police use the word "interviewing" even if
2 it applies to backgrounding; even if it is off the record,
3 the word "interview" is still used, isn't it?

4 A. Yes.

5
6 Q. Including by you?

7 A. I am much - I would always use "interviewed", I would
8 never use "backgrunder".

9
10 Q. Yes. Good. Because that's the word you used on the
11 5pm phone call with Mr Willing, isn't it - "interview"?

12 A. Yes.

13
14 Q. If we go to paragraph 120 of the same statement, you
15 there don't even say you used the word "interview";
16 correct?

17 A. Yes.

18
19 Q. You said that you told him that you were tempted, if
20 asked, to say "kowtowing". Now, you agree that that would
21 be inconsequential if it was a matter of backgrounding
22 only, in that - I don't mean to have a second question, but
23 there are no wider consequences if, in an off-the-record
24 conversation with a journalist you used that word?

25 A. Probably.

26
27 Q. Isn't it fair to say that it is impossible for
28 a senior police officer to believe that anyone of your
29 experience would use the word "kowtowing" in relation to
30 the Police Minister on the record?

31 A. No, I don't think that's impossible.

32
33 Q. You have agreed yesterday in your evidence that it
34 would be inappropriate to even say that to a journalist off
35 the record. That's what you said yesterday: it would be
36 inappropriate to use that, to say that, even off the
37 record.

38 A. The word, not the whole concept and --

39
40 Q. Okay, the word.

41 A. -- an understanding of what the Minister had done.

42
43 Q. I'm only focusing on the word "kowtowing". Everyone
44 knew that you would know it was inappropriate to use the
45 word "kowtowing" in relation to the Police Minister;
46 correct?

47 A. Just put that by me one more time?

- 1
2 Q. I will lead into it with another bit of evidence you
3 gave yesterday and then I will come back to that question.
4 You agreed yesterday that you were not authorised to use
5 the word "kowtowing" in relation to the Police Minister.
6 A. Yes.
7
- 8 Q. And you agree that if another senior police officer,
9 such as Mr Willing, knowing you, knowing that you would
10 accept it is not authorised to say it, knowing that you
11 have a belief that you would never do something that was
12 not authorised - it would be totally inconceivable that you
13 would say "kowtowing" in relation to a Police Minister on
14 the record?
15 A. Well, I told him I was tempted to, when I was
16 interviewed.
17
- 18 Q. And the way that discussion took place was that it was
19 a joke. That's why he laughed?
20 A. I don't joke about the Minister and his kowtowing.
21
- 22 Q. But you said yesterday it was inappropriate to even
23 say it off the record, and when Mr Gray asked you "Well,
24 why did you say it on the record? Why did you say it", and
25 you just said ultimately "I just can't answer that".
26 Right? I'm just asking what you said yesterday.
27 A. Yes, I - it does - it seems familiar how you have
28 described it, but if you are going to - I would very much
29 like to see it specifically. But yes, it does sound
30 familiar from yesterday.
31
- 32 Q. You have never previously said in any statement that
33 Mr Willing encouraged, in that phone call, you to use the
34 word "kowtowing"; do you agree with that?
35 A. His laughter was encouraging to me.
36
- 37 Q. So the highest you go in any statement to say that
38 Mr Willing encouraged you to use the word "kowtowing" was
39 him laughing.
40 A. Yes.
41
- 42 Q. In circumstances where you knew that no-one would have
43 authorised it, and he had no authority; correct?
44 A. He encouraged me on 13 April to use it if I was asked.
45
- 46 Q. You knew that he had no authority to allow you to say
47 that; right?

1 A. Yes - probably - yes, highly likely, absolutely. I'd
2 even go that far.
3
4 Q. You knew, although it took you some time to accept it,
5 that you had crossed the line in the interview of the 13th
6 by using the word "kowtowing".
7 A. So in the Lateline interview?
8
9 Q. Yes.
10 A. Could you just ask me the question again, please?
11
12 Q. Yes. You knew that you had crossed the line by using
13 a word "kowtowing" that you knew for yourself would be
14 inappropriate to use even off the record; right?
15 A. I knew it was controversial.
16
17 Q. You refuse to take responsibility for yourself and so
18 you've shifted the blame to Mr Willing.
19 A. For what aspects or aspect?
20
21 Q. Because you refuse to take responsibility for your own
22 word.
23 A. For using - it's my word. Definitely my word.
24
25 Q. And are you saying that the authority you had on
26 7 April meant that you could reveal the private view of the
27 Deputy Commissioner with respect to the Police Minister?
28 Could we bring up, please, the transcript of the Lateline
29 interview of the 13th, at the very end.
30
31 THE COMMISSIONER: I think it is volume 16. I think it is
32 tab 344 [NPL.2017.0004.0592].
33
34 MR THANGARAJ: Q. Can we go to the last page. You see
35 at the top of the page, line 5, the Deputy Commissioner -
36 I presume you are speaking about Kaldas?
37 A. Yes.
38
39 Q. He had not publicly said that, had he?
40 A. No.
41
42 Q. That was a private communication or a private
43 understanding, wasn't it?
44 A. Private in what way?
45
46 Q. He had told you or somebody had told you that that's
47 what his views were.

1 A. There's nothing private in an exchange between
2 officers of - in police communications.
3
4 Q. Well, how did you know --
5 A. They are not private communications, they are police
6 communications, and he had been shocked.
7
8 Q. He had been what?
9 A. Shocked.
10
11 Q. Shocked, all right. How did you know? Did he tell
12 you this, or was it hearsay?
13 A. It's - he told me and it's in writing, and his
14 disapproval of - that the meeting at the Ministry had
15 happened in the way it had, yes.
16
17 Q. Did he authorise you to say on the record what his
18 view was about the Police Minister?
19 A. No.
20
21 Q. So why did you think that you were able to tell the
22 Lateline audience what the private view of the Deputy
23 Commissioner was in relation to the Police Minister?
24 A. So it - with the area of the Lateline interview that
25 related to my statement about how Strike Force Macnamir had
26 come about, and the mention of the Minister there, I was
27 inclined to let the public know that it had - Strike Force
28 Macnamir had come about in a very unusual situation, which
29 was also the view of the Deputy Commissioner.
30
31 Q. And do you say you had authority to say that from the
32 7 April email?
33 A. In - the theme, the theme, yes.
34
35 Q. Sorry, what theme?
36 A. The theme about how Strike Force Macnamir had been
37 created.
38
39 Q. Do you say that the 7 April email authorised you to
40 tell the Lateline audience that the Deputy Police
41 Commissioner was upset with the Police Minister?
42 A. The theme of - that's in my statement about how Strike
43 Force Macnamir was created and the Minister's involvement
44 in that unusual creation of the strike force was in my
45 statement, and so the theme was there for Lateline, in a
46 broad sense.
47

- 1 Q. So, just so I understand that answer, you're saying
2 yes, the 7 April email authorised you to say "The Deputy
3 Commissioner became aware of that meeting, he was shocked
4 that it had happened"; is that right? Yes or no?
5 A. I think it's a yes.
6
- 7 Q. The 7 April email, in the way that you've relied on
8 it - where does that email say that you would be the one to
9 go on the record?
10 A. That had been discussed and finalised some time before
11 that.
12
- 13 Q. By whom, with whom?
14 A. Michael Willing.
15
- 16 Q. But he doesn't have authority to decide who is the
17 person that goes on the studio interview.
18 A. Well, there were only two possibilities, and they were
19 the people who - because it was all about the coronial
20 statement, so it was about the two people who'd read it, so
21 I'd written it and read it and he had read it. So it
22 couldn't go - it wasn't - it could not - for the purpose of
23 that media strategy, it could not have been done by anybody
24 else.
25
- 26 Q. You know full well that the Commissioner of Police,
27 Deputies, ACs, conduct interviews on behalf of police in
28 relation to high-profile matters when they are not across
29 the detail.
30 A. When, pardon?
31
- 32 Q. When they are not across the detail?
33 A. Oh, I - that might be disputed by them.
34
- 35 Q. Just because you knew more about the brief than anyone
36 else, apart from perhaps Ms Brown, that doesn't mean that
37 the media strategy would automatically mean that it had to
38 be you, did it, because there are other criteria that have
39 to be approved?
40 A. It could have been Michael Willing, yes. But he - we
41 discussed it and it made sense that it be me because I had
42 a deeper knowledge of it.
43
- 44 Q. And ultimately, regardless of who the two of you may
45 have thought would be a better person, ultimately, that is
46 a question for Strath Gordon, isn't it?
47 A. Well, he did authorise it, so you're right. Yes.

- 1
2 Q. So Strath Gordon authorised for you specifically - not
3 a studio interview per se but for you specifically - to be
4 the one to do the studio interview.
5 A. Well, to do the - so it's - the email of the 7th is
6 that "Pam will do this", "Pam will do that", "Pam will
7 background". So that was me doing those things, authorised
8 by Strath.
9
10 Q. Can we finally, in the last topic - I've only got
11 a couple of minutes to go - go to your September statement,
12 please, paragraph 124 [SCOI.85816_0001]. You specifically
13 refer to the conversation of 14 April, right?
14 A. Yes.
15
16 Q. And you specifically say something that Mr Willing
17 said?
18 A. Yes.
19
20 Q. And what you say he said was that the Commissioner was
21 "fairly relaxed" about the interview.
22 A. Yes.
23
24 Q. You do not say that Mr Willing said that he was
25 relaxed about the interview, do you?
26 A. He was happy with it. He made no complaint about it.
27
28 Q. That wasn't the question. The question was, in
29 paragraph 124 you do not say that Mr Willing said that he
30 was relaxed about the interview.
31 A. You are right. Those words do not appear in
32 paragraph 124.
33
34 Q. Nor does your claim that he said "It was good"?
35 A. That's correct.
36
37 Q. And none of those words appear in your first statement
38 either; correct?
39 A. That's correct.
40
41 Q. And we can see from what I've just read out that it's
42 also not anywhere in your civil statement?
43 A. That's correct.
44
45 Q. If, in fact, he had said that, you would have told
46 a lot of police in these communications in the days after
47 13 April 2015 that Mr Willing had no problem before, during

1 or after the studio interview.
2 A. In what? Sorry?
3
4 Q. That Mr Willing had no problem with the studio
5 interview before, during or after.
6 A. Did you - did that have a lead-in part about where
7 that - could you ask me the question again, please?
8
9 Q. Yes. If Mr Willing had told you that he was relaxed
10 about the interview, and it was good, or that you were
11 good, and he had said that the day after the interview, you
12 would have put in police communications on and after the
13 14th that Mr Willing had said that to you.
14 A. Not necessarily. If he had complained about it, that
15 would be there, because that's a point of difference
16 between us, if it had been, but our talks on the 14th - it
17 was a very harmonious morning conversation in which he
18 included that the Commissioner of Police was fairly relaxed
19 about Lateline.
20
21 Q. And if it was true, you would have put it in the
22 statement that you prepared a few weeks ago.
23 A. For the same reasons I've just explained then, it's
24 like - it's just taken for granted that - I guess I would
25 have put in my statements unusual things that were said
26 between Michael Willing and I. So it was a normal - it was
27 a proper follow-up phone call from him to me after
28 a significant event. It was a supportive phone call. It
29 was a "How are you feeling" phone call, it was that he
30 liked Lateline and that he had even been told by the
31 Commissioner of Police that he was fairly relaxed about it.
32
33 Q. You knew full well, by the time you prepared that
34 statement, that there was a significant contest in this
35 Commission as to the terms of the phone call and its
36 aftermath, didn't you?
37 A. The statement of --
38
39 Q. Before you prepared the September statement.
40 A. Before I prepared which one?
41
42 Q. The last one.
43 A. To the Inquiry.
44
45 Q. The one that that paragraph is in.
46 A. Okay. That?
47

1 Q. There was a significant contest over what was said on
2 the 5pm phone call and who knew about that interview in
3 advance and what they thought about it. You knew all those
4 things were in contest, didn't you?
5 A. Through this Inquiry?
6
7 Q. Yes.
8 A. Yes.
9
10 MR THANGARAJ: Nothing further.
11
12 THE COMMISSIONER: Thank you. Mr Gray, anything?
13 Mr Glissan, if you've got something - you go first, if
14 you've got something.
15
16 MR GLISSAN: Let me just take some instructions if I may,
17 your Honour. No, thank you.
18
19 THE COMMISSIONER: All right. Yes, Mr Gray. Anything?
20
21 MR GRAY: No questions.
22
23 THE COMMISSIONER: Okay. All right. I can excuse you -
24 thank you very much, Ms Young - from any further
25 attendance.
26
27 **<THE WITNESS WITHDREW**
28
29 THE COMMISSIONER: The hearing of the Inquiry will resume
30 on Tuesday. For those interested, Mr Tedeschi - I don't
31 think Mr Thangaraj will be concerned about it - it will be
32 one of the hand-up brief type matters which involves one of
33 the other cases that have been investigated. It will be
34 along the same lines as others in the past where the
35 routine has simply been for NSW Police to reserve their
36 position. But you will see more information on the website
37 as to precisely what case that is, but it will be along
38 those lines next Tuesday.
39
40 MR TEDESCHI: Thank you.
41
42 THE COMMISSIONER: Otherwise, that will be the next date
43 that the matter will be heard.
44
45 MR GRAY: Commissioner, just before you do adjourn, may
46 I just confirm for the benefit of all parties something
47 which has been on the website for some time, which is the

1 timetable for further submissions in this hearing. Any
2 supplementary submissions by Counsel Assisting will be by
3 Monday, 16 October. Any supplementary submissions by
4 interested parties, including any reply to the
5 supplementary submissions of Counsel Assisting, will be by
6 Monday, 23 October. Any further submissions in reply by
7 Counsel Assisting will be by Monday, 30 October. There is
8 no capacity, even though those dates may be relatively
9 tight, for any extension to that timetable.

10
11 THE COMMISSIONER: All right. Thank you. I will now
12 adjourn until next Tuesday, thank you.

13
14 **AT 3.20PM THE SPECIAL COMMISSION OF INQUIRY WAS ADJOURNED**
15 **ACCORDINGLY**

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1	6788:21, 6788:23, 6791:28, 6823:16, 6849:42, 6852:43, 6863:16, 6864:29, 6864:36, 6864:37, 6864:41, 6865:7, 6865:16, 6865:21, 6869:5, 6869:29	3	6681 [2] - 6789:28, 6789:41 6702 [2] - 6797:17, 6797:18 6703 [3] - 6797:14, 6797:16, 6797:19 6769 [1] - 6791:4	6792:32, 6792:35, 6792:46, 6793:8, 6793:33, 6793:41, 6794:19, 6794:21, 6794:31, 6794:47, 6795:14, 6795:24, 6799:29, 6803:5, 6811:8, 6811:23, 6811:30, 6812:1, 6812:7, 6812:11, 6814:24, 6815:26, 6815:34, 6815:37, 6816:35, 6816:37, 6819:14, 6821:20, 6821:35, 6830:25, 6835:33, 6837:27, 6851:31, 6852:6, 6853:3, 6853:12, 6860:11, 6860:17, 6861:2, 6861:39, 6862:33, 6863:2, 6864:42, 6865:4, 6865:11, 6866:36	
1 [5] - 6807:15, 6820:29, 6828:26, 6830:19, 6845:37 10 [23] - 6779:44, 6783:26, 6794:10, 6806:8, 6810:18, 6820:40, 6831:14, 6832:24, 6832:31, 6836:13, 6840:9, 6844:2, 6844:13, 6846:26, 6846:44, 6847:32, 6847:39, 6848:20, 6848:33, 6848:40, 6848:42, 6866:34, 6866:40 10.16am [1] - 6778:22 10.18am [1] - 6780:9 10th [16] - 6788:15, 6789:1, 6843:39, 6849:2, 6849:4, 6849:20, 6849:21, 6852:41, 6853:16, 6853:17, 6863:10, 6863:11, 6863:12, 6863:18, 6863:23 111 [2] - 6831:37, 6832:1 112 [1] - 6832:5 113 [1] - 6832:6 114 [2] - 6832:9, 6832:12 115 [6] - 6838:14, 6838:16, 6838:23, 6866:11, 6866:28, 6866:32 11th [2] - 6863:10, 6863:18 12 [1] - 6783:26 12.03pm [1] - 6829:21 12.30pm [1] - 6783:35 120 [1] - 6867:14 121 [1] - 6778:18 124 [3] - 6872:12, 6872:29, 6872:32 12th [1] - 6863:18 13 [22] - 6785:22, 6786:18, 6788:9, 6788:34, 6791:17, 6804:25, 6823:23, 6823:32, 6844:9, 6844:34, 6845:32, 6845:47, 6846:16, 6846:17, 6849:35, 6850:19, 6864:21, 6865:15, 6868:44, 6872:47 13th [20] - 6781:4, 6788:11, 6788:13,	14 [2] - 6796:43, 6872:13 14th [5] - 6797:23, 6825:18, 6827:40, 6873:13, 6873:16 15 [1] - 6779:44 150% [1] - 6827:5 15th [1] - 6827:40 16 [6] - 6780:13, 6793:18, 6799:17, 6821:13, 6869:31, 6875:3 17 [2] - 6826:36, 6826:38 1720 [2] - 6791:35, 6792:26 19 [4] - 6818:31, 6838:6, 6838:10, 6843:19 1st [1] - 6830:22	3.17pm [1] - 6838:37 3.2.3 [2] - 6800:20, 6800:28 3.20PM [1] - 6875:14 30 [5] - 6797:19, 6828:27, 6866:29, 6866:30, 6875:7 344 [1] - 6869:32 347 [2] - 6780:13, 6799:14 362B [1] - 6866:22 366 [1] - 6821:12 372 [1] - 6839:11 3776 [1] - 6794:6 380 [1] - 6783:15 382A [2] - 6784:15, 6793:19 393 [1] - 6826:34	7 7 [18] - 6780:18, 6782:23, 6784:47, 6785:1, 6786:2, 6799:24, 6829:30, 6830:24, 6831:25, 6832:2, 6834:45, 6835:6, 6842:47, 6869:26, 6870:32, 6870:39, 6871:2, 6871:7 7pm [3] - 6861:24, 6861:39, 6863:25 7th [1] - 6872:5		
	2	4	7		
	2 [7] - 6778:18, 6779:43, 6839:29, 6839:40, 6845:17, 6846:22, 6856:37 20 [1] - 6791:43 2012 [1] - 6856:23 2013 [3] - 6792:3, 6802:11, 6804:29 2014 [4] - 6789:31, 6790:36, 6802:11, 6802:18 2015 [23] - 6784:20, 6789:30, 6790:36, 6792:3, 6795:36, 6795:44, 6799:24, 6800:15, 6800:40, 6829:30, 6833:5, 6833:6, 6833:20, 6834:30, 6835:14, 6836:9, 6836:13, 6836:44, 6844:9, 6845:38, 6846:22, 6866:34, 6872:47 2017 [1] - 6787:11 2022 [1] - 6778:7 2023 [1] - 6778:22 23 [1] - 6875:6 24 [1] - 6826:9 29 [2] - 6792:27	4 [1] - 6828:27 40 [1] - 6792:36 44 [3] - 6792:27, 6856:37, 6856:43 445-page [2] - 6802:34, 6806:37 47 [2] - 6797:17, 6797:19 48 [1] - 6826:9	4 4 [1] - 6828:27 40 [1] - 6792:36 44 [3] - 6792:27, 6856:37, 6856:43 445-page [2] - 6802:34, 6806:37 47 [2] - 6797:17, 6797:19 48 [1] - 6826:9	8 8 [9] - 6783:30, 6783:34, 6807:12, 6807:13, 6818:35, 6829:30, 6838:42, 6839:3, 6863:36 8.11pm [1] - 6822:20 8.21am [1] - 6838:36 8th [1] - 6838:37	8 8 [9] - 6783:30, 6783:34, 6807:12, 6807:13, 6818:35, 6829:30, 6838:42, 6839:3, 6863:36 8.11pm [1] - 6822:20 8.21am [1] - 6838:36 8th [1] - 6838:37
		5	9		
		5 [6] - 6788:35, 6791:27, 6792:45, 6810:15, 6810:28, 6869:35 52 [1] - 6829:26 526 [1] - 6823:27 527 [1] - 6800:13 55 [2] - 6838:18, 6838:23 567 [1] - 6818:25 5pm [9] - 6793:22, 6809:46, 6823:4, 6824:10, 6865:19, 6865:23, 6866:8, 6867:11, 6874:2	9 9 [2] - 6796:44, 6797:23 9.30 [1] - 6810:18 91 [1] - 6783:27 95 [8] - 6838:5, 6838:9, 6843:19, 6843:20, 6843:27, 6843:28, 6844:21, 6844:28 96 [1] - 6838:11 98 [5] - 6778:24, 6843:38, 6844:11, 6844:21, 6844:28 99 [6] - 6843:20, 6843:27, 6843:34, 6844:7, 6844:14, 6844:21 9th [1] - 6838:37	9 9 [2] - 6796:44, 6797:23 9.30 [1] - 6810:18 91 [1] - 6783:27 95 [8] - 6838:5, 6838:9, 6843:19, 6843:20, 6843:27, 6843:28, 6844:21, 6844:28 96 [1] - 6838:11 98 [5] - 6778:24, 6843:38, 6844:11, 6844:21, 6844:28 99 [6] - 6843:20, 6843:27, 6843:34, 6844:7, 6844:14, 6844:21 9th [1] - 6838:37	
		6	A		
		6 [3] - 6778:22, 6839:11, 6850:43 6231 [1] - 6786:28 6232 [3] - 6786:28, 6786:34, 6786:44 6235 [1] - 6787:4 6501 [1] - 6788:26	A ABC [50] - 6781:1, 6782:29, 6788:39,	ability [2] - 6847:16, 6861:7 able [11] - 6802:46, 6804:1, 6808:38, 6816:16, 6835:45, 6845:23, 6857:38, 6859:5, 6862:8, 6862:12, 6870:21 absence [2] - 6820:16, 6827:17 absolute [1] - 6788:1 absolutely [6] - 6806:24, 6818:11, 6818:15, 6820:18, 6825:22, 6869:1 accept [5] - 6790:35, 6838:19, 6860:32, 6868:10, 6869:4 acceptable [1] - 6842:35 accepted [2] - 6795:13, 6813:34 accord [1] - 6790:30 according [1] - 6788:8 account [5] - 6790:30, 6792:43, 6793:29, 6795:22, 6795:43 accountable [2] - 6840:27, 6842:1 accurate [2] - 6836:35, 6855:15 accused [2] - 6797:34, 6797:38 achieve [1] - 6820:29 achieving [1] - 6804:46 acknowledge [1] -	

