



16 June 2015

D15/17279

Mr Steve Wilkinson
Level 11, 53 Martin Place
Sydney NSW 2000
wilkinson@chambers.net.au

Dear Mr Wilkinson

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

The Legislative Council's General Purpose Standing Committee No. 4 is currently conducting an inquiry into the progress of the Ombudsman's investigation 'Operation Prospect'. The terms of reference for the inquiry are attached.

Mr John Giorgiutti has provided a submission to the committee, which at this stage is a confidential document. The submission includes the following information:

'In the afternoon of Thursday 4 June 2015 I had a chance meeting with Tim O'Connor, Director Investigations of the Commission.

We talked about a range of topics including this Inquiry. O'Connor said to me "*I know who leaked the story*" i.e. the story that the Ombudsman is considering referring Kaldas to the Director of Public Prosecutions to face criminal charges for allegedly misleading his Inquiry into the police bugging scandal.

...

O'Connor would not have told me that he knew who the "leaker" was if he did not, in fact, know it.

Steve Wilkinson of Counsel was privy to my conversation with O'Connor.'

The committee resolved to write to you to seek your response in relation to the information provided by Mr Giorgiutti. In particular, the committee requests a response to the following questions:

- (a) Did the meeting described by Mr Giorgiutti occur?
- (b) Did Mr O'Connor state to Mr Giorgiutti "I know who leaked the story"?

- (c) Do you know who leaked the story that the Ombudsman was considering referring Deputy Commissioner Kaldas to the Director of Public Prosecutions? If so, who was it and how do you know this information?
- (d) Do you any additional information that could assist the committee to identify the source of the leak?

Please note that we will also be writing to Mr Tim O'Connor in relation to this matter.

The submission provided by Mr Giorgiutti is confidential and as such, we request that you keep this matter and the contents of the submission confidential, except for any discussion you may be required to have with a legal representative in relation to these issues.

Please provide your response to the committee by **COB Thursday 17 June 2015**. If you are not able to respond by this time, or you would like to discuss this matter further, please contact Ms Tina Higgins, Principal Council Officer, on (02) 9230 2739.

Yours sincerely



Hon Robert Borsak MLC
Committee Chair