

Transcript

Station: **ABC RADIO MELBOURNE** Date: **14/02/2019**

Program: **MORNINGS** Time: **09:07 AM**

Compere: **JON FAINE** Summary ID: **X00077861873**

Item: **INTERVIEW WITH VIC POLICE COMMISSIONER GRAHAM ASHTON REGARDING INVESTIGATIONS INTO VIC POLICE PRACTICES.**

INTERVIEWEES: GRAHAM ASHTON, VIC POLICE COMMISSIONER

Audience:	Male 16+	Female 16+	All people
	58000	68000	127000

JON FAINE: Graham Ashton is the Chief Commissioner of Victoria Police. He comes in once a month to answer your questions - 1300 222 774. I do have a few of my own just before we get to yours. 1300 222 774.

Chief Commissioner, good morning to you.

GRAHAM ASHTON: Yeah, good morning, Jon.

JON FAINE: Why should we trust Victoria Police in the current climate? The IBAC every day is telling us that Police fabricate evidence in some of the most sensitive and important cases you've ever handled, and the Royal Commission about to get underway suggests that there's something rotten at the core of the criminal justice system.

GRAHAM ASHTON: Going back 20 years and decades past, these inquiries are underway into activities from back then. The IBAC hearing in relation to- I guess ultimately statement taking practices in serious investigations back then, and



we've heard evidence that at some level is concerning about statement taking practices. And the Royal Commission's yet to get underway, but that deals with informer- handling of one particular informer in circumstances that were obviously topical and headline worthy at the time. And since those days, our practices have changed considerably. I mean, in relation to the IBAC hearings-

JON FAINE:

[Interrupts] Why should we believe that?

GRAHAM ASHTON:

Well, I'm not sure, you know, what situations, how things were run in here back then, but certainly for us, we've gone through a lot of change over the last couple of decades, both in terms of the way we record matters, the way our evidence is gathered, the way we manage investigations has undergone a lot of reform in the last couple of decades, and these hearings - and the Royal Commission will be the same - will certainly highlight the differences between how we do things now and how we do things then.

JON FAINE:

It was public knowledge that Lawyer X, or Witness 3838, whatever we call her, was assisting Police even before the latest round of disclosures. Indeed, if one was to productively sift through what now is apparently being a sanitised archive, there are public statements.

GRAHAM ASHTON:

Sanitised archive? What do you mean, Jon?

JON FAINE:

I understand that steps are being taken to try to cover tracks; the history of Witness 3838 is being expunged from various documents and archives and public



records in order to try to protect her identity, which is an exercise in futility, but there you go.

GRAHAM ASHTON:

[Talks over] Oh, I see.

Well, that's just- that goes into matters that we undertake normally and according to law in relation to protecting people's safety and the law makes it difficult for me to talk about what we do there and why we do it, in this particular case particularly. But that's nothing unusual.

JON FAINE:

[Interrupts] Lawyer X has refused Police offers of assistance and has said she doesn't want that assistance. And indeed, has been seen wandering around William Street in the last few days.

GRAHAM ASHTON:

Well, that's a- that's an interesting statement, Jon. I'm not going to confirm-

JON FAINE:

[Interrupts] Well, it's fact.

GRAHAM ASHTON:

I'm not going to confirm that that is fact. Indeed, that's a view that you might have, but I'm not going to confirm that that's a fact or not in relation to the safety of a person that we have always had great concern over the safety of. And around things like having records changed and included, that's a normal part of what parts of Victoria Police do when we seek to provide safety for people.



JON FAINE: Add in the complication that Tony Mokbel was attacked inside a maximum security prison in what superficially is being described as an assault, but most people who are embedded in the criminal justice system either as practitioners, police, or reporters, regard as a probable gangland hit. Nobody's safe, are they?

GRAHAM ASHTON: Well, that's a bit of a stretch to jump to gangland hit in that case. I mean, at this stage the most likely theory is around inter-prison feuding.

JON FAINE: [Interrupts] Do you really believe that? Carl Williams wasn't killed while he was in a maximum security prison because of internal feuding, was he?

GRAHAM ASHTON: No. That was a different case to this, though. This is-

JON FAINE: [Interrupts] Well, it's hardly unrelated, though.

GRAHAM ASHTON: Well, how do you see it as related? That's not- I don't see that as two related cases.

JON FAINE: An identical modus. An identical method in both cases. Plant a story on the front page of *The Herald Sun* about something to do with the target as a signal to the people who you've paid to do the deed to get rid of someone who needs to be got rid of. That's what happened with Carl Williams.

GRAHAM ASHTON: I don't see that as being necessarily a modus thread through this and other cases. I mean, every case has to be ...



JON FAINE: [Talks over] No, not necessarily, but quite probably.

GRAHAM ASHTON: Every case has to be taken on its merits and it'll be investigated. In this case, arrests have been made, some people have been charged, but we'll need to try and get to why. And if that pans out that way, that'll be fully investigated. But we're a long way from forming those sorts of conclusions.