6866:40
acknowledged [2] - 6805:10, 6851:20
acknowledges [2] - 6845:30, 6845:32
acknowledging [1] - 6837:30
ACs [1] - 6871:27
Acting [1] - 6778:34
acting [3] - 6799:39, 6827:13, 6844:47
action [1] - 6813:5
actioned [1] - 6807:9
actual [1] - 6825:7
acutely [1] - 6809:34
ad [1] - 6848:28
added [1] - 6838:26
additional [2] - 6781:20, 6801:19
additionally [1] - 6781:33
address [1] - 6781:26
adds [1] - 6781:31
adduce [1] - 6804:35
adequate [1] - 6791:36
adjourn [3] - 6845:17, 6874:45, 6875:12
adjourned [1] - 6835:11
adjournment [2] - 6845:17, 6845:22
administered [1] - 6779:13
admissions [1] - 6845:24
adopt [1] - 6834:11
adopting [1] - 6860:42
advance [16] - 6784:16, 6791:17, 6831:32, 6841:46, 6845:44, 6845:47, 6853:12, 6861:11, 6861:18, 6861:21, 6861:22, 6864:37, 6865:6, 6865:16, 6866:8, 6874:3
advice [2] - 6801:34, 6801:36
advise [2] - 6781:34, 6782:37
adviser [2] - 6813:45, 6813:47
advising [1] - 6783:6
affairs [4] - 6800:31, 6816:23, 6816:27, 6816:37
Affairs [3] - 6801:1, 6801:7, 6813:31
affirmation [2] - 6780:6, 6780:7
aftermath [1] - 6873:36
afternoon [5] - 6789:1, 6793:21, 6810:15, 6818:36, 6828:27
afterwards [2] - 6802:44, 6817:6
agitation [1] - 6805:7
Agius [3] - 6854:44, 6855:26, 6855:34
agnostic [2] - 6779:7, 6779:35
ago [2] - 6825:35, 6873:22
agree [52] - 6786:5, 6786:19, 6789:10, 6789:11, 6791:23, 6791:24, 6796:10, 6796:35, 6797:22, 6798:33, 6799:41, 6813:38, 6818:21, 6819:26, 6828:1, 6829:1, 6829:29, 6830:24, 6830:36, 6831:42, 6832:45, 6833:20, 6834:37, 6834:41, 6834:43, 6834:45, 6835:14, 6835:15, 6838:31, 6840:7, 6840:12, 6840:21, 6840:36, 6842:6, 6843:16, 6844:23, 6844:30, 6844:31, 6844:35, 6844:38, 6846:14, 6850:15, 6857:8, 6857:41, 6858:33, 6860:7, 6864:34, 6864:38, 6867:20, 6868:8, 6868:34
agreed [27] - 6784:29, 6784:35, 6785:9, 6785:13, 6785:20, 6793:43, 6794:30, 6803:29, 6803:30, 6803:37, 6806:43, 6807:20, 6809:5, 6813:5, 6814:16, 6814:23, 6820:7, 6820:9, 6820:12, 6825:40, 6828:25, 6829:6, 6829:8, 6830:7, 6846:30, 6867:33, 6868:4
agreeing [7] - 6785:42, 6798:8, 6822:12, 6822:13, 6834:34, 6840:47
agreement [6] - 6840:14, 6840:46, 6842:16, 6848:30, 6849:31, 6862:32
ahead [3] - 6852:45, 6853:11, 6856:7
air [6] - 6786:47, 6810:18, 6810:22, 6810:33, 6814:37, 6845:13
aired [5] - 6845:45, 6861:12, 6861:18, 6861:21, 6861:23
Alberici [110] - 6778:44, 6782:12, 6782:24, 6786:16, 6786:23, 6786:28, 6786:38, 6786:44, 6787:37, 6792:38, 6793:3, 6793:8, 6793:41, 6795:1, 6795:15, 6811:8, 6812:8, 6816:21, 6821:25, 6829:34, 6830:9, 6830:16, 6830:17, 6830:19, 6830:28, 6830:32, 6830:38, 6830:40, 6831:5, 6831:14, 6831:32, 6832:13, 6832:23, 6832:27, 6832:30, 6832:33, 6832:37, 6832:39, 6832:43, 6833:20, 6834:25, 6834:39, 6834:41, 6834:44, 6835:5, 6835:14, 6835:18, 6835:24, 6835:34, 6835:41, 6836:8, 6836:43, 6837:2, 6837:6, 6837:7, 6837:20, 6837:21, 6837:27, 6838:12, 6838:32, 6838:36, 6838:42, 6839:3, 6839:41, 6840:8, 6840:17, 6840:32, 6841:39, 6842:23, 6842:24, 6842:25, 6843:29, 6843:38, 6844:12, 6844:23, 6844:24, 6844:29, 6845:34, 6845:37, 6845:42, 6846:21, 6846:27, 6846:40, 6847:2, 6847:5, 6847:20, 6847:30, 6847:32, 6847:36, 6847:44, 6848:3, 6848:7, 6848:12, 6848:42, 6849:1, 6849:6, 6851:28, 6851:35, 6852:4, 6852:18, 6860:30, 6860:32, 6860:43, 6860:46, 6861:4, 6863:35, 6864:4, 6864:15, 6864:21, 6866:36
Alberici" [1] - 6840:26
alerted [2] - 6812:47, 6843:10
Alicia [1] - 6778:35
aligned [1] - 6805:37
alive [1] - 6809:34
allay [1] - 6833:47
allow [2] - 6826:26, 6868:46
alone [1] - 6802:23
ambiguous [1] - 6833:45
ample [1] - 6840:19
amusing [1] - 6855:9
Anders [1] - 6778:33
announced [3] - 6854:4, 6857:22, 6858:13
annual [1] - 6804:15
answer [18] - 6788:18, 6791:5, 6791:19, 6794:33, 6800:43, 6804:6, 6822:26, 6830:13, 6833:21, 6835:45, 6836:29, 6855:45, 6856:28, 6856:34, 6857:8, 6864:2, 6868:25, 6871:1
answered [1] - 6836:39
answering [2] - 6836:15, 6836:21
answers [4] - 6790:39, 6792:31, 6794:6, 6845:1
anticipated [2] - 6849:42, 6850:18
anxious [1] - 6834:2
anyway [2] - 6791:38, 6820:39
apart [4] - 6782:28, 6838:15, 6838:16, 6871:36
apologise [2] - 6821:4, 6824:21
appear [11] - 6802:6, 6804:1, 6811:41, 6822:28, 6839:34, 6839:40, 6844:31, 6855:18, 6864:38, 6872:31, 6872:37
appearance [2] - 6821:40, 6822:8
appeared [1] - 6817:15
appearing [2] - 6786:35, 6786:41
application [1] - 6854:47
applies [1] - 6867:2
approach [7] - 6801:36, 6804:32, 6841:5, 6841:42, 6842:26, 6844:2, 6853:43
approached [4] - 6789:42, 6840:15, 6843:30, 6856:2
appropriate [12] - 6784:29, 6855:3, 6855:26, 6856:9, 6856:13, 6857:17, 6858:9, 6858:14, 6858:15, 6858:28, 6859:18, 6859:47
appropriately [2] - 6800:36, 6800:41
approval [16] - 6783:1, 6786:3, 6799:25, 6799:37, 6799:38, 6799:43, 6800:5, 6800:6, 6801:15, 6801:19, 6808:2, 6813:6, 6824:7, 6841:41, 6841:42, 6841:43
approve [1] - 6823:21
approved [7] - 6782:19, 6784:10, 6807:9, 6812:31, 6813:31, 6820:6, 6871:39
approves [1] - 6782:46
April [118] - 6780:18, 6782:23, 6783:30, 6783:34, 6784:20, 6784:47, 6785:1, 6785:22, 6786:2, 6786:18, 6786:30, 6788:9, 6788:34, 6791:17, 6792:3, 6795:36, 6795:44, 6796:43, 6799:24, 6800:15, 6800:40, 6803:11, 6804:25, 6806:8, 6807:12, 6807:13, 6807:15, 6818:35, 6823:23, 6823:32, 6829:26,

- 6829:30, 6829:34,
6830:19, 6830:24,
6830:33, 6830:37,
6831:5, 6831:14,
6831:23, 6831:25,
6831:32, 6832:2,
6832:24, 6832:27,
6832:30, 6832:31,
6832:44, 6833:2,
6833:5, 6833:6,
6833:20, 6834:30,
6834:45, 6835:6,
6835:12, 6835:14,
6835:19, 6835:23,
6835:39, 6836:7,
6836:9, 6836:13,
6836:18, 6836:42,
6836:47, 6837:19,
6837:34, 6837:35,
6838:25, 6838:42,
6839:3, 6839:29,
6839:40, 6840:9,
6842:47, 6844:2,
6844:9, 6844:13,
6844:33, 6844:34,
6845:31, 6845:32,
6845:37, 6845:47,
6846:15, 6846:16,
6846:17, 6846:22,
6846:26, 6846:44,
6847:32, 6847:39,
6848:20, 6848:33,
6848:40, 6848:42,
6849:35, 6850:19,
6852:22, 6863:36,
6864:21, 6864:35,
6865:15, 6865:21,
6866:34, 6866:40,
6868:44, 6869:26,
6870:32, 6870:39,
6871:2, 6871:7,
6872:13, 6872:47
- area** [1] - 6870:24
- arguments** [1] -
6855:3
- arise** [1] - 6845:11
- arisen** [1] - 6834:6
- arises** [2] - 6799:8,
6808:19
- arising** [1] - 6845:11
- arranged** [1] - 6816:14
- arrangement** [4] -
6853:19, 6863:2,
6863:10, 6863:12
- arrangements** [3] -
6784:30, 6806:10,
6862:39
- arrive** [1] - 6863:2
- arrived** [2] - 6803:9,
6856:25
- AS** [1] - 6827:28
- ASAP** [1] - 6827:17
- Ashurst** [7] - 6784:17,
6802:39, 6803:3,
6808:11, 6808:18,
6808:25, 6808:34
- aspect** [5] - 6782:34,
6789:21, 6805:41,
6832:37, 6869:19
- aspects** [2] - 6789:17,
6869:19
- assist** [2] - 6839:20,
6840:17
- Assistant** [3] -
6798:27, 6798:40,
6800:34
- assisting** [1] - 6839:1
- Assisting** [8] -
6778:26, 6778:27,
6799:23, 6810:3,
6854:43, 6875:2,
6875:5, 6875:7
- assume** [2] - 6794:41,
6845:21
- assumed** [2] - 6789:2,
6841:1
- assumption** [2] -
6795:26, 6795:30
- AT** [1] - 6875:14
- attached** [1] - 6860:8
- attend** [1] - 6801:24
- attendance** [2] -
6828:17, 6874:25
- attention** [2] -
6794:10, 6798:29
- attitude** [2] - 6817:8,
6846:39
- audience** [2] -
6870:22, 6870:40
- audio** [1] - 6848:39
- audio-recorded** [1] -
6848:39
- Australian** [8] -
6781:1, 6799:30,
6807:21, 6811:14,
6816:35, 6821:21,
6821:28, 6866:35
- authorisation** [2] -
6840:12, 6842:5
- authorisations** [1] -
6841:10
- authorise** [6] -
6800:47, 6808:5,
6841:1, 6841:3,
6870:17, 6871:47
- authorised** [18] -
6800:35, 6810:12,
6810:42, 6814:12,
6814:17, 6814:33,
6814:38, 6825:44,
6840:43, 6862:36,
6868:4, 6868:10,
6868:12, 6868:43,
6870:39, 6871:2,
6872:2, 6872:7
- authority** [22] -
6808:11, 6814:45,
6815:5, 6815:9,
6815:20, 6841:9,
6841:25, 6841:26,
6841:35, 6841:36,
6841:39, 6842:9,
6842:12, 6842:22,
6843:6, 6850:6,
6865:10, 6868:43,
6868:46, 6869:25,
6870:31, 6871:16
- automatically** [1] -
6871:37
- availability** [1] -
6819:11
- available** [1] - 6804:40
- avoid** [1] - 6845:9
- aware** [17] - 6783:10,
6789:2, 6794:36,
6794:41, 6794:45,
6795:1, 6795:2,
6797:25, 6798:26,
6800:18, 6801:15,
6807:30, 6809:34,
6812:5, 6823:10,
6853:34, 6871:3
-
- B**
-
- background** [7] -
6780:47, 6781:21,
6788:14, 6795:16,
6799:29, 6807:29,
6812:1
- background"** [1] -
6872:7
- backgrounded** [2] -
6813:11, 6843:38
- backgrounder** [1] -
6789:9
- backgrounder"** [1] -
6867:8
- backgrounders** [1] -
6807:21
- backgrounding** [21] -
6781:35, 6784:10,
6785:21, 6785:26,
6788:15, 6788:41,
6788:45, 6788:47,
6796:21, 6810:43,
6810:44, 6812:34,
6813:13, 6821:32,
6823:32, 6823:44,
6824:6, 6824:10,
6844:12, 6867:2,
6867:21
- balance** [2] - 6806:29,
6842:17
- balanced** [5] -
6815:30, 6815:35,
6816:34, 6818:4,
6818:20
- barb** [1] - 6836:36
- Barnes** [5] - 6778:41,
6799:6, 6801:44,
6824:26, 6824:43
- BARNES** [1] - 6801:46
- based** [4] - 6855:10,
6865:9, 6865:10
- bases** [1] - 6848:41
- basis** [5] - 6779:42,
6787:1, 6815:3,
6833:44, 6863:23
- bearing** [1] - 6799:36
- became** [2] - 6786:24,
6871:3
- become** [2] - 6816:16,
6862:3
- beforehand** [1] -
6792:22
- beg** [2] - 6841:21,
6853:8
- begin** [1] - 6802:9
- beginning** [5] -
6802:18, 6803:11,
6826:43, 6843:27,
6844:14
- begins** [1] - 6793:21
- behalf** [1] - 6871:27
- behind** [1] - 6790:14
- belief** [5] - 6837:19,
6841:8, 6841:9,
6841:17, 6868:11
- bell** [1] - 6849:26
- below** [2] - 6793:20,
6808:15
- bench** [4] - 6833:45,
6834:13, 6834:17,
6854:8
- benefit** [3] - 6799:18,
6855:16, 6874:46
- best** [5] - 6840:16,
6841:43, 6842:27,
6850:34, 6861:7
- better** [7] - 6845:24,
6850:39, 6850:42,
6850:46, 6853:23,
6853:25, 6871:45
- between** [22] -
6786:29, 6787:1,
6788:28, 6788:29,
6791:11, 6792:3,
6794:11, 6807:16,
6812:24, 6815:25,
6818:17, 6821:25,
6829:14, 6829:30,
6829:31, 6830:7,
6837:29, 6838:33,
6838:36, 6870:1,
6873:16, 6873:26
- bias** [1] - 6798:31
- big** [1] - 6862:35
- Bignell** [1] - 6778:35
- bit** [8] - 6782:7,
6783:29, 6807:33,
6817:6, 6846:10,
6859:2, 6868:2
- blame** [2] - 6787:45,
6869:18
- body** [1] - 6818:43
- boss** [1] - 6841:32
- bother** [1] - 6796:26
- bottom** [5] - 6783:26,
6797:17, 6797:18,
6838:6, 6856:37
- Box** [8] - 6806:6,
6807:24, 6830:20,
6847:45, 6848:28,
6848:45, 6862:47,
6866:35
- box** [12] - 6821:25,
6829:19, 6832:12,
6832:23, 6846:26,
6846:35, 6846:43,
6847:12, 6847:17,
6847:30, 6847:35,
6847:42
- Box's** [1] - 6818:46
- Bradley** [2] - 6780:36,
6780:39
- Branch** [1] - 6801:7
- break** [3] - 6820:24,
6820:39, 6820:40
- brief** [4] - 6783:43,
6825:2, 6871:35,
6874:32
- briefed** [10] - 6784:28,
6798:43, 6819:13,
6823:28, 6823:31,
6824:33, 6824:38,
6824:44, 6825:5
- briefing** [9] - 6781:1,
6781:20, 6784:11,
6784:36, 6799:29,
6825:1, 6825:9,
6861:38, 6865:4
- briefly** [1] - 6809:44
- bring** [2] - 6831:36,
6869:28
- broad** [1] - 6870:46
- broadcast** [4] -
6795:5, 6816:16,
6826:9, 6846:1
- broadcasts** [1] -

6850:43
broadly [1] - 6852:19
brought [6] - 6797:15, 6800:14, 6806:17, 6821:10, 6839:17, 6854:18
Brown [27] - 6778:41, 6788:3, 6788:26, 6788:34, 6789:20, 6791:11, 6794:37, 6796:4, 6816:2, 6818:7, 6829:34, 6830:38, 6831:31, 6835:24, 6835:34, 6835:41, 6837:2, 6837:6, 6837:36, 6837:40, 6837:41, 6839:6, 6852:29, 6852:38, 6865:26, 6871:36
Brown's [2] - 6789:6, 6798:23
building [1] - 6853:38
bulletins [1] - 6800:32
Burn [2] - 6780:42, 6827:28
burying [1] - 6818:9
BY [6] - 6780:11, 6799:12, 6802:3, 6821:7, 6825:32, 6829:23
by-product [1] - 6850:23

