

1 I'm sorry. Certainly there's been a number of informers
2 in this matter.

3 Refer to the 7th of August 2003, page 1723, this is the
4 additional material that's been produced?---1723?

5 Yes, 1723?---Yes.

6 You notice halfway down the page you have - you initially have
7 a reference to Vehicle [REDACTED] which is the registration
8 of [REDACTED] ---Yes.

9 Then later on you go down and "register informant"?---Register
10 informant, I do.

11 If you continue on your notes there onto p.1724, 1725, 1726 and
12 1727, is it correct in my interpretation of these notes
13 that you were trying to arrange for an informant to be
14 linked up with Mr [REDACTED]?---Yes.

15 Is that in relation to these matters or other matters?---This
16 informant actually identified Mr [REDACTED] for us, we
17 didn't know who he was at that particular point, all we
18 had was a phone number.

19 You are saying that as of 7 August 2003 you didn't know who
20 [REDACTED] was?---Well, no, it's probably prior to
21 that, but that informant was responsible for that.

22 Can you indicate when that initial information was provided to
23 you?---I may be able to. The 6th of August 2003.

24 So you are saying as of the 6th of August 2003 you weren't
25 aware of who [REDACTED] was?---We were aware of a
26 person by the name of [REDACTED] and phone number, but we
27 weren't aware of his identity.

28 You are not able to advise us who that informer was?

29 HIS HONOUR: I assume not, but if the question can be answered
30 it will - if Mr Bateson says it can't be for the usual
31 reasons, it won't be.

1 Did you know that he had apparently made offers to the police
2 in the past to assist in relation to their investigations
3 concerning people, such as the [REDACTED] of this world?---I
4 certainly didn't know in relation to Mr [REDACTED] but I was
5 aware that he had made one previous offer.

6 Is that one that we've heard about in this case?---No, it's
7 not.

8 It's not, all right. What was that?---Well, I'd rather not
9 say, it's still an ongoing investigation.

10 Is it?---Yes.

11 Has anyone been charged?---No.

12 All right, well then I won't pursue that. I understand you're
13 reluctant. Your attention was directed to this before
14 lunch by Ms Garde-Wilson; back on 6 August, just pardon
15 me while I find the page, 1722 - when one hears numbers
16 as big as that, it's obvious from what you've now told me
17 that we're talking about - - -?---1722, I have.

18 Pardon me. Go back to 1723, seeing we're going backwards?
19 ---I've got that.

20 You note there - sorry - this backwards aspect confuses me,
21 sorry, move forward - move backwards to 1728 - I'll get
22 it right eventually?---Yes.

23 That's Wednesday, 6 August?---Yes.

24 Half-way down the page there's something blacked out and then
25 it's got something recorded as, "[REDACTED]", and then
26 there's a reference to "[REDACTED] sic" in other
27 words, you're not sure of the spelling?---Correct.

28 Is that right?---Yes.

29 Or that you knew the spelling but they spelt it differently?

30 ---No, that's - - -

31 (Indistinct) the information?--- - - - that's how it was

1 relayed to me at that point.
2 Did you know of [REDACTED] before then?---No.
3 Right, so the first mention of [REDACTED] as far as you're
4 concerned in the history of these whole gangland
5 shootings emanates on 6 August, at least as far as you're
6 concerned?---Well, that name, we were aware of a man
7 named [REDACTED] before that - - -
8 [REDACTED] yes, I heard you say that?--- - - - but that is the
9 first time we know he is [REDACTED].
10 His IBR sheet reveals that [REDACTED] was a nickname of his, is that
11 right?---It may well do, yes.
12 What it says is that [REDACTED] drives a [REDACTED] His
13 missus lives in [REDACTED] He lives in [REDACTED] Now,
14 did [REDACTED] live in [REDACTED] at that time?
15 ---[REDACTED]
16 M'mm?---[REDACTED]
17 His [REDACTED]---No.
18 That's quite wrong, right?---Yes.
19 Then there's something about a phone, and over the page, after
20 some further details, "Meeting tomorrow, McDonalds", and
21 then there's a line, "Agreed to meet [REDACTED]"?---Yes.
22 Now, someone was setting up a meeting, some other informer?
23 ---Yes.
24 Now, I'm not going to ask you their details for obvious
25 reasons, but an informer gave the information to a
26 certain police officer, it's passed on to you and
27 apparently there was an arrangement to meet [REDACTED] the
28 next day?---The informant actually gave the information
29 to me, and yes, there was.
30 Who arranged to meet [REDACTED] the next day, you or the - - -?
31 ---Informant.

