

---

## AFFIDAVIT

---

I, Simon Overland, of the state of Victoria, make oath and say as follows:

1. On 3 October 2007, I met with two investigators from the Office of Police Integrity (OPI) who conducted an interview with me. During this meeting, I provided information on various issues relating to an OPI investigation.
2. At this meeting, I also provided the OPI investigators with a 7-page document marked Highly Protected. This document is titled "Running Sheet - Operation 'Clonk'/'Briars'". Information from this document has been included in this affidavit.
3. My background is in the Australian Federal Police (AFP). I was promoted to commander level in the AFP in late 1995. The appointment took effect from early 1996 when I moved from Canberra to Brisbane to take up the role of Director of Operations in the AFP's northern region with control of operations across Queensland, Northern Territory. I was in that role about two and a half years in all. In 1998 I was then promoted to assistant commissioner level, General Manager for northern region.
4. I was in Brisbane for five years in total. In 2000 I came back to Canberra part-way through that year and into a national role as General Manager, Finance and People. I was in that role for about eight months. In October 2000 I was then promoted to the role of chief operating officer for the Australian Federal Police. I was in that role for about 18 months to two years. I left the AFP at the end of 2002, but really for about the last nine months I was offline from the Australian Federal Police, managing the

---

implementation of the Australian Crime Commission, working out of the Attorney-General's Department.

5. Towards the end of that time, I applied for and won the assistant commissioner crime position here in Victoria. I started in that position in February 2003 and held that position until July of last year when I was promoted to deputy commissioner, which is my current position with Victoria Police. Kieran Walshe is my counterpart deputy commissioner.
  
6. In a formal sense, the deputy commissioners have no line responsibility for any part of Victoria Police. However, in a sense, Kieran and I, with Christine Nixon, have responsibility for the whole of the organisation. The way we tend to work is to have areas of focus. Mine tend to be around the crime, intelligence, service delivery; Kieran's tends to be around counter-terrorism, emergency management, and some aspects of service delivery. There is no clear delineation, but my responsibilities definitely include continuing interest in crime matters.
  
7. I have continued to take direct interest in a number of high-profile operations within the crime area, Operation Briars being one of those. I also continue to pay close attention to the Purana and Petra investigations. There are one or two other investigations that I tend to have pretty close interest in, normally determined on the basis of risk - high-profile, high-risk. So whilst I do not manage them on a day-to-day basis, as an executive I closely oversight and monitor them, and think about some of the strategic, risk and management issues that come out of those investigations.

8. In my view, those people at assistant commissioner level that do have line control have two responsibilities really. One is, they are responsible for the running of a significant part of the business, and the way we run the organisation, they are significantly empowered to do that. They have a lot of freedom around doing that. They are held accountable for that and there are accountabilities that are put in place. But the bottom line is, they are expected to get on and run their part of the business.
9. However, they also have corporate responsibilities, so in running their part of the business, they need to do that in a way that is absolutely consistent with corporate direction, corporate values, and corporate ethos.
10. The assistant commissioners also contribute to the governance of the organisation through the Corporate Committee role. In effect, we have set the Corporate Committee up as analogous to a board even though it is not a board. We all understand that the Chief Commissioner is the chief executive and the statutory head, and we operate by dint of her grant of power, if you like, which she can recall at any time. However, Christine chooses to run the organisation in a very devolved way, both in a line sense but also in a governance sense. Collectively, we are responsible for the governance of Victoria Police.
11. I have been aware of factions within the executive level. We have done a lot of work around trying to break that factionalism down, and certainly when I first came in 2003, the factionalism was very obvious. It was clear there were a number of factions and a number of people who were for a whole variety of reasons unhappy. I am also aware that some people were

---

unhappy because Christine Nixon had come in from outside and upset the order of ascension.