C

Caitlin [1] - 6778:29
calm [1] - 6845:6
camera [7] - 6849:5, 6851:31, 6852:6, 6860:47, 6861:1, 6861:5
cameraman [7] - 6860:21, 6860:25, 6860:27, 6860:43, 6860:44, 6860:46, 6861:5
Cameron [1] - 6778:35
Camporeale [1] - 6778:28
capacity [2] - 6805:27, 6875:8
car [1] - 6809:46
career [2] - 6787:31, 6808:27
careful [2] - 6809:28, 6809:41
case [16] - 6797:40, 6801:5, 6802:43, 6805:14, 6806:33, 6806:35, 6815:34, 6816:33, 6817:3, 6826:24, 6842:6, 6848:20, 6853:36, 6860:38, 6861:32, 6874:37
cases [1] - 6874:33
cat [1] - 6845:16
cat-and-mouse [1] - 6845:16
Cath [1] - 6827:28
Catherine [1] - 6780:42
central [1] - 6781:42
certain [1] - 6789:32
Certainly [1] - 6845:28
certainly [17] - 6785:28, 6787:30, 6789:35, 6790:33, 6792:23, 6802:43, 6805:14, 6805:36, 6805:37, 6808:26, 6817:15, 6817:17, 6826:9, 6828:9, 6828:10, 6855:9
cetera [3] - 6824:31, 6851:43
chain [2] - 6809:35, 6809:38
chance [4] - 6831:37, 6840:16, 6841:44, 6842:28
changed [2] - 6823:47, 6838:26
chat [3] - 6781:15, 6799:31, 6819:11
chats [1] - 6819:13
Chief [3] - 6800:41, 6807:16, 6808:29
choices [1] - 6816:41
chose [4] - 6805:28, 6809:6, 6842:19, 6855:4
chosen [1] - 6816:31
Chris [2] - 6778:44, 6798:41
chronological [3] - 6831:9, 6831:43, 6831:45
circuit [1] - 6779:26
circumstances [2] - 6834:2, 6868:42
civil [10] - 6831:36, 6832:44, 6833:1, 6833:21, 6835:11, 6846:15, 6864:34, 6866:11, 6866:28, 6872:42
claim [1] - 6872:34
claimed [2] - 6795:22, 6837:22
Claire [1] - 6778:27
clear [10] - 6781:41, 6802:38, 6808:34, 6810:4, 6812:24, 6827:39, 6844:14, 6845:13, 6851:35, 6860:33
clearly [3] - 6779:28, 6784:39, 6849:41
client [2] - 6833:46, 6845:13
client's [1] - 6855:16
coffee [1] - 6787:14
coincides [2] - 6830:8, 6830:16
Colvin [1] - 6849:22
coming [4] - 6789:24, 6836:9, 6840:33, 6863:16
command [2] - 6809:35, 6809:38
commander [3] - 6799:39, 6802:10, 6805:28
Commander [4] - 6803:40, 6804:44, 6807:36, 6814:25
comment [3] - 6814:7, 6857:20, 6859:46
commentary [2] - 6819:28, 6857:15
comments [1] - 6862:3
COMMISSION [1] - 6875:14
Commission [9] - 6778:7, 6804:23, 6804:34, 6804:38, 6831:3, 6831:4, 6835:29, 6835:30, 6873:35
COMMISSIONER [84] - 6779:1, 6779:22, 6779:35, 6780:2, 6786:40, 6789:20, 6789:26, 6796:13, 6797:10, 6797:31, 6797:46, 6798:18, 6798:47, 6799:5, 6799:17, 6800:2, 6800:11, 6800:23, 6800:26, 6801:44, 6802:1, 6804:8, 6804:19, 6809:13, 6812:36, 6813:17, 6814:30, 6817:15, 6818:27, 6818:33, 6820:23, 6820:29, 6820:34, 6820:38, 6820:45, 6821:4, 6821:12, 6822:15, 6822:40, 6824:20, 6824:25, 6825:11, 6825:30, 6826:19, 6826:23, 6826:36, 6828:6, 6828:16, 6828:24, 6828:35, 6828:40, 6828:45, 6829:4, 6829:13, 6829:18, 6833:34, 6833:38, 6834:13, 6834:21, 6835:45, 6836:20, 6836:28, 6836:34, 6839:15, 6839:20, 6839:34, 6839:40, 6839:47, 6840:5, 6844:42, 6845:28, 6846:3, 6846:10, 6865:41, 6866:13, 6866:20, 6866:24, 6869:31, 6874:12, 6874:19, 6874:23, 6874:29, 6874:42, 6875:11
Commissioner [38] - 6778:13, 6787:44, 6797:24, 6798:27, 6798:40, 6800:33, 6807:1, 6813:34, 6813:40, 6814:38, 6814:44, 6815:3, 6817:12, 6817:19, 6818:25, 6818:29, 6823:41, 6824:29, 6826:6, 6828:37, 6828:38, 6828:43, 6834:11, 6839:9, 6845:21, 6846:5, 6866:18, 6869:27, 6869:35, 6870:23, 6870:29, 6870:41, 6871:3, 6871:26, 6872:20, 6873:18, 6873:31, 6874:45
Commissioner's [4] - 6814:30, 6815:8, 6815:18, 6817:7
Commissioners [3] - 6780:42, 6800:33, 6800:35
communication [1] - 6869:42
communications [7] - 6865:14, 6867:1, 6870:2, 6870:5, 6870:6, 6872:46, 6873:12
compared [1] - 6794:11
comparison [1] - 6847:32
compelled [1] - 6823:38
compelling [1] - 6801:5
complained [1] - 6873:14
complaint [1] - 6872:26
complete [1] - 6804:40
completely [3] - 6782:11, 6782:16, 6857:9
composed [1] - 6845:6
composite [1] - 6836:39
concealed [1] - 6806:21
concept [1] - 6867:38
concern [2] - 6810:46, 6817:46
concerned [3] - 6814:4, 6857:42, 6874:31
concerns [1] - 6834:1
concessions [1] - 6834:1
conclusion [3] - 6837:14, 6856:25, 6857:9
conduct [9] - 6791:1, 6808:7, 6850:19, 6856:29, 6856:46, 6858:13, 6858:21, 6861:31, 6871:27
conducted [8] - 6789:38, 6790:34, 6790:46, 6850:7, 6852:24, 6860:34, 6862:6, 6863:23
conducting [2] - 6861:43, 6864:28
conference [1] - 6806:1
confident [1] - 6842:25
confirm [2] - 6851:20, 6874:46
confirming [3] - 6838:31, 6843:5, 6861:37
confused [5] - 6833:39, 6833:41, 6833:43, 6834:7, 6834:8
conjunction [1] - 6803:10

conscious [1] - 6820:20
consensus [1] - 6829:14
consequence [1] - 6834:3
consequences [6] - 6824:2, 6825:37, 6825:38, 6827:46, 6828:4, 6867:23
considerations [1] - 6841:27
considered [1] - 6856:6
consistent [2] - 6857:15, 6857:29
consulting [1] - 6856:3
contact [2] - 6824:11, 6864:43
contained [1] - 6815:30
contemplated [1] - 6811:47
contemplation [1] - 6811:40
contemporaneous [1] - 6783:19
content [2] - 6815:6, 6857:16
contents [2] - 6785:28, 6786:6
contest [4] - 6818:17, 6873:34, 6874:1, 6874:4
context [11] - 6790:45, 6805:2, 6806:47, 6812:1, 6817:30, 6818:37, 6829:28, 6832:35, 6833:10, 6833:12, 6839:42
contingencies [1] - 6864:10
continue [2] - 6789:2, 6832:5
continuing [1] - 6810:44
CONTINUING [1] - 6829:23
contrary [1] - 6836:11
controversial [2] - 6860:16, 6869:15
controversies [1] - 6845:10
controversy [1] - 6860:8
convenient [2] - 6820:26, 6837:17
conventional [1] - 6779:28
conversation [28] - 6785:39, 6785:44, 6787:10, 6788:35, 6797:44, 6798:5, 6798:7, 6798:40, 6809:45, 6810:4, 6810:11, 6810:26, 6810:34, 6810:36, 6810:37, 6810:41, 6813:39, 6813:41, 6814:11, 6814:36, 6815:2, 6823:8, 6864:47, 6865:19, 6865:30, 6867:24, 6872:13, 6873:17
conversations [8] - 6786:17, 6786:23, 6786:45, 6788:28, 6789:7, 6791:10, 6810:25, 6840:32
convey [2] - 6790:18, 6822:36
conveyed [1] - 6860:4
conviction [1] - 6802:45
copied [1] - 6782:36
copies [1] - 6780:35
copy [4] - 6783:24, 6791:37, 6791:40, 6840:7
Corners [3] - 6811:37, 6816:21, 6816:41
Coroner [51] - 6781:4, 6781:34, 6782:5, 6789:3, 6806:37, 6806:44, 6810:37, 6812:15, 6812:24, 6812:39, 6812:46, 6813:2, 6815:25, 6816:15, 6821:10, 6821:15, 6821:24, 6822:36, 6843:40, 6843:44, 6844:15, 6846:31, 6848:23, 6848:26, 6849:33, 6851:19, 6852:42, 6854:7, 6856:2, 6856:24, 6856:28, 6856:45, 6857:5, 6857:11, 6857:21, 6857:33, 6858:13, 6858:29, 6858:32, 6860:2, 6861:34, 6862:2, 6862:42, 6862:47, 6863:13, 6863:22, 6863:27, 6863:34, 6864:13
Coroner's [1] - 6813:2
Coroners [2] - 6816:13, 6850:2
coronial [20] - 6802:34, 6833:19, 6834:25, 6837:36, 6838:12, 6839:1, 6840:8, 6840:43, 6841:40, 6842:18, 6844:16, 6846:43, 6848:27, 6857:15, 6857:17, 6857:23, 6857:29, 6858:44, 6863:1, 6871:19
corporate [1] - 6807:37
Corporate [1] - 6800:34
correct [45] - 6782:8, 6786:19, 6787:35, 6789:36, 6795:9, 6798:33, 6798:34, 6800:3, 6802:21, 6802:24, 6803:11, 6807:7, 6810:5, 6811:9, 6811:23, 6811:25, 6811:28, 6818:41, 6820:14, 6822:13, 6827:42, 6831:20, 6838:24, 6846:44, 6846:45, 6847:13, 6847:18, 6849:45, 6850:1, 6850:27, 6850:28, 6851:47, 6857:41, 6861:41, 6862:18, 6863:9, 6864:11, 6865:16, 6867:16, 6867:46, 6868:43, 6872:35, 6872:38, 6872:39, 6872:43
corrected [1] - 6863:32
correspondence [1] - 6817:21
counsel [1] - 6854:7
Counsel [8] - 6778:26, 6778:27, 6799:23, 6810:3, 6854:43, 6875:2, 6875:5, 6875:7
couple [7] - 6781:22, 6786:10, 6789:17, 6829:27, 6839:44, 6848:21, 6872:11
course [14] - 6790:38, 6801:29, 6807:40, 6812:13, 6814:24, 6815:2, 6816:6, 6820:6, 6820:12, 6826:23, 6849:45, 6850:12, 6858:28, 6864:17
court [18] - 6794:25, 6794:33, 6795:24, 6795:47, 6823:11, 6852:14, 6853:33, 6853:37, 6854:44, 6854:46, 6856:19, 6858:16, 6860:1, 6860:29, 6865:33, 6866:2
Court [2] - 6816:13, 6850:2
court" [1] - 6855:3
courtesy [4] - 6781:36, 6783:6, 6821:16, 6823:11
courtroom [1] - 6860:28
cover [1] - 6800:23
coverage [2] - 6815:26, 6815:34
covered [4] - 6801:46, 6837:28, 6849:31, 6863:6
covering [2] - 6831:33, 6848:40
cowardice [1] - 6827:27
Crandell [2] - 6798:28, 6798:40
created [2] - 6870:37, 6870:43
creation [1] - 6870:44
crime [1] - 6818:9
Crime [4] - 6799:39, 6804:23, 6804:33, 6804:38
crimes [2] - 6778:9, 6798:30
criteria [1] - 6871:38
criticism [4] - 6817:35, 6818:7, 6834:5, 6845:14
cross [3] - 6844:46, 6844:47, 6856:1
cross-examined [1] - 6844:46
cross-examiner [1] - 6844:47
crossed [2] - 6869:5, 6869:12
current [4] - 6800:30, 6816:23, 6816:27, 6816:37
cut [1] - 6845:15

D

Dan [12] - 6806:6, 6807:24, 6813:22, 6813:24, 6818:46, 6819:14, 6830:20, 6847:45, 6848:28, 6848:45, 6862:47, 6866:35
Darien [1] - 6778:40
date [4] - 6789:35, 6837:31, 6839:23, 6874:42
dated [1] - 6799:24
dates [3] - 6829:31, 6839:24, 6875:8
days [6] - 6783:24, 6848:21, 6862:41, 6864:21, 6864:31, 6872:46
DCI [6] - 6793:32, 6802:15, 6802:16, 6802:26, 6810:26, 6839:32
DCOP [1] - 6783:43
dead [1] - 6862:46
deal [2] - 6829:10, 6862:47
dealing [2] - 6779:12, 6805:41
dealings [6] - 6829:40, 6829:47, 6830:1, 6832:18, 6833:14, 6844:20
dealt [2] - 6779:8, 6847:12
death [1] - 6802:40
deceptive [2] - 6836:12, 6836:28
decide [2] - 6860:2, 6871:16
decided [6] - 6834:24, 6848:19, 6848:23, 6852:42, 6856:29, 6856:45
decision [8] - 6781:5, 6789:3, 6801:8, 6851:19, 6851:20, 6854:3, 6854:27, 6863:28
decisions [4] - 6862:28, 6862:35, 6864:12, 6864:13
deeper [1] - 6871:42
defending [1] - 6787:6
definitely [3] - 6835:7, 6862:17, 6869:23
deliberately [2] - 6831:30, 6860:15
deliver [2] - 6840:26, 6856:21
delivered [1] - 6840:31
denied [1] - 6860:40
denigrate [1] -

- 6855:37
deny [8] - 6796:13, 6796:14, 6797:10, 6797:31, 6797:32, 6797:46, 6798:18, 6849:35
Department [1] - 6782:43
deputies [1] - 6871:27
deputy [3] - 6826:3, 6827:13, 6856:23
Deputy [1] - 6780:41, 6800:33, 6807:1, 6823:41, 6824:29, 6869:27, 6869:35, 6870:22, 6870:29, 6870:40, 6871:2
descend [1] - 6784:30
describe [4] - 6792:1, 6809:30, 6821:44, 6843:29
described [5] - 6841:11, 6843:38, 6854:19, 6865:29, 6868:28
desirable [1] - 6834:6
despite [2] - 6802:47, 6814:24
Det [1] - 6781:33
detail [5] - 6784:31, 6806:6, 6807:33, 6871:29, 6871:32
detailed [4] - 6802:27, 6804:40, 6819:6, 6852:19
Detective [7] - 6778:34, 6778:35, 6778:41, 6778:43, 6800:41, 6808:29, 6837:41
determination [1] - 6857:2
determine [1] - 6813:43
determined [1] - 6804:39
developed [2] - 6780:19, 6844:9
devised [1] - 6803:5
difference [4] - 6794:10, 6837:29, 6850:22, 6873:15
differences [1] - 6790:25
different [10] - 6792:43, 6794:5, 6795:22, 6823:37, 6833:28, 6835:1, 6847:33, 6853:30, 6856:22, 6861:16
differentiated [3] - 6821:25, 6821:35, 6822:8
difficult [4] - 6800:43, 6805:19, 6805:28, 6817:7
difficulty [2] - 6818:30, 6839:35
digest [1] - 6847:6
digesting [1] - 6847:1
diligence [1] - 6847:27
direct [6] - 6791:4, 6805:15, 6805:18, 6833:31, 6857:34, 6859:5
directed [2] - 6798:30, 6802:10
directly [5] - 6822:26, 6841:31, 6857:35, 6858:2, 6859:3
Director [3] - 6778:28, 6801:7, 6813:31
director [1] - 6801:1
disagree [2] - 6795:6, 6830:34
disagreeing [1] - 6834:33
disapproval [1] - 6870:14
discovered [1] - 6802:19
discuss [3] - 6834:25, 6834:29, 6834:37
discussed [9] - 6779:9, 6782:42, 6788:29, 6792:7, 6812:31, 6813:30, 6824:28, 6871:10, 6871:41
discussion [14] - 6784:32, 6784:47, 6785:2, 6785:27, 6788:41, 6788:45, 6788:47, 6789:2, 6807:16, 6819:38, 6830:19, 6834:5, 6834:15, 6868:18
discussions [8] - 6784:44, 6786:30, 6787:1, 6789:35, 6800:4, 6830:21, 6842:26, 6864:32
disputed [1] - 6871:33
distinction [1] - 6812:23
distress [1] - 6803:32
distressed [1] - 6803:36
ditto [1] - 6785:12
diverted [1] - 6804:45
divided [1] - 6805:43
DNA [1] - 6817:43
document [4] - 6782:22, 6782:23, 6832:36, 6840:37
documents [3] - 6802:15, 6807:27, 6809:25
done [23] - 6779:22, 6779:23, 6801:22, 6803:9, 6806:30, 6811:41, 6814:16, 6815:5, 6818:19, 6820:13, 6826:11, 6829:7, 6831:47, 6837:44, 6841:31, 6844:43, 6847:47, 6848:29, 6851:24, 6852:17, 6867:41, 6871:23
door [39] - 6795:47, 6812:26, 6812:40, 6812:46, 6813:4, 6816:13, 6821:41, 6822:5, 6822:43, 6850:7, 6850:9, 6850:13, 6850:16, 6850:19, 6850:21, 6850:35, 6851:7, 6851:23, 6851:24, 6851:28, 6851:32, 6851:36, 6851:45, 6852:17, 6852:23, 6852:28, 6852:36, 6853:24, 6854:4, 6854:12, 6856:10, 6856:14, 6860:35, 6865:37, 6865:46, 6866:3, 6866:8
door-stop [39] - 6795:47, 6812:26, 6812:40, 6812:46, 6813:4, 6816:13, 6821:41, 6822:5, 6822:43, 6850:7, 6850:9, 6850:13, 6850:16, 6850:19, 6850:21, 6850:35, 6851:7, 6851:23, 6851:24, 6851:25, 6851:28, 6851:32, 6851:36, 6851:45, 6852:17, 6852:23, 6852:28, 6852:36, 6853:24, 6854:4, 6854:12, 6856:10, 6856:14, 6858:21, 6860:35, 6865:37,
6865:46, 6866:3, 6866:8
doors [2] - 6853:44, 6853:45
dot [8] - 6784:16, 6784:23, 6784:40, 6793:19, 6793:21, 6793:28, 6795:36, 6795:44
doubt [6] - 6800:45, 6814:39, 6822:20, 6822:27, 6840:28, 6862:22
doubtful [1] - 6822:26
down [1] - 6786:47, 6793:20, 6812:24, 6816:5, 6816:46, 6817:4, 6827:21, 6830:19, 6830:21, 6848:22, 6848:23
Dr [1] - 6854:11
drawing [1] - 6812:23
drew [1] - 6794:10
driving [1] - 6793:31
dry [1] - 6801:25
due [1] - 6847:27
during [4] - 6802:17, 6852:14, 6872:47, 6873:5
duty [2] - 6831:44, 6832:36
dynamic [1] - 6862:28
-
- E**
-
- early** [3] - 6789:30, 6790:36, 6835:25
earth [1] - 6824:35
easier [1] - 6833:25
effect [6] - 6782:47, 6785:5, 6786:34, 6787:5, 6787:22, 6833:40
effective [1] - 6843:7
effectively [1] - 6783:6
eight [1] - 6782:14
either [24] - 6779:6, 6780:5, 6780:28, 6783:11, 6797:5, 6806:37, 6828:26, 6829:41, 6830:1, 6832:19, 6833:14, 6833:18, 6834:1, 6835:4, 6840:29, 6844:44, 6848:40, 6848:47, 6851:29, 6852:7, 6859:12, 6859:40, 6860:33, 6872:38
elsewhere [1] - 6833:29
email [3] - 6780:17, 6782:34, 6782:36, 6782:42, 6782:47, 6783:10, 6783:11, 6784:47, 6785:1, 6786:2, 6786:6, 6799:23, 6806:9, 6818:24, 6818:35, 6823:27, 6828:6, 6837:27, 6842:47, 6843:5, 6843:11, 6852:30, 6852:36, 6863:35, 6870:32, 6870:39, 6871:2, 6871:7, 6871:8, 6872:5
emails [8] - 6785:16, 6806:34, 6830:30, 6835:23, 6838:35, 6852:18, 6852:22, 6864:31
Emergency [1] - 6805:24
eminently [1] - 6834:10
Emma [42] - 6778:44, 6782:12, 6786:15, 6786:23, 6786:38, 6792:38, 6793:3, 6793:8, 6793:41, 6794:47, 6795:15, 6811:7, 6812:8, 6816:21, 6830:17, 6830:19, 6830:28, 6830:31, 6830:40, 6832:37, 6832:39, 6834:40, 6836:8, 6837:7, 6837:21, 6837:27, 6839:2, 6840:17, 6840:26, 6840:31, 6842:24, 6842:25, 6844:24, 6845:37, 6849:5, 6852:4, 6860:30, 6860:32, 6860:46, 6864:1, 6864:14, 6866:36
employing [1] - 6803:44
enable [1] - 6833:46
encouraged [3] - 6868:33, 6868:38, 6868:44
encouraging [2] - 6786:35, 6868:35
end [5] - 6790:35, 6825:13, 6856:38, 6856:41, 6869:29
endorsed [1] -