1 - - - other policeman who was the conduit, or the informer?
2 ---There was no conduit. The informant gave the
3 information to me.
4 Directly to you?---Directly to me, and the informant was going
5 to meet with [REDACTED] the next day.
6 The informant - the informer was going to meet - - -?
7 ---Informer.
8 - - - with [REDACTED] the next day, do you know whether he or
9 she did?---Yes.
10 They did?---Yes.
11 As a result is there any note, the following day, the 7th of
12 August, that relates to any result from that meeting -
13 again, I don't want you to in any way to refer to
14 anything that tells us who or any details concerning the
15 informer, of course?---Yes, on p.1725, at [REDACTED] there is
16 a note "pick up at [REDACTED]" and then we dropped [REDACTED] at
17 a [REDACTED] in - [REDACTED] at which
18 time [REDACTED] met with Mr [REDACTED]
19 So between [REDACTED] and [REDACTED] were you with Mr [REDACTED] at that
20 time?---The informant I was with.
21 The informer?---I hadn't met Mr [REDACTED] at this point.
22 So it was just the informer?---Yes.
23 So how were you able to make those notes?---I'm sorry, I am
24 probably not making this clear - [REDACTED] I picked up the
25 informant from [REDACTED] and I dropped [REDACTED] at the
26 [REDACTED] at which point [REDACTED] was picked up
27 or [REDACTED] was - sorry, [REDACTED] met [REDACTED] So [REDACTED] met [REDACTED]
28 at the [REDACTED]
29 What do the notes, if anything, tell us about the results of
30 the discussion between the informer and [REDACTED] - go
31 over to 1724?---Yes.

1 Top of the page reads, "1338 pick up [REDACTED]" you
2 picked up the informer?---Informer, yes.
3 After his meeting with [REDACTED]?---Yes.
4 You were then told "Surprise do, [REDACTED] slipped out, [REDACTED]
5 leave", what does that mean?---I actually don't have a
6 memory of what that means. Basically the informant was
7 tasked to meet with [REDACTED] and tell him that he'd been
8 or received a visit from [REDACTED] - sorry,
9 [REDACTED] and see what [REDACTED]
10 reaction was.
11 Your investigation was at that stage - - -?---I shouldn't have
12 said Purana - -
13 It wasn't part of Purana at that stage?---No, it wasn't.
14 I don't read anything into that. The word Purana has been
15 mentioned so much no doubt in the last 18 months that it
16 becomes glib off the tongue, I guess. What was the
17 upshot in terms of [REDACTED], what did the informer, what
18 was the intention or hope in terms of [REDACTED]?---Well,
19 basically from there what we wanted to do and what we did
20 do is establish [REDACTED] [REDACTED] and that was the
21 main purpose of that task for the informant. [REDACTED]
22 expressed some surprise that he'd been given a visit and
23 he - he basically told the informant to [REDACTED]
24 [REDACTED] and that that would be the end of it and not to
25 worry about it too much. But from that point we were
26 able to establish - - -
27 The end of what?---Sorry?
28 The end of what?---The end of any involvement [REDACTED] have to have
29 with us, the informant. [REDACTED] said don't worry about it too
30 much, things will be Ok, but basically what we got out
31 of - - -

1 I don't quite follow that - [REDACTED] is advising the informer
2 [REDACTED] and that will be the end of it, and
3 that will be the end of your, the informant's involvement
4 with the police?---Yes, you've got nothing to do with it,
5 you've got nothing to worry about, that kind of business.
6 But what we got out of that meeting was establishing
7 Mr [REDACTED] [REDACTED].

8 You were informed before that that [REDACTED] had knowledge of
9 people like [REDACTED] and [REDACTED], is that
10 right?---Well, there is certainly a mention there of
11 [REDACTED] I don't remember [REDACTED] saying that, what
12 that was in reference to. So there was - I do have a
13 memory of saying - of the informant saying that some of
14 [REDACTED] mates had been visited about that, that [REDACTED]
15 said to the informer that some of [REDACTED] mates had been
16 visited about that, too. And that may well explain the
17 [REDACTED] reference there, but I don't have a
18 specific memory of that.

19 Further down that page there is a reference to a camera being
20 installed at 1450; has that got anything to do with the
21 same circumstances or is that a totally different aspect
22 of the investigation, involving somebody different?---No,
23 that's totally different.

24 Over the page, 1723, going backwards but chronologically going
25 forward - at the middle of the page, "register
26 informant"; was that informer registered?---Not at that
27 point, no.