12. It is pretty common knowledge that Noel Ashby and Leigh Gassner were both quite disappointed at not becoming deputy commissioners when Kieran and I were appointed. It was quite obvious for a period of time, that they were hurt by that. There had been quite a bit of work done to try and help them get over that.
13. I have never had a close relationship with Noel but I know and everyone knows that he was really disappointed. I am aware at one stage he was seen as the heir apparent to the chief commissioner's role. He did not get it, Christine did.
14. I have had more of a personal relationship with Leigh Gassner. It was quite obvious with Leigh because his behaviour towards me changed.
15. I am broadly aware of some sort of relationship between Gassner and Ashby. Certainly, in the period before the deputy commissioner positions were actually filled, Christine rotated a number of people through those roles. Ashby and Gassner went first, so they had the first go at it because there were the two vacancies, and so they did that together and they seemed to team up and do that well. They seemed to continue to have a bit of a relationship and I thought it might have come out of that time where they worked together as deputies.
16. I am also aware that Linnell and Ashby have a pretty close relationship. I asked Linnell about it one day, "Well, what is it with you and Ashby?"

S

This was because in the second half of last year and first half of this year, they just were together all the time. They were off having coffee. They seemed to spend a lot of time together. Every time I would go down to the media office, Ashby seemed to be there. I am aware there would be a legitimate business reason for Noel being there, but it just seemed to me he was there all the time and they were together all the time. It seemed to me that clearly there was something more than just a professional relationship.

17. I mentioned it to Linnell and I said, "What's the story with your relationship with Noel?" He had quite a strong reaction to that. He said something to the effect of, "Look, we're just mates. I don't see... You too... Everyone is asking me about this." I just said, "Well, mate, it looks a bit odd. You sure it's healthy?" and all the rest of it. He said, "Yeah, we're just mates. I enjoy his company." I said, "All right, well, it's up to you, but you know, you're sort of judged by the company you keep, so you might want to think about it." That was just a chat we had one day in his office. After that, I did not think too much about it.
18. I was always aware that there was some sort of relationship between Noel Ashby and Paul Mullett. I became particularly aware of that in doing the review of the Crime Department, the major crime management model review. It went really well, up to a point. The TPA was a key stakeholder and we expected that if we were going to get a problem from anyone, it would be from the TPA. It all went really well up until the time we had to move people around in the Crime Department. There was a review and then a change process that had been going really for about 18 months. We

---

then got to a point where we needed to actually move people within, re-size, get rid of some of the units and restructure the Crime Department.

19. When that started to happen, things got really quite tense with the TPA, and Paul Mullett got involved. Ashby then started to ring me around this stuff. Basically we had played it in such a way that we had consulted. We had done everything by the book in terms of our obligations and so Mullett really had nowhere to go. He would come into meetings and do his normal stuff. We would just say, "Well, that's great, Paul, but the bottom line is, you know, we've done everything." He kept trying to slow things down, stop things from happening, for reasons that were not at all clear to me as to what the legitimate purpose was other than to be difficult.
20. Then I started to get these bizarre calls from Ashby, where clearly they had been coming from Mullett. The rationale from Ashby seemed to be, "Well, whatever you do, don't upset the TPA, and if it means you don't do anything, then it's better to do nothing than upset the TPA". I had two or three of these calls. I did not diary them. I just sort of listened to Noel and said, "Yeah, all right, Noel, thanks very much," and just kept doing what I was doing. We had done everything that we were obliged to do. So it was through that that I became aware that obviously when Mullett was under pressure, Ashby was one of the people that he went to to try and influence or get messages passed back in, or get the outcome that he was after.
21. I am not aware of the details of contractual issues regarding Noel Ashby. Christine Nixon deals with that stuff directly and confidentially.