- 6802:16
endorsement [1] - 6798:27
engage [1] - 6806:22
engaged [1] - 6816:20
enraged [1] - 6787:44
enthusiasm [1] - 6841:43
entire [1] - 6832:35
entirely [4] - 6779:35, 6818:4, 6855:26, 6865:1
entitled [1] - 6827:22
entries [1] - 6783:30
environment [2] - 6800:36, 6845:6
Enzo [1] - 6778:28
equally [1] - 6833:43
especially [1] - 6844:46
essential [3] - 6782:3, 6850:9, 6854:15
essentially [1] - 6780:18
establish [3] - 6798:34, 6805:15, 6805:18
established [4] - 6798:28, 6848:11, 6856:23, 6860:12
et [3] - 6824:31, 6851:43
evaporated [1] - 6817:8
evening [4] - 6813:3, 6822:21, 6822:29, 6862:40
event [3] - 6826:25, 6846:30, 6873:28
events [3] - 6805:33, 6807:40, 6814:25
eventualities [1] - 6864:10
evidence [57] - 6779:8, 6779:14, 6782:10, 6782:23, 6786:10, 6786:16, 6786:22, 6787:10, 6787:21, 6787:33, 6787:37, 6788:4, 6788:8, 6788:21, 6788:34, 6789:6, 6789:13, 6789:14, 6789:17, 6789:29, 6789:40, 6791:4, 6791:26, 6792:16, 6792:42, 6794:5, 6794:17, 6794:37, 6794:42, 6794:45, 6795:21, 6795:32, 6795:45, 6796:4, 6797:5, 6798:7, 6798:23, 6798:41, 6802:19, 6802:44, 6804:35, 6822:32, 6828:38, 6852:1, 6852:5, 6852:9, 6858:44, 6859:5, 6860:29, 6860:31, 6861:8, 6861:41, 6863:33, 6867:33, 6868:2
exact [1] - 6785:38
exactly [3] - 6804:33, 6816:13, 6852:6
examination [2] - 6797:40, 6804:38
examined [1] - 6844:46
examiner [1] - 6844:47
exception [2] - 6801:5, 6808:3
exchange [2] - 6785:16, 6870:1
exclusive [5] - 6815:36, 6846:27, 6848:30, 6861:26, 6862:32
excuse [2] - 6828:17, 6874:23
exercise [2] - 6805:34, 6845:16
exhibit [3] - 6838:15, 6838:20, 6839:11
exhibits [1] - 6839:44
existence [1] - 6806:17
expect [4] - 6779:39, 6863:27, 6863:29, 6863:38
expectation [4] - 6863:34, 6863:44, 6863:45, 6863:46
expectations [1] - 6808:24
expected [6] - 6863:13, 6863:22, 6863:36, 6864:4, 6864:9, 6865:1
expenses [1] - 6837:28
experience [3] - 6801:22, 6801:24, 6867:29
experienced [4] - 6800:45, 6802:30, 6809:28, 6815:47
explain [2] - 6833:47, 6854:35
explained [2] - 6861:7, 6873:23
explaining [1] - 6849:16
explanation [2] - 6819:29, 6831:8
explore [1] - 6790:47
exposed [1] - 6787:42
express [1] - 6808:2
expressed [1] - 6805:36
expressing [2] - 6779:25, 6830:4
expressly [1] - 6789:22
extension [1] - 6875:9
extent [3] - 6789:37, 6790:33, 6790:46
-
- F**
-
- faced** [1] - 6805:2
facilitate [1] - 6801:20
fact [23] - 6780:24, 6789:13, 6797:16, 6801:3, 6805:32, 6807:47, 6814:24, 6820:13, 6820:20, 6825:36, 6826:21, 6830:31, 6831:31, 6835:40, 6837:19, 6839:5, 6847:24, 6850:31, 6851:6, 6855:10, 6855:47, 6866:3, 6872:45
factor [1] - 6782:28
factors [1] - 6783:31
facts [2] - 6854:36, 6855:27
factual [2] - 6790:25, 6856:11
factually [1] - 6857:41
fail [1] - 6823:47
fair [8] - 6788:20, 6804:9, 6818:2, 6818:4, 6818:20, 6845:10, 6865:43, 6867:27
fairly [6] - 6797:25, 6810:22, 6813:40, 6872:21, 6873:18, 6873:31
falling [1] - 6845:8
familiar [3] - 6781:38, 6868:27, 6868:30
family [14] - 6787:28, 6796:7, 6797:38, 6801:30, 6801:36, 6805:7, 6805:35, 6805:37, 6818:18, 6821:45, 6822:1, 6854:43, 6855:37, 6856:1
far [9] - 6781:41, 6797:24, 6807:29, 6814:36, 6831:44, 6842:43, 6849:5, 6857:41, 6869:2
fashion [1] - 6836:39
favour [1] - 6787:7
feature [2] - 6782:4, 6793:35
features [1] - 6781:20
February [12] - 6786:29, 6791:32, 6792:3, 6793:2, 6793:46, 6794:1, 6795:14, 6795:18, 6832:34, 6837:37, 6845:42
fell [2] - 6814:25, 6849:33
felt [2] - 6787:31, 6851:26
female [1] - 6861:5
few [6] - 6790:38, 6799:3, 6833:46, 6845:5, 6846:25, 6873:22
fill [1] - 6818:47
final [2] - 6843:7, 6856:37
finalised [1] - 6871:10
finally [3] - 6825:18, 6845:45, 6872:10
Finch [7] - 6780:35, 6782:35, 6782:37, 6783:2, 6783:11, 6799:39, 6807:5
fine [8] - 6779:45, 6791:41, 6797:43, 6820:36, 6829:13, 6866:20, 6866:26
fingertips [1] - 6792:17
finish [2] - 6820:30, 6860:16
finished [5] - 6788:47, 6804:6, 6829:26, 6842:33, 6860:39
first [31] - 6782:22, 6783:26, 6784:23, 6786:15, 6791:31, 6802:34, 6803:18, 6806:35, 6811:6, 6811:30, 6817:29, 6819:26, 6826:42, 6829:34, 6830:15, 6830:19, 6830:32, 6830:39, 6831:28, 6832:12, 6836:9, 6838:18, 6838:31, 6838:35, 6846:35, 6854:24, 6855:47, 6856:3, 6856:4, 6872:37, 6874:13
firstly [2] - 6842:4, 6866:40
Firstly [1] - 6842:30
fix [2] - 6804:24, 6839:40
fixed [1] - 6802:40
flak [1] - 6801:30
focusing [1] - 6867:43
folder [1] - 6786:9
follow [2] - 6848:30, 6873:27
follow-up [1] - 6873:27
followed [2] - 6809:38, 6811:7
following [3] - 6835:29, 6835:30, 6845:24
footage [2] - 6822:47, 6851:43
Force [15] - 6784:3, 6798:34, 6798:38, 6798:39, 6802:17, 6802:47, 6804:14, 6818:18, 6851:21, 6855:32, 6870:25, 6870:27, 6870:36, 6870:43
force [3] - 6805:15, 6805:19, 6870:44
forgive [1] - 6780:7
forgotten [1] - 6780:7
form [5] - 6779:12, 6806:38, 6818:43, 6822:22, 6847:16
formal [1] - 6785:16
formally [3] - 6840:33, 6854:4, 6857:11
format [2] - 6862:21
formative [1] - 6798:38
formed [2] - 6802:40, 6803:4
former [4] - 6796:6, 6797:35, 6827:2, 6829:21
forthcoming [1] - 6849:30
forward [2] - 6805:47, 6854:27
Four [3] - 6811:37, 6816:21, 6816:41
frame [2] - 6834:4,

6838:37
frank [2] - 6827:10,
 6827:12
Frank [2] - 6827:13,
 6827:16
frankly [2] - 6836:5,
 6836:29
freely [1] - 6848:7
frequently [1] -
 6862:20
Friday [1] - 6778:22
friend [2] - 6839:10,
 6846:5
front [4] - 6783:14,
 6790:15, 6818:30,
 6853:44
fulfilling [1] - 6862:36
full [2] - 6871:26,
 6873:33
functioning [4] -
 6841:19, 6841:22,
 6841:24, 6841:26

G

Gallacher [2] - 6796:7,
 6826:45
gather [1] - 6821:12
gay [2] - 6802:23,
 6818:9
gender [2] - 6798:31,
 6860:47
general [3] - 6784:46,
 6787:26, 6842:16
generally [3] - 6786:8,
 6841:28, 6841:30
Geoffrey [1] - 6778:38
Georgie [16] -
 6799:43, 6806:18,
 6807:18, 6807:20,
 6809:18, 6809:23,
 6810:34, 6810:36,
 6810:41, 6815:26,
 6815:33, 6818:40,
 6823:12, 6823:16,
 6830:18, 6861:25
Georgina [3] -
 6778:36, 6782:35,
 6799:24
given [37] - 6779:12,
 6779:13, 6779:29,
 6782:4, 6785:21,
 6786:10, 6786:16,
 6788:4, 6788:34,
 6789:13, 6789:29,
 6789:32, 6794:37,
 6794:45, 6796:4,
 6801:16, 6801:19,
 6801:26, 6801:33,
 6801:35, 6803:24,

6803:35, 6826:15,
 6827:41, 6833:42,
 6834:44, 6835:13,
 6835:17, 6840:22,
 6846:43, 6847:31,
 6847:43, 6848:1,
 6848:2, 6856:25,
 6857:10, 6863:33
glad [1] - 6815:36
glass [2] - 6853:43,
 6853:45
Glebe [7] - 6849:35,
 6851:36, 6852:9,
 6852:13, 6854:19,
 6865:36, 6865:45
Glick [4] - 6793:35,
 6813:21, 6813:22,
 6813:24
GLISSAN [26] -
 6802:3, 6802:5,
 6804:12, 6804:17,
 6804:38, 6809:16,
 6813:19, 6815:24,
 6817:19, 6818:29,
 6818:35, 6820:26,
 6820:47, 6828:32,
 6828:37, 6829:16,
 6833:36, 6834:10,
 6835:43, 6839:9,
 6839:17, 6839:23,
 6839:29, 6845:21,
 6845:30, 6874:16
Glissan [20] - 6778:42,
 6779:5, 6779:13,
 6779:25, 6799:7,
 6802:1, 6802:5,
 6804:9, 6812:37,
 6820:23, 6828:24,
 6829:8, 6829:14,
 6833:27, 6833:30,
 6833:34, 6833:38,
 6844:39, 6845:5,
 6874:13
Glissan's [1] -
 6839:47
go-ahead [1] - 6856:7
goodbye [1] - 6828:28
Gordon [10] - 6782:43,
 6801:12, 6801:15,
 6812:32, 6820:20,
 6823:20, 6825:46,
 6825:47, 6871:46,
 6872:2
grab [1] - 6849:14
granted [2] - 6780:28,
 6873:24
Gray [8] - 6778:26,
 6789:20, 6799:7,
 6800:3, 6825:30,
 6868:23, 6874:12,

6874:19
GRAY [21] - 6780:11,
 6780:13, 6786:44,
 6789:24, 6789:28,
 6796:16, 6797:13,
 6797:34, 6798:3,
 6798:22, 6798:45,
 6825:32, 6825:34,
 6826:28, 6826:38,
 6826:42, 6828:14,
 6865:39, 6866:22,
 6874:21, 6874:45
greater [1] - 6814:26
greatest [1] - 6817:2
group [1] - 6862:41
guess [4] - 6861:24,
 6861:27, 6862:34,
 6873:24

H

hair [1] - 6815:43
halfway [1] - 6793:20
hallway [2] - 6788:28,
 6789:8
hand [1] - 6874:32
hand-up [1] - 6874:32
hands [1] - 6828:28
handwritten [2] -
 6783:16, 6784:40
happy [6] - 6781:25,
 6785:43, 6819:13,
 6839:26, 6839:27,
 6872:26
hard [5] - 6783:24,
 6791:37, 6791:40,
 6802:27, 6817:36
hard-working [1] -
 6802:27
harmonious [1] -
 6873:17
hate [3] - 6778:9,
 6802:23, 6818:9
head [1] - 6804:24
headquarters [1] -
 6806:2
heads [4] - 6835:17,
 6858:36, 6858:38,
 6860:1
heads-up [1] -
 6835:17
Healey [1] - 6778:29
Healey-Nash [1] -
 6778:29
hear [1] - 6856:19
heard [6] - 6792:18,
 6819:35, 6837:15,
 6852:1, 6860:31,
 6874:43
hearing [2] - 6874:29,
 6875:1
hearsay [1] - 6870:12
held [2] - 6836:23,
 6836:38
help [1] - 6864:2
helpful [2] - 6833:45,
 6834:4
Herald [1] - 6805:4
hid [1] - 6836:23
hiding [1] - 6831:30
hierarchical [1] -
 6809:30
hierarchy [3] -
 6820:17, 6841:9,
 6841:17
high [1] - 6871:28
high-profile [1] -
 6871:28
highest [1] - 6868:37
highly [1] - 6869:1
histrionics [1] -
 6845:9
hmm [5] - 6791:33,
 6793:23, 6807:25,
 6843:35, 6854:22
home [1] - 6793:31
Homicide [8] -
 6803:40, 6804:44,
 6805:34, 6805:41,
 6805:44, 6806:1,
 6807:28, 6814:25
homicide [16] -
 6802:11, 6802:20,
 6802:30, 6802:46,
 6807:37, 6819:33,
 6857:3, 6857:43,
 6857:46, 6858:39,
 6858:42, 6858:46,
 6859:21, 6859:23,
 6859:24, 6859:44
homophobic [1] -
 6787:27
Honour [2] - 6798:45,
 6874:17
Honourable [1] -
 6778:14
hostile [1] - 6805:3
hours [1] - 6826:9
huge [1] - 6840:17
human [2] - 6826:30,
 6845:2
hurt [2] - 6831:44,
 6832:36
Hutchings [1] -
 6778:39

I

idea [14] - 6787:43,
 6789:31, 6789:41,

6789:42, 6789:43,
 6790:17, 6790:18,
 6790:29, 6806:47,
 6829:43, 6843:28,
 6843:30, 6862:14,
 6862:16
identical [3] -
 6838:14, 6838:17,
 6838:23
identified [1] -
 6858:45
identify [1] - 6857:38
imagine [4] - 6779:15,
 6780:18, 6783:39,
 6794:36
immediately [7] -
 6823:5, 6823:9,
 6828:18, 6840:30,
 6864:42, 6864:47,
 6865:8
impact [1] - 6850:15
importance [1] -
 6834:3
important [7] -
 6812:39, 6829:6,
 6833:42, 6833:43,
 6850:30, 6851:5,
 6854:16
impossible [10] -
 6858:30, 6858:33,
 6858:42, 6859:9,
 6859:11, 6859:19,
 6859:31, 6859:34,
 6867:27, 6867:31
impression [3] -
 6829:33, 6831:24,
 6856:4
in-studio [9] -
 6796:41, 6800:19,
 6800:42, 6801:16,
 6801:20, 6808:3,
 6808:7, 6814:28,
 6822:1
inappropriate [11] -
 6782:11, 6782:16,
 6805:11, 6819:42,
 6855:22, 6857:9,
 6867:34, 6867:36,
 6867:44, 6868:22,
 6869:14
inclined [1] - 6870:27
include [1] - 6844:36
included [3] -
 6789:40, 6844:13,
 6873:18
includes [2] - 6788:8,
 6789:6
including [4] -
 6854:36, 6862:47,
 6867:6, 6875:4

- inclusive** [1] - 6860:46
inconceivable [1] - 6868:12
inconsequential [1] - 6867:21
indeed [6] - 6794:5, 6798:3, 6808:10, 6817:19, 6817:39, 6829:16
independent [1] - 6804:32
index [1] - 6818:30
indicate [3] - 6798:14, 6827:42, 6827:44
indicated [1] - 6814:3
indicates [1] - 6833:41
indication [1] - 6816:11
influence [1] - 6797:39
influential [1] - 6805:7
informally [1] - 6840:33
information [15] - 6781:21, 6790:33, 6790:45, 6791:2, 6804:35, 6812:1, 6819:6, 6828:1, 6836:23, 6837:23, 6852:2, 6852:22, 6852:37, 6862:33, 6874:36
injury [2] - 6831:44, 6832:36
inquest [23] - 6789:4, 6850:8, 6850:20, 6850:26, 6850:31, 6851:21, 6854:28, 6854:45, 6855:28, 6855:43, 6856:5, 6856:21, 6856:26, 6856:29, 6856:46, 6857:22, 6858:13, 6863:35, 6863:40, 6863:45, 6864:5, 6864:19, 6864:23
inquiries [4] - 6790:34, 6791:1, 6847:18, 6847:20
Inquiry [18] - 6778:7, 6788:4, 6795:45, 6830:39, 6830:44, 6830:47, 6831:28, 6837:8, 6837:12, 6837:15, 6837:19, 6837:23, 6838:1, 6852:3, 6860:31, 6873:43, 6874:5, 6874:29
INQUIRY [1] - 6875:14
Inquiry's [1] - 6836:2
inside [3] - 6853:42, 6853:47, 6854:1
Inspector [4] - 6800:41, 6807:16, 6808:5, 6808:30
inspectors [1] - 6808:11
instructed [1] - 6845:23
instruction [2] - 6820:27, 6841:32
instructions [4] - 6844:44, 6845:6, 6845:23, 6874:16
insufferable [1] - 6787:28
intended [5] - 6783:7, 6806:36, 6819:26, 6849:6, 6849:7
intending [1] - 6822:35
intends [1] - 6781:33
intent [1] - 6830:3
intention [3] - 6834:38, 6860:3, 6860:5
interactions [1] - 6844:22
interest [3] - 6803:43, 6840:14, 6849:41
interested [3] - 6857:33, 6874:30, 6875:4
interesting [1] - 6855:12
interests [4] - 6802:6, 6816:20, 6845:1, 6855:16
interference [2] - 6805:11, 6805:13
interim [1] - 6810:25
intermittently [1] - 6835:31
internal [2] - 6852:16, 6853:19
interpreted [2] - 6836:36, 6842:14
interrogatories [1] - 6779:13
interrupt [7] - 6799:9, 6804:19, 6812:36, 6821:5, 6824:20, 6836:21, 6839:10
interrupting [1] - 6799:5
interview [15] - 6784:17, 6786:18, 6786:24, 6786:25, 6786:46, 6787:5, 6787:6, 6787:11, 6787:25, 6787:34, 6787:45, 6788:10, 6788:23, 6788:31, 6788:39, 6789:8, 6791:13, 6791:15, 6791:28, 6792:20, 6792:46, 6793:7, 6793:33, 6793:34, 6794:11, 6794:12, 6794:20, 6794:25, 6794:31, 6794:32, 6794:47, 6795:4, 6795:23, 6795:47, 6796:21, 6796:41, 6797:28, 6798:13, 6800:19, 6800:42, 6801:16, 6801:21, 6802:39, 6802:44, 6803:18, 6804:25, 6806:7, 6807:28, 6808:3, 6808:8, 6808:39, 6810:12, 6812:20, 6812:25, 6813:20, 6813:21, 6814:23, 6814:28, 6814:33, 6816:5, 6816:15, 6816:46, 6817:4, 6821:28, 6821:36, 6821:44, 6823:10, 6823:15, 6823:37, 6824:1, 6824:6, 6825:5, 6825:6, 6825:19, 6825:36, 6825:43, 6826:15, 6827:41, 6832:40, 6844:34, 6845:32, 6845:44, 6845:47, 6846:17, 6848:11, 6848:14, 6848:17, 6848:21, 6848:22, 6848:28, 6848:33, 6848:40, 6848:42, 6849:1, 6849:2, 6849:5, 6849:11, 6849:21, 6849:30, 6852:41, 6852:43, 6852:44, 6853:11, 6853:13, 6854:19, 6856:38, 6856:41, 6861:11, 6861:18, 6861:22, 6861:27, 6861:32, 6861:43, 6862:1, 6862:5, 6862:13, 6862:17, 6862:20, 6862:24, 6862:37, 6863:13, 6863:23, 6863:24, 6863:26, 6864:24, 6864:29, 6864:36, 6865:7, 6865:12, 6865:16, 6867:3, 6867:11, 6867:15, 6869:5, 6869:7, 6869:29, 6870:24, 6871:17, 6872:3, 6872:4, 6872:21, 6872:25, 6872:30, 6873:1, 6873:5, 6873:10, 6873:11, 6874:2
interview" [1] - 6813:15
interviewed [9] - 6790:5, 6808:10, 6808:34, 6821:16, 6832:22, 6866:34, 6866:44, 6867:7, 6868:16
interviewing [1] - 6867:1
interviews [10] - 6793:34, 6800:30, 6808:1, 6808:7, 6812:16, 6813:35, 6822:1, 6822:5, 6862:9, 6871:27
introduce [1] - 6833:12
introduced [2] - 6832:43, 6833:1
investigated [1] - 6874:33
investigation [8] - 6787:41, 6802:18, 6802:47, 6804:39, 6816:33, 6818:4, 6825:7, 6856:20
investigations [2] - 6789:38, 6790:46
investigator [2] - 6802:27, 6809:28
invitation [1] - 6845:22
involved [5] - 6782:30, 6803:23, 6806:17, 6811:11, 6814:27
involvement [3] - 6798:37, 6846:21, 6870:43
involves [1] - 6874:32
involving [2] - 6798:30, 6812:16
issue [4] - 6810:46, 6819:37, 6840:38
issues [2] - 6825:19, 6825:21
itself [3] - 6825:8, 6853:17, 6863:26

