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9 October 2020

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Dear Alex

Royal Commission into the Management of Police Informants – Mr Shane O’Connell

We refer to the Tranche 1 Closing Submissions responding to Counsel Assisting’s Reply Submissions, filed earlier today (**9 October Submissions**).

Mr Shane O’Connell has reviewed Counsel Assisting’s Reply Submissions and the chapter of the 9 October Submissions headed ‘Diary keeping practices’. Mr O’Connell adopts those submissions.

In addition, Mr O’Connell says that Counsel Assisting has not invited the Commissioner to make a finding that his stated lack of memory was false, or that Mr O’Connell was not to be believed on this question. Accordingly, it is not open to the Commissioner to conclude that Mr O’Connell was not to be believed.

Counsel Assisting is wrong to contend at [327] that “relying on his lack of recollection, and due to the absence of notes”, Mr O’Connell sought to provide an explanation of the allegations against him relating to Andrew Hodson. Instead, suffering from the substantial disadvantage arising from his absence of any direct memory of the events, Mr O’Connell has responded to the allegations by reference to the contemporaneous material available to him and the inferences available from that material. The response he has provided is consistent with the known facts (many of which are not referred to in the Counsel Assisting’s Reply at [327] which instead contains a highly selective spin of Mr O’Connell’s submissions on this point).

Extracting the isolated matters identified in paragraph [327] has stripped them of their context. The matters identified by Counsel Assisting are only part of the relevant context and present an incomplete and unbalanced picture.

In any event, Mr O’Connell identified and addressed each of the matters in paragraph [327] in the Tranche 2 submissions, to which he refers. The Commissioner should have regard to those submissions when considering the matters now put by Counsel Assisting in paragraph [327].

Should the Commissioner consider this letter is required to be published on the Royal Commission website, we are instructed that Mr O’Connell consents to its publication.

9 October 2020

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Yours faithfully

Corrs Chambers Westgarth



Abigail Gill

Partner