S

22. I have never had to speak to either Noel Ashby or Stephen Linnell in relation to their conduct or any disciplinary issues.
23. At no time has any member of the police executive ever approached me to report misconduct or criminality in relation to another member of the executive.
24. The main motivation in putting Noel Ashby in the seat of spokesperson of the Enterprise Bargaining (EB) process, was to force him out to do some work. The thinking was also to give him an interest in making sure the EB succeeded, and to effectively minimise any risk that he might try to feed information through to Mullett or scuttle it.
25. I have been asked to give a briefing about Operation Briars and its primary objective.
26. Towards the end of 2006 and early part of 2007, there were a couple of things that were happening out of Taskforce Purana that led to the decision to establish Operations Briars and Petra. I became aware of two, possibly three, murders where we potentially have direct police involvement. Once I was sure enough of that, I went and saw Luke Cornelius and Christine Nixon.
27. On 30 January 2007, I verbally briefed Luke Cornelius regarding the developments of Operation Clonk, which related to the Chartress-Abbott murder. I advised we were still waiting for formalisation of Witsec arrangements and signing of a statement.

- 
28. On 31 January, I spoke to Christine Nixon for the first time with Luke and said, "Look, this is what I think we've got and we now need to work out what we're going to do about it because this is the smoking gun that the media had been looking for and royal commissions and all the rest of it". So in terms of risk to the organisation, it does not get much bigger than this. We agreed that we needed to get some taskforces set up to deal with it.
29. On 9 February 2007, I had a further discussion with Luke where we agreed to the need for the taskforce. We agreed that Rod Wilson would head it. I then had numerous meetings with many people in the following week to get it set up.
30. I met with Rod Wilson on 13 February and provided an overview of the Clonk allegations, and he agreed to take that on. He wanted Steve Waddell involved. I asked Rod to go away and think about who he actually wanted to be part of the taskforce. The issue of security was stressed.
31. I started arranging for all the logistics to be set up behind the scenes because we knew that we needed to set this up in as covert a way as we could, given the police involvement, who the police were, and because we just knew that they had networks everywhere. It was really hard for us to do this because the place is so hopeless at keeping things quiet. But we did our best to try and set this thing up covertly. I spoke to Cliff Owen who is our BMD manager. I did not tell him what it was about, but I just broadly said, "This is what I need," and got him tasked and working on it.



- 
32. On 14 February 2007, I met with Rod Wilson and Steve Waddell, Jim O'Brien and Peter Trikiyas, and got them to brief Rod and Steve about Operation Clonk. There was further discussion about staffing. We agreed that Ron Iddles should be involved.
33. On 15 February 2007, I then started to draft a direction to formalise the establishment of the taskforce. That day I also met with Christine again at 1430 hours and updated her, mainly around the establishment of the taskforce to deal with Operation Clonk and other matters relating to Purana. Strategic risk issues were also discussed.
34. It was agreed that we would form a strategic reference group. This was not about managing the operation but more about thinking about the sort of strategic issues that came out of the operation.
35. The composition of the reference group included Ken Latta, who was then the executive director. We wanted Ken because he has good networks across government, understands the way government works, and was a good thinker. Steve Linnell, because of the obvious media aspect. Luke Cornelius was involved. Andy Allan was included at Christine's request because he had been her chief of staff and was involved in the early stage of Purana and Christine valued his views. Alistair Milroy from the ACC, because we wanted to get a little bit of external thinking and the ACC were likely to be key partners. Later we agreed that we should approach Frank Costigan QC to be part of the group.
36. We also agreed that we needed to advise George Brouwer and Graham Ashton due to the obvious connections with the OPI role.

- 
37. On 19 February at 4.00pm, I met with Luke Cornelius and discussed the draft direction with him to establish the taskforce. At 5.15pm, I verbally briefed Andy Allan and Steve Linnell about Operation Clonk and the other Purana issues and asked them to be part of the reference group.
38. On 20 February at 9am, I again briefed Luke on developments regarding the reference group and establishment of the taskforce. He provided comments on the draft direction. Rod Wilson also provided comments on the draft.
39. On the 20 February at 2pm, I had my regular Purana briefing with Jack Blainey, Graham Brown and Paul Hollowood who are from the Crime Department. They were generally aware that something was happening with Clonk. I gave them a direction not to talk about it, just to shut it down and to stonewall if anyone asked questions.
40. That was a general direction I gave to everyone. Basically, I would say to people when I briefed them, "Obviously you need to keep this to yourselves. Do not talk about it to anyone. It is obviously highly sensitive. This is what is going on. Want you to be part of the reference group for the following reasons..."
41. On 21 February at 10.30am, I briefed Christine Nixon, gave her a copy of the draft direction, and asked her to comment. She made some comments on the need for legal advice, Management Committee accountability to the CCP, IT security and provision of specialist support, which I incorporated into the direction. The formal sign off was discussed and agreed.