J

- January** [15] - 6789:30, 6830:38, 6830:43, 6831:10, 6832:34, 6835:25, 6835:34, 6835:41, 6836:44, 6837:1, 6837:5, 6837:20, 6838:1, 6838:10, 6842:43
jazz [1] - 6812:11
Jenkins [1] - 6827:34
Jenko [1] - 6827:32
Jim [1] - 6778:42
JK [1] - 6783:37
job [2] - 6814:25, 6827:16
John [4] - 6778:14, 6778:40, 6799:40, 6854:44
JOHN [1] - 6780:9
Johnson [15] - 6787:28, 6793:35, 6796:7, 6797:38, 6801:30, 6802:19, 6805:35, 6813:25, 6813:27, 6818:17, 6822:5, 6822:9, 6854:43, 6855:33, 6855:37
Johnson's [2] - 6797:40, 6802:40
Johnsons [3] - 6789:33, 6803:23, 6817:26
joined [1] - 6855:34
joining [1] - 6864:12
joint [1] - 6841:41
joke [2] - 6868:19, 6868:20
journalism [1] - 6815:38
journalist [20] - 6811:8, 6811:30, 6811:34, 6816:20, 6816:35, 6816:37, 6816:38, 6819:34, 6820:2, 6829:41, 6830:1, 6840:18, 6840:37, 6840:44, 6842:19, 6842:34, 6851:1, 6867:24, 6867:34
journalists [12] - 6781:12, 6781:42, 6782:5, 6782:29, 6785:21, 6785:35, 6785:36, 6790:47, 6806:22, 6809:4,

6812:9, 6813:11
Juanita [1] - 6866:15
Justice [1] - 6778:14

K

Kaldas [22] - 6783:45,
6784:32, 6784:35,
6784:45, 6785:12,
6785:32, 6807:6,
6819:12, 6823:24,
6823:31, 6823:38,
6824:11, 6824:40,
6825:2, 6825:9,
6825:35, 6825:45,
6826:2, 6826:5,
6826:10, 6827:2,
6869:36
KC [2] - 6778:33,
6778:42
keep [1] - 6861:13
keeper [1] - 6814:4
Ken [2] - 6778:38,
6799:39
kept [2] - 6782:32,
6839:6
Kerlatec [18] -
6780:35, 6782:35,
6782:37, 6783:1,
6783:11, 6783:39,
6784:28, 6784:32,
6784:44, 6784:45,
6785:5, 6785:32,
6799:40, 6800:4,
6807:5, 6807:6,
6825:44, 6826:2
kicked [1] - 6804:14
kind [3] - 6812:25,
6818:10, 6839:11
knowing [4] - 6861:2,
6868:9, 6868:10
knowledge [12] -
6811:24, 6814:26,
6817:3, 6835:47,
6836:5, 6836:10,
6836:43, 6837:1,
6837:5, 6837:35,
6866:7, 6871:42
Knowles [5] -
6811:31, 6812:8,
6816:21, 6830:26,
6830:32
known [6] - 6802:46,
6827:44, 6835:25,
6835:35, 6837:33,
6837:42
knows [1] - 6845:12
kowtow [3] - 6805:38,
6810:7, 6810:8
kowtowed [2] -

6796:7, 6805:35
kowtowing [13] -
6792:1, 6792:19,
6792:22, 6797:35,
6811:3, 6867:29,
6867:45, 6868:5,
6868:13, 6868:20,
6868:34, 6868:38,
6869:13
kowtowing" [3] -
6853:20, 6867:43,
6869:6

L

labour [1] - 6818:29
large [4] - 6785:29,
6853:23, 6853:32,
6854:5
last [18] - 6779:28,
6782:41, 6783:34,
6786:10, 6788:4,
6790:38, 6794:17,
6798:22, 6799:7,
6829:38, 6838:15,
6838:16, 6838:19,
6843:12, 6843:32,
6869:34, 6872:10,
6873:42
late [8] - 6789:1,
6789:30, 6810:22,
6813:3, 6826:44,
6830:32, 6838:47,
6839:5
Lateline [55] - 6786:8,
6786:17, 6786:24,
6786:25, 6786:36,
6786:41, 6786:46,
6787:4, 6787:11,
6788:10, 6788:22,
6788:30, 6791:28,
6792:20, 6793:36,
6796:37, 6798:4,
6800:42, 6802:44,
6810:18, 6810:19,
6810:31, 6810:33,
6812:2, 6813:3,
6815:36, 6816:21,
6816:42, 6821:40,
6822:2, 6822:8,
6822:22, 6822:28,
6822:44, 6825:5,
6826:44, 6826:46,
6832:40, 6852:45,
6862:4, 6862:8,
6862:12, 6862:17,
6862:19, 6862:26,
6862:33, 6865:11,
6869:7, 6869:28,
6870:22, 6870:24,
6870:40, 6870:45,

6873:19, 6873:30
laughed [1] - 6868:19
laughing [1] - 6868:39
laughter [1] - 6868:35
law [1] - 6808:20
lawyer [1] - 6855:37
lead [5] - 6779:14,
6829:8, 6846:7,
6868:2, 6873:6
lead-in [1] - 6873:6
learn [1] - 6863:28
least [4] - 6801:26,
6827:40, 6835:6,
6850:19
leave [5] - 6779:30,
6789:20, 6804:15,
6822:15, 6828:18
leaves [1] - 6858:46
led [2] - 6802:45,
6830:21
left [4] - 6809:4,
6853:34, 6854:8
Legal [1] - 6778:28
Leggat [1] - 6778:39
Lehmann [3] -
6778:40, 6802:16,
6820:1
letting [1] - 6861:27
Level [1] - 6778:18
level [1] - 6808:25
LGBTIQ [1] - 6778:9
Liaison [6] - 6801:23,
6803:10, 6816:32,
6820:16, 6835:7,
6840:29
life [2] - 6805:19,
6805:27
likelihood [1] -
6821:40
likely [10] - 6801:35,
6812:11, 6822:35,
6822:37, 6822:42,
6823:1, 6848:44,
6852:39, 6864:7,
6869:1
likely" [1] - 6822:17
limit [1] - 6821:20
limited [1] - 6803:43
Linda [1] - 6778:41
line [20] - 6782:41,
6791:43, 6792:27,
6792:36, 6794:10,
6797:17, 6797:18,
6797:19, 6806:36,
6806:47, 6820:13,
6855:11, 6856:37,
6859:46, 6869:5,
6869:12, 6869:35
lines [7] - 6781:22,
6783:26, 6783:34,

6818:43, 6856:35,
6874:34, 6874:38
lippy [1] - 6815:43
live [4] - 6800:30,
6811:42, 6862:9,
6862:12
logical [2] - 6862:5,
6862:16
long-term [1] -
6780:43
look [14] - 6781:14,
6783:19, 6784:46,
6793:18, 6799:31,
6831:47, 6839:11,
6839:15, 6843:20,
6855:2, 6857:28,
6859:27, 6859:31
looked [3] - 6784:24,
6831:3, 6831:4
looking [6] - 6779:16,
6779:36, 6792:36,
6837:27, 6849:14,
6854:27
Lorna [6] - 6811:31,
6812:8, 6816:20,
6819:14, 6830:25,
6830:32
loss [1] - 6787:31
lost [3] - 6803:4,
6834:46, 6856:43
love [1] - 6827:21
lower [1] - 6808:25
lunch [13] - 6829:47,
6830:40, 6830:42,
6830:45, 6831:1,
6831:5, 6831:9,
6837:22, 6837:30,
6837:31, 6838:1,
6838:10, 6844:39
luncheon [1] -
6845:17

M

Macnamir [10] -
6784:3, 6802:17,
6802:47, 6804:14,
6818:8, 6855:33,
6870:25, 6870:28,
6870:36, 6870:43
Macquarie [1] -
6778:18
Madden [1] - 6778:38
main [1] - 6806:3
major [1] - 6800:31
make-up [2] - 6816:1,
6816:5
male [1] - 6861:5
man [2] - 6780:36,
6815:47

manage [3] - 6807:17,
6808:24
March [1] - 6832:34
Mark [2] - 6778:33,
6849:22
marketable [1] -
6862:34
material [7] - 6804:40,
6819:33, 6819:34,
6835:33, 6835:34,
6862:21
Mathew [1] - 6778:34
matter [20] - 6783:6,
6784:24, 6786:31,
6789:21, 6803:24,
6803:35, 6804:23,
6806:36, 6814:27,
6816:46, 6822:44,
6825:34, 6829:14,
6839:36, 6840:18,
6849:21, 6857:4,
6857:10, 6867:21,
6874:43
mattered [1] - 6796:24
matters [7] - 6803:25,
6803:47, 6808:12,
6831:44, 6845:25,
6871:28, 6874:32
Matthew [1] - 6778:39
McArdle [1] - 6778:44
mean [26] - 6794:32,
6809:33, 6817:4,
6817:33, 6821:4,
6834:35, 6836:2,
6836:45, 6837:7,
6839:10, 6839:17,
6841:35, 6848:10,
6853:6, 6858:21,
6859:21, 6859:24,
6861:42, 6861:47,
6862:24, 6863:42,
6867:22, 6871:36,
6871:37
meaning [4] -
6789:47, 6855:42,
6857:16, 6859:5
means [2] - 6816:45,
6828:17
meant [7] - 6809:33,
6817:34, 6847:15,
6848:6, 6851:7,
6851:9, 6869:26
media [85] - 6780:19,
6781:26, 6781:27,
6784:3, 6784:10,
6789:32, 6789:33,
6789:47, 6790:25,
6798:29, 6800:44,
6800:45, 6801:39,
6803:5, 6803:8,

- 6805:3, 6806:17,
6807:17, 6807:41,
6808:1, 6808:7,
6808:11, 6808:20,
6808:24, 6809:5,
6811:7, 6811:11,
6811:17, 6813:45,
6813:47, 6814:7,
6814:30, 6814:45,
6815:8, 6815:47,
6816:14, 6818:37,
6823:13, 6829:43,
6829:44, 6832:1,
6832:2, 6833:15,
6840:15, 6840:45,
6840:47, 6841:42,
6842:12, 6842:27,
6842:39, 6842:43,
6843:6, 6843:31,
6843:40, 6843:46,
6844:8, 6844:15,
6849:36, 6849:41,
6850:1, 6850:13,
6850:14, 6850:47,
6851:1, 6851:7,
6851:11, 6851:12,
6851:14, 6851:15,
6851:16, 6853:23,
6853:30, 6853:32,
6854:5, 6854:12,
6855:12, 6855:17,
6855:31, 6855:34,
6860:15, 6862:36,
6871:23, 6871:37
- Media** [49] - 6782:43,
6800:14, 6801:23,
6803:10, 6816:32,
6820:16, 6830:8,
6830:10, 6830:16,
6830:31, 6834:30,
6834:38, 6834:44,
6835:4, 6835:7,
6838:32, 6838:36,
6838:41, 6838:43,
6838:46, 6839:6,
6840:22, 6840:29,
6840:38, 6842:40,
6842:47, 6843:10,
6843:14, 6845:42,
6845:44, 6846:21,
6848:32, 6848:39,
6848:41, 6849:28,
6852:16, 6852:28,
6861:11, 6861:17,
6861:22, 6861:28,
6861:31, 6861:42,
6861:47, 6863:25,
6864:27, 6864:43,
6865:2, 6865:8
- medium** [1] - 6811:27
meet [1] - 6833:6
- meeting** [13] -
6787:15, 6787:18,
6787:21, 6787:38,
6829:29, 6830:15,
6830:37, 6837:2,
6837:6, 6846:26,
6846:35, 6870:14,
6871:3
- meetings** [1] - 6830:2
memory [4] - 6780:23,
6784:41, 6784:43,
6860:32
- mention** [9] - 6793:40,
6830:37, 6831:13,
6832:33, 6836:13,
6838:47, 6844:20,
6848:44, 6870:26
- mentioned** [12] -
6785:46, 6835:8,
6839:2, 6839:24,
6839:41, 6840:28,
6840:29, 6840:34,
6842:24, 6842:25,
6844:25, 6864:18
- mentions** [1] - 6816:2
mere [3] - 6812:40,
6812:46, 6813:4
- message** [10] -
6821:9, 6837:43,
6850:8, 6850:13,
6850:30, 6850:42,
6853:27, 6854:26,
6854:31, 6861:30
- messages** [1] -
6853:23
- met** [21] - 6829:34,
6829:40, 6829:47,
6830:1, 6831:31,
6832:18, 6833:9,
6835:24, 6835:33,
6835:41, 6836:13,
6836:43, 6837:20,
6842:24, 6843:39,
6846:36, 6847:24,
6847:30, 6847:43,
6848:1, 6863:11
- methodology** [1] -
6804:32
- Michael** [17] -
6778:37, 6830:10,
6830:18, 6835:8,
6838:43, 6840:14,
6840:28, 6840:34,
6840:46, 6841:41,
6842:26, 6844:24,
6861:25, 6865:3,
6871:14, 6871:40,
6873:26
- MICHAEL** [1] - 6780:9
Mick [2] - 6781:33,
6815:33
- Mick** [1] - 6818:40
midday [1] - 6828:24
middle [1] - 6818:35
might [32] - 6779:12,
6792:4, 6792:22,
6796:5, 6796:6,
6796:34, 6798:42,
6805:38, 6810:7,
6811:2, 6819:45,
6820:2, 6826:25,
6834:2, 6837:18,
6837:29, 6837:31,
6837:42, 6837:45,
6841:7, 6845:2,
6849:2, 6849:11,
6849:20, 6849:40,
6853:16, 6853:18,
6855:12, 6858:34,
6859:11, 6871:33
- mind** [8] - 6779:1,
6779:38, 6799:36,
6822:27, 6826:25,
6828:25, 6831:27,
6849:16
- Minister** [26] - 6792:1,
6792:19, 6792:24,
6796:6, 6796:7,
6797:35, 6805:12,
6805:15, 6805:18,
6805:23, 6805:35,
6805:36, 6824:33,
6825:3, 6827:2,
6867:30, 6867:41,
6867:45, 6868:5,
6868:13, 6868:20,
6869:27, 6870:18,
6870:23, 6870:26,
6870:41
- minister** [2] - 6824:38,
6824:43
- Minister's** [2] -
6803:19, 6870:43
- ministry** [1] - 6870:14
Minnelli [1] - 6827:13
minute [1] - 6828:26
minutes [5] - 6779:44,
6820:40, 6845:5,
6854:11, 6872:11
- misadventure** [5] -
6857:3, 6858:39,
6858:46, 6859:12,
6859:40
- misconceived** [1] -
6818:10
- misdirection** [1] -
6787:41
- misleading** [1] -
6828:3
- misrepresented** [1] -
6855:27
- missed** [1] - 6815:34
MLO [1] - 6820:3
mmm-hmm [5] -
6791:33, 6793:23,
6807:25, 6843:35,
6854:22
- moment** [9] - 6779:2,
6812:36, 6820:40,
6825:35, 6826:24,
6833:34, 6839:45,
6853:37, 6854:13
- moments** [1] -
6833:46
- Monday** [6] - 6781:2,
6781:4, 6799:30,
6875:3, 6875:6,
6875:7
- Monk** [2] - 6780:36,
6780:39
- months** [1] - 6786:18
Morning [1] - 6805:3
morning [5] - 6779:4,
6796:43, 6798:8,
6814:11, 6873:17
- most** [15] - 6822:16,
6822:35, 6822:37,
6822:42, 6823:1,
6843:7, 6844:45,
6854:15, 6858:9,
6858:14, 6858:28,
6859:18, 6859:47,
6862:34, 6864:7
- motivated** [1] -
6854:14
- mouse** [1] - 6845:16
move [2] - 6809:44,
6824:5
- movement** [2] -
6840:27, 6842:1
- moving** [2] - 6786:8,
6805:47
- multiple** [1] - 6853:30
murder [5] - 6802:23,
6858:43, 6859:2,
6859:20, 6859:21
- murdered** [5] -
6857:35, 6858:3,
6858:45, 6859:4,
6859:6
- Murugan** [1] - 6778:37
must [7] - 6795:32,
6795:36, 6795:43,
6814:36, 6815:2,
6826:36, 6844:25
- Mykkeltvedt** [1] -
6778:33
- mystery** [1] - 6834:17

N

- Nagle** [1] - 6778:40
name [2] - 6802:5,
6812:33
- named** [2] - 6830:2
namely [5] - 6779:40,
6781:20, 6782:29,
6787:11, 6788:30
- Nash** [1] - 6778:29
nature [1] - 6845:2
nauseam [1] - 6848:28
- near** [1] - 6850:15
necessarily [4] -
6816:45, 6817:4,
6835:21, 6873:14
- necessary** [1] -
6790:39
- need** [28] - 6784:30,
6786:9, 6786:14,
6786:22, 6789:36,
6791:36, 6797:13,
6805:31, 6812:46,
6813:2, 6817:12,
6818:47, 6820:39,
6824:6, 6824:38,
6833:34, 6840:24,
6841:26, 6841:35,
6844:38, 6846:6,
6849:19, 6849:38,
6849:40, 6850:5,
6851:26, 6862:5,
6865:17
- needed** [5] - 6808:15,
6823:21, 6831:34,
6842:17, 6853:22
- needs** [2] - 6828:33,
6841:25
- negatives** [3] -
6779:16, 6779:18,
6779:40
- negligent** [1] -
6787:27
- net** [1] - 6784:31
- networks** [1] -
6853:30
- neutral** [3] - 6847:34,
6847:42, 6847:45
- never** [16] - 6793:10,
6793:14, 6796:47,
6833:29, 6841:31,
6848:6, 6848:10,
6848:20, 6861:21,
6864:27, 6865:6,
6865:15, 6867:8,
6868:11, 6868:32
- New** [1] - 6778:19
new [5] - 6824:33,
6824:38, 6824:43,
6825:8, 6856:21