JON FAINE: Since Carl Williams was killed in a maximum security prison in what was a hit, a gangland hit, the Police reinstated your Prison Intelligence Squad working with Corrections. It's not working, is it?

GRAHAM ASHTON: Well, it prevents- it does a lot of really good work, Jon. It prevents a lot of violence in prison and the intel systems within the prison environment are a far cry from what they were back in those days. A lot of work's been done in that area and indeed meetings take place on a regular basis where intel is gone through by both Corrections and Vic Pol are there as well, gone through and they assess the intel and they regularly take action, particularly around moving prisoners to different sites and the level of security within the prison that's applied; those decisions are regularly made based on that intel, and it is a vast improvement on where it was back in those days.

JON FAINE: Does Victoria Police want the Lawyer X Royal Commission to be conducted in camera? In other words, in secret?



GRAHAM ASHTON: No. We're hoping that as much of it as possible would be done in public, and that's-

JON FAINE: [Interrupts] What does that mean? How much of it is possible to be in public?

GRAHAM ASHTON: Well, that's a matter for the Royal Commissioner, not for me. That's the Royal Commissioner's-

JON FAINE: [Interrupts] No, but what's your submission tomorrow at the Directions Hearing to the Royal Commissioner about both meeting the public's need to see malpractice publicly exposed on the one hand - and some of your dirty linen being aired, let's be frank; on the other hand wanting to protect both your methods of investigating crime, but also the identity of sources?

GRAHAM ASHTON: Well, alleged malpractice, but we'll be-

JON FAINE: [Interrupts] Alleged?

GRAHAM ASHTON: Yeah, absolutely.

JON FAINE: Oh, come on.

GRAHAM ASHTON: Absolutely.

JON FAINE: Graham, give me a break.

GRAHAM ASHTON: There's two sides to all of these things, Jon.



JON FAINE: You're not acknowledging that there have been malpractices?

GRAHAM ASHTON: Well, what- I think that the Royal Commission has to run its course and hear all the evidence around these issues, and then report before that can be said as a statement of fact, because there are different aspects to this.

And I guess you're [indistinct] a broader question. The Royal Commission tomorrow, they'll have an opening for about an hour. I'm not sure what's even planned with that opening, but from our broader position is we would, if issues don't go to the actual safety of 3838, we'll try to be as open as possible and be as cooperative as possible with that Royal Commission, and the Royal Commissioner will make the decisions about what's in camera and what's not, and we'll provide as much assistance as we possibly can.

JON FAINE: Are there six lawyers who are persons who have been given permission to breach their obligations of confidentiality by cooperating with police?

GRAHAM ASHTON: Well, Jon, I've noticed there was some reporting that there were six lawyers. I can certainly confirm that there weren't six lawyers that were- that is being referred to. We provided a document last year to IBAC, which was a broader document trying to go through looking at other people who professional obligations related to. And that's what that document was about, and so I'm sort of quite restricted about what I should say given the Royal Commission's asked us tomorrow about that.



JON FAINE: Well, you can say anything you like, there are no suppression orders from a Royal Commission that hasn't even started.

GRAHAM ASHTON: I know, but we do have to respect the fact that there is a Royal Commission and we don't want to stay things that are going to complicate the work of the Royal Commission, we have to respect that.

JON FAINE: [Talks over] How does it complicate it if it's five lawyers, four lawyers, three lawyers; how many was it?

GRAHAM ASHTON: Well, there weren't six lawyers that were talked about as being human sources. And...

JON FAINE: [Interrupts] Was it more or fewer?

GRAHAM ASHTON: Certainly wasn't more. And again, I just want to clarify that there weren't six, and it's not a case of us having six other lawyers who were running around as human sources, were four Victoria Police, within- that's certainly what that document was conveying.

JON FAINE: Well, now I have to pursue this. Were some of them accountants, were some of them priests, were some of them- I don't know, what confidentiality exists alongside the confidentiality lawyers have to respect?

GRAHAM ASHTON: Yeah, understand that Jon. We're not- there are a lot of different professions that...

JON FAINE: [Talks over] Well, doctors, come to think of it.



GRAHAM ASHTON: ...professional obligations apply to in society. There's doctors, or accountants, other professions that obligations apply.

JON FAINE: [Talks over] So there were six? There were- there were six, is that right?

GRAHAM ASHTON: Six people that we talked to IBAC about. We sent a document to IBAC.

JON FAINE: Is one of them dead?

GRAHAM ASHTON: Again, I won't go into who the six are, for the reasons that I've just outlined.

JON FAINE: Were they ex-lawyers, instead of being current practitioners?

GRAHAM ASHTON: And again, as much as I'd like to be as full as I can about that list, I'm afraid I can't. I can't do that.

[Unrelated content - red shirts, local news]



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