42. On the same day at 4.47pm, I met with Luke Cornelius and it was agreed that a cover story would be created at ESD that staff will be seconded to OPI to undertake covert job. Crime cover to be secondment to Purana.
43. On 26 February at 3.30pm Christine, Luke and I met with and briefed George Brouwer and Graham Ashton OPI. We agreed to a joint approach. Details were to be settled between Graham, Luke and myself.
44. On 1 March at 11.30am, we had the first reference group meeting. Christine Nixon, Alistair Milroy, Ken Latta, Luke Cornelius, Andy Allan and Steve Linnell and myself were there. The meeting centred on running scenarios and helping us to think through how we needed to manage the issue at a strategic level. I gave a PowerPoint presentation to work our way through that. There were action items that came out of that process that were recorded in that PowerPoint pack. My recollection is that I was the only one left with copies of that. I think everything came back to me.
45. It was also decided at this meeting that Linnell's 2IC Nicole McKechnie would be included in the reference group.
46. The terms of reference for the reference group were also developed and agreed to in this meeting. It stated that, "In recognising the significant organisational/reputational risks in undertaking the investigations into links between corruption and organised crime, this reference group will assist and develop options with the CCP on strategic management issues and risks; through the CCP provide any necessary advice to the Premier and his cabinet; meet on a continuing but ad hoc basis; retain the initial membership but may expand to include others as issues and risks emerge;

S

---

---

NOT advise on operational issues". No one kept copies of it. I do not believe anyone was given copies of the terms of reference for this job. It was marked, "Highly Protected".

47. I certainly said to that group at the outset, "What you're about to hear is highly protected information. It is not to be discussed with anyone else other than the people in this room. It's not to be further disseminated. This is a showstopper. So you are to absolutely at all times respect appropriate information handling procedures". We agreed to have as few documents as possible. It was to be done verbally, no minutes to be kept. It was just to be as secure as we could possibly make it. So that was absolutely stressed with people right up front.
48. In my history in law enforcement, I am not aware of other organisations that have had to deal with this sort of issue. It is not an issue I ever thought that I would have to deal with, where in effect we have two and possibly three investigations going that suggest there has been direct involvement between serving police officers and murders. It does not come much more sensitive than this. So that was made clear to people who were briefed.
49. No other executives were supposed to know about it. It was just that group. There was no need for anyone else to know nor should they know, and that was made quite clear. So there should have been no briefing of anyone else outside of that group. If anyone else was to be brought in, it should have been done very consciously either through Christine or myself. That is what I would have expected to have happened. Therefore,



---

if anyone else was briefed about it, it is a clear breach because it was absolutely lock down.

50. One of the reasons that Purana has been as successful as it has been is we have been reasonably tight. It has not been perfect but we have been reasonably tight. When we set it up, one of the things we said very clearly to the people going into the taskforce, "No corridor conversations", because that is the stuff that kills us. Sometimes leaking is deliberate and it is malicious. But a lot of the time, it is just word of mouth and its people just talking to their mates and telling a story. The story gets retold, and before you know it, someone has got it and they give it to the media. You can see that happen time and time again.
51. So with Purana we actually said to people, "You can't talk to your mates. You know, they're going to ask you what's going on. That's normal. You can't tell them." Even within Purana we quarantined people, so we had teams operating within Purana. At various stages, team A would broadly be aware of what team B was doing, but they would not be right across the detail. So we had, we had sort of a layered defence around the need to know, who got briefed, who got told and no corridor conversations. So that was made really clear to Purana. It worked, by and large.
52. When information did get out of Purana, it tended to be when we would get to a stage where we had to bring more people in. But this operation, if ever there was a sensitive investigation that needed to be tightly held, it was this one.