- news** [13] - 6800:31, 6815:26, 6815:34, 6816:23, 6816:27, 6850:14, 6850:35, 6861:24, 6861:25, 6861:38, 6861:39, 6863:26, 6866:15
- newspaper** [1] - 6811:24
- next** [12] - 6781:31, 6796:43, 6800:13, 6801:3, 6809:27, 6813:38, 6814:11, 6821:39, 6832:21, 6874:38, 6874:42, 6875:12
- Nick** [3] - 6807:6, 6819:12, 6823:31
- night** [12] - 6796:37, 6810:22, 6812:16, 6822:2, 6826:44, 6850:14, 6850:36, 6861:43, 6862:1, 6862:25, 6863:14, 6864:29
- night"** [1] - 6864:24
- night's** [1] - 6793:36
- NK** [1] - 6783:43
- no-one** [11] - 6808:20, 6809:16, 6814:4, 6831:31, 6836:10, 6836:24, 6836:43, 6836:45, 6837:38, 6837:40, 6868:42
- no-one's** [1] - 6850:47
- nobody** [2] - 6782:18, 6837:36
- nods** [1] - 6811:18
- noes** [1] - 6779:17
- nominated** [1] - 6842:34
- non** [8] - 6780:24, 6782:17, 6843:41, 6843:45, 6846:31, 6848:27, 6852:43, 6862:43
- non-publication** [8] - 6780:24, 6782:17, 6843:41, 6843:45, 6846:31, 6848:27, 6852:43, 6862:43
- none** [5] - 6801:17, 6857:34, 6858:2, 6859:3, 6872:37
- nonetheless** [1] - 6857:34
- normal** [1] - 6873:26
- North** [2] - 6787:14, 6787:38
- note** [10] - 6784:11, 6784:36, 6794:7, 6794:19, 6794:30, 6822:15, 6824:26, 6825:1, 6825:9, 6839:29
- notes** [4] - 6783:16, 6784:25, 6784:40, 6803:6
- nothing** [8] - 6786:2, 6798:39, 6813:8, 6825:28, 6843:16, 6860:40, 6870:1, 6874:10
- nowhere** [3] - 6810:11, 6810:40, 6810:46
- NPL.0138.0001.0037** [1] - 6780:14
- NPL.0138.0001.0037_0001** [1] - 6799:15
- NPL.0138.0001.0044** [1] - 6826:34
- NPL.0138.0002.3238_0001** [1] - 6866:22
- NPL.0138.0002.3306_0001** [1] - 6839:12
- NPL.0138.0009.0185** [1] - 6783:15
- NPL.0226.0001.0001** [1] - 6800:21
- NPL.2017.0001.0030** [2] - 6784:15, 6793:19
- NPL.2017.0001.0150** [1] - 6818:36
- NPL.2017.0001.0150_0001** [1] - 6823:28
- NPL.2017.0004.0588** [1] - 6854:20
- NPL.2017.0004.0592** [1] - 6869:32
- NSW** [3] - 6778:34, 6818:18, 6874:35
- number** [6] - 6781:35, 6783:27, 6801:22, 6803:14, 6809:45, 6825:26
-
- O**
-
- o'clock** [11] - 6779:43, 6788:35, 6791:27, 6792:45, 6796:44, 6797:23, 6810:15, 6810:28, 6820:29, 6828:27, 6850:43
- oath** [3] - 6780:5, 6780:7, 6829:21
- object** [3] - 6826:17, 6835:43, 6839:9
- objection** [2] - 6804:9, 6839:13
- objectivity** [1] - 6803:4
- obliged** [2] - 6842:39, 6848:29
- obtain** [5] - 6841:25, 6841:36, 6842:9, 6845:6, 6845:23
- obtained** [3] - 6779:38, 6841:25, 6844:44
- obvious** [4] - 6844:45, 6845:8, 6850:5, 6850:6
- obviously** [4] - 6820:30, 6826:23, 6839:35, 6844:45
- occasions** [1] - 6792:2
- occur** [3] - 6798:12, 6806:11, 6806:45
- occurred** [3] - 6798:9, 6815:27, 6861:33
- October** [5] - 6778:22, 6804:29, 6875:3, 6875:6, 6875:7
- OF** [1] - 6875:14
- off-the-record** [4] - 6848:14, 6848:17, 6862:3, 6867:23
- offered** [1] - 6808:23
- offering** [1] - 6817:22
- Office** [2] - 6803:10, 6816:32
- office** [9] - 6792:2, 6792:8, 6798:43, 6803:19, 6805:34, 6805:42, 6805:45, 6837:42
- officer** [8] - 6780:41, 6780:43, 6803:39, 6809:29, 6809:41, 6815:20, 6867:28, 6868:8
- Officer** [2] - 6801:23, 6820:16
- Officers** [1] - 6835:7
- officers** [2] - 6818:8, 6870:2
- often** [2] - 6851:3, 6862:20
- old** [1] - 6815:47
- Olen** [1] - 6798:41
- on-camera** [1] - 6849:5
- on-the-record** [4] - 6822:47, 6848:11, 6848:21, 6848:22
- once** [9] - 6782:3, 6787:40, 6792:4, 6819:12, 6823:28, 6823:31, 6829:28, 6831:40, 6853:33
- one** [65] - 6779:12, 6780:18, 6780:41, 6782:29, 6782:34, 6783:30, 6789:21, 6790:38, 6793:25, 6797:6, 6798:22, 6803:3, 6803:9, 6805:47, 6806:3, 6806:6, 6808:18, 6808:20, 6808:33, 6809:16, 6809:29, 6811:14, 6814:4, 6817:25, 6822:36, 6825:26, 6825:34, 6831:31, 6835:10, 6835:19, 6836:2, 6836:10, 6836:24, 6836:43, 6836:45, 6837:38, 6837:40, 6842:34, 6842:44, 6843:24, 6846:7, 6846:30, 6847:3, 6848:44, 6851:42, 6851:43, 6853:24, 6856:41, 6859:20, 6859:43, 6861:14, 6862:22, 6863:29, 6864:9, 6864:13, 6865:39, 6867:47, 6868:42, 6871:8, 6872:4, 6873:40, 6873:42, 6873:45, 6874:32
- one's** [1] - 6850:47
- ones** [1] - 6860:13
- online** [1] - 6853:31
- open** [8] - 6805:42, 6843:28, 6857:2, 6858:8, 6858:27, 6858:33, 6859:18, 6859:47
- open-plan** [1] - 6805:42
- openly** [2] - 6791:47, 6792:8
- opportunity** [5] - 6779:30, 6795:46, 6847:31, 6855:21, 6855:37
- opposed** [1] - 6850:14
- option** [2] - 6854:6, 6857:4
- optional** [1] - 6850:23
- options** [4] - 6859:20, 6862:42, 6863:11, 6864:10
- order** [12] - 6780:24, 6782:18, 6782:37, 6804:31, 6825:2, 6843:41, 6843:45, 6846:31, 6848:27, 6852:43, 6862:43, 6863:34
- ordered** [4] - 6863:40, 6863:46, 6864:5, 6864:23
- ordinary** [2] - 6807:40, 6814:24
- organisations** [1] - 6850:47
- organise** [3] - 6819:13, 6819:21, 6823:20
- organised** [1] - 6846:27
- originally** [1] - 6795:13
- otherwise** [4] - 6814:38, 6853:39, 6863:33, 6874:42
- outcome** [1] - 6813:2
- outside** [7] - 6794:32, 6795:47, 6816:13, 6853:37, 6853:41, 6853:44, 6860:28
- overall** [2] - 6813:32, 6850:22
- overnight** [2] - 6831:38, 6831:39
- own** [4] - 6791:1, 6809:6, 6847:27, 6869:21
-
- P**
-
- p3** [1] - 6818:46
- PAB** [1] - 6812:32
- pack** [8] - 6849:36, 6850:13, 6851:15, 6853:23, 6853:32, 6854:5, 6854:8, 6860:15
- package** [1] - 6819:32
- page** [18] - 6783:26, 6783:27, 6784:23, 6793:20, 6794:7, 6797:14, 6797:15, 6797:17, 6838:6, 6838:10, 6843:19, 6854:24, 6856:37, 6866:29, 6866:30, 6869:34, 6869:35
- pages** [2] - 6831:38, 6831:39
- Palmer** [1] - 6778:27
- Pam** [17] - 6787:24,

6787:31, 6787:45,
6790:46, 6792:21,
6812:17, 6812:20,
6814:7, 6814:10,
6815:31, 6817:35,
6819:11, 6821:16,
6827:5, 6872:6

PAMELA [1] - 6829:21

Pamela [27] - 6778:42,
6780:25, 6782:11,
6785:25, 6786:35,
6786:37, 6788:9,
6788:28, 6788:30,
6791:27, 6791:47,
6794:46, 6796:43,
6800:19, 6800:41,
6801:16, 6801:39,
6802:6, 6802:10,
6808:42, 6809:30,
6810:41, 6813:20,
6813:39, 6814:23,
6819:27, 6819:45

paper [1] - 6779:24

paragraph [39] -
6780:23, 6780:32,
6780:45, 6781:31,
6799:26, 6800:20,
6826:43, 6829:26,
6829:31, 6829:35,
6829:38, 6830:4,
6831:37, 6832:1,
6832:21, 6838:5,
6838:7, 6838:9,
6838:11, 6838:14,
6838:16, 6838:17,
6838:18, 6843:19,
6843:25, 6843:32,
6843:34, 6844:7,
6844:11, 6844:14,
6855:45, 6859:45,
6866:28, 6866:32,
6867:14, 6872:12,
6872:29, 6872:32,
6873:45

paragraphs [7] -
6830:7, 6832:14,
6843:20, 6843:27,
6844:21, 6844:28,
6844:31

parameters [3] -
6808:39, 6808:42,
6809:14

pardon [11] - 6799:5,
6832:28, 6835:27,
6841:21, 6843:12,
6849:46, 6850:40,
6853:8, 6857:44,
6862:10, 6871:30

Parrabell [4] -
6798:28, 6798:35,
6798:38, 6798:39

Parramatta [1] -
6806:2

part [27] - 6781:42,
6781:43, 6785:1,
6785:26, 6785:44,
6785:46, 6789:14,
6805:45, 6809:5,
6813:5, 6816:14,
6830:20, 6833:27,
6833:32, 6841:4,
6841:5, 6842:13,
6844:25, 6847:27,
6854:15, 6854:16,
6854:31, 6862:6,
6862:32, 6862:37,
6866:2, 6873:6

part-way [1] - 6789:14

participation [2] -
6797:27, 6800:30

particular [6] -
6786:22, 6801:29,
6817:35, 6831:27,
6833:32, 6834:14

particularly [5] -
6805:3, 6805:27,
6831:26, 6849:17,
6853:34

parties [5] - 6835:25,
6835:35, 6835:40,
6874:46, 6875:4

parties" [1] - 6836:1

partly [1] - 6820:1

parts [4] - 6786:22,
6805:43, 6805:44,
6829:9

pass [1] - 6846:47

passed [1] - 6815:25

past [1] - 6874:34

Paul [1] - 6778:43

payment [1] - 6831:1

peculiarly [1] -
6836:24

Penelope [1] -
6778:41

Penny [6] - 6788:3,
6788:26, 6790:46,
6791:11, 6816:2

people [18] - 6800:47,
6801:39, 6808:23,
6808:25, 6810:25,
6825:26, 6835:47,
6836:37, 6837:1,
6837:42, 6837:45,
6844:45, 6850:46,
6852:1, 6853:37,
6865:2, 6871:19,
6871:20

per [1] - 6872:3

perception [1] -
6834:8

perfectly [5] - 6788:9,
6805:32, 6814:15,
6863:9, 6866:26

perhaps [13] -
6789:30, 6797:15,
6801:40, 6806:26,
6807:33, 6839:10,
6841:1, 6853:31,
6855:15, 6857:4,
6859:34, 6865:39,
6871:36

period [4] - 6786:18,
6802:17, 6839:3,
6863:16

periods [1] - 6830:2

peripheral [1] -
6850:23

permission [5] -
6783:1, 6799:44,
6800:19, 6801:33,
6808:15

permit [2] - 6840:43,
6842:6

person [23] - 6800:46,
6805:23, 6807:36,
6811:42, 6814:31,
6814:39, 6817:2,
6817:29, 6825:24,
6825:46, 6826:30,
6830:25, 6847:22,
6851:30, 6853:24,
6859:6, 6861:1,
6865:12, 6871:17,
6871:45

personnel [1] -
6800:35

Peter [1] - 6778:26

Phillips [1] - 6866:15

phone [16] - 6793:28,
6794:38, 6794:46,
6796:5, 6796:16,
6823:4, 6865:20,
6865:23, 6866:8,
6867:11, 6868:33,
6873:27, 6873:28,
6873:29, 6873:35,
6874:2

physical [1] - 6805:41

physically [2] -
6852:4, 6860:33

piece [1] - 6779:24

pin [1] - 6842:36

place [14] - 6782:3,
6803:19, 6808:39,
6830:42, 6842:13,
6842:37, 6843:8,
6843:40, 6843:45,
6844:16, 6858:12,
6862:43, 6868:18

placed [1] - 6829:29

plain [3] - 6783:25,
6812:47, 6844:45

plan [9] - 6799:6,
6805:42, 6806:17,
6806:22, 6838:47,
6842:37, 6844:25,
6850:22, 6853:14

planning [1] - 6801:23

play [1] - 6841:27

played [1] - 6855:34

pleased [3] - 6813:1,
6854:27

plus [1] - 6781:26

point [23] - 6780:28,
6781:43, 6782:19,
6790:24, 6792:16,
6793:21, 6793:28,
6794:42, 6795:36,
6795:44, 6802:41,
6808:26, 6831:27,
6832:37, 6834:6,
6836:21, 6836:22,
6836:30, 6838:26,
6839:47, 6842:37,
6859:39, 6873:15

pointed [1] - 6860:26

points [4] - 6784:16,
6784:24, 6784:40,
6793:19

Police [64] - 6778:34,
6792:1, 6792:19,
6792:23, 6800:14,
6805:24, 6807:1,
6818:18, 6827:2,
6830:8, 6830:10,
6830:16, 6830:31,
6834:29, 6834:38,
6834:43, 6835:4,
6838:32, 6838:35,
6838:41, 6838:43,
6838:46, 6839:6,
6840:22, 6840:38,
6842:40, 6842:47,
6843:10, 6843:14,
6845:42, 6845:44,
6846:21, 6848:32,
6848:38, 6848:41,
6849:28, 6851:20,
6851:21, 6852:16,
6852:28, 6861:11,
6861:17, 6861:22,
6861:31, 6861:42,
6861:47, 6863:25,
6864:27, 6864:43,
6865:2, 6865:8,
6867:30, 6867:45,
6868:5, 6868:13,
6869:27, 6870:18,
6870:23, 6870:40,
6870:41, 6871:26,
6873:18, 6873:31,
6874:35

police [43] - 6781:15,
6785:43, 6787:6,
6789:32, 6789:36,
6790:39, 6790:43,
6799:32, 6801:30,
6801:37, 6806:2,
6806:26, 6806:38,
6809:29, 6815:20,
6816:33, 6818:19,
6819:33, 6837:22,
6841:18, 6842:17,
6850:6, 6850:7,
6850:20, 6850:25,
6853:22, 6854:26,
6854:31, 6854:45,
6855:28, 6855:43,
6862:24, 6865:14,
6867:1, 6867:28,
6868:8, 6870:2,
6870:5, 6871:27,
6872:46, 6873:12

