

Transcript

Station: **3AW** Date: **13/12/2018**
Program: **MORNINGS** Time: **09:12 AM**
Compere: **NEIL MITCHELL** Summary ID: **X00077161843**
Item: **CONTINUING INTERVIEW WITH GRAHAM ASHTON, CHIEF
COMMISSIONER, VICTORIA POLICE.**
**INTERVIEWEES: GRAHAM ASHTON, CHIEF COMMISSIONER, VICTORIA
POLICE**

Audience:	Male 16+ 72000	Female 16+ 83000	All people 154000
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NEIL MITCHELL: Inevitably, Lawyer X or Informer 3838. Remember when you were caught speeding years ago and you said publicly you regretted it. Do you regret your handling of this Lawyer X case?

GRAHAM ASHTON: No, I don't. No, I don't- well, certainly back then when I was speeding, that was a different issue entirely, that was my- something I did that was a loss of concentration and I took responsibility for that. Paid double the fine and donations to charity and all sorts of thing. But in this case, I was doing my duty. At that time, I was at the OPI, Office of Police Integrity back then; it's now IBAC. And I think- I've obviously reflected on this a lot over last few weeks, and I haven't really landed anywhere that says to me that I would've done, really, anything differently from what I did.

NEIL MITCHELL: You were involved in- well, were you involved? How involved were you in managing her, and particularly the Operation Briers? It's reported there were three of you - Simon Overland, yourself, and Assistant Commissioner

Cornelius - involved in sort of running her. Is that accurate?

GRAHAM ASHTON:

Yeah, the Police formed a group - this was some years later than when the person was recruited. But there was a group formed to do some investigations in relation to serious matters that had implications around police integrity. So obviously the OPI was involved in that. But yeah, my time around- and my involvement in that is significantly complicated, because all the time I was at the OPI I'm bound by the secrecy provisions of the OPI Act. So this is, when I've been asked about it, has made it really difficult for me to talk about, because obviously it's different than a Royal Commission - when you turn up and talk there, if I'm asked to give evidence there, different story. But I can't breach those secrecy provisions; makes it very hard.

NEIL MITCHELL:

Fair enough. Well, when did you go back to Vic Pol? About 2011, wasn't it?

GRAHAM ASHTON:

Went to Vic Pol in 2009, I reckon. Yeah, I went over to forensics department of Vic Pol and I was in a [indistinct] role for a while.

NEIL MITCHELL:

Okay. But you're out of the OPI in 2009 or thereabouts?

GRAHAM ASHTON:

2009, yeah, I reckon that was 2009.

NEIL MITCHELL:

I read a report that you'd ordered an internal review into this case in 2011. Is that right?

GRAHAM ASHTON: Late 2010, yeah.

NEIL MITCHELL: Why?

GRAHAM ASHTON: Because I was in a different role then. I was Assistant Commissioner Crime.

NEIL MITCHELL: [Interrupts] But why were you concerned about it?

GRAHAM ASHTON: Well again, it's stuff that I'll have to talk- if the Royal Commission asked me, I'd have to talk to them about, so again, I'm a bit restricted there. But it should be, probably- I had enough concerns then to initiate a review, which was, I guess, the first of many reviews on it.

NEIL MITCHELL: Do you know when you found out 3838 was a lawyer?

GRAHAM ASHTON: Well, yeah, that'll go to those OPI issues, yeah, unfortunately [indistinct].

NEIL MITCHELL: Do you remember discussing at any stage with, I suppose, then Assistant Commissioner Simon Overland and your concerns about it?

GRAHAM ASHTON: Well, I was on that taskforce oversight committee, if you like, back then, so there were certainly regular conversations about that person in that time.

NEIL MITCHELL: But do you remember raising concerns about it?

GRAHAM ASHTON: Again, I can't divulge it yet.

NEIL MITCHELL: Okay. Ron Iddles told me that when he was involved, and he immediately said: this is going to end in a Royal Commission. Did you ever share that concern?

GRAHAM ASHTON: Well, it's a reality now, there is a Royal Commission.

NEIL MITCHELL: [Interrupts] But at the time? I mean, he claimed he saw it coming. Did you?

GRAHAM ASHTON: Well, he may have, yeah. Look, I think it's- in the context of the time, it was a high risk activity that Police were undertaking. But at that time, I don't think I thought about it in those terms, no.

NEIL MITCHELL: See, we've got the High Court describing Victoria Police's conduct as reprehensible and atrocious.

GRAHAM ASHTON: Yeah. Well, every court case along the way has been critical of our conduct, Police conduct in the matter. In relation to it being- you know, I think any number of adjectives have been used. And certainly, any time in my time over the last how many years it's discussed, anyone in the legal profession has had that view; everyone.

NEIL MITCHELL: But you still have no regrets of your involvement?

GRAHAM ASHTON: No, not of my involvement. And I don't think- and I think you'd probably find most people involved would ultimately share that view.

NEIL MITCHELL: Despite every court, including the High Court, saying it's reprehensible behaviour?

GRAHAM ASHTON: Yeah. Look, I've said it was high risk activity. But at the time, there was a lot of high risk things going on with Vic Pol.

NEIL MITCHELL: The ends justify the means?

GRAHAM ASHTON: Not a case of the ends justifying the means, but certainly, you look at it at the context of the time why people- inevitably in life and in anything you deal with professionally, you don't want to take any risks. But circumstances when you're trying to protect the community require risks to be taken sometimes. And it's a matter of measuring that risk, trying to say, well, you know, no one wants to do anything illegal here, no one wants to do anything that's going to be against the disciplinary environment. But, you know, you have to make decisions and act in ways that protects the community. And you have to try and make sure that you do it legally. But it might be something that people might criticise, but it has to be looked at in that environment, in my view.

NEIL MITCHELL: You want to do it legally. Do you also want to do it ethically?

GRAHAM ASHTON: Well again, ethics comes into that. Ethics is a murky, murky thing, I reckon, Neil. You know, what's ethical and what's not is often a judgment that a person makes individually and then other people try and apply their

judgment onto other people's judgements. That ethics has to be weighed up in that whole environment around what Police were dealing with at the time. And I think we were all watching on as Police were dealing with that situation at the time, and you certainly would have a lot of knowledge, I guess, about dealing with issues at that time in the underworld murders, underworld killings. It was a very testing time for Vic Pol and testing time for the community. Police were under a lot of pressure to bring about a conclusion to those underworld killings, particularly when you had shots being fired at [indistinct] and kids running around, and you just think: jeez, what's next?

NEIL MITCHELL:

Do you think the- are you confident there's nothing happening within Victoria Police the moment that the High Court would consider reprehensible and atrocious? I mean, is Victoria Police operating ethically?

GRAHAM ASHTON:

Well, this goes back 15 years ago. In relation to the way informers are handled, a lot of reform's gone under the bridge since then, and we have a very different operating environment now. And, you know, I'm confident that that type of thing wouldn't be happening now. But it was 15 years ago.

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