53. Obviously, media management was going to be a key part of the reference group. Stephen Linnell and I had responsibility for taking that away and developing a media management strategy. I recall there was a discussion about Linnell being given the terms of reference. To the best of my recollection that never happened. I have no note of it happening. I do not recall it happening. I am not saying I did not provide it to him. I am saying I do not recall doing it. But I could have. However, if you have a look at the terms of reference they would not have told him much anyway because the terms of reference do not really go into a lot of detail. It would not be wrong for him to have it. But for him to then disseminate it outside would be absolutely wrong.
54. I recall that Linnell and I actually did not get to sit down to talk about the media strategy before he went on leave. So I met Nicole McKechnie on 5 April and 13 April to talk about the media strategy, which covered both Operation Petra and Briars. We needed to deal with them together because in a sense they were joined by the common denominator of police being involved directly in murders.
55. I gave Nicole a verbal briefing on the facts. I did not give her a written document. I talked her through the issues. She took notes. Again, I stressed with her the confidential nature of the matter, the need to make sure the notes were not left lying around, and they were appropriate secured. She then went away and drafted a media strategy. She came back to me with the draft. I did the edit on it, particularly around the facts, and then she came back with the final draft of the media strategy in early May 2007.

56. It is my understanding that the only other people who were aware of the media strategy, and had carriage of it, was Steve Linnell, those in the executive area, and part of the reference group. I am not aware of Glen Weir having knowledge of the operation. He should not have known about it. If Glen Weir were to know in his role within the media unit, it should have been cleared with me. My expectation was if we were going to tell anyone else, it should have been cleared through either the Chief Commissioner or myself.
57. The second reference group meeting was on 18 May 2007 at 11am, mainly to discuss the media strategy document prepared by Linnell and McKechnie.
58. I am aware that Paul Mullett telephoned Luke Cornelius on 24 May and asked him whether his phones were being intercepted. I only know this because Luke told me that he had been approached by Mullett and he explained to me how he dealt with it. My view at the time was, "Oh look, this is just Paul, at various stages he said he's been under surveillance." I did not see it as a leak. I thought, "Oh well, this is just Paul trying to keep beating this issue around, the bullying allegations", in terms of issues relating to allegations of the executive interfering with the operations of the Police Association. I thought it was just part of that.
59. On 14 August 2007 during a Corporate Committee meeting, Linnell approached me in the middle of the meeting to say that a journalist had his notion that I was going off to Paris, I think he said, to do a \$100,000 executive development program. I said to him, "Well, that's just wrong. It's not right." Linnell said, "Oh, that's good." I said, "Look, you know, I'd

S

been thinking about this Fontainebleau thing but it's got no further than a thought, and the bottom line is, just tell them it's not right." So he passed that back.

60. Fontainebleau came out of some discussions that I was having with a couple of people, including Christine. There is a place called Incead which is an executive development organisation that operates out of Fontainebleau, just to the south of Paris. It has a really good reputation. They have an advanced management program. I spoke to a few people about it, including a friend of mine Peter Tehan who is a personal friend. Peter has a brother by the name of Mick Tehan. I'm not as close to Mick as I am to Peter, but I know Mick. He is a solicitor with Minter Ellison. I have had some business and personal dealings with Mick.
61. On the same day as the Corporate Committee meeting, 14 August 2007, I got a call from Rod Wilson to say, "Just a heads-up. We've just picked up over the line..." something to the effect that Paul Mullett and Peter Lalor were talking about me going off to Fontainebleau. Rod said, "Look, they're talking about leaking it to the media, they're talking about running through the Rumour File."
62. I went back to Linnell and I said, "Look, you just need to be aware I've just got a call from Rod." I did not specifically say TL but I said, "I understand Mullett and Lalor are talking about this. I understand they're going to run it through 3AW, so it's going to be a rumour file story. You need to watch it." I thought he had killed the story after we had the first conversation because he came back to me and said, "Story's dead." We had



---

---

no further conversation about it other than I think he rang me the next day to say, "Look, it hasn't run on the Rumour File."

