



**PROTECTED**

17 June 2015

The Honourable Robert Borsak MLC  
Committee Chair  
General Purpose Standing Committee Number 4  
Legislative Council  
Parliament House  
Macquarie Street  
**SYDNEY NSW 2000**

Dear Sir,

**Re: Inquiry into the progress of the Ombudsman's investigation  
"Operation Prospect"**

I refer to your letter dated 16 June 2015, reference D15/17273.

In relation to your questions I can respond as follows:

- (a) Yes, the meeting described by Mr Giorgiutti (Giorgiutti) did occur.
- (b) No, I did not state to Giorgiutti in those precise terms, but I did state to him that I believed I knew who may have leaked the story, as I will explain below.
- (c) No, I do not know for sure who leaked the story that the Ombudsman was considering referring Deputy Commissioner Kaldas (Kaldas) to the Director of Public Prosecutions.
- (d) I can provide the following information which may assist your Inquiry:
  - (1) My recollection of the meeting with Giorgiutti was that on Thursday, 4 June 2015 Mr Wilkinson of Counsel (Wilkinson) was attending the Commission in relation to a client.
  - (2) During a break he invited me for coffee and we were having coffee at a café in Kent Street in Sydney, seated at a table on the footpath.

- (3) My recollection was that during the course of our meeting, Giorgiutti approached us and sat down uninvited at the table with us.
- (4) We talked about a range of topics including the health of his wife before Giorgiutti started a conversation in relation to the newly announced General Purpose Standing Committee Number 4. I expressed surprise as I did not realise that it had been announced and I recall Wilkinson confirming that he had read it in the paper that day. For the next few minutes both Wilkinson and I listened to Giorgiutti making a series of statements and observations in relation to the proposed Inquiry.
- (5) At some stage during his conversation Giorgiutti said words to the effect:

*"They really want to know who leaked the material about Kaldas and the DPP".*

I said words to the effect:

*"I think I might know who that was."*

Giorgiutti said words to the effect:

*"Everyone knows who that was".*

I indicated to him that I did not know that that person had been identified and asked him who was the suspected leaker. He said words to the effect:

*"It was a media officer attached to the Attorney-General's Department".*

This surprised me as I had developed my own suspicion as to the source of the leak which I explain below.

I concluded the conversation by informing Giorgiutti that I had to return to work. He stated that he was going to be called before your Inquiry, and intended to make a submission. He said he was going to involve former Crime Commission Commissioner Peter Singleton in the matter. He also joked, (or so I thought) that he would get me into the Inquiry.

- (6) In hindsight it was possible that Giorgiutti had just made up that story in an attempt to inveigle me in a conversation with him about the proposed leak. I state that, as Giorgiutti is aware of my relationship with Mr Nick McKenzie (McKenzie), the journalist responsible for writing the story in relation to the alleged leak.
- (7) I have known McKenzie for several years and we often meet when he is in Sydney and occasionally speak by telephone. I am aware that Giorgiutti was extremely irritated with the story written by McKenzie as it depicted him as an alleged leaker. During the conversation with Giorgiutti on 4 June, he recounted a conversation he had had with McKenzie on the telephone.
- (8) The suspicion that I had developed as to the source of the leak was based upon the following observations: McKenzie is a reporter who has spent most of his career working in Victoria, principally in Melbourne. His specialty is writing about organised crime stories and I was aware that he had extensive lists of contacts in the law enforcement area of Victoria.
- (9) About a week to ten days following the publication of the story about the leak I recall a conversation with McKenzie which occurred on the telephone. (Note there will be no record of this telephone conversation as we used a phone application to communicate. McKenzie has been wary of using telephone services ever since his phone was intercepted during an Australian Federal Police operation).



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- (10) During the course of the conversation, McKenzie volunteered the following information to me:
- (I) He had been talking to a person/persons within the Ombudsman Inquiry in Sydney;
  - (II) Those persons were investigators who had previously worked in Melbourne;
  - (III) He did not regard these people as great investigators;
  - (IV) Those persons regarded the charging of Kaldas as a victory for the Inquiry;
  - (V) The fact that these persons regarded it as a victory for the Inquiry was disturbing to McKenzie and he thought that they had lost perspective as to what the Inquiry was about.
- (11) The significance of this conversation is thus:
- (I) It confirms that McKenzie is talking to a person or persons within the Ombudsman Inquiry likely to be previous contacts of his from Victoria;
  - (II) It is not necessarily former police, although it could be. If those persons were imprudent enough to indicate to McKenzie they regarded the charging of Kaldas as a victory for the Inquiry, they may have also been so imprudent as to leak the information to McKenzie there had been a referral to the DPP.

I regard McKenzie as a journalist of integrity and I can volunteer the following to the Committee as it may be of relevance to you: should McKenzie be called before the Inquiry, he will refuse to nominate the source of the information relating to the referral to the DPP, even if faced with the prospect of incarceration.

I request that the information set out in this letter be kept on a confidential basis and I hope it may be of some assistance to your Inquiry.

Yours sincerely

T. O'Connor  
Director,  
Criminal Investigations