28 But there was enough to do it?---It do it.

29 The rest of the page is about matters unconnected, the rest of
30 the notes for that date?---Yes.

31 Over the page 1722, correct?---Well, I mean, those - those

1 notes at the start there is the first time that we knew
2 about the [REDACTED] owned by Mr [REDACTED], so.
3 But before "register informant" there are the words "[REDACTED]
4 [REDACTED], Reg. No. [REDACTED] parked in driveway, similar
5 in appearance to our suspect vehicle"?---Correct.
6 You meant the vehicle that had been seen in the [REDACTED] area
7 at the time of the shooting of [REDACTED],
8 correct?---Yes, and then it goes on to describe some
9 other aspects of it underneath that note of "register
10 informant".
11 So by the 7th of August, [REDACTED] is indeed a person of
12 interest, was that part of the reason why he was
13 ultimately placed under surveillance?---Yes.
14 You also learnt somewhere around that time - no, a bit later -
15 that he was looking for a disposable vehicle, is that
16 right?---is that right?---Yes.
17 You thought that perhaps somebody else was earmarked for
18 assassination?---Well, to be quite honest we didn't know
19 what was going to happen at that point, we were concerned
20 that there may be a job at some point but - of some type,
21 but what that may be, we didn't know.
22 Of course, [REDACTED] was someone who you sometimes the
23 surveillance and listening device material threw up that
24 he was involved in other criminal activities, for
25 example, [REDACTED], is that right?---Yes.
26 On 27 August of the same year, 2003, your notes - I don't have
27 the page number for that I am sorry, but I suppose if I
28 turn backwards I will find 27 August - not in your notes
29 I won't?---No. It may have been served later without the
30 page numbering. I should be able to find it.
31 Let us have a look at another document?---There is a - no,

1 would have caused Mr Horgan to toss and turn. That's
2 what he was telling you?---Yes.

3 I suppose you passed that on to Mr Horgan, dutifully?---Well,
4 certainly it was passed on to the Office of the Public
5 Prosecutor. I'm not sure whether I spoke to Mr Horgan
6 directly.

7 He wanted an estimate from Horgan, that is what you've written
8 down there?---Well, he focussed on Mr Horgan because Mr
9 Horgan was involved in some court matters, but you
10 know - - -

11 Did he get an estimate from Mr Horgan?---No. Well, certainly
12 not through me. I mean if - if - if there was any
13 communications between the director or the directors
14 office it was done through his lawyer.

15 Through his lawyer?---Through is lawyer.

16 What, his lawyer would from time to time be in contact with Mr
17 Horgan or those instructing Mr Horgan, or perhaps the
18 Director of Public Prosecutions himself?---That's my
19 understanding, yes.

20 That's 26 May, the next date?---The [REDACTED], which is at the
21 [REDACTED] Police - sorry, the court.

22 The note I've got for you that day is "Spoke to [REDACTED]
23 with PS." Who is that?---Phil Swindells.

24 Sorry?---Mr Swindells.

25 I beg your pardon. "Still willing to proceed with statements,
26 explained procedures." Now this was the day that he was
27 going to go - this was at [REDACTED]---Yes.

28 Then [REDACTED] Court, plea hearing, [REDACTED] prosecuting,
29 something else is crossed out. Pardon my being - why
30 cross out another member of the legal fraternity there?
31 ---Well. Well, I was just not - it's just an issue that

1 I've raised with His Honour.

2 Is it?---Yes.

3 It's a matter of public record, isn't it?---Well, it may well
4 be, but it was - - -

5 The name of the lawyer who appeared for him, [REDACTED], is
6 crossed out, that's basically what I inferred from that.

7 You've got the name of the prosecutor, the name of the
8 judge, but the middle line was blacked out?---Yes.

9 Your Honour, I can't for the life of me see how that could
10 be - - -

11 HIS HONOUR: I take it, Mr Lovitt, I'll have to go back through
12 it, but the evidence for this matter is dealt with in a
13 closed session of course and some matters were, some
14 matters were let back in and others were left out.

15 MR LOVITT: I understand that.

16 HIS HONOUR: That's been left out. To assist you I can't
17 recall the precise reason why that name was left out, but
18 it was - - -

19 MR LOVITT: It's not of great moment.

20 HIS HONOUR: But at this stage certainly Mr Bateson can't
21 answer that question because I've ruled on it in that
22 session. I'm not saying no that on further reflection on
23 his part or [REDACTED] part or on application on my part
24 that couldn't be changed, but that's the way it stands at
25 the moment.

26 MR LOVITT: Your Honour, I must say it would certainly seem I
27 don't know and I don't care, but it just seemed odd to me
28 that it was crossed out.

29 HIS HONOUR: It may be innocuous.

30 MR LOVITT: Yes. The result was written down 12.30 [REDACTED]

31 [REDACTED], re. outstanding [REDACTED]