63. At no point did Linnell mention to me that he had a conversation with Noel Ashby about the matter.
64. I was sensitive about that matter because I had a previous experience with the Rumour File, where Mullett ran a story through the Rumour File about me. Radio station 3AW picked it up and started reporting it as a news item without actually coming back to me. I actually rang the news director down there. They only ran it once. They then pulled it off because it simply was not true. But I knew Mullett was behind it. So I thought, "Well, they'll do the same thing with this. They'll just set me up."
65. No specific details regarding operational methodologies, such as the use of telephone intercepts, were given out at the reference group meetings. I think Linnell might have asked at some stage, "So I assume you got TI." I mean, the obvious answer is yes, but in terms of going into detail about which phones and who, that was never discussed and never would be discussed at that level. However, it is obvious if you know that detail, you would assume anyone with some knowledge of how investigations work would assume that the Lalor and Waters' phones were off.
66. Stephen Linnell very clearly understood the significance and the risks that arose from this matter. It was made clear to him. He of all people should understand the need to keep this in absolute confidence and to hold it tightly, because we are forever dealing with information leaking out into the public domain. It was made abundantly clear that this information

was to be kept tight. That included telling other people within the organisation. There was no authority to do that. It was real need to know. If you did not need to know, you did not know. I cannot think of any circumstances in which it would be appropriate for Linnell as a senior executive to actually brief other people. If anyone else was to be told, it very definitely should have involved me in that process, and ultimately the Chief Commissioner.

67. In terms of my normal mode of communication with Steve Linnell on matters of substance regarding Briars and Petra, I used very little email. We made a very conscious decision not to communicate via email on this because email is one of the most insecure forms of communication. We made a decision to put as little in writing as we possibly could. Most of the communication was done verbally, either face-to-face or over the phone.
68. The third reference group meeting was on 29 August at 5pm, with Christine Nixon, Luke Cornelius, Alastair Milroy, Frank Costigan, Andy Allan and Steve Linnell. That was really precipitated by the fact that we knew that the Nick McKenzie story in The Age was about to run. At that meeting, I gave a brief update as to where the investigations were up to, but only very brief and very high-level, at no stage going into the ins and outs of the investigation and the methodology.
69. The key thing that came out of that meeting was our decision for me to go on the record and confirm with McKenzie that yes, we now accepted that there were links between police corruption and gangland killings. We did that for strategic reasons. We felt it was now time to put that on the public record. It is not actually going to damage the investigation, so there was



no point continuing to dodge the issue. It was also part of the plan around just taking opportunities to get the message to the public. So we took that opportunity.

70. I have noticed a culture of leaking information in Victoria Police. Part of the reason for me being so out there in the media was a way to try and cut the leaks off. My experience of these things over the years is that you are just better off to be out there and to at least be giving the media a story, because they are then less likely to try and back door you. So we quite deliberately right throughout this have just kept feeding them, trying to find different angles, trying to give them stories, trying to have them run stories that we were comfortable to have them running. Rather than sort of be digging through the back door and finding stuff that we didn't.
71. We have tried to cultivate relationships with some of the key journalists. McKenzie is one of them. That strategy has worked to a degree. We then had some influence. We have been able to persuade them not to do particular things or steer them in the right direction, say that's not right or if need be try and say, "Look, yes, but don't run it now", and buy some time. I do continue to talk to McKenzie who is in the investigations unit in The Age. He is still here trawling through all of this stuff. So I do maintain contact with him and I maintain a relationship with him. But I always go back to the media unit and advise what I have said or done. I believe that is appropriate and about protecting the interests of the organisation.
72. I have been spoken to by the Chief Commissioner about an alleged lunch meeting between myself and journalist Josephine Cafagna. I have had

some contact with Cafagna. However, I have told Christine that I have never had, and would not have, lunch with Cafagna.