Police's [1] - 6814:44

Policy [1] - 6800:14

policy [2] - 6800:20,
6808:20

political [3] - 6787:42,
6805:11, 6805:13

position [5] - 6828:32,
6846:47, 6855:28,
6858:8, 6874:36

possibilities [4] -
6859:43, 6860:2,
6864:22, 6871:18

possibility [6] -
6806:40, 6806:45,
6812:7, 6860:42,
6864:28

possible [1] - 6816:19

potentially [3] -
6857:32, 6858:9,
6860:32

powerful [1] - 6805:7

powers [1] - 6804:35

practical [4] -
6840:45, 6841:5,
6841:7, 6841:26

practice [2] - 6801:26,
6801:34

precise [1] - 6814:27

precisely [4] -
6796:32, 6814:16,
6816:22, 6874:37

predictable [1] -
6854:25

preparation [1] -
6801:27

- prepared** [18] - 6784:16, 6802:15, 6819:33, 6823:21, 6835:23, 6835:39, 6836:7, 6836:8, 6836:18, 6836:42, 6836:47, 6837:33, 6837:35, 6838:24, 6873:22, 6873:33, 6873:39, 6873:40
- preparing** [1] - 6825:9
- presence** [2] - 6809:20, 6849:42
- present** [1] - 6788:27
- Present** [1] - 6778:31
- presentation** [1] - 6812:6
- press** [1] - 6814:39
- pressure** [4] - 6787:43, 6805:37, 6817:34, 6834:14
- presumably** [1] - 6863:36
- presume** [2] - 6804:31, 6869:36
- pretty** [4] - 6814:6, 6827:39, 6831:6, 6835:8
- previous** [1] - 6797:5
- previously** [3] - 6791:26, 6815:27, 6868:32
- Principal** [1] - 6778:29
- print** [3] - 6811:17, 6811:27, 6853:30
- printed** [2] - 6837:36, 6837:41
- printing** [1] - 6837:43
- priority** [3] - 6797:39, 6803:24, 6803:35
- Pritchard** [3] - 6854:7, 6854:11, 6858:16
- private** [7] - 6869:26, 6869:42, 6869:44, 6870:1, 6870:5, 6870:22
- privately** [2] - 6792:4, 6805:10
- privy** [1] - 6789:8
- probable** [1] - 6848:35
- problem** [6] - 6804:43, 6826:14, 6827:40, 6844:40, 6872:47, 6873:4
- proceed** [1] - 6833:44
- proceeded** [1] - 6815:3
- proceedings** [1] - 6806:10
- process** [5] - 6813:6, 6845:7, 6845:15, 6852:14
- product** [1] - 6850:23
- productive** [1] - 6842:44
- professionalism** [1] - 6809:7
- profile** [2] - 6801:26, 6871:28
- program** [10] - 6793:36, 6800:42, 6811:42, 6812:11, 6813:3, 6822:2, 6822:44, 6826:44, 6849:22, 6865:11
- programs** [5] - 6816:24, 6816:27, 6816:31, 6862:8
- promote** [3] - 6849:2, 6849:11, 6849:21
- promoted** [5] - 6852:44, 6852:45, 6853:3, 6853:6, 6853:12
- promoting** [1] - 6861:26
- promotion** [2] - 6849:29, 6853:17
- proper** [3] - 6818:4, 6818:19, 6873:27
- proposal** [1] - 6843:37
- proposed** [9] - 6780:33, 6784:29, 6785:5, 6785:13, 6786:17, 6811:6, 6811:8, 6811:30, 6843:44
- proposing** [1] - 6844:15
- proposition** [1] - 6828:47
- propositions** [2] - 6833:26, 6846:7
- prospect** [1] - 6804:45
- protection** [1] - 6849:33
- proven** [2] - 6849:45, 6850:1
- provide** [14] - 6780:47, 6782:12, 6782:28, 6791:1, 6799:28, 6809:14, 6819:27, 6819:28, 6834:38, 6841:39, 6842:9, 6842:18, 6842:23, 6862:33
- provided** [14] - 6779:38, 6782:24, 6785:25, 6806:9, 6819:33, 6825:1, 6831:16, 6831:24, 6833:19, 6835:5, 6835:18, 6840:7, 6845:35, 6845:41
- providing** [6] - 6781:41, 6790:33, 6819:5, 6819:6, 6831:14, 6841:1
- proving** [1] - 6832:36
- provision** [3] - 6785:27, 6801:6, 6834:40
- public** [13] - 6781:24, 6782:6, 6785:43, 6786:4, 6787:26, 6787:40, 6806:44, 6816:16, 6816:33, 6850:25, 6857:23, 6863:1, 6870:27
- Public** [3] - 6801:1, 6801:7, 6813:31
- publication** [10] - 6780:24, 6782:17, 6790:11, 6790:12, 6843:41, 6843:45, 6846:31, 6848:27, 6852:43, 6862:43
- publicising** [1] - 6855:16
- publicly** [2] - 6837:26, 6869:39
- published** [1] - 6790:26
- pulled** [1] - 6842:36
- purpose** [9] - 6825:8, 6831:28, 6836:12, 6849:4, 6850:16, 6857:16, 6861:30, 6863:3, 6871:22
- purposes** [1] - 6853:22
- pursuant** [2] - 6843:6, 6845:22
- put** [44] - 6786:14, 6786:22, 6789:17, 6789:21, 6789:43, 6793:43, 6793:45, 6794:15, 6795:32, 6795:36, 6795:43, 6797:13, 6806:29, 6816:32, 6818:23, 6825:35, 6825:43, 6826:10, 6827:45, 6828:47, 6829:28, 6830:6, 6830:7, 6830:15, 6831:26, 6833:26, 6833:30, 6835:1, 6835:19, 6836:7, 6838:19, 6839:23, 6839:36, 6842:12, 6843:10, 6843:14, 6845:45, 6846:7, 6848:26, 6848:27, 6867:47, 6873:12, 6873:21, 6873:25
- putting** [5] - 6836:37, 6836:41, 6842:13, 6842:37, 6843:8
-
- Q**
-
- qualify** [2] - 6809:8, 6809:11
- quality** [1] - 6790:23
- questions** [2] - 6780:6, 6790:7, 6798:45, 6799:23, 6801:44, 6802:9, 6810:3, 6820:47, 6829:27, 6833:31, 6841:8, 6846:25, 6851:42, 6851:44, 6854:41, 6859:27, 6860:21, 6860:26, 6860:27, 6861:6, 6874:21
- quickly** [1] - 6843:20
- quite** [8] - 6782:21, 6795:22, 6796:26, 6803:12, 6805:11, 6855:9, 6855:22, 6856:1
- quoting** [1] - 6798:24
-
- R**
-
- raise** [3] - 6779:4, 6810:46, 6815:9
- raised** [5] - 6814:45, 6814:47, 6815:19, 6819:38, 6845:25
- raising** [1] - 6789:34
- rang** [6] - 6792:32, 6792:44, 6794:18, 6794:19, 6795:14, 6796:43
- rank** [3] - 6807:47, 6808:15, 6842:5
- rather** [2] - 6803:47, 6822:27
- rating** [1] - 6803:26
- ratings** [1] - 6815:38
- re** [2] - 6784:3, 6784:28
- reached** [2] - 6828:32, 6857:10
- reaction** [3] - 6854:26, 6855:25, 6855:47
- read** [18] - 6781:47, 6783:34, 6792:27, 6797:18, 6826:30, 6831:38, 6831:39, 6840:19, 6845:25, 6847:31, 6848:2, 6851:1, 6856:30, 6856:33, 6871:20, 6871:21, 6872:41
- reader** [3] - 6829:33, 6829:46, 6831:24
- reading** [3] - 6806:9, 6809:25, 6847:1
- reads** [3] - 6783:5, 6785:4, 6829:38
- ready** [8] - 6820:32, 6828:38, 6828:40, 6828:42, 6843:31, 6856:5, 6863:29
- real** [1] - 6836:32
- realise** [1] - 6831:31
- realistic** [1] - 6805:20
- realistically** [1] - 6785:4
- reality** [3] - 6803:8, 6804:47, 6816:11
- really** [2] - 6812:45, 6855:23
- reason** [8] - 6816:19, 6823:36, 6824:11, 6824:14, 6849:40, 6865:37, 6865:45, 6865:47
- reasonable** [1] - 6839:3
- reasons** [1] - 6873:23
- receipt** [1] - 6837:21
- receipts** [2] - 6831:1, 6831:4
- received** [1] - 6793:31
- receiving** [2] - 6850:46, 6850:47
- recollection** [6] - 6790:31, 6792:13, 6810:4, 6838:34, 6852:20, 6860:30
- record** [5] - 6781:21, 6781:25, 6782:22, 6785:43, 6789:9, 6789:36, 6790:14, 6790:32, 6790:44, 6795:5, 6796:22, 6796:24, 6796:29, 6796:33, 6796:34, 6806:7, 6806:39, 6821:29, 6822:47, 6824:15, 6829:7, 6832:23, 6848:11, 6848:14, 6848:16, 6848:17, 6848:21, 6848:22, 6849:3,

6849:32, 6856:10, 6856:14, 6857:14, 6857:21, 6858:12, 6858:22, 6862:3, 6862:4, 6866:35, 6866:41, 6867:2, 6867:23, 6867:30, 6867:35, 6867:37, 6868:14, 6868:23, 6868:24, 6869:14, 6870:17, 6871:9

recorded [23] - 6792:45, 6793:7, 6793:33, 6794:12, 6794:20, 6794:25, 6794:31, 6794:32, 6795:23, 6807:28, 6815:21, 6823:11, 6848:33, 6848:39, 6848:43, 6848:44, 6849:1, 6849:4, 6849:20, 6849:29, 6853:17, 6860:35, 6861:2

redacted [1] - 6806:38

refer [1] - 6872:13

reference [9] - 6779:14, 6780:24, 6815:35, 6821:41, 6830:40, 6831:9, 6832:12, 6833:10, 6843:32

referred [7] - 6786:3, 6799:47, 6801:6, 6804:23, 6816:22, 6829:9, 6833:29

referring [4] - 6795:47, 6833:23, 6852:30, 6852:36

refers [1] - 6826:45

reflect [1] - 6833:3

refresh [1] - 6780:23

refuse [2] - 6869:17, 6869:21

refused [1] - 6780:29

regard [1] - 6795:9

regarded [1] - 6806:23

regarding [1] - 6808:12

regardless [2] - 6851:12, 6871:44

reinforces [1] - 6818:47

reject [1] - 6854:47

relate [1] - 6784:24

related [2] - 6819:45, 6870:25

relates [3] - 6857:35, 6858:2, 6859:3

relating [1] - 6831:44

relation [16] - 6798:37, 6800:44, 6806:39, 6808:38, 6817:7, 6823:12, 6825:25, 6832:39, 6845:25, 6846:32, 6867:29, 6867:45, 6868:5, 6868:13, 6870:23, 6871:28

relationship [8] - 6823:13, 6847:16, 6847:34, 6847:35, 6847:36, 6847:42, 6847:44, 6848:12

relatively [1] - 6875:8

relaxed [12] - 6797:25, 6813:40, 6813:44, 6814:6, 6815:3, 6817:8, 6872:21, 6872:25, 6872:30, 6873:9, 6873:18, 6873:31

relaying [1] - 6825:14

release [14] - 6806:37, 6843:31, 6843:40, 6843:46, 6844:15, 6850:10, 6850:14, 6850:47, 6851:2, 6851:7, 6851:11, 6851:12, 6851:14, 6851:16

released [3] - 6806:44, 6816:15, 6837:26

relevant [8] - 6800:15, 6829:9, 6830:25, 6831:38, 6831:39, 6833:27, 6837:9, 6865:2

relied [2] - 6843:5, 6871:7

remember [20] - 6780:17, 6781:19, 6782:13, 6787:14, 6789:33, 6797:44, 6798:5, 6806:34, 6814:43, 6814:46, 6814:47, 6815:13, 6815:16, 6815:18, 6815:22, 6849:16, 6849:37, 6851:18, 6861:7

remind [1] - 6804:22

repeat [2] - 6810:2, 6861:13

reply [3] - 6783:10, 6875:4, 6875:6

report [3] - 6781:14, 6799:31, 6806:44

reporters [1] - 6781:35

reporting [1] - 6842:17

representative [4] - 6814:31, 6814:45, 6815:8, 6815:19

request [4] - 6799:25, 6799:37, 6799:38, 6841:32

requested [2] - 6825:9, 6837:44

requests [1] - 6781:26

required [4] - 6784:11, 6811:42, 6825:21, 6848:12

requirement [1] - 6786:3

requires [1] - 6779:43

reserved [1] - 6874:35

resisted [1] - 6850:26

resisting [2] - 6854:45, 6855:28

resources [4] - 6787:42, 6803:43, 6803:44, 6804:44

respect [5] - 6795:33, 6825:19, 6837:17, 6847:33, 6869:27

respectfully [1] - 6834:11

respond [1] - 6855:4

responded [1] - 6817:42

responding [2] - 6836:35, 6836:36

response [6] - 6779:30, 6786:14, 6798:29, 6814:8, 6817:46, 6837:17

responses [1] - 6856:4

responsibilities [1] - 6825:24

responsibility [3] - 6809:6, 6869:17, 6869:21

responsible [3] - 6803:39, 6806:23, 6809:41

restricted [1] - 6800:32

restriction [1] - 6844:16

result [3] - 6784:31, 6803:23, 6804:46

resume [3] - 6828:37, 6845:21, 6874:29

resumption [1] - 6779:8

resworn [1] - 6780:9

returning [1] - 6849:12

reveal [1] - 6869:26

revealed [2] - 6802:14, 6835:33

review [1] - 6804:32

ring [1] - 6797:2

rings [1] - 6849:26

risk [1] - 6828:29

role [1] - 6802:10

room [1] - 6806:1

rough [1] - 6838:37

routine [1] - 6874:35

rubbish [1] - 6788:1

ruled [1] - 6852:42

ruling [2] - 6857:43, 6857:46

Rullo [1] - 6778:43

run [5] - 6801:25, 6828:29, 6862:9, 6862:12

rung [1] - 6813:45

Russell [1] - 6778:43

S

Sackar [1] - 6778:14

Sarah [2] - 6854:6, 6858:16

sat [1] - 6805:44

satisfy [1] - 6828:33

save [2] - 6779:36, 6833:26

saved [2] - 6846:8, 6846:10

saw [10] - 6794:12, 6798:4, 6819:32, 6823:27, 6828:10, 6828:11, 6837:15, 6842:47, 6853:31

SC [2] - 6778:26, 6778:37

scandalous [1] - 6787:41

scenarios [1] - 6863:6

scene [1] - 6836:9

scenes [1] - 6790:15

Scipione [3] - 6800:23, 6813:43, 6827:30

SCOI.47469_0001 [1] - 6821:13

SCOI.85815_0001 [1] - 6829:27

SCOI.85816_0001 [2] - 6838:6, 6843:19

SCOI.85816_0001 [1] - 6872:12

SCOI.85912_0001 [1] - 6866:29

SCOI.85912_0001 [1] - 6831:37

scoped [1] - 6842:35

scoping [5] - 6840:15, 6841:1, 6842:44, 6843:29, 6845:35

Scott [9] - 6797:40, 6802:19, 6802:40, 6802:45, 6857:35, 6858:2, 6858:45, 6859:3, 6859:6

Scott's [1] - 6855:47

screen [4] - 6791:36, 6839:27, 6854:20, 6856:31

scroll [1] - 6797:20

scrolled [1] - 6856:33

scrutinised [1] - 6854:36

se [1] - 6872:3

sea [2] - 6779:17, 6779:40

seat [2] - 6779:2, 6834:22

second [9] - 6780:23, 6784:23, 6788:44, 6792:44, 6826:44, 6833:9, 6844:7, 6855:45, 6867:22

seconds [1] - 6828:27

see [54] - 6779:17, 6779:39, 6780:34, 6782:35, 6787:26, 6790:29, 6791:36, 6791:47, 6792:10, 6793:8, 6793:25, 6794:7, 6797:15, 6800:28, 6804:34, 6806:16, 6807:6, 6815:24, 6821:15, 6821:17, 6821:39, 6826:14, 6826:40, 6832:24, 6832:31, 6834:35, 6838:13, 6838:14, 6839:5, 6839:18, 6839:27, 6843:27, 6843:34, 6843:41, 6844:7, 6844:11, 6844:13, 6852:30, 6853:41, 6853:44, 6854:14, 6854:20, 6854:24, 6854:37, 6856:30, 6857:30, 6859:31, 6860:11, 6866:32, 6868:29, 6869:34, 6872:41, 6874:36

seek [1] - 6840:12

seeking [1] - 6782:17

seem [1] - 6784:24

seemingly [1] -

6789:30
segment [1] - 6866:15
select [1] - 6784:10
senior [4] - 6837:22, 6854:7, 6867:28, 6868:8
Senior [1] - 6778:26
sense [8] - 6797:1, 6797:4, 6809:6, 6838:38, 6849:13, 6849:15, 6870:46, 6871:41
sensible [1] - 6834:10
sensitive [2] - 6840:37, 6842:18
sent [6] - 6782:34, 6782:37, 6806:36, 6810:38, 6810:40, 6837:43
sentence [9] - 6801:3, 6821:39, 6825:14, 6827:19, 6829:38, 6832:16, 6838:15, 6838:16, 6838:19
separate [1] - 6863:41
September [13] - 6831:19, 6835:12, 6837:47, 6838:5, 6838:25, 6843:18, 6843:23, 6843:24, 6846:15, 6851:34, 6864:35, 6872:11, 6873:39
sequence [5] - 6797:16, 6829:29, 6830:6, 6830:14, 6831:9
Sergeant [8] - 6778:35, 6778:38, 6778:41, 6778:43, 6788:3, 6818:7, 6837:41
series [2] - 6835:47, 6840:32
serious [2] - 6825:37, 6827:46
seriously [4] - 6822:20, 6854:10, 6860:20, 6860:25
Services [1] - 6805:24
session [1] - 6801:34
set [2] - 6801:34, 6832:14
sets [1] - 6780:18
several [3] - 6779:7, 6786:10, 6786:16
sexuality [1] - 6798:30
SF [1] - 6798:28
share [1] - 6842:40
shifted [1] - 6869:18
shock [2] - 6796:38, 6796:40
shocked [7] - 6798:4, 6798:14, 6828:10, 6870:6, 6870:9, 6870:11, 6871:3
shop [1] - 6787:14
shore [1] - 6827:17
short [5] - 6779:26, 6820:27, 6834:17, 6861:38, 6863:16
Short [1] - 6778:34
short-circuit [1] - 6779:26
shortly [1] - 6808:35
shoulder [1] - 6861:6
show [4] - 6786:9, 6810:31, 6852:32, 6862:4
showed [1] - 6835:24
shown [4] - 6779:24, 6785:37, 6785:38, 6795:21
shows [2] - 6800:31, 6801:27
sick [2] - 6817:35, 6817:37
significant [5] - 6824:2, 6826:25, 6873:28, 6873:34, 6874:1
simply [4] - 6779:24, 6779:29, 6815:22, 6874:35
Siobhan [2] - 6819:21, 6819:37
sit [8] - 6786:47, 6812:24, 6816:5, 6816:46, 6817:4, 6819:21, 6830:19, 6830:21
sit-down [7] - 6786:47, 6812:24, 6816:5, 6816:46, 6817:4, 6830:19, 6830:21
sits [1] - 6829:31
sitting [3] - 6819:38, 6826:8, 6830:27
situation [2] - 6825:21, 6870:28
slightest [1] - 6827:39
slightly [1] - 6833:39
slot [3] - 6832:27, 6832:30, 6836:8
so-and-so [1] - 6824:14
Solicitor [1] - 6778:29
solvability [1] - 6803:25
solved [1] - 6803:47
someone [4] - 6825:15, 6838:20, 6838:41, 6859:39
sometimes [1] - 6844:47
somewhere [1] - 6810:18
soon [1] - 6828:38
sorry [29] - 6787:24, 6787:31, 6799:6, 6799:9, 6803:30, 6810:28, 6813:24, 6815:12, 6818:29, 6821:2, 6822:12, 6824:36, 6833:18, 6833:36, 6834:33, 6834:46, 6837:34, 6839:9, 6842:33, 6843:25, 6846:30, 6848:16, 6856:33, 6860:38, 6862:19, 6866:18, 6866:24, 6870:35, 6873:2
sort [6] - 6799:43, 6801:19, 6818:17, 6823:13, 6835:34, 6845:8
sought [1] - 6780:25
sound [1] - 6868:29
source [1] - 6837:23
South [1] - 6778:19
speaker [1] - 6865:20
speaking [6] - 6807:41, 6852:19, 6853:24, 6865:12, 6865:26, 6869:36
SPECIAL [1] - 6875:14
Special [1] - 6778:7
specific [2] - 6831:27, 6854:41
specifically [8] - 6802:9, 6833:13, 6841:3, 6868:29, 6872:2, 6872:3, 6872:12, 6872:16
specifying [1] - 6835:47
speculate [4] - 6805:29, 6805:31, 6835:46, 6836:4
speculation [1] - 6852:3
spheres [1] - 6847:33
spoken [4] - 6797:5, 6813:43, 6815:20, 6815:24
Spokespeople [1] - 6800:34
spokesperson [1] - 6807:37
spontaneously [1] - 6861:37
squad [1] - 6805:28
Squad [4] - 6805:34, 6805:42, 6806:1, 6807:28
staff [4] - 6780:41, 6780:43, 6836:3, 6837:42
stage [12] - 6798:38, 6802:26, 6815:19, 6843:7, 6846:26, 6846:39, 6847:16, 6856:6, 6856:45, 6857:39, 6858:44
stand [1] - 6851:1
standing [1] - 6853:44
start [1] - 6779:4
started [2] - 6791:43, 6855:7
starting [2] - 6838:26, 6854:41
starts [3] - 6797:16, 6839:30, 6854:25
state [3] - 6826:25, 6835:46, 6836:4
State [3] - 6799:39, 6856:23, 6856:28
statement [137] - 6780:25, 6781:24, 6781:36, 6781:42, 6781:44, 6782:4, 6782:5, 6782:7, 6782:12, 6782:18, 6782:24, 6782:29, 6782:31, 6785:25, 6785:28, 6785:37, 6785:38, 6785:42, 6786:4, 6802:34, 6806:37, 6816:16, 6819:1, 6819:6, 6819:28, 6829:10, 6829:26, 6830:15, 6830:36, 6830:37, 6830:39, 6831:5, 6831:13, 6831:14, 6831:19, 6831:23, 6831:28, 6831:36, 6831:42, 6832:35, 6832:44, 6833:2, 6833:8, 6833:18, 6833:19, 6833:21, 6833:22, 6833:30, 6833:32, 6834:25, 6834:39, 6834:40, 6834:44, 6835:5, 6835:11, 6835:12, 6835:13, 6835:18, 6835:23, 6835:39, 6836:8, 6836:18, 6836:42, 6836:47, 6837:34, 6837:35, 6837:37, 6837:47, 6838:6, 6838:13, 6838:18, 6838:25, 6839:2, 6840:8, 6840:17, 6840:23, 6840:26, 6840:43, 6841:2, 6841:40, 6842:10, 6842:18, 6842:23, 6843:18, 6843:21, 6843:23, 6843:24, 6844:16, 6844:30, 6844:33, 6845:31, 6845:35, 6845:41, 6845:43, 6846:15, 6846:16, 6846:32, 6846:43, 6847:1, 6847:6, 6847:31, 6847:43, 6848:1, 6848:27, 6851:34, 6857:16, 6857:17, 6857:20, 6857:23, 6857:30, 6862:46, 6863:1, 6864:35, 6866:11, 6866:29, 6867:14, 6868:32, 6868:37, 6870:25, 6870:42, 6870:45, 6871:20, 6872:11, 6872:37, 6872:42, 6873:22, 6873:34, 6873:37, 6873:39
statements [15] - 6814:46, 6833:13, 6833:22, 6835:20, 6843:45, 6845:33, 6845:36, 6845:40, 6845:46, 6846:18, 6846:20, 6846:23, 6860:17, 6864:39, 6873:25
stay [1] - 6813:14
stayed [1] - 6853:34
Steer [1] - 6778:38
step [2] - 6811:6, 6840:45
Stephen [1] - 6778:43
steps [1] - 6801:20
Steve [3] - 6813:21, 6813:25, 6813:27
Stewart [1] - 6778:39
still [5] - 6786:44, 6792:13, 6842:35, 6860:1, 6867:3
stop [41] - 6787:43, 6795:47, 6812:26, 6812:40, 6812:46,

- 6813:4, 6816:13,
6821:41, 6822:5,
6822:43, 6836:34,
6850:7, 6850:9,
6850:13, 6850:16,
6850:19, 6850:21,
6850:35, 6851:7,
6851:23, 6851:24,
6851:25, 6851:28,
6851:32, 6851:36,
6851:45, 6852:17,
6852:23, 6852:28,
6852:36, 6853:24,
6854:4, 6854:12,
6856:10, 6856:14,
6858:21, 6860:35,
6865:37, 6865:46,
6866:3, 6866:8
stories [1] - 6862:9
story [3] - 6812:16,
6818:46, 6862:12
straight [1] - 6865:14
straightaway [1] -
6799:41
strange [2] - 6796:20,
6796:23
strategy [5] -
6780:19, 6780:33,
6781:43, 6782:3,
6782:4, 6782:19,
6782:22, 6782:30,
6782:38, 6782:42,
6784:3, 6784:29,
6784:35, 6784:46,
6785:6, 6785:13,
6785:20, 6785:41,
6800:8, 6803:5,
6803:9, 6809:5,
6811:7, 6811:47,
6812:31, 6813:32,
6816:14, 6818:37,
6823:33, 6829:44,
6831:30, 6832:2,
6833:15, 6840:15,
6840:45, 6840:47,
6841:42, 6842:12,
6842:27, 6842:39,
6842:43, 6843:6,
6843:14, 6843:47,
6844:9, 6862:36,
6865:10, 6871:23,
6871:37
Strath [12] - 6782:42,
6782:43, 6801:12,
6801:15, 6812:32,
6820:20, 6823:20,
6825:46, 6871:46,
6872:2, 6872:8
streams [1] - 6811:11
Street [1] - 6778:18
stretched [1] -
6842:43
Strike [12] - 6784:3,
6798:34, 6798:37,
6798:39, 6802:17,
6802:47, 6804:14,
6855:32, 6870:25,
6870:27, 6870:36,
6870:42
strike [3] - 6805:15,
6805:19, 6870:44
strong [2] - 6841:9,
6841:17
studio [5] - 6791:12,
6791:15, 6796:41,
6800:19, 6800:42,
6801:16, 6801:20,
6808:3, 6808:7,
6814:28, 6822:1,
6823:15, 6823:37,
6824:1, 6824:6,
6825:36, 6825:43,
6826:15, 6827:41,
6844:34, 6845:32,
6845:44, 6846:16,
6849:11, 6849:30,
6852:44, 6853:11,
6853:13, 6861:11,
6861:17, 6861:22,
6861:32, 6861:43,
6862:1, 6862:17,
6862:40, 6863:13,
6863:23, 6863:24,
6863:26, 6864:23,
6864:28, 6864:36,
6865:4, 6865:7,
6865:16, 6871:17,
6872:3, 6872:4,
6873:1, 6873:4
studios [3] - 6863:2,
6864:42, 6866:36
style [1] - 6800:31
subject [2] - 6809:6,
6848:25
submissions [8] -
6829:7, 6829:11,
6863:32, 6875:1,
6875:2, 6875:3,
6875:5, 6875:6
subsequent [1] -
6800:4
substance [1] -
6836:29
success [3] - 6840:16,
6841:44, 6842:28
suggest [12] - 6795:8,
6795:13, 6795:46,
6796:32, 6798:3,
6806:43, 6810:41,
6818:9, 6826:14,
6836:22, 6840:42,
6859:46
suggested [5] -
6799:24, 6800:18,
6845:43, 6854:44,
6856:21
suggesting [6] -
6860:20, 6861:4,
6861:10, 6861:16,
6863:44, 6864:46
suggestion [3] -
6789:7, 6826:24,
6834:11
suggests [3] -
6815:47, 6826:28,
6828:9
suicide [8] - 6849:13,
6857:3, 6858:39,
6858:46, 6859:12,
6859:35, 6859:39,
6859:40
suit [1] - 6799:8
summary [1] -
6780:33
Superintendent [1] -
6808:1
supplementary [4] -
6848:38, 6875:2,
6875:3, 6875:5
support [5] - 6817:22,
6826:10, 6827:5,
6827:17, 6827:22
supported [2] -
6814:7, 6850:31
supporting [1] -
6827:36
supportive [5] -
6786:35, 6786:37,
6786:40, 6826:29,
6873:28
supports [1] - 6782:46
Supt [1] - 6781:33
surely [4] - 6803:43,
6804:12, 6814:46,
6815:18
surprise [2] - 6796:38,
6796:40
surprised [3] - 6798:4,
6798:14, 6828:10
surrounding [1] -
6783:31
suspect [1] - 6836:37
Sydney [4] - 6778:19,
6787:14, 6787:38,
6805:3
sympathetic [1] -
6806:26
system [1] - 6841:18
T
tab [12] - 6780:13,
6783:15, 6793:19,
6799:14, 6800:13,
6818:25, 6821:12,
6823:27, 6826:34,
6839:11, 6866:14,
6869:32
table [1] - 6779:31
talks [2] - 6852:17,
6873:16
target [1] - 6816:32
Taylor [1] - 6778:35
TBL [1] - 6812:12
teach [1] - 6808:24
team [1] - 6855:33
Team [1] - 6805:44
Tedeschi [8] -
6778:33, 6798:47,
6799:6, 6799:10,
6800:11, 6808:19,
6816:23, 6874:30
TEDESCHI [9] -
6799:3, 6799:12,
6799:14, 6799:22,
6800:13, 6800:28,
6801:42, 6804:6,
6874:40
telephone [2] -
6791:26, 6814:10
television [11] -
6811:34, 6811:42,
6812:5, 6812:8,
6816:38, 6853:6,
6862:4, 6862:5,
6862:20, 6862:34,
6865:11
tempted [3] - 6796:6,
6867:19, 6868:15
term [8] - 6780:43,
6792:1, 6792:4,
6792:21, 6813:15,
6818:13, 6822:16,
6845:24
terms [8] - 6782:21,
6784:46, 6790:32,
6792:8, 6831:43,
6834:4, 6843:15,
6873:35
test [1] - 6846:47
text [4] - 6810:38,
6810:40, 6821:9,
6821:24
texted [1] - 6812:15
texts [3] - 6815:25,
6826:42, 6861:24
Thangaraj [20] -
6778:37, 6779:5,
6779:16, 6791:5,
6799:7, 6804:8,
6820:45, 6821:5,
6824:21, 6827:46,
6828:24, 6833:43,
6834:16, 6836:20,
6839:35, 6844:42,
6845:14, 6845:25,
6866:24, 6874:31
THANGARAJ [36] -
6779:20, 6779:33,
6779:47, 6820:32,
6821:2, 6821:7,
6821:9, 6821:15,
6822:42, 6824:23,
6825:13, 6825:28,
6826:17, 6826:21,
6828:42, 6828:47,
6829:6, 6829:23,
6829:25, 6834:24,
6836:7, 6836:26,
6836:32, 6836:41,
6839:26, 6839:38,
6839:44, 6840:3,
6840:7, 6846:5,
6846:12, 6865:43,
6866:17, 6866:26,
6869:34, 6874:10
Thangaraj's [1] -
6828:33
that" [1] - 6868:25
theme [6] - 6870:33,
6870:35, 6870:36,
6870:42, 6870:45
themselves [1] -
6864:31
there].- [1] - 6857:32
therefore [5] -
6779:17, 6815:2,
6828:3, 6842:4,
6848:47
they have [4] -
6786:15, 6794:45,
6795:8, 6819:34
thinking [1] - 6864:8
thinks [2] - 6829:46,
6833:30
third [19] - 6780:32,
6780:45, 6789:3,
6793:11, 6793:20,
6799:26, 6843:23,
6850:26, 6850:31,
6851:21, 6854:45,
6855:28, 6855:43,
6863:34, 6863:40,
6863:45, 6864:4,
6864:19, 6864:23
thorough [3] -
6802:26, 6804:39,
6809:28
thoroughly [2] -

6847:1, 6847:5	trained [2] - 6800:36, 6800:42	6862:42, 6863:11, 6864:9, 6864:13, 6864:22, 6871:18, 6871:20, 6871:44	6840:33, 6842:36, 6844:43, 6854:18, 6856:33, 6858:29, 6863:16, 6869:28, 6873:27, 6874:32	wary [2] - 6844:45, 6845:1
thoroughness [1] - 6789:37	training [4] - 6800:44, 6808:20, 6808:23, 6808:26	two-year [1] - 6856:20	up-front [1] - 6790:15	watch [1] - 6813:14
three [11] - 6784:23, 6805:44, 6818:43, 6845:33, 6845:46, 6846:20, 6858:36, 6858:38, 6860:1, 6865:19, 6865:29	transcript [14] - 6779:15, 6788:27, 6789:28, 6791:35, 6792:43, 6794:6, 6797:14, 6838:20, 6845:26, 6849:20, 6854:18, 6854:25, 6866:15, 6869:28	type [2] - 6801:26, 6874:32	updated [1] - 6865:33	watched [2] - 6796:37, 6862:19
three-way [2] - 6865:19, 6865:29	transcript's [1] - 6799:18		updating [1] - 6866:2	wave [1] - 6828:27
throughout [1] - 6857:15	trap [1] - 6845:8	U	upset [2] - 6803:24, 6870:41	ways [2] - 6779:7, 6789:32
thrust [1] - 6839:12	trigger [11] - 6849:32, 6861:33, 6861:41, 6861:44, 6862:25, 6863:22, 6863:27, 6863:41, 6863:44, 6864:14, 6865:9	Ultimately [4] - 6802:45, 6868:25, 6871:44, 6871:45	useable [2] - 6862:3, 6862:33	website [2] - 6874:36, 6874:47
Thursday [1] - 6839:29	troubled [1] - 6813:3	Ultimo [1] - 6866:36	useful [1] - 6842:44	week [4] - 6788:4, 6807:15, 6819:12, 6830:32
tight [1] - 6875:9	true [14] - 6786:20, 6795:33, 6795:40, 6795:44, 6816:4, 6839:34, 6840:18, 6841:10, 6841:12, 6841:14, 6848:34, 6859:15, 6873:21	unaware [1] - 6820:17		weeks [4] - 6782:14, 6786:11, 6844:9, 6873:22
timely [1] - 6862:33	trusted [1] - 6840:18	under [4] - 6818:29, 6834:14, 6849:33, 6858:36	V	welcome [1] - 6850:20
timetable [2] - 6875:1, 6875:9	trusting [4] - 6846:39, 6847:16, 6847:35, 6847:44	understood [9] - 6782:36, 6803:29, 6803:30, 6803:36, 6814:17, 6814:36, 6818:14, 6846:6, 6852:23	valuable [1] - 6804:44	welcomed [2] - 6850:8, 6851:21
timing [3] - 6782:21, 6782:28, 6862:27	trying [4] - 6779:25, 6788:20, 6845:15, 6861:14	undertaken [1] - 6818:3	vanilla [1] - 6813:1	welfare [3] - 6825:19, 6825:21, 6825:24
today [4] - 6794:36, 6818:46, 6826:8, 6854:44	Tuesday [4] - 6826:44, 6874:30, 6874:38, 6875:12	undeserved [1] - 6797:39	various [1] - 6783:25	Wells [29] - 6778:36, 6780:34, 6780:45, 6781:8, 6782:35, 6782:41, 6799:24, 6799:43, 6806:18, 6807:18, 6807:20, 6809:18, 6809:23, 6810:34, 6810:36, 6810:41, 6815:26, 6823:4, 6823:12, 6823:16, 6830:18, 6830:24, 6839:36, 6839:41, 6849:36, 6851:6, 6851:14, 6861:25, 6864:46
together [3] - 6842:27, 6843:14, 6864:12	turned [3] - 6802:46, 6806:7, 6817:15	undone [1] - 6817:36	Vaughan [1] - 6814:1	verbally [1] - 6779:15
told [1] - 6825:14	TV [2] - 6851:1, 6853:30	unfortunate [1] - 6860:5	verballing [1] - 6779:15	version [1] - 6793:11
tone [1] - 6828:6	twice [1] - 6792:5	unfortunately [1] - 6787:46	via [1] - 6814:38	victim [1] - 6802:20
tonight [2] - 6815:36, 6861:27	two [31] - 6781:12, 6781:42, 6782:5, 6782:29, 6783:34, 6784:39, 6785:12, 6785:21, 6785:35, 6785:36, 6788:5, 6804:36, 6805:43, 6811:11, 6813:11, 6816:41, 6819:25, 6827:19, 6829:31, 6839:24, 6854:11, 6855:32, 6856:20,	Unit [3] - 6861:28, 6861:31, 6864:43	video [1] - 6848:33	video-recorded [1] - 6848:33
took [12] - 6794:7, 6794:26, 6794:31, 6795:37, 6808:39, 6826:29, 6830:42, 6838:17, 6844:8, 6868:18, 6869:4		unless [1] - 6806:34	videoed [1] - 6848:37	view [15] - 6779:6, 6779:25, 6792:23, 6800:40, 6801:33, 6802:40, 6803:4, 6805:14, 6805:34, 6805:36, 6869:26, 6870:18, 6870:22, 6870:29
top [4] - 6783:27, 6784:23, 6794:7, 6869:35		unlike [1] - 6847:30	views [3] - 6786:30, 6849:13, 6869:47	view [15] - 6779:6, 6779:25, 6792:23, 6800:40, 6801:33, 6802:40, 6803:4, 6805:14, 6805:34, 6805:36, 6869:26, 6870:18, 6870:22, 6870:29
topic [9] - 6785:17, 6786:8, 6786:11, 6788:29, 6791:44, 6798:23, 6801:25, 6852:35, 6872:10		unnecessarily [1] - 6845:16	visual [1] - 6862:21	voice [4] - 6789:37, 6790:40, 6790:43, 6850:10
totally [1] - 6868:12		unredacted [1] - 6806:38	voice [4] - 6789:37, 6790:40, 6790:43, 6850:10	volume [12] - 6780:13, 6783:14, 6793:18, 6799:17, 6818:27, 6818:30, 6821:12, 6826:36, 6826:38, 6853:28, 6866:14, 6869:31
touched [1] - 6820:1		unsolved [1] - 6805:44	volume [12] - 6780:13, 6783:14, 6793:18, 6799:17, 6818:27, 6818:30, 6821:12, 6826:36, 6826:38, 6853:28, 6866:14, 6869:31	
towards [5] - 6798:30, 6846:39, 6847:45, 6859:35, 6859:40		unusual [3] - 6870:28, 6870:44, 6873:25		
TRA.00023.00001 [1] - 6791:35		up [37] - 6790:15, 6792:26, 6797:15, 6797:20, 6800:14, 6801:34, 6802:18, 6802:43, 6806:7, 6806:36, 6806:47, 6812:3, 6812:32, 6813:14, 6816:1, 6816:5, 6820:12, 6821:10, 6823:23, 6824:28, 6825:1, 6827:17, 6831:33, 6831:36, 6835:17, 6839:17, 6839:26,		
TRA.00051.00001 [1] - 6794:6				
TRA.00095.00001 [1] - 6788:27				
TRA.00097.00001 [1] - 6789:29				
TRA.00097.00001 [1] - 6797:14				

6834:43, 6835:4, 6835:8, 6835:13, 6835:17, 6838:44, 6840:22, 6840:28, 6840:34, 6840:39, 6840:42, 6840:46, 6841:41, 6842:26, 6843:28, 6843:37, 6843:44, 6844:22, 6844:24, 6844:29, 6844:33, 6845:31, 6845:34, 6845:37, 6845:41, 6845:46, 6846:16, 6846:22, 6848:32, 6848:39, 6848:41, 6849:29, 6861:25, 6864:41, 6865:3, 6865:15, 6865:23, 6866:7, 6867:11, 6868:9, 6868:33, 6868:38, 6869:18, 6871:14, 6871:40, 6872:16, 6872:24, 6872:29, 6872:47, 6873:4, 6873:9, 6873:13, 6873:26	6867:10, 6867:15, 6867:24, 6867:29, 6867:38, 6867:40, 6867:43, 6867:45, 6868:5, 6868:34, 6868:38, 6869:6, 6869:13, 6869:22, 6869:23 words [17] - 6786:34, 6787:22, 6790:19, 6790:21, 6799:36, 6846:18, 6846:23, 6852:6, 6855:18, 6855:19, 6859:27, 6859:28, 6860:4, 6864:38, 6872:31, 6872:37 world [1] - 6836:45 worm [2] - 6817:9, 6817:10 worried [1] - 6817:36 worry [1] - 6779:44 wow [1] - 6826:43 write [1] - 6821:15 writes [2] - 6818:40, 6827:3 writing [5] - 6779:23, 6780:34, 6826:10, 6843:16, 6870:13 written [6] - 6783:20, 6783:35, 6802:35, 6829:10, 6831:42, 6871:21	6794:46, 6796:4, 6796:5, 6796:38, 6796:43, 6797:13, 6797:22, 6798:12, 6800:19, 6800:41, 6801:16, 6801:39, 6802:6, 6802:10, 6802:16, 6802:26, 6803:4, 6803:19, 6805:10, 6806:7, 6806:18, 6807:16, 6808:30, 6809:30, 6810:26, 6814:23, 6814:32, 6815:26, 6817:21, 6822:9, 6822:21, 6825:20, 6826:10, 6826:42, 6827:40, 6828:47, 6829:18, 6834:21, 6834:24, 6837:18, 6839:32, 6845:32, 6846:14, 6854:21, 6859:26, 6874:24 YOUNG [1] - 6829:21 young [1] - 6845:30 Young's [3] - 6779:8, 6804:39, 6828:37 yourself [8] - 6791:11, 6792:28, 6795:45, 6813:43, 6843:20, 6856:34, 6869:13, 6869:17
Willing's [2] - 6840:14, 6850:5 win [3] - 6817:29, 6817:43, 6818:13 win" [1] - 6817:26 wish [1] - 6836:20 withdraw [1] - 6865:43 WITHDREW [2] - 6828:22, 6874:27 witness [10] - 6779:23, 6804:10, 6811:18, 6829:19, 6833:38, 6839:18, 6839:27, 6839:36, 6844:44, 6845:7 WITNESS [8] - 6799:20, 6804:14, 6817:17, 6820:36, 6826:40, 6828:20, 6828:22, 6874:27 witness's [1] - 6799:18 witnesses [2] - 6786:10, 6836:2 woman [1] - 6860:47 word [29] - 6789:42, 6792:19, 6805:38, 6810:8, 6811:2, 6813:35, 6817:29, 6821:44, 6832:23, 6858:43, 6866:44, 6867:1, 6867:3,	<hr/> Y <hr/> year [4] - 6835:35, 6843:11, 6843:15, 6856:20 years [1] - 6855:32 yes" [1] - 6779:24 yesterday [13] - 6789:40, 6797:16, 6819:35, 6829:26, 6829:28, 6860:24, 6867:33, 6867:35, 6868:3, 6868:4, 6868:22, 6868:26, 6868:30 Young [67] - 6778:42, 6780:25, 6780:35, 6782:12, 6782:24, 6785:25, 6786:35, 6786:37, 6787:6, 6788:9, 6788:28, 6788:30, 6789:13, 6789:29, 6791:4, 6791:8, 6791:27, 6791:47, 6792:18, 6793:32, 6794:36,	<hr/> Z <hr/> Zdenka [1] - 6814:1 zero [1] - 6803:25