73. Graham Ashton, Luke Cornelius and I knew for some time about the Nick McKenzie article and that he had information on Operation Briar. The way McKenzie works is he probably spoke to Graham, he spoke to me, he does the rounds. We generally became aware that he was working on something. But at that stage it was more focused on Gatto and on Gatto's association with Waters. He was also interested in the "Kit Walker" matter. So he was sort of trawling around in the area, but at the early stage it did not look like he had actually joined the dots.
74. Graham and I had a meeting with him in Graham's office. We knew he was also talking to Ron Iddles on a pretty regular basis, which Ron was reporting. I have met with McKenzie a number of times. He did tell me where he got the information from but like most journalists I assumed this was misleading. I knew he knew about Briars but not the extent of his knowledge.
75. On 5 September 2007 Luke and I met with Linnell about the media strategy for the overt phase of Briars. I gave Linnell an update on the progress of the investigation and the planned strategy. This included that it was believed the arrest phase may be imminent so we needed to plan the media management.
76. On 12 September 2007 at 1200 hours, I met with Graham Ashton and Luke Cornelius at OPI for an update on Operation Briars. At 1300 hours on the same day, Luke and I met with Rod Wilson, Steve Waddell, and Ron

S

Iddles regarding the timing of the resolution phase of Briars. My expectation was that things were going to move a little bit quicker and I wanted to clarify that. This was discussed and it was agreed the arrests were going to be several weeks away. It wasn't a heated discussion, just a chat where they told us why its going to take longer and we said okay, thanks very much, and that was the end of it. I would have advised that back to Linnell just to say, "Well look, the arrests are now not likely to happen for four or five weeks. So you don't have to worry." I did not give him specifics in relation to that earlier conversation.

77. When McKenzie's article was published on 14 September 2007, I was very surprised at the accuracy of information in the article. He came to see me on 13 September 2007 before it ran. I thought he would show me ~~the story~~, because he has done that in the past, but he did not. Now, I understand why he didn't. I was amazed by the level of detail that he had. Given that we didn't understand the detail he had, our strategy had been actually to publicly confirm the link for strategic reasons, though we didn't want the story to run. So that was the comment I offered him as it was clear he had worked things out and knew that Lalor was a suspect. He knew that Waters was a suspect. He had the generalities, but we had no idea he had the specifics. In a sense we were relying on Ron Iddles because he was talking to him as well and we had also persuaded him to hold off running the story. So it actually got to the point that where it ran it did not really compromise the investigation in a way because other things had happened and the suspects were well and truly aware.

78. In my view there has been no reason for information to be passed down to anyone outside the advisory group. The fact that it has, I find personally

8

---


---

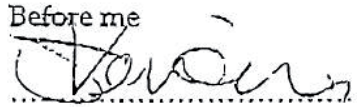
devastating. I feel absolutely betrayed, personally and organisationally, because I think the reality is, the way this will play out, is that this investigation will be seen to have been hopelessly compromised. That is just devastating for the organisation. The one reason we have been able to survive to date with all the difficulties that we have been dealing with, is we have been able to run the line, "We're able to deal with it." This I think just totally undermines that defence. So it is an act of the highest bastardry.

79. I was made aware on the 14 September 2007 that OPI was conducting an investigation into the media leaks.
80. On 17 September 2007 I was given more information during a meeting with the Chief Commissioner and Luke Cornelius.
81. At Graham Ashton's request, I made a call that day at 6.05pm to Linnell in which I told him that OPI were now investigating the leaking of information to McKenzie. I made a further call to him on the morning of Thursday 20 September 2007 at 8.30am and asked him whether he had told anyone about my conversation with him the previous evening regarding the OPI inquiry. I remember clearly Linnell told me he had not told anyone. I asked him twice and he told me he had not told anyone.



Sworn at Melbourne  
in the State of Victoria  
this 1 day of November 2007

)   
)..... Simon James Overman  
[Full Name]

Before me  
  
.....  
[Full Name]

(A person authorised under  
Section 123C of the Evidence